

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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SEPTEMBER 08, 2009

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft, Steve Cederberg, John Lent, Charlotte  
Fredrickson  
Police Chief: Alan Dial (absent)  
Public Wks Dir: Rick Anderson  
Recreation Dir.: Dawn Lloyd  
City Clerk: Sandy Gaydusek  
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Scout Thayne Bolinder  
PRAYER: Mayor Christensen

Steve moved, Lorin seconded to approve the following consent agenda:

Minutes of August 25, 2009 Council Meeting  
Minutes of August 17, 2009 Special Meeting  
Building Permits:  
Jim Cotterell - shop

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin – aye, John - aye. Approved unanimously.

Steve moved, Charlotte seconded to amend the agenda to include the consideration of an Itinerant License by Brian and Jordan Cook to sell corn. Approved unanimously. The reason this matter was not on the original agenda is because the owners did not know they needed a business license, and they could not wait an additional two weeks to be considered for a license because of the perishable nature of the corn.

John moved, Charlotte seconded to approve the Itinerant License for Brian and Jordan Cook at 377 Quigg Avenue to sell corn. Approved unanimously.

BJ conducted the Fiscal Year 2009-2010 Budget Hearing. He opened the hearing. Sandy updated the Mayor and Council on the condition of budget for the city, and presented graphs for each fund for the past four years. There was no person in attendance wishing to give testimony. BJ closed the hearing for deliberations by the Mayor and Council. Lorin moved, Steve seconded to suspend the reading of ordinance #530 on three different days and read the title of ordinance #530 once. Sandy read the title of ordinance #530 once by title only. Lorin moved, Steve seconded to adopt the Appropriation Ordinance #530 for Fiscal Year 2009-2010 in the amount of \$11,836,567. Lorin – aye, Steve – aye, Charlotte – aye, and John – aye. Approved unanimously.

Russell Fricke addressed the Council to discuss a discount rate for his city sewer access and the zoning of the property he is leasing from Alex Creek formerly known as Lent's. Mr. Fricke said he checked the zoning and the zoning is Heavy Commercial and not Single Family Dwelling. Sandy confirmed this, and said one of the maps is incorrect. Mr. Fricke said Mr. Creek is willing

to sell the property and building to him. He said he may build a shop outside of the city limits, but he would still like to have a small shop in the city if it is feasible. Mayor Christensen said he understands that money is tight, but when concessions are allowed, then things tend to become a problem. Mr. Fricke said he intends to remove the broken sink and toilet that are in the building's bathroom. He said when he buys the building and rebuilds the office he intends to rebuild a restroom. Mr. Fricke said he only uses an outside garden hose at the present. John asked what he is currently paying for sewer. Mr. Fricke said \$45 per month. Sandy said this is a light business account and there are no lesser rates except for a Single Family Dwelling. John said he is afraid that the city will be opening up a can of worms if Mr. Fricke is given a discount. He said there are a lot of small businesses that would like to be given the same deal. Mr. Fricke said he doesn't have the same capability to use the sewer services as other businesses do. Mr. Fricke said he is also having a problem with students cutting across his property. He said there were cars blocking his bays during a football game. He said he called the police and they said they had too many homicides and drug busts to take care of, and could not sit on Mr. Fricke's property to watch for traffic violations. Mr. Fricke said the police officer also said that the cars had a right to park in a public parking lot. He said he is receiving no cooperation at this time. He said he would like his business there, but needs some cooperation from the city. Lorin said he would address the traffic and parking matters with Officer Lewis. Rick suggested that the city work with Mr. Fricke once he actually purchases the property from Mr. Creek. Steve said it is Mr. Fricke's personal preference to having the water running and the toilet working, however he should not pay for services that are not available. Steve moved, John seconded to curtail the charges for sewer service until Mr. Fricke's business is up and running, he purchases the building, or December 1, 2009, whichever comes first. The charges will also be credited back to the time Mr. Fricke started leasing the building. Approved unanimously.

