

CITY COUNCIL SPECIAL MEETING DECEMBER 15, 2009 5:30 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, Public Works Supervisor Zech Prouse, Police Chief Shannon Basaraba, City Clerk Robyn Keyes.

ABSENT: Treasurer Ron Nelson

VISITORS: Adrian Beazer, Barbara Schreier, Sharon Welker, Jean Koeplin, Bob Koeplin, Deb Sorenson, Jerry Hansen, JoAnn Hansen, Doug Tolbert.

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

Consent Agenda. The minutes, financial and expense reports were reviewed. Mayor Andersen commented that the number of water hook-ups was at 7 already for the fiscal year, and the City was on track with expenditures.

Mayor Andersen entertained a motion from the Council. President McArthur made a motion to approve the consent agenda. Council member Elliott seconded the motion. All were in favor.
Motion carried.

Ordinance 147-05-09. Mayor Andersen explained that the Council approved changing the time for City Council meetings to 7:00. The mayor entertained a motion from the Council. Council member Elliott made a motion to approve ordinance 147-05-09, an ordinance of the City of Iona amending section 1-6-1 of the Iona City Code relating to regular meetings of the Iona City Council; providing for severability, establishing methodology and establishing effective date. Council member Elliott also moved to dispense with the rule requiring the ordinance be read in full and on three separate occasions and that the City pass the ordinance 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.

Rostrum approval. Council member Gubler said he had asked three people to give him estimates for a rostrum. One person did not get back with him and the other gave a bid of \$5,000 without looking at the area first. The only bid was from Precision Cabinets. Council member Gubler said Kim Ryan's estimate for Precision Cabinets looked good. The Council discussed the issue of raising the floor, areas City department heads would sit, and making the rostrum ADA certified.

Council President McArthur made a motion to accept Precision Cabinets proposal and approved additional costs for the sound system.

Council member Shaw seconded the motion.

All were in favor. Motion carried.

Safe Routes to School. Mayor Andersen explained that the Safe Routes to School project had already been approved by the Council, and the project would need to be paid for by the City before they could be reimbursed with the grant. The Mayor asked the Council if they still wanted to move forward with the project. The Council said they did. The Mayor said the project would begin in the spring of 2010.

Parking for the Museum. Mayor Andersen said that "No Parking" signs had been installed in the public right-of-way in front of Bob and Jean Koepplin's house on Rockwood as one of the conditions requested by the Koepplin's for the conditional use permit for the Historical Museum. The Mayor explained that when the conditional use permit was reviewed everyone thought the museum would be opening right away, and not all points of view had been considered for the Koepplin's request. Mayor Andersen explained that this second review had nothing to do with the Koepplin's, or Mr. Sorenson, but rather was a review as to the necessity of the "No Parking" signs in general.

Council member Gubler stated that in the minutes from the conditional use permit hearing for the museum, which was held in September, 2009, a sign would be installed that said additional parking was available in the Stanger building parking lot as a means to avoid parking in front of the Koepplins. This was reiterated by the Mayor.

Mr. Koepplin said the City had not considered the Koepplins with any of the changes at the park, and that the City was making the park a business venture with all of the t-ball games and increased activity around the park.

Mayor Andersen reminded the Koepplins that the park was already there when they bought the house. The Mayor also said the museum would not be open for a few years.

Deb Sorenson said he also lived across from the park and believed the No Parking signs in front of the Koepplin's home were unnecessary. Mr. Sorenson said he had gathered 136 signatures from people that lived around the park and in the area who agreed with him, and asked that the No Parking signs in front of the Koepplins be removed.

Mayor Andersen recommended to the Council that the no parking signs be taken down because the museum would not be open for several years, and when the museum opened a sign would be installed in front of the museum indicating additional parking was available at the Stanger Building.

Council member Elliott agreed with the Mayor and made a motion to remove the signs. Council member Gubler seconded the motion. All were in favor.
Motion carried.

Mr. Koepplin asked about the parking during the t-ball and reunions. Mayor Andersen said all of the people around the park had to endure t-ball season and parking which were separate issues from the museum.

Mayor Andersen said he was sorry the Koepplins felt the way they did and thanked everyone for their input.

Doug Tolbert. Mayor Andersen invited Mr. Tolbert to approach the Council. Mr. Tolbert said he lived in the Barnes addition and had been there for a long time. Mr. Tolbert said he had an issue with a building permit, and that his issue wasn't with compliance. Mr. Tolbert said he had been given misinformation and was told he did not need a building permit. Mr. Tolbert said he had a problem with the way the City handled stuff, and Iona was a small community and everybody know each other. Mr. Tolbert said the City had wasted his tax dollars as well as other citizen's tax dollars by hiring attorneys and doing nonsense that was not needed. Mr. Tolbert said all the City had to do was send him a letter, make a phone call, or go talk to him. Mr. Tolbert said he was working on compliance and letters from the City attorney were costly and unnecessary. Mr. Tolbert said if he had been sent a letter and had disregarded it, hadn't contacted anybody or did nothing to comply, then he could see where the attorney nonsense would be the next step, but that was not the way things happened.

