

CITY COUNCIL MEETING MAY 18, 2010, 7:00 P.M. PUBLIC HEARING
UNLICENSED VEHICLE ORDINANCE REVIEW 7:15 P.M. IONA COMMUNITY
CENTER

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

VISITORS: Ramona Horton, Ryan Walker, Ron Roberts, Adrian Beazer, Susie Ransom, Ted Ransom, Terry McNamara, Paul Cardenas, Rick Higley, Mike Caldwell, Tina Caldwell, Dana Andersen, John Stanger, Tammy Anderson, Rodney Anderson, Don Andersen, Gloria Andersen, Cory Peterson, Tegan Felix, Karen Hansen, Roy Hobbs, Jason McConeghy, Mike Klingler, Brenda Klingler, Darrel Warnberg

Mayor Andersen welcomed everyone and Clerk Keyes led with the Pledge of Allegiance.

Citizen Recognition. Mayor Andersen explained that the City liked to recognize citizens that go above and beyond in efforts to help the City with projects and the over-all well being of the Community. The Mayor said the last person the City recognized was Paul Botero and his contributions with the Community Library. The Mayor said he had several people recommend the individuals being honored, and the Council agreed with the recommendations. The Mayor turned the time over to Council member McArthur.

Council member McArthur said the City would like to recognize Don and Gloria Andersen for their efforts in helping to keep the City Park clean and free from debris and litter. The Councilman said everyone that used the park should appreciate all the Andersen's have done. Council member McArthur gave the Andersen's a plaque thanking them for their efforts.

Mr. Andersen thanked the Council for the recognition and also thanked the Council for their dedication to the City.

Council member Gubler also thanked the Andersen's and said when he had returned from Iraq he did not know anyone besides family here in Iona, and the Andersen's made him feel very welcome.

Consent Agenda. The minutes, financial report, and expense report were reviewed. Supervisor Prouse explained the upgrades for Well #3 to the audience.

Council member Gubler asked Treasurer Nelson if he would provide a grand total of the monthly expense report. The Treasurer said he would.

Mayor Andersen entertained a motion from the Council.

Councilmember Gubler made a motion to approve the consent agenda.

Council member Case seconded the motion. All were in favor.

Public Hearing 7:15 p.m. After holding a public hearing to discuss the two conflicting unlicensed vehicle ordinances, the Council decided to table the issue to gather more information and hold a second public hearing. See Appendix A for hearing minutes.

Citizen Recognition. Chief Basaraba introduced the other citizen the City wanted to recognize. The Chief said when he was building his new police station and soliciting prices for equipment, Jeff Kaltenbach, the manager of Staples in Ammon, and an Iona resident, found manufacturers willing to donate office equipment for the police station. The Chief thanked Mr. Kaltenbach for his efforts in saving the City and ultimately the tax payer's money. The Chief gave Mr. Kaltenbach a plaque and said a plaque would also be hanging in the police station.

Mayor Andersen also thanked Mr. Kaltenbach on the behalf of the City and the Council.

Ramona Horton showed the Council and audience two choices for the mural. The audience actively helped the Council choose a picture for the Council Chambers.

Mike Klingler said according to the current City Ordinance; because he owned a corner lot, he would be required to ask for a variance to place a shop where he wanted it. Mr. Klingler proposed instead of asking for a variance, he would like to see the ordinance changed for corner lots.

Supervisor Prouse said the ordinance had been changed and the setback requirement for accessory buildings was 5 feet. Mr. Klingler also wanted to put up a fence and asked the Council if he could put a 6 foot fence around the perimeter of his back yard and the adjacent lot he owns. Council member Case said he could with the exception of the front setback of the adjacent lot due to sight restrictions for traffic at the corner. Mayor Andersen asked Supervisor Prouse to go to the property and locate the furthest point Mr. Klingler could install a 6 foot fence.

Mr. Klingler let the Council know what an outstanding job Supervisor Prouse had been doing, and how it was reflecting positively upon the City.

