

CITY COUNCIL MEETING MARCH 17, 2009 6:30 P.M. IONA COMMUNITY CENTER

PRESENT: Mayor Brad Andersen, Council President Dennis McArthur, Council member Steve Elliott, Council member Jane Shaw, Council member Dan Gubler, Treasurer Ron Nelson, Public Works Supervisor Zech Prouse, Police Chief Shannon Basaraba, City Clerk Robyn Keyes.

VISITORS: Adrian Beazer, Barbara Schreier, Angie, Schreier, Michael Schreier, Elissa Hayward-Skaar, Darell Jonak, Justin Stoddard, Trevor, Baker, Payden Smith, Dawson, Smith, Timothy Moore, Tanner Wadsworth, Cody Hatch, Braxton Bellisten, Richard Ryan, Jacob Davidson, Doug Caldwell, Josh Gubler, Hosh Ritchie, Chad Caldwell, James Smith, Chandler Mitton, Tyson Morgan, Zac Empy, Rhett Peterson, Kyle Price, Kyle Gubler

Mayor Andersen welcomed everyone and Council President McArthur led with the Pledge of Allegiance.

Consent Agenda. The consent agenda was reviewed. Council member Elliott asked if the bill for Rocky Mountain Power was a mistake. Treasurer Nelson said it was supposed to read \$ 2,427.78. Council member Gubler asked if Teton Microbiology was a monthly service, Supervisor Prouse and Mayor Andersen said it was. Mayor Andersen asked if there were any other questions, there were not. Mayor Andersen entertained a motion from the Council to approve the consent agenda. Council President made a motion to approve the consent agenda, Council member Elliott seconded the motion. All were in favor, motion carried.

Consent agenda approved.

Previous Action Items. Mayor Andersen entertained a motion to approve ordinance 143-01-09 amending section 11-6-3 of the City Code relating to conditional uses, adding alcohol sales as a conditional use. Council President McArthur made a motion to approve ordinance 143-01-09 amending section 11-6-3 of the City Code relating to conditional uses; providing for methodology, preserving prior ordinance; providing for severability; and establishing an effective date, and to dispense with the rule that the ordinance be read in full and on three separate occasions and that the ordinance is passed on all three readings. Council member Gubler seconded the motion. Roll call as follows:

A YE: Council President McArthur, Council member Elliott, Council member Shaw, Council member Gubler.

NAY: None.

Motion carried, ordinance approved.

Mayor Andersen reminded the Council that the Council meetings were formal and should be conducted as such by using proper names, turning off cell phones, and giving the speaker full attention.

Mayor Andersen asked if everyone had received copies of Idaho Falls cell tower ordinance, they had not. Mayor Andersen asked Clerk Keyes to make copies for the council to review. Attorney Storer said the ordinance would be a good basis for the City's windmill ordinance. The Mayor asked for input from the Council by next Council meeting regarding the issue. Mayor Andersen said he would talk with Switchback Energy.

Well house/ City garage property. Mayor Andersen said Attorney Storer located the original map of the land donated by Bill Storer and Dale Rockwood to the City of Iona. The Mayor said he turned the map over to Supervisor Prouse to match it with the legal description of the property Lynn Rockwood was billing the City for rent and property tax. Supervisor Prouse had a copy of the deed for the donated land in issue along with a copy of the property tax bill from Mr. Rockwood. Supervisor Prouse said the land description for the map and the deed matched. Council member Gubler asked why there were problems. Supervisor Prouse said it appeared when the land was platted for Homer Estates Division 1, there was a mistake, and Mr. Rockwood had been improperly charged property tax by the county for land owned by the City. Council member Gubler asked if Mr. Rockwood owned any of the land in question. Supervisor Prouse said it looked like he owned a small piece of land in the easement, but it was less than was described in the property tax bill. Mayor Andersen said he did not have a problem with paying the taxes for the property the City owned but did not believe the City owed rent for the land, and according to the maps, it appeared that Mr. Rockwood had some of the City's land. Perhaps it was Mr. Rockwood that owed the City money. After looking at the map, Council member Shaw said it appeared that Mr. Rockwood did not own the land he was charging the City rent on. Council member Elliott suggested getting a recommendation from the attorney before approaching Mr. Rockwood with the issue. Mayor Andersen asked Supervisor Prouse to confer with the City attorney on the course of action regarding the issue. Council President McArthur asked if Mr. Rockwood had been paying the taxes for the land. The Mayor assumed he had and said the tax was only \$36 a year. Council member Gubler asked how many years Mr. Rockwood had been taxed, Supervisor Prouse said since 2004. Mayor Andersen said he would like to resolve the issue out of fairness for everyone involved.

