

CITY COUNCIL SPECIAL MEETING SEPTEMBER 8, 2009 6:30 P.M. IONA  
COMMUNITY CENTER  
PUBLIC INPUT CHRISTMAS LIGHT DISPLAY 7:00 P.M.

**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:** Melinda Edwards, Lance Ellis, Ron Roberts, Ryan Walker, Amy Crump, LuAnn Belnap, Evan Belnap, Dick Hayes, Candice Anderson, Mark Anderson, Eric Astel, Mike Klingler, Brenda Klingler, Amy Crump, Mike Schreier, Angie Schreier, Kasey Andrew

Mayor Andersen welcomed everyone, and Chief Basaraba led with the Pledge of Allegiance.

**Chicken ordinance.** Mayor Andersen expressed concern with limiting the allowable acreage for chickens to ½ acre. The Mayor said Planning and Zoning member Ellis had gone to 19 homes in his area that were under ½ acre in size and asked them if they would mind if chickens were allowed on less than ½ acre. 15 of the neighbors did not mind, and 4 neighbors did not want chickens on less than ½ acre. The Mayor asked the Council if they wanted to try allowing chickens on 1/3 of an acre, or more and revisit the issue in one year to see if there had been any concerns, or problems. Council President McArthur said we was in favor of allowing 1/3 of an acre; Council member Elliott said he was not in favor of allowing chickens on less than ½ acre; Council member Shaw was in favor of allowing chickens on 1/3 acre; Council member Gubler was not in favor of allowing chickens on less than ½ acre. Council members Elliott and Gubler said the decision had been made at the last Council meeting, and voted upon to allow chickens on ½ acre or more, and they did not want to revisit the subject.

Mayor Andersen entertained a motion from the Council.

Council member Gubler made a motion to approve ordinance 144-02-09 amending section 11-4-2 of the Iona City Code; adopting a new section providing for the keeping of domestic hens; providing for methodology; preserving prior ordinance; providing for severability; and establishing an effective date, and moved to dispense with the reading on three separate occasions.

Council member Shaw seconded the motion. Roll call as follow:

**AYE:** Council President McArthur, Council member Elliott, Council member Shaw, Council member Gubler.

**NAY:** None.

Motion carried.

**Zoning ordinance.** Mayor Andersen explained that the zoning ordinance was amended to include chickens, and define the front, side, and rear yard. The Mayor entertained a motion from the Council.

Council member Gubler made a motion to approve ordinance 145-03-09 amending the zoning ordinance; providing for definitions of front yard, side yard, rear yard; prohibiting uses not expressly permitted by the zoning ordinance; providing for methodology; preserving prior ordinance; providing for severability; and establishing an effective date, and moved to dispense with the reading on three separate occasions.

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

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

NAY: None.

Motion carried.

**Appropriations ordinance.** Mayor Andersen explained the budget had been approved at the public hearing in August, and entertained a motion to approve the appropriation of the money.

Council member Shaw made a motion to approve ordinance 146-04-09 for the fiscal year beginning October 1, 2009, appropriating the sum of \$830,300.00 to defray expenses and liabilities of the city of Iona for said fiscal year, authorizing a levy of a sufficient tax upon the taxable property and specifying the objects and purpose for which said appropriation is made, and moved to dispense with the reading on three separate occasions.

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

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

NAY: None.

Motion carried.

**Recognize citizens from the floor.** Mayor Andersen asked if there was anyone in the audience that had a question or comment. Ron Roberts introduced himself and said he lived near the City building. Mr. Roberts thanked the Mayor and Council for the good job they were doing running the City. Mr. Roberts explained that there had been some groups of people renting the City building that played their music too loud and were disturbing the peace. Mr. Roberts said he had called the County Sheriff a couple times because of the noise. Mr. Roberts also believed that excessive alcohol consumption was taking place as well. Mr. Roberts said not all renters were disrespectful, but some had been, and he noted that calling the Sheriff was not always effective. Mr. Roberts suggested the following; a signed agreement should be made between the renters and the City with the rules clearly outlined. The agreement should be in English and in Spanish, no alcohol

should be allowed, the music must be kept down and turned off at 11:00 p.m., the outside area must be cleaned up of trash, and someone should be supervising the event.

Mayor Andersen said he and the Council had recently become aware of the issues, and were working toward a solution. Mayor Andersen asked Mr. Roberts for a copy of his suggestions and asked Clerk Keyes, and Chief Basaraba to develop a set of rental guidelines. They said they would, and told Mr. Roberts they would be in contact with him.

The Mayor thanked Mr. Roberts for his time, and apologized for any inconvenience.

Ryan Walker introduced himself and said he was tired of dogs barking all of the time in his neighborhood. Mr. Walker was also concerned with the amount of dogs some homeowners had.

