

CITY COUNCIL
MARCH 9, 2016
7:00 PM

Meeting was called to order by Mayor Hawkes at 7:00 pm.

Present: Mayor Todd Hawkes, Council: Joyce Bayles, Emily Chatterton, John Packer and Bryce Wood.

Also present: Jeremy Kimpton City Administrator, Tracy Jensen, Ben Arygle, Darek Kimball, Dierdra Burguss,

Mayor Hawkes welcomed everyone to this meeting.

The minutes of regular city council meeting held on February 10, 2016. Bryce Wood made the motion to accept the minutes with the change Joyce Bayles mentioned. John Packer seconded. Unanimous.

The February bills were reviewed. Emily Chatterton made the motion to pay the bills. Joyce Bayles seconded. Unanimous.

FCMC (Franklin County Medical Center) – Talk with Council: Tracy Jensen thanked the council for letting them come to the council meeting and talk with them. She updated the council on the projects that they are doing now. Alan Bird is a forward thinking hospital administrator that is making them look good and they would like the support of the community. Alan Bird stated that they do a lot of surgeries now here at this hospital. There are lot of changes coming. They have a new doctor coming in August that is a doctor of internal medicine Dr. Jeffers. Dr. Curtis is moving to Rexburg to be closer to family. The Willow Valley Clinic is doing very well. They have an average of 10 people in the urgent care clinic during their evening hours each day. They are trying to work with a pharmacy to see if they would extend the hours of the pharmacy also. The hours will be 5-9 pm weekdays and they are trying to extend their hours on Saturday also. This will make it so you do not have to go to the emergency room during these hours. Tracy Jensen stated that they are trying to move forward to help the community. Alan stated that they capture about 88% of the people go to the local doctors here but only 40% stay here for lab work. Alan stated that they borrowed money from the USDA in the amount of \$2.5 million dollars and they are planning to pay \$700,000 off in the next couple of weeks. Tracy Jensen stated that they have hired a person that works with insurance companies to make sure they are in their network.

Business License – Ben Arygle – Franklin Millhouse Manor: Mayor Hawkes stated that this business license was not renewed last December and Ben Arygle is here to answer any of the council's questions they may have concerning his business. Joyce Bayles stated that she had heard from unhappy neighbors. Joyce stated that she told those neighbors about this meeting tonight and to be here to discuss their concerns. They did not show up.

Mayor Hawkes asked Ben if he owned the property just south of his house. Ben stated that he does not own that property south of his house. He is trying to buy that property but they have not accepted the offer. Ben also stated that he would like to put up a sign. It would be at the back of his property facing the railroad tracks but high enough to be seen from the highway. Ben stated that he heard that the fireworks woke up the baby that was at the neighbors. Bryce Wood asked him if he was setting off fireworks. Ben stated that only the one that the kids set off that they purchased. This complaint came in before 10 pm and he feels that this type of complaint is blasé complaint. Bryce Wood stated that it is illegal to set off fireworks at that time of the year. Ben stated that if he had someone down there doing that he would put a stop to that. In the future he wants to do a bonfire on Halloween night that they might have fireworks. He wants to put up a sign that will be put it on 20 foot tower poles that would be placed way in the back of his property next to the railroad. Mayor Hawkes stated that he will need a sign permit. Ben can pick up the permit from the office and bring it back to the office for approval. Ben would like to meet with the council often to keep them updated on what he is doing. John Packer asked what time he closed this event. Ben stated that on weeknights it would be 10 pm, and weekends at midnight. These hours could change if people want it opened more often. Emily Chatterton questioned parking. Ben stated that he parks all the cars out back of his property and not on the road. The council questioned the safety as this is a blind corner that goes under the tracks to his property. Emily Chatterton suggested that he could have someone directing traffic so nothing would happen. Ben stated that this is something he could do is to have someone directing traffic during his open hours. He wants to open by the 2nd week in September and he would open every night at 7 pm. There are some loud noise items but he puts them at the back of his place. He will have a burning man and fireworks on Halloween night. Ben stated that he still doesn't know what exactly the complaint is about because he does close weekdays at 10 pm. He does stay open until midnight on Halloween night. And if he does have fireworks he will have the fire department down there and he would get a permit for that. That will cover him if people