Lights for the welcome sign. Mayor Andersen asked Treasurer Nelson if the City was paying Rocky Mountain Power for the street lights in the City, and Treasurer Nelson said the City was. Council member Shaw said she had talked with Rocky Mountain Power about installing a meter at the light pole by the welcome sign, but they needed a physical address for the work order. Council member Shaw said there was not a physical address at the location. Supervisor Prouse said he usually gives the nearest intersection and a pole number as a reference for locations. Council member Shaw said she would call the power company back and ask them to assess the location and work and provide an estimated cost for the service. Adrian Beazer asked about using solar panels to power the light for

the sign. Council member Shaw said the solar panels were expensive and often did not generate enough power to illuminate the sign properly.

Mayor Andersen said many people had been asking if they can have chickens in their yard for eggs. The Mayor asked planning and zoning member Beazer to look into the issue and address it with planning and zoning. Mr. Beazer said he would.

Public Hearing 7:00 p.m. Elissa Hayward-Skaar conditional use permit.

Mayor Andersen welcomed Mrs. Hayward-Skaar and reviewed the process for the public hearing. The Mayor asked Mrs. Hayward-Skaar if she had any questions regarding the procedure; she did not. Mayor Andersen read the minutes from Mrs. Hayward-Skaar's public hearing with planning and zoning (see appendix A). The Mayor suggested the following conditions be added to Mrs. Hayward-Skaar's permit: the City code officer would be allowed to inspect the premises between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday in the areas where the children were allowed. Mrs. Hayward-Skaar must obtain a business license and if she violated any Iona Code, her permit may be revoked. Mayor Andersen asked Mrs. Hayward-Skaar if she had any comments. Mrs. Skaar said she had nothing more to add. The Mayor asked Clerk Keyes if anyone had sent written comments, and no one had. Mayor Andersen asked if anyone would like to speak who was in favor of the request. Mr. Jonak said he was in favor of the request. Mr. Jonak said he had called around trying to find other people willing to provide child care on the weekends and into the evenings and could not find anyone willing to do what Mrs. Hayward-Skaar was doing. Mayor Andersen asked if anyone who was neutral would like to speak. Mr. Beazer asked if the new child care laws were going to affect Mrs. Hayward-Skaar. Mayor Andersen said until the City heard otherwise from the state health inspector, the City would keep things as they were. The Mayor asked if anyone who was against the request would like to speak; no one did. Mayor Andersen closed the public portion of the hearing and opened questioning to the Council. Chief Basaraba said the violation of any City code, obtaining a business license, and health inspection results were already in the existing permit, but allowing parents and the City code officer to walk through the home were not. Council member Gubler made a motion to allow the conditional use permit to be amended to read that parents of the children being watched at the daycare, and the City Code Officer, can walk through the home between 9:00 a.m. and 6:00 p.m. in the areas where the children are allowed, and the hours of operation will be extended to include 5:00 a.m. to 9:00 p.m. seven days a week. Council member Elliott seconded the motion. Roll call as follows:

A YE: Council President McArthur, Council member Elliott, Council member Shaw, Council member Gubler.

NAY: None.

Motion carried, request approved.

Public hearing closed 7:15 p.m.

Mayor Andersen welcomed the Boy Scouts in attendance and told them if they had any questions about what was going on to raise their hand, and their questions would be answered.

Easter egg hunt. The event would be held April 11th at 11:00 a.m. Mayor Andersen asked Treasurer Nelson if he had anyone lined up food service. Treasurer Nelson said he was still trying to secure someone. Chief Basaraba suggested moving the event to the larger part of the park behind the City building to allow for easier movement for the children and parents. Treasurer Nelson said the food could be served from the back steps. The Mayor agreed to try the changes this year to see how it went. The Mayor asked for all available Council to please help on the day of the event.

Police Report. Chief Basaraba asked if everyone understood his activity report. Mayor Andersen asked the Chief to give each Council member a copy of his schedule each month. Chief Basaraba said he had been busy patrolling and with various issues. The Chief developed a rough draft copy of the policy and procedure manual for the police department and said once the final draft was complete he would ask the Council for their approval. Chief Basaraba said the rough draft would be in the Clerk's office for review anytime.

Mayor Andersen asked who the Chief had talked to regarding patrolling the impact area, Chief Basaraba said he talked to Paul Wilde, but Mr. Wilde would not allow Iona to patrol within the City's impact areas. Council member Gubler stated concern with the amount of time the County said they patrol within Iona. Chief Basaraba said he talked with Paul Wilde and Steve Serr regarding communication between the County and the City when the County responded to issues that the City should be made aware of. Mayor Andersen said he would call Paul Wilde to schedule a meeting to revisit patrolling in the impact areas. Council member Gubler said the City's impact area was the area of future growth for the City, and the City should have more of a say regarding activity in the impact areas. Council member Gubler said he had many people approach him stating their approval of a fulltime police officer and the job Chief Basaraba was doing.