Mayor Andersen told Mr. Walker that Chief Basaraba was addressing the two dog limit. The Mayor said the Chief did not always know about problem situations unless someone notified him, and then he would enforce the ordinance. Mayor Andersen asked Mr. Walker for any suggestions he might have. Mr. Walker said enforcing the two dog limit would help with some of the barking. Mr. Walker said he did not want to be a bad neighbor, but he was tired of all of the barking dogs, and many other neighbors felt the same, they just did not want to complain.

Mayor Andersen thanked Mr. Walker for his time.

**Public input regulating hours of operation for large Christmas light displays.** Mayor Andersen welcomed everyone and explained the reason for the input was to help find a way for people to enjoy the large Christmas light displays without causing an inconvenience to the surrounding neighbors. The Mayor asked everyone to please be courteous to each other when they spoke and offer suggestions for a solution.

Amy Crump said she lived across the street from a large Christmas display and agreed the display was very beautiful. Mrs. Crump stated that last year some of the people watching the display would park in her driveway and she could not get either in or out of her driveway. She said the people were generally rude and would not move until they were forced, and they would rev their car engines to keep the heaters warm, which created a lot of noise. Mrs. Crump said many people would toss their trash out the window while they were parked.

Mayor Andersen asked for suggested hours of operation. Mrs. Crump suggested running the display from December 1<sup>st</sup> to December 25<sup>th</sup> and turning the lights off by 9:00 p.m. on weeknights and 10:00 p.m. on weekends. Mrs. Crump also did not want Mr. Belnap to plow the easement in front of her property because that encouraged more people to stop. Mrs. Crump said the traffic and people were becoming a big problem.

*Council member Elliott had another engagement and left at 7:25 p.m.*

Mayor Andersen said many people had a tradition of putting their Christmas lights up at Thanksgiving and leaving them up until New Year.

Kasey Andrew agreed with Mrs. Crump and stated much concern with not being able to get in and out of her driveway. Mrs. Andrew was also concerned with people stopping on the street to watch the display.

Mayor Andersen asked for suggested hours of operation. Mrs. Andrew said from Thanksgiving to New Year would be fine, and shutting the lights off by 10:00 p.m. every night.

Mike Shreier also agreed with Mrs. Crump and Mrs. Andrew. Mr. Shreier said the parking was so bad that this next year if someone wouldn't move to let him into his own driveway he would park in front of them to block them and call a tow truck.

Mayor Andersen asked for suggested hours of operation. Mr. Shreier said Thanksgiving to New Year and 10:00 p.m.

Mark Anderson said he lived near a large Christmas light display, and last year several of his family members, including his grandchildren had tried to visit him, but they could not get into his driveway because of the heavy traffic and parking, so they left. Mr. Anderson was upset that he couldn't get in and out of his driveway, and his family could not get into to see him. Mr. Anderson suggested the people that wanted to put up large displays could do so in a more public area.

Mrs. Klingler said a lot of money had been invested in the displays and was afraid they would be vandalized if they were in a public area.

Mr. and Mrs. Anderson left.

Mr. Klingler said they turn off their display at 10:00 p.m., and they try to accommodate their neighbors by monitoring the activity outside. Mr. Klingler said most of his neighbors are in favor of the display.

Mayor Andersen said he would talk with Mr. Anderson to help resolve the issue.

Evan Belnap apologized to his neighbors for the inconveniences caused by the display, and agreed they had valid complaints. He said if the display caused too many problems, he would not put the display up. Mr. Belnap suggested the City put up no parking signs in the area. Mr. Belnap also suggested that he could include an announcement in his program for people to be courteous to the neighbors. Mr. Belnap said he wanted to help find a solution and asked for increased patrol by Chief Basaraba. Mr. Belnap said he believed the easement needed to be plowed for parking to keep people off of the streets. Mayor Andersen asked Chief Basaraba if there were traffic hazards with the display. The Chief said there were a few, but the parking in private driveways was a bigger problem.

Mayor Andersen asked the Klingler's how long they ran their music program. Mr. Klingler said closer to Christmas when the traffic increased, they would cut the music to two or three songs, have the message, and then begin the program over to help keep traffic flowing.

Mayor Andersen thanked everyone for their time and said it looked like most people agreed that from Thanksgiving to New Year would be acceptable along with turning the

lights off at 10:00 p.m. on weeknights and weekends, and posting no parking signs would be acceptable to try for this year.

Mr. Belnap said he would be more aggressive toward policing people. Mr. Klingler said he announced over the radio when someone needed to move their car.

Angie Shreier agreed that the area on 55<sup>th</sup> needed to be policed more.