call and then you can say he has a permit for that night. Emily Chatterton stated that Ben must follow the noise ordinance for those people who do not like Halloween as much as others do. Mayor Hawkes stated that the sign must go through the city and then checked out with the railroad. They could have a problem with a sign close to the tracks. Ben would like to come back to the council meeting to let them know what he is doing and find out about the sign. Ben welcomed the council to come down and see what he has done with the place. John Packer stated that last year he did not see a parking problem down there.

Emily Chatterton made the motion to allow a business license for Ben Arygle Franklin Millhouse Manor if all the ordinances are followed for the six weeks. Bryce Wood seconded. Unanimous.

Motion to accept the annual audit for FY2015: Mayor Hawkes stated that the council did not make a motion to accept the audit last month.

John Packer made the motion to accept the annual audit for FY2015 that was presented last month by Deaton & Company. Bryce Wood seconded. Unanimous.

Correct Outside City Limits Monthly Water Bills: Mayor Hawkes stated that last month there was discussion about the monthly water fee for outside city limits for Randall's and he gave them the wrong amounts and he wants to make a correction to state that it is \$45 per month and not \$30 as was stated that last month. Mayor Hawkes stated that he just wanted to correct last month's minutes.

Update on Law Enforcement: Mayor Hawkes stated that the council has discussed options on speeding problems which is still a problem. The sheriff's office has told him that they are stretched thin and they do not have time to patrol any more here in Franklin. Mayor Hawkes stated that he and Jeremy Kimpton attended an AIC/ICRMP meeting in Preston and he talked to them about law enforcement and contracting with Preston City. Jim McNall from ICRMP told him that cities do that all the time in working together. Then they made an appointment and met with the mayor of Preston and was told they are not willing to work with us on this in sending their police force down to Franklin. Mayor Hawkes stated that he knows they have an officer that lives in Franklin but he is deployed with the military right now. Mayor Hawkes stated that he has asked Jeremy Kimpton to revisit having an officer here in town of our own and the cost. There are a few cities around the state our size that do have an officer of their own. This has to be an option on the table. He would like to work this into the budget in the next few years. The

officer could do some outreach programs but we are working on this. Mayor Hawkes stated that he wanted everyone to know that they have been working on this.

Dierdra Burgess – Speeding: Dierdra Burgess stated that Brett Bloom is moving out as they have completed their new house but there is a family moving in that has two kids and twins on the way. There are 10 kids on that block. She wants something done on that road before a kid gets killed or hurt. This is a problem. Bryce Wood suggested that stop signs could be placed on the corner of 3rd East and 1st South and on the corner of 1st South and 2nd East making that corner a 4-way stop going east and west to help slow traffic. She stated that almost everyone on that block has almost been hit. Bryce Wood would like to start with a stop sign at the bottom of the hill coming into town and at the top on 2nd East. Bryce Wood stated that running a stop sign is a big fine. Dierdra stated that someone will get killed if something is not done. Just putting a stop sign on both sides would help. Emily Chatterton stated that she wishes that people would take care of their kids without involving the police.

Bryce Wood made the motion to place a stop sign on the east side of 3rd East on 1st South making it a two way stop. Emily Chatterton seconded. Unanimous

Dates for Spring Cleanup: Mayor Hawkes stated that we need to set the dates for spring cleanup. Last year it was the last two weeks in April. The city will check prices on green waste haul off and get bids from contractors chipping. A notice will be put out in next month's water bill giving instructions on what will be hauled off and how to put things along the road. John Packer stated that the city needs to make sure the people outside of the city limits do not bring their stuff down into town. This needs to stop. Mayor Hawkes stated that he has been asked if they could bring things down into the city to be hauled off and they were told no they could not. This is just for Franklin City citizens. Mark Dietrich suggested that the branches be hauled to one place then ground up at one location. He thinks that would be better. Jeremy Kimpton stated that the city tried that a couple of years ago and the branches get tangled together and the contractor had to bring in more equipment and men to get the job done and they told Jeremy to not do that again. It was more work than gathering them at the curbside.

