

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

AUGUST 24, 2010

PRESENT: Mayor Eric Christensen
Council Members: John Lent (teleconferenced), Charlotte Fredrickson, Earl Beattie, and Kurt Russell
Police Chief: Alan Dial
Public Wks Dir: Chuck Lloyd
Recreation Dir.: Dawn Lloyd
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Connor Duncan

PRAYER: Earl Beattie

Charlotte moved, Kurt seconded to approve the following consent agenda:

Minutes of August 10, 2010 Council Meeting
Special Minutes of August 16, 2010
July 2010 Expenditures
July 2010 Overall Budget & Treasurer's Rpt.
Building Permits:
Chitta Lynch - Re-roof

A roll call vote was called for: Earl – aye, Charlotte – aye, John – aye, and Kurt – aye.

Approved unanimously.

Monica Wright wondered why the alley between West Maple and West Center is being considered to be opened. She said she has been talking to long time residents in the area and this alley has never been a maintained alley. Mrs. Wright said there are a lot of neighbors that would like to start a petition against opening the alley. She said she is also concerned about children using the alley. Mrs. Wright asked who received the letter asking for input on this issue. Sandy said everyone who has property that touches the alley received the notification. John discussed vacating the south end of the alley and opening the north end. BJ said that is an option, and he does not know of any legal reason why we couldn't do that. Earl said he is concerned about setting precedence, and other residents wanting their alleys vacated. He said the property owner on the north end of the alley may want his end of the alley vacated. Charlotte said she would like to know how many alleys in the city have been vacated. Sandy answered two that she could remember at the moment. Mrs. Wright said she did not know of any alleys set up like this alley that is situated by an apartment complex. She presented a list of alleys that exist in the city. Crystal Alexander, 307 West Center said she was notified by mail that this matter is being discussed by the council. She said she has spoken with ITD, the School Administrators, Attorney General's Office, Federal Administrators, etc. Ms. Alexander said she has never heard of a city creating an alley. She asked if any studies have been done regarding the impact this alley may have on pedestrian safety. Ms. Alexander felt this alley will be used as a short cut for everyone, and this will be a problem. She said it will make it easier for someone to rob homes, and the alley supplies an escape route. She said the city doesn't need another dark place for teenagers to hang out. Ms. Alexander requested a study to be done regarding the impact of this

alley. Bryon Moore said this alley is better lit at night than Byron Avenue is. Mrs. Wright said she understands there are utility lines that run across the properties and the alley. She feels the city is going to open up this alley for just one property owner to have access to his back yard. Mr. Moore said he has lived on Byron for the past twenty years, and just last year the Cedar Apartments put in a lawn and sprinkler system. The sprinkler system caused the ground to be too wet to drive over. Doris Jones asked when Earl talked to Alva Harris about vacating the alley. Earl said at one of the past council meetings Mr. Harris suggested the entire alley be vacated. Mrs. Jones said other alleys in the city have been vacated, and other precedences have been set. She said she will be deeply hurt and injured if the alley is opened up. Mrs. Wright said other long time residents have said the alley has never been maintained, and was placed there for a farmer to access his farm ground. Sandy said the original plat of the city that Bingham County has on record shows in Block 43 there is an alley, and that alley was never vacated. Sandy said in 1999, Doris and Jack Jones requested permission for a temporary fence to be installed to reduce pedestrian traffic. Permission was granted, however Mayor Heber Hansen said the alley must remain accessible. Lisa Moore thought the Cedar Apartments should be approached about placing a fence up along their property as they said they would do when the complex was built. Monica Wright said a fence will not stop vehicular traffic. Robert Wright asked if there are any other alleys that are blocked in as this one is. Mayor Christensen said this is unknown, and nobody has ever issued a complaint about it. Crystal Alexander again requested that a traffic study be done. She said opening this alley would completely change that part of the block. Earl said when he was a police officer in Shelley that alley was open and used. He said he would like to see something worked out, and try to make everyone happy. Kurt suggested the property owners work something out to slow down the traffic. Mr. Moore said he would compromise and agree to a gate on the alley as long as he has access. John said even with a gate it will still block one end. He felt the city should open up the alley or vacate it. John said if a gate is placed in the alley it would still tear up some of the existing yards. Mrs. Moore suggested trimming the bushes and trees and taking the wire down. He said the utility vehicles need to have access also, but he is not opposed to the gate. Mr. Moore felt the citizens wanting the gate should pay for it. The easements in the alley were discussed if the alley is vacated. Sandy said people who need to use the alley would need ingress and egress easements, and utility easements will also be needed. BJ said there is flexibility in the way easements are created. Earl said he would like John here in person before any decision is made. He said the easiest thing for the city to do is to open the alley up. He said the city would probably not need the entire 20 feet to be graveled, but there will still be an impact on the grass that has been maintained near the Wrights. Earl said there will be traffic from the Cedar Apartments, but he would still like to see access to the property. Alan suggested drying up the alley at the Cedar's end, and trimming the trees and bushes so the alley is accessible. Mrs. Moore feels there could be a middle ground, but he would like to have access even if it means a gate or a removable fence is installed. Glen Russell said as a taxpayer he has concerns about vacating an alley that has been paid for by the citizens just so someone doesn't have their property tore up by pedestrian or vehicular traffic. He said he lives by a school and has pedestrian traffic all the time through his yard. Earl said this is a legally platted alley and he is not for giving any city property away unless it is absolutely necessary. He said he doesn't want to completely open all 20 feet, and he isn't in favor of a gate or a fence due to