Reports

Supervisor Prouse said he had scheduled the street sweeper to begin next week. Supervisor Prouse also said the price for seal coating was about \$2 more per foot this year. The fiber optic company had to leave a few manholes in the easement. They covered them with steel plates and would fill them with asphalt as soon as the asphalt plant started up for the season. Council member Gubler stated his concern with companies burying their cable in the City's easement and the City not having much say over the matter. Council member Gubler said he would like planning and zoning to look into the matter to see how the City could enforce prior notification and approval of City easement use. Mayor Andersen agreed and suggested planning and zoning should establish some rules and regulations regarding easement construction and add those regulations to the Code Book.

Treasurer Nelson no further report.

Clerk Keyes handled out information regarding the Red Flag Rule and the Federal Trade Commission mandate on required identification for the water accounts. Council member Gubler suggested keeping the customer information in a secure place. Mayor Andersen suggested the information be kept in the safe. Clerk Keyes asked the Council to review the information and a resolution needed to be passed by May 1st. The issue will be revisited next Council meeting. Clerk Keyes informed the Council that she would be out of the office from March 26th to April 4th and that Kathleen Keyes would be working for her. Mayor Andersen said he would also be gone at that time. Council member Gubler will be acting as Mayor March 26th to March 31st and Council President McArthur will be acting as Mayor from April 1st to April 5th. Clerk Keyes asked for April newsletter information early so she could prepare the newsletter before she left.

Mayor Andersen said Keller was preparing to do conduct a structural analysis of the water tank, and it would be drained and taken off-line. Mayor Andersen asked the Council if they agreed that Keller should conduct the structural analysis. Council member Gubler said he would be present when the inspection was performed. Supervisor Prouse said he would be present as well. Mayor Andersen stated his concern with the bottom of the tank. Council member Gubler said once the tank was drained, and the bottom on the inside was exposed, everyone would have a better understanding of the condition of the tank and why water is leaking. Supervisor Prouse said Keller would not be able to examine underneath the tank in the amount of time allotted

Mayor Andersen addressed some of the items from the planning and zoning meeting. The Mayor reiterated that although the Association of Idaho Cities was a valuable resource, the City would follow the recommendations made by the City Attorney. The attorney recommended conducting two public hearings, one with planning and zoning and one with the Council. The Mayor stated that setting a fee schedule by resolution was only for fees that were related to internal policies such as fees paid for travel expenses, and not for fees the public must pay such as; water shut-off fees and water rate fees. Mayor Andersen suggested conducting impact area discussions with Roger Christensen from the County and said ultimately the County had the final say. Mayor Andersen said he would speak with the planning and zoning commission chairman to make sure everyone is working productively in the same direction as far as policy and procedure went.

Mayor Andersen said he wanted to conduct midyear reviews with Supervisor Prouse, Clerk Keyes, and Chief Basaraba.

Council President McArthur said the tree committee was still working on the tree inventory. President McArthur said the spring clean-up day was May 2nd. Mayor Andersen asked if the City could do some tree pruning on the clean-up day. Clerk Keyes agreed that day would be good. President McArthur asked if the City wanted to serve hotdogs again this year during the spring clean-up, because the turnout had been low the last two years. Clerk Keyes suggested that the monthly newsletter might make more people aware of the event and draw a larger crowd. The Mayor suggested serving hotdogs and not hamburgers. Council member Elliott suggested asking Dick Gardner how much he would charge to serve hotdogs.

Council member Elliott said the Historical Society was meeting tomorrow night to discuss the museum and the monument. Mayor Andersen asked if the sewer issues were cleared up regarding the museum. Council member Elliott said Glen Clark had contacted him and said a hole needed to be dug down to the sewer line to cap the line off if the museum did not want to pay for sewer while the building was not in use. Supervisor Prouse said if the water was shut off then the sewer could not be used either. Council member Elliott agreed, but the sewer district wanted the line closed. Council member Elliott suggested it would be easier and less expensive to cut the sewer line from inside the house and install a blank with a lock. Chief Basaraba said Kay Covert approached him today and said he had just talked to the county and the county said the only way to not charge for sewer was to cap off the line, which would require digging down 10 feet. Supervisor Prouse talked with the city of Idaho Falls regarding the issue, and they said they had never dug down to cap off a line; they block use from inside the building. Council member Gubler suggested blocking the line from the cleanout.

Council member Shaw asked if Clerk Keyes had consulted with the City attorney regarding turning water off to a rental when the landlord was delinquent with the payment and not the tenant. Clerk Keyes said she had not but would consult with the City attorney about the matter.