Sandy presented handouts summarizing the dog ordinance amendment in regards to a non-commercial kennel license. She stated she has received three written comments regarding the amendment also. Dorothy Mann, who was in attendance said she has had problems with barking dogs all around her property. She said she tried talking to her neighbors that owned the dogs, but then had her car window broke out. Mrs. Mann said in her opinion this was in retaliation. Mayor Christensen stated it is often hard to legislate pet owner responsibility. He said if there is a barking dog, a police officer should be called. BJ explained that the amendment to the ordinance is trying to regulate how many dogs' people can have in the city limits. He said there are already laws in place to help control barking dogs, and dogs defecating on people's lawns. Mrs. Zelma Adams feel five dogs as stated in the amendment are too many to have on ones property. She said they want it limited to two dogs. Don West asked how this ordinance can regulate dogs, whether it is two or five dogs. He asked if the language of the ordinance should just be changed to be accepted by the Judge. Sandy said there are two parts to this ordinance. One, to change the language of the ordinance clarifying the term household and animal owner, the other is to allow people to have more than two dogs on their premises. To have more than two dogs the owner must have a non-commercial kennel license, but they have several hoops to jump through to obtain one. Mr. West said there should be more hoops to jump through. BJ said the hoops we have will make it extremely difficult for a person to obtain a non-commercial

kennel license if the neighbors do not want it. Kim Carlson said she is an animal lover, but if she has a lot of dogs and the neighbors have consented, what happens if a new neighbor moves in a few years later and wont sign the petition. They she may have to get rid of her dogs. Ms. Carlson said she knows a lot of people that have three or four dogs right now, how will a new ordinance be enforced. She said there is a problem, but no fix to the solution. John said right now people are allowed to have two dogs. He said there are going to be people who have three or four dogs; we are trying to regulate for those who have that many animals. Mrs. Landon said the city has a law, and the citizens should abide by this law and have two dogs, or live somewhere else. She said she follows the laws, why shouldn't everyone else. Mrs. Landon said she cannot even walk around the block in her neighborhood because of dogs being out and biting. Brent Clark said the city just discussed the budget, and there is not enough manpower to enforce the ordinance now. He said it will be difficult to enforce with five dogs. Mr. Clark proposed to change the requirement of 75% approval from neighbors within two hundred feet to a further distance. He said just because Idaho Falls has this type of ordinance doesn't mean we have to have one too. Mr. Clark said we need an ordinance to back our officers. Audrey DeRoche said this ordinance amendment is trying to make the law stricter than what we now have. She said enforcement is really what the problem is. Mr. West said as citizens they should make the city aware of any problems. He said there are responsible and irresponsible dog owners. Mr. West suggested have an individual to assist in this matter, possibly on a volunteer basis, Rick suggested that this matter be placed as a referendum on the ballot asking people if they are willing to pay for a full time animal control officer. The council decided that those that have voiced their opinion on this matter do not want non-commercial kennel license available. The Council determined to redraft the ordinance amendment to keep a limit of two dogs per premises, and take out the section on non-commercial kennel licenses. However, commercial kennel licenses will remain in the ordinance to be allowed in a Commercial Zone. This matter will be discussed and the ordinance read at the next three meetings. Sandy will draft notice of this matter in the Pioneer. Audrey DeRoche asked what would happen to those people having more than two dogs now. The council said they would need to get rid of all but two. Mrs. DeRoche asked if they could be grandfathered in somehow. BJ said there is no grandfather clause available for an illegal act which it is currently illegal to have more than two dogs.

Barbara Scott said she felt the statement made to Mr. Fricke regarding homicides and drug busts was a casual remark and does not reflect on the entire police department.

Sandy presented Ordinance #531 to annex and rezone property owned by Brian Bird on the New Sweden Highway. Lorin moved, Steve seconded to suspend the reading of ordinance #531 on three different days and read the title of ordinance #531 once. Sandy read the title of ordinance #531 once by title only. Lorin moved, Steve seconded to adopt Ordinance #531 annexing property and rezoning it to Residential Agricultural as requested by Brian Bird residing at 1392 N. 800 E. Approved unanimously.