Trash Collection Discussion. The Mayor said the City was still collecting proposals from thrash companies and the closing date for the proposal was June 1st.

Sally Price asked if the City would bill for the service. Mayor Andersen said the trash company would do the billing.

Brenda Klingler asked if the residents would receive a better rate with the proposal. The Mayor said that was the intent.

Karen Hansen asked what would happen to the people that paid ahead for the year. The Mayor said that would be part of the proposal discussion, and if the City went with a

different trash company than the resident had, the trash company would be required to refund the money to the resident, or the resident could stay with the company until their contract was complete.

Council member Case reminded the audience that the service would not be mandated, but if the resident chose curbside collection, they would be required to go with the contracted company.

The Mayor said the City would keep the public posted.

Emergency Operations Plan (EOP). Chief Basaraba explained the reasons and importance of an EOP, and said the City was in the process of developing its own EOP. The Mayor said the City would be coordinating its efforts with the local church and school.

Karen Hansen said an emergency plan was a concern when she was Mayor, and she suggested developing neighborhood watch groups, that way sections of the City were being accounted for by the watch leader, which was helpful when elderly and disabled people were involved.

Conditional Use Permit Acceptance. Council President Shaw explained the City was required to accept the Findings of Facts and Decision Made for all conditional use permits. The Mayor entertained a motion from the Council.

Council member Gubler made a motion to approve the Findings of Facts and Decision Made for School District #93 conditional use permit.

Council President Shaw seconded the motion.

Roll call as follows;

AYE: Council President Shaw, Council member Gubler, Council member Case, Council member McArthur.

NAY: None.

Motion carried.

McArthur Hearing Issues. Council member Gubler explained that the City Attorney was recommending the City reopen the McArthur hearing for the purpose of Mr. McArthur asking questions regarding his appeal, and because the Council did not accept the Findings of Facts and Decision Made.

Council member Gubler made a motion to reopen the McArthur hearing for limited discussion.

Council member Case seconded the motion.
Roll call as follows:

AYE: Council President Shaw, Council member Gubler, Council member Case.

NAY: None.

Council member McArthur abstained from participation in the motion vote.

A date for the public hearing was set for June 29, at 7:00 p.m.

Council member Case asked how he went about discussing a conflict regarding the issue. Council President Shaw suggested bringing the issue up during the public hearing.

Mayor Andersen reminded the Council that they were advised by the Attorney not to discuss issues with the general public that either are a public hearing, or have the potential to become a public hearing. The mayor reminded the Council of the conflict that arose with a homeowner discussing a building permit with Council members.

Council member Gubler made a motion to add the approval of the Well house #3 bid to the agenda.

Council member Case seconded the motion.
All were in favor.

Supervisor Prouse explained the well house #3 bidding process and the winner of the bid.

Council member Gubler made a motion to accept Vern Clark Construction for the Well House #3 project.

Council member McArthur seconded the motion. All were in favor.

Council President Shaw made a motion to adjourn.

Council member Case seconded the motion.
All were in favor.

Adjourned 9:00 p.m.

APPENDIX A
PUBLIC HEARING UNLICENSED VEHICLE ORDINANCE REVIEW 7:15 P.M.
MAY 18, 2010
COMMUNITY CENTER

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VISITORS: Ramona Horton, Ryan Walker, Ron Roberts, Adrian Beazer, Susie Ransom, Ted Ransom, Terry McNamara, Paul Cardenas, Rick Higley, John Stanger, Tammy Anderson, Rodney Anderson, Cory Peterson, Tegan Felix, Karen Hansen, Roy Hobbs, Jason McConeghy, Mike Klingler, Brenda Klingler, Darrel Warnberg.

Mayor Andersen welcomed everyone and went over the procedure for a public hearing and said the Council would open a general discussion to the public.