Mayor Andersen said he had talked to Mr. Tolbert a couple of times and the City was not wasting money by hiring an attorney. The City's attorney was on a retainer and was not charging the City any more for the issue. Taking care of the City's legal business was part of his job.

Mayor Andersen said Mr. Tolbert had talked to him at church about obtaining a building permit, and the Mayor told Mr. Tolbert that he was required to get a building permit and have the building inspected by the City building inspector. Mr. Tolbert agreed that the Mayor had told him he needed a building permit before he had started building, but Mr. Tolbert said that was a year and a half ago. Mayor Andersen said it was not a year and a half ago; it was the beginning of this year, but the time was beside the point. Mayor Andersen stated that Mr. Tolbert knew he needed a building permit.

Mr. Tolbert said that he had talked to two other people from the City who had told him that they did not have a problem with the project.

Mayor Andersen said he was not talking about what other people may or may not have said. The Mayor stated again that he had told Mr. Tolbert that he needed to obtain a building permit and talk with the City building inspector. Mayor Andersen said Mr. Tolbert should have complied then, but instead Mr. Tolbert was trying to twist the conversations he had with other City officials by saying no one had told him he needed a building permit. Mayor Andersen also stated that the City building inspector issued a stop work order to Mr. Tolbert, but Mr. Tolbert continued to build. Mayor Andersen told Mr. Tolbert if he had obtained a building permit from the start as he had been instructed, there would not be an issue, and he should not be placing blame on the City. Mayor Andersen said all that the City wanted was compliance. The Mayor stated that Mr. Tolbert was not being singled out, and there were other people with building permit issues that were complying. Mayor Andersen reiterated that if Mr. Tolbert had obtained a building permit there would not be an issue.

Mr. Tolbert said that he never stated that he would not comply. Mr. Tolbert said that when the building inspector left his paper, Mr. Tolbert tried to call the building inspector for two weeks, but could not get a hold of him. Mr. Tolbert said he figured if he could not get a hold of the building inspector then he did not need a building permit and decided not to worry about it.

Mayor Andersen said when Mr. Tolbert could not get a hold of the building inspector he should have either talked to the Mayor or gone to the City Clerk.

Council member Shaw asked if Mr. Tolbert had obtained a building permit. Mr. Tolbert said he was working on it. Council member Shaw asked what the hold up was. Mr. Tolbert said he did not know. Clerk Keyes said the building inspector was waiting to issue a building permit until after the quit claim deed had been presented by Mr. Tolbert. Mr. Tolbert said he also needed to get a letter from the cement company stating that there is rebar in the concrete. Council member Shaw asked if that was a request from the building inspector, and Mr. Tolbert said it was.

Council member Elliott asked if there was a time limit. Mayor Andersen read a letter from the City attorney to Mr. Tolbert's attorney that said the City was willing to extend additional time to his client provided the City had assurances that Mr. Tolbert was moving forward with the resolution of the issue. To that end, the City was willing to defer taking further action on the matter for a period of two weeks to, and until December 15, 2009, provided that within such time frame Mr. Tolbert filed an application for a variance or, alternatively delivered the City a quit claim deed signed by his adjoining neighbors, the Zimmermans, along with a properly completed application for a building permit.

Mr. Tolbert said that today was the 15th and he was still working with the engineers.

Mayor Andersen reminded Mr. Tolbert that if he had obtained a building permit and if he had stopped building when he was issued the stop work order, there would not be a need for an attorney.

Mr. Tolbert said the City needed to be more open and talk with people more.

Mayor Andersen asked Mr. Tolbert what he meant by more open.

Mr. Tolbert said the City just needed to send him a letter telling him what he needed to do, and the first news he got was from the attorney.

Mayor Andersen said he had talked with Mr. Tolbert and told him he needed a building permit, and the building inspector had left a stop work order when he started building. The Mayor said that was plenty of notice.

Mr. Tolbert said that the City had better let the attorney know that today was the 15th and he did not have what the attorney wanted.

Council member Elliot and Mayor Andersen told Mr. Tolbert it was his responsibility to communicate with the attorney.

Reports. Mayor Andersen said a letter had been sent in by a person living at the end of Barnes Way complaining that many people were using his drive way as a turn around, and big trucks had caused damage to his drive way. Mayor Andersen suggested that a “Dead End” or “Not a Through Street” sign be placed at Free Ave. and Barnes ways to help detour vehicles from going down the street.

Council member Gubler said he had talked with the individual who had written the letter and agreed that something needed to be done to eliminate the problem. Council member Gubler suggested that Rockwell Development should help with the problem.

Mayor Andersen asked Supervisor Prouse to talk with Rockwell.

Council member Gubler said he would talk with the home owner again too.

Mayor Andersen said he had talked with a County agent regarding the Ammon impact area. The County agent suggested that the City of Iona talk informally with the City of Ammon to help reach an agreement that could be presented to the County.

Council member Gubler said he was going to talk with the County regarding the inequities of treatment between the City and the County and Ammon and the County. Council member Gubler said Ammon appeared to have special treatment.

Mayor Andersen entertained a motion to adjourn. Council member Gubler made a motion to adjourn. Council member Elliott seconded the motion. All were in favor.

Adjourned 6:30 p.m.