Tiffany Cardall and Jed Lowe– Craig Lowe Development: Tiffany Cardall stated that they want to split the property behind the blue house. They have a possible buyer that can only afford the smaller lot. They would like to split the lot into three lots. They have had a surveyor and take an aerial picture and draw the lots on that. They do not want to put a lot of money into

the surveyor if the city won't let them split the lots this way. Tiffany went over the map of the property with the council. (Copy of the map follows these minutes.) Mayor Hawkes stated that there are a couple of other issues. The lots do not meet the minimum 12,500 sq. feet which would require variances. The inter-block lot does need a variance and a public hearing. This is a very preliminary plan. Tiffany stated that she does not want to put in the improvements because her parents cannot afford that. Jeremy Kimpton stated that there could be deed restrictions put on the property for the improvements that would be passed onto the new owners. Mayor Hawkes stated that a bond would have to be setup as this is a subdivision for completion. Tiffany stated that Stephanie Gunn is the one who has a buyer for a lot. Stephanie told Tiffany that this person was going to buy a lot in Legacy Ranch but they have now raised the lot price and she cannot afford the new price. She only has a certain amount to buy the lot with. Mayor Hawkes asked Tiffany what would be the advantage of needing to split the property more than once as only dividing the lot once would not require any variances. Tiffany stated that the sale of the two lots would pay off the property for her mom. Mayor Hawkes asked Tiffany about the survey on the picture. Tiffany explained that this is just from an aerial view and they would not be doing an official survey until after the city gives the ok. Mayor Hawkes stated that splitting this land this many times automatically falls under the subdivision ordinance. The variances that would be needed would be for the lot size as none of the lots are now 12,500 sq. ft. The two lots are 500 sq. ft. too small and this makes the existing lot smaller than the minimum lot size. Mayor Hawkes told the council that they have to be very careful in what they are doing as there are other lots in Franklin that then could be developed under these rules.

Mayor Hawkes stated that none of the lots do meet the requirement for size in the codes. The minimum lot size is 12,500 sq. feet and the largest lot is 12,300 sq. feet and the others are 12,000 sq. feet. Mayor Hawkes also stated that the one lot is an inter block development and requires a public hearing. Mayor Hawkes told the council to be careful with their decision as there are a few pieces of property that could fall under the inter block development and this would give precedence to what can be done. Bryce Wood stated that he is concerned about the neighbors and having them that close to the neighbors. The council stated that they are a little uneasy with this development plan. Tiffany Cardall stated that she has the financing to purchase and flip houses. She has no problem with a deed restriction for the curb and gutter that can be put on the property. Emily Chatterton stated that she would like to help them if we can. Bryce

Wood stated that this needs to be a conforming lot and not making all three non-conforming lots. Most of the existing rules need to be followed. The first one needs to conform to the lot size. Emily Chatterton stated that she would like to see the numbers first. Mayor Hawkes suggested a special meeting be called later this month after the council has time to look at this so the Lowe's do not have to wait until next month's meeting. The council can visit with the neighbors and look at the numbers and the sizes of the lots. Mayor Hawkes stated that there are a lot of things that need to be considered. Tiffany stated that she will check with the county and get more information about this lot especially the lot size and get back to the council. Mayor Hawkes stated that the council will hold a special city council meeting to consider this later this month.