Sandy presented Ordinance #532 regarding rezoning property owned by Jim Cotterell to Central Business from Single Family Residential with the purpose of constructing a shop to be used

privately by Mr. Cotterell with no setbacks as specified in Central Business. Lorin moved, Steve seconded to suspend the reading of ordinance #532 on three different days and read the title of ordinance #532 once. Sandy read the title of ordinance #532 once by title only. Lorin moved, Steve seconded to adopt Ordinance #532 rezoning property owned by Jim Cotterell on the corner of South Park and Baseline road lying on the west side of the adjacent canal to Central Business. Approved unanimously.

BJ said the Attorney for Kelley Acres filed a motion objecting to the Clerk's Record since the page numbers were not identified. BJ responded by stating the page numbers could be added.

Sandy presented copies of the REEZ grant information that Richard Staten discussed at our last council meeting.

Sandy presented information on Unum insurance. She said Unum provides life insurance with more versatility than United Heritage (our current provider) for the same cost. Sandy said the Mayor and Council are even eligible for this product. She asked the Mayor and Council to review the information and see if it would be feasible for the city to change life insurance carriers.

Dawn said the pool is closed for the season to the public. She said the school will be using the pool tomorrow for a boat regatta.

Rick said he attended a walk through on the utility lines at the new grade school under construction. He said the water line has been approved, and the city will begin hooking up the existing water users on the New Sweden Highway to the new larger line.

Rick said he is still organizing the sewer line project on Seminary Avenue and North Park.

Charlotte said she is continuing to work on recognition of a "Citizen of the Year". She said she would like to invite the candidate to a council meeting and award a plaque and a gift certificate. The Council agreed.

Charlotte thanked all that worked on the Tree Committee.

Charlotte said she met with Barbara ~~and Leroy~~ <sup>and Dale Clark</sup> Scott, the School Superintendent (Bryce Jolley) and Alan to discuss the traffic on Robald Street. She said suggestions were given to Mr. Jolley that will be discussed at the next School Board meeting. Mrs. Scott suggested a gate be placed on the entrance to the school's property, and be closed during non school days, weekends, and during the summer months. Charlotte said Alan thought the police could be responsible to open and shut the gate. She said when the School Board has their next meeting she and the Scott's will attend the meeting to discuss this further.

John said some citizens have complained about the vehicles located by Eaton's Repair next to Broulims. He said there are a lot of weeds and non-operable vehicles. Sandy asked about how the vehicles should be addressed since there is a fence, and this is a commercial business zone. John said he would like to talk to Mr. Eaton before Sandy drafts a letter.

John said the Lions Club may be considering running Riverfest. Shirley Thompson said they discussed this matter in a meeting, but decided against it.

John said the City of Dubois, Clark County, and Spencer are considering putting in a wind farm as a source of revenue.

Sandy asked how many will be riding in the Spud Day parade. Charlotte said she is judging the parade this year and will not be riding. The Mayor will be riding, and Lorin, Steve, and John will be also riding.

Steve asked if a large map could be obtained showing zoning districts to hang in the council room.

Lorin said he would like it to go on record that he is in favor of implementing non-commercial kennel licenses.

Adjourned: 10:17 p.m.