Chief Basaraba first explained the two conflicting ordinances which were ordinance 11-12-2 (L) which stated the parking of disabled or non-operable vehicles within a residential or commercial zone for a period of more than fourteen (14) consecutive days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building, and 11-11-4 which stated no more than two (2) inoperable or unregistered vehicles of any kind or type may be parked or stored upon any residential property for a period of more than forty-eight (48) consecutive hours, unless within a completely enclosed building or carport. The Chief reminded the audience the City already had these ordinances in place, and were trying to reach an agreement between the two ordinances.

Karen Hansen said the City should not regulate the public out of freedoms. She agreed there was an issue, but she said neighbors should be able to communicate with each other to resolve conflict.

Mayor Andersen said the City did not want to infringe upon anyone's rights, but wanted to find balance for what was good for everyone.

Tegan Felix agreed that working things out with your neighbors was a good way to go.

Adrian Beazer said the ordinance was a carry over from Idaho Falls, and it needed to be made relevant to Iona.

Rick Higley said he kept his vehicles behind his house on his property.

Terry McNamara said he would like to keep his backyard off limits and what he did in his backyard was nobody's business but his own.

Mike Klinger said property rights were worth a lot and would not like freedoms taken away. He said if he wanted chickens he should be allowed, and if he wanted to have people stay at his house that should be allowed.

Darrell Warnberg said the expense of code enforcement would be better spent on speed enforcement.

Sally Price said she looked over the two existing ordinances and said there were things in the ordinance that did not even apply to Iona. She suggested the Council go through the Code book and get rid of the ordinances that did not apply.

Mayor Andersen said the City Attorney suggested leaving some irrelevant things in the Code Book in the event Iona grew and they became relevant.

Jason McConeghy said he would like to see Iona stay small and free from regulation.

Brenda Klingler said she has had her children come and go and leave cars for several months. She said it was hard to regulate such activity.

Chief Basaraba said the City was addressing the ordinances as they came up and the Council and Mayor were not trying to make the ordinances more restrictive, but less restrictive than they are right now.

Tammy Anderson said she had a 1969 Chevy and would like to keep it in her yard.

The Mayor reminded the audience that chickens were not allowed and the Council has now allowed them, the City was in the middle of the housing issue and addressing who was allowed to stay in your home, and the Mayor said there was a difference between people restoring vehicles and people just parking broken down vehicles for years and years. The Mayor also said that sometimes people can't talk to their neighbors because the neighbors just won't cooperate.

Mayor Andersen agreed that homeowners have rights, but he said the neighbors have rights too. He agreed that people should also be able to do what they want in their back yard, and inside their homes, but the front yard was visible to the public and could affect the neighbors.

Council member Case agreed that sometimes people can't talk to their neighbors and if everyone was a responsible citizen, we would not need regulations, but not everyone acted in responsible ways.

Council member Case also said he was confused because some of the people that were present for the hearing were stating that people should be allowed to do what ever they wanted with their property and those same people were present at last month's hearing and were against allowing someone to do what they wanted with their property.

Council member McArthur suggested the people of the audience that were against the City telling them what they could and could not do with their property should write a list of conditions they believed would be acceptable regulations.

Council President Shaw said she was proud of the people that were in attendance of the hearing because typically, there were very few people present for public hearings. The President said she was glad people were getting involved with the City and the decisions made. President Shaw said she also agreed that people should be allowed to do what they wanted in their backyard and in their homes. But people could not do what they wanted in the public right-of-ways, or if the activity became a public nuisance then the neighbors could get together with the City to find a solution.

Rocky Anderson said a lot of people did not have backyards.

Ramona Horton said her and her husband had gone for a ride up in the back roads and she said Iona looked good compared to some of the properties in the County. She said she was thankful the majority of the people in Iona kept their yards clean.

Adrian Beazer asked if vehicle would be defined in the ordinance.

Mayor Andersen thanked the audience for their opinions and she the Council had a lot to think about.

Council member Gubler made a motion to table the issue until more information could be received.

Council member McArthur seconded the motion.

All were in favor.

Motion carried, issue tabled.

Public hearing closed 8:05 p.m.