Update on Wastewater Project: Mayor Hawkes stated that we have hit a brick wall in our sewer project as a lot of the grant money that we counted on has disappeared. There are options but they do cost more money and he will not go back to the citizens for more money. A lot of the project got out of control as different agencies held this up. One request added \$150,000 to the project that Mayor Hawkes stated does not need to be in the project as this is not needed or required. He stated that he has written a letter to Governor Otter and let him know what is happening. His has not sent this in yet. He would like the council to take a step back and look at this project. We are four years out on this project because of the government agencies that have held this project up. Mayor Hawkes would like the council to request an independent review of this project to see what can be adjusted. They would be authorized up to 20 hours to review the project.

Lana Duke from the USDA stated that she met with Mayor Hawkes one year ago ready to go and now still waiting. Lana stated that the council needs to keep in mind that if you do not get started now the money they have right now will be gone. Our fiscal year runs from October 1st to September 30th. They are trying to spread out the money they have to as many projects out there waiting. DEQ has money that has to be allocated by June of this year. Mayor Hawkes stated that there are several different agencies looking at this project. DEQ has drug their feet and putting this off for months now. He is ready to tell DEQ to take this sewer and run it themselves. Mayor Hawkes stated that this city has been far ahead of the game. The city went this way because of the price. Mayor Hawkes does not mind following the law but he needs someone in these regulatory agencies that know the laws and what they mean. Every time these agencies ask a question and wants this or that it is thousands of dollars in attorney fees and

engineering fees. Mayor Hawkes wants to find a way through this. He wants to sit down with the funding agencies to see what they have for the city.

Emily Chatterton stated that during the open house this council sold the people this project and the people were told what the total end price would be. Bryce Wood stated that he has looked the citizens in the eye and told them what the end price would be. This is making the council look very bad and that the citizens see the council as liars. He cannot stand that this council now looks like they did not know what they are doing. Now we are told price is up to \$57 a month. Mayor Hawkes stated that Idaho Rural Water will try to talk to DEQ about the extra chlorinator tank this is not a necessary item and is not required by law. Lana stated that Craig from Idaho Rural Water is going to try to get DEQ to buy off on the extra chlorinator tank and if they do this can be cut again. Craig told Lana that he will do everything he can to get DEQ to see this the right way. Lana stated that she is here tonight to let the council know what they can do right now. Mayor Hawkes stated that he would like to revisit this again.

Mayor Hawkes would like to have an outside set of eyes look at this project. This is a way to look at this project to see what if anything can be done different. The council would like this review done. Mayor Hawkes does not see the funding agencies coming through. There are different options out there that can be done. Mayor Hawkes stated that he will be calling the governor about these agencies. Mayor Hawkes stated that he will not raise the rates on the citizens. This is a small community with low income. Lana Duke told Mayor Hawkes that they cannot guarantee the funding in 6 months. These regulatory agencies are holding this project up. Mayor Hawkes stated that the city will do what is required by law. Mayor Hawkes told Lana Duke that he does appreciate Lana and what she has done and this cut in funding is not her fault. Mayor Hawkes stated that he wants to cut out DEQ and get this project done. Mayor Hawkes will call Lana when he has more information on this. This project will be cut down so that that the \$51 a month will cover the cost of the project. This is a small community and they are requiring much more than the city can handle. Mayor Hawkes wants to sit down with all the funding agencies to see what they have for us. Mayor Hawkes stated that these agencies have to get their act together so they will not be holding up the project. He wants to do just what is legal by the law. Lana stated that to get USDA money you have to have DEQ's blessing. Mayor Hawkes stated that then DEQ cannot keep pushing us back and requiring more than what they started out with.

Bryce Wood made the motion to have a review done for 20 hours by an independent engineer. Emily Chatterton seconded. Unanimous.

Lana will check with Dave to find out their time line and what is available and when they can the city get their money. Mayor Hawkes stated that he does appreciate what Lana has done. He apologized to Lana for the harsh tone of the meeting. Mayor Hawkes stated that he has frustrations with this total project. Mayor Hawkes stated that he will still go to the governor if things go wrong.

Bryce Wood made the motion to adjourn at 8:45 pm. Joyce Bayles seconded. Unanimous.

City Clerk

Mayor