**Removal of storage unit by homeowner.** Mr. Hayes asked if the date of September 30 was still in effect for removal of his storage unit. Mayor Andersen said it was and asked him if that was an acceptable time, and explained to Mr. Hayes he can appeal if he wanted to. Mr. Hayes said the time was fine.

**Approval of minutes.** The minutes from last council meeting were reviewed. Council President McArthur made a motion to approve the Council minutes. Council member Shaw seconded the motion. All were in favor.  
Motion carried.

Mayor Andersen asked Treasurer Nelson to begin adding descriptions with the monthly expense report, and the Mayor asked everyone to help him with those descriptions by labeling receipts.

Mayor Andersen thanked Council member Shaw for all of her help with the electrical issues.

Council member Gubler said he was concerned with the skate rail going in by the tennis court. His concern was that skaters might use the tennis court to skate on. Supervisor Prouse suggested the rail go on the north-east corner of the park. The Council agreed to the new location.

Council member Shaw expressed concern with the proposed land development agreement. Mayor Andersen acknowledged her concern and said the agreement was reviewed by the City Attorney.

Council member Gubler asked if the attorney was involved with the development. The Mayor said he was not, and he had just been asked to review the agreement.

**Building permit issues.** Mayor Andersen said there were two homeowners who were building without a permit and were in violation of setback requirement. The Mayor asked the Council what they wanted to do. The City attorney had given advice on the issue and the Council agreed to follow the Attorney's advice, which was to issue either a civil citation, or a criminal citation; send a letter giving the homeowners ten days to tear the structure down; fine them for the lack of permit, and if they do not comply file a law suit. Mayor Andersen asked Supervisor Prouse to check the setbacks on one of the properties in question and asked Clerk Keyes to notify the Attorney of the Council's decision.

**Contracted maintenance.** Mayor Andersen said that the City contracted with several individuals for various needs such as snow removal and lawn care. The Mayor noted how much money had been spent by the City and suggested that by going with one maintenance person or company instead of several, the City could save money, especially if the contractor used the City's equipment for some of the needs. Council member Gubler asked if a person other than a city employee could use the City's equipment. The Mayor said he would talk with the attorney about the issue. The Council agreed to contract with one company to help keep the cost down, and get more maintenance needs taken care of, which would include janitorial service and building maintenance, computer maintenance, and help for the Public Works Supervisor.

President McArthur suggested it might be better for the City and this employee if he were paid by the hour instead of contracted for every task that came up.

### **Reports.**

**Treasurer Nelson.** No further report.

**Supervisor Prouse.** Supervisor Prouse said the slide, tennis courts, and drain were all finished. Supervisor Prouse said the lease was up for the backhoe, the company was bought by another company and the new company was no longer offering a lease program. Supervisor Prouse said he found another company that would lease a backhoe, but the lease was for 5 years. Mayor Andersen said he would check with the attorney about financially obligating future Council to a long term lease. Supervisor Prouse suggested buying a backhoe, which would last for at least 20 years.

**Chief Basaraba.** The Chief said he was pursuing the dog issues and asked the Council if they wanted to stay with the two dog limit for the ordinance. Chief Basaraba said it typically wasn't an issue of how many dogs were on a property, he said it was usually the way the owners handled the dogs.

Mayor Andersen asked the Council what they wanted to do. Council President McArthur wanted the two dog code enforced and not changed.

Council member Shaw was in favor of changing the code to allow three dogs.

Clerk Keyes will establish a non-commercial kennel license and procedure for those that want to have more than two dogs. The procedure would include a public hearing for those requesting a license.

**Clerk Keyes.** Clerk Keyes said she would establish more stringent building rental guidelines for renters to follow.

**Mayor Andersen.** The Mayor asked the Council if they wanted Areva to come talk to the public regarding the Areva project. The Council said not at this time. The Mayor noted that his term was up along with Council member Elliott and Council President McArthur. Mayor Andersen said he was running for Mayor again, and other candidates running for Council were Council President McArthur, Bruce Case, and Mike Taylor. The Mayor said the attorney advised against giving a spot in the newsletter to each candidate for information.

Council member Gubler expressed concern with two Council seats and the Mayor seat up for election at the same time; he was concerned with the continuity of the City if three new people were elected. Mayor Andersen said the City was running its seats and term limits as defined in Idaho Code. The Mayor asked Clerk Keyes to ask the Association of Idaho Cities for their input regarding the subject.

**Council President McArthur.** President McArthur said the tree committee would conduct the inventory this Saturday, and the committee was working on a tree ordinance.

Council member Shaw made a motion to adjourn. Council President McArthur seconded the motion. All were in favor. Motion carried.

Adjourned 10:00 p.m.