liability reasons. However, the neighbors may be able to work something out. Earl said lets trim up the alley and work with the Jones and the Wrights. He said he spoke with Chuck and the city can make the alley so it does not take all of the Wrights yard. Kurt wants to make this right with everyone. He said he understands Mr. Moore needs access, and he would like all of the involved parties to get along. Kurt asked about adverse possession of this property. BJ said there is no adverse possession regarding government property, this only applies to private property. Charlotte said she understands the home owner needs access, and she doesn't have an answer. She asked if the Wrights could put up a fence to limit the sight of the traffic. The Wright's would have only three feet for a fence. Crystal Alexander felt this issue is going round and round. She felt the city should vacate the property and give an easement for the Moore's to use the alley. BJ said he would have to research this matter and see if the city could grant easement before the property is given to any new owners resulting from a vacation. John felt the alley should either be opened up or vacate the southern end to allow access to the two or three property owners. He said logically the city should open up the alley, but it hasn't been used for at least fifteen or more years. John said he is leaning towards vacating the southern end of the alley, but Earl has mentioned that he would like him to visit with the people in person first. John said he will be back in the city on Monday. Mr. Moore said he has been using this alley for the past twenty years. Mrs. Wright asked before the alley is vacated, can the attorney review this matter to see if an easement could be granted. Council directed BJ to review the vacation of the entire alley, and see if an easement could be granted to individuals using the alley on the northern end. Earl moved, John seconded to table this issue until the next meeting and then a decision will be made. Approved unanimously.

Charlotte moved, Kurt seconded to approve the following business licenses:

Sunny Time Preschool – 426 Walnut

Perfect Occasion – 273 Brent Way

Approved unanimously.

Sandy presented some comment sheets she received from Bingham County regarding three separate special use permits. The first special use permit was for Blue Ribbon Energy regarding wind turbines in the county. The Mayor and Council had no comments or concerns. The second special use permit was for Security Financial Funds to operate an indoor arena in the county. The Mayor and Council had no comments or concerns. The third special use permit was for Evan Cheney to construct a motocross/race track in the county. The Mayor and Council had no comments or concerns.

Sandy reminded everyone that the city employee picnic will be held September 2, 2010 at 6:30 p.m. at Pillsbury Park.

Sandy asked the Mayor and Council to think about a policy or ordinance regulating private drives limited to a certain number of users, and individual lots being used to construct personal storage buildings or shops. She said there is a lot in the Meadowpark Addition that was purchased by a home owner that already lived in the subdivision. However, the lot was separate

from his home lot. He constructed a shop, and then later sold this lot and shop to another individual for personal use. Sandy said she has received complaints regarding the number of vehicles being stored on the lot, and the property owner stated he owns all of the vehicles and is not operating a business on the site. She said the property owner is willing to clean up the lot, but it will take until after Spud Day. Sandy asked the Mayor and Council to drive by this lot for their opinion on this matter. She said there is no ordinance regulating how many operating vehicles you can have on your property.

Chuck said the drilling on the test well is underway. He said the sprinkler system along the walk path has been finished and now the hydro seeding can be done.

Alan said there is a new drug called spice that is available in Health Food stores to anyone. He said there are counties and cities considering making this drug illegal, however there are no tests to check for influence of the drug. Alan said the state has this matter under review. The council discussed creating an ordinance to make this drug illegal, but there may be a problem enforcing the ordinance since there is no way to test to see if someone is under the influence of this drug.

Mayor Christensen said there will be a Regional Wastewater meeting on August 26, 2010, at 10:00 a.m. He said Councilman Lee Bean will be appointed to sit on the Regional Board in place of Bruce Ard.

Adjourned: 9:17 p.m.

ATTEST: Sandy Christensen APPROVE: Cam R. Christensen