Council member Gubler said he talked with Joel Keyes regarding sound reinforcement for the council chambers. Mr. Keyes said the room was built with an arched ceiling for acoustic purposes and the best way to stop the reverberation of voices would be to install a drop ceiling to flatten out the arch. Mr. Keyes was looking into the cost of acoustic and reflective panels for the room, and the best way to upgrade the sound system would be to purchase a new mixer. Council member Elliott was against compromising the historical value of the building. Council member Gubler discussed his idea for building a new table for the Council to better suit the audience.

Mayor Andersen entertained a motion to adjourn. Council member Gubler made a motion to adjourn. Council President McArthur seconded the motion; all were in favor.

Adjourned 8:10 p.m.

APPENDIX A

Public hearing 7:00 p.m. Elissa Skaar extending the hours for her conditional use permit to operate an in home daycare.

PRESENT: Chairman Bruce Case, members; Adrian Beazer, Roy Hobbs, Brad Bateman, Jared Wight

VISITORS: Elissa Skaar, Darrell Jonak

P/Z Chairman Case welcomed everyone and asked Mrs. Skaar if she would like him to review the procedures for a public hearing, she said she remembered the procedures from the last public hearing. P/Z Chairman Case turned the time over to Mrs. Skaar.

Mrs. Skaar said that she was asking for a modification to her hours of operation to include weekends. Mrs. Skaar said that one of her clients, Mr. Jonak, was a single parent and had a rotating shift out at the Site that included occasional weekends. Mrs. Skaar stated that Mr. Jonak's ex-wife, the mother of the children, was supposed to take the children when he had to work on the weekends, but she was unreliable about picking the children up on time and he did not want to miss the bus for work. Mrs. Skaar said Mr. Jonak was a long-time friend of hers and was happy to help out by watching his children on the weekends. Mrs. Skaar said that Mr. Jonak's ex-wife was opposed to him taking the children to a baby sitter on the weekends.

P/Z Chairman Case turned the time over to the commission for questions. P/Z member Beazer asked if Mr. Jonak's ex-wife had been notified of the hearing. Clerk Keyes said she had sent a letter to her informing her of the time and day. P/Z member Beazer asked how many children she watched for Mr. Jonak and how many hours on the weekend were the children in her care. Mrs. Skaar said Mr. Jonak had 2 children and that she never knew how long she would be watching them; it depended upon what time Mr. Jonak's ex-wife arrived to pick them up. Mrs. Skaar said that Mr. Jonak's ex-wife was supposed to be watching them when Mr. Jonak worked on the weekends but she did not always show up to get them before he had to leave for work, so he would take them to Mrs. Skaar's. P/Z Chairman Case advised Mrs. Skaar to not only include the weekends on her new permit, but extend the hours of operation as well to avoid non-compliance in the event that Mr. Jonak had to work late. Mrs. Skaar said if she were allowed to watch children on the weekends that she had another family that needed occasional childcare on the weekends as well, and wanted the opportunity to watch those children as well. P/Z member Bateman asked how many children Mrs. Skaar watched, she said she was licensed for 6 plus her own children. P/Z member Bateman asked if any neighbors had complained, nothing had been reported. P/Z member Beazer asked how many cars were coming and going for drop off and pick up of the children, Mrs. Skaar said 3. P/Z member Wight asked to see a copy of Mrs. Skaars conditional use permit. Clerk Keyes gave him a copy. P/Z Chairman Case asked if Mrs. Skaar had submitted a new application, Mrs. Skaar said that Chief Basaraba said she did not have to. P/Z member

Wight asked if since she was not required to fill out a new application, was everyone within 300 feet of her residence notified of the hearing. Clerk Keyes said yes, a letter was sent to all of the same people as with the first hearing.

P/Z Chairman Case asked if there was anyone that was in favor of the request that would like to speak. Mr. Jonak said he was in favor of the request and stated how much Mrs. Skaar has helped him out with childcare. Mr. Jonak said because of his rotating shift, obtaining childcare was difficult and he stated his appreciation toward Mrs. Skaar for her willingness to help.

P/Z Chairman Case asked if there was anyone that was neutral that would like to speak, no one did. Chairman Case asked if there was anyone that was against the request that would like to speak, no one did. Chairman Case closed the public portion of the hearing and opened the discussion to the commission. P/Z member Wight noted that the only thing changing for Mrs. Skaar was extending her hours of operation, and since no one was opposed to the changes, P/Z member Wight made a motion to recommend that the City Council approve the requested changes for Mrs. Skaar and that she may operate her daycare from 5:00 a.m. to 9:00 p.m. 7 days a week. P/Z member Beazer seconded the motion. All were in favor, motion carried.

Public hearing closed 7:15 p.m.