ATTEST: Sandy Baydusk APPROVE: Eric Christensen

AUGUST CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
6-Aug-09	Comdata	2,407.86	33163
6-Aug-09	ECIPDA	5,510.00	33164
6-Aug-09	Forsgren Associates/P.A.	53,614.82	33165
6-Aug-09	Dawn Lloyd	800.00	33166
6-Aug-09	Regional Waste Water Trust Fund	80,093.00	33167
17-Aug-09	AAA Giles Cleaning and Restoration	675.00	33168
17-Aug-09	Advanced Industrial Supply	55.41	33169
17-Aug-09	Alltel	149.76	33170
17-Aug-09	Auto Body Paint and Supply	34.87	33171
17-Aug-09	Bingham County Sheriffs Office	26,098.00	33172
17-Aug-09	BISCO	60.27	33173
17-Aug-09	BMC West Shelley	279.10	33174
17-Aug-09	Broulims	58.92	33175
17-Aug-09	Business Phone Specialists Inc	66.50	33176
17-Aug-09	Central Transfer Station	14.50	33177
17-Aug-09	Crandall Construction	400.00	33178
17-Aug-09	Davis Aqua Chem Supply Co	2,363.56	33179
17-Aug-09	DBS Inc	2,085.64	33180
17-Aug-09	Doug's Meats	65.70	33181
17-Aug-09	Ferguson Enterprises Inc	156.42	33182
17-Aug-09	Forsgren Associates/P.A.	100.00	33183
17-Aug-09	H-K Contractors Inc.	5,885.85	33184
17-Aug-09	Hammon Teton Delivery	54.00	33185
17-Aug-09	Honnen Equipment Co of Utah	69.46	33186
17-Aug-09	IAS-Envirochem	404.00	33187
17-Aug-09	Idaho Business Systems	32.00	33188
17-Aug-09	Idaho Transportation Dept	10.00	33189
17-Aug-09	Industrial Hose and Fittings	70.87	33190
17-Aug-09	International Code Council Inc	100.00	33191
17-Aug-09	Les Schwab Tire Center	81.94	33192
17-Aug-09	Chuck Lloyd	560.71	33193
17-Aug-09	Lorraine Hathaway	25.00	33194
17-Aug-09	Mathews Plumbing & Heating	65.50	33195
17-Aug-09	Mountain View Sales	57.81	33196
17-Aug-09	Mountainland Communications Inc	1,619.64	33197
17-Aug-09	MPH Industries Inc	1,860.00	33198
17-Aug-09	Pacific Steel	49.37	33199
17-Aug-09	Qwest	46.33	33200
17-Aug-09	Recreation Idaho	1,351.41	33201
17-Aug-09	Robert Rossi	25.73	33202
17-Aug-09	Void		33203
17-Aug-09	Sams Club	875.26	33204
17-Aug-09	Shelley Pioneer	1,098.73	33205
17-Aug-09	Shelley Quick Lube and Auto Center	84.95	33206
17-Aug-09	Shelley/Firth Rural Fire District	5,033.00	33207
17-Aug-09	Smith Driscoll & Associates PLLC	2,190.00	33208
17-Aug-09	Specialty Construction Supply	78.00	33209
17-Aug-09	State Insurance Fund	3,053.00	33210
17-Aug-09	Territorial Supplies	2,558.68	33211
17-Aug-09	United Pipe and Supply	120.00	33212
17-Aug-09	United States Welding Inc	210.65	33213
17-Aug-09	Valley Agronomics LLC	162.50	33214
17-Aug-09	Valley Office System	162.94	33215
17-Aug-09	Will Lambert	635.00	33216
17-Aug-09	Beth Williams	800.00	33217
17-Aug-09	Rocky Mountain Power	65,039.00	33218
17-Aug-09	Rocky Mountain Power	15,831.60	33219
31-Aug-09	Advanced Diagnostics Inc	245.00	33220
31-Aug-09	All American Sports	370.00	33221
31-Aug-09	Alltel	282.29	33222
31-Aug-09	Associated Business Forms & Systems	574.20	33223
31-Aug-09	Bateman Brothers	825.00	33224
31-Aug-09	Bingham County Public Works	6,840.75	33225
31-Aug-09	Cable One	164.95	33226
31-Aug-09	Carrie Payne	150.00	33227
31-Aug-09	Columbia Paint Co	239.20	33228
31-Aug-09	District Six ICCFOA	30.00	33229

31-Aug-09	Doug Keele	900.64	33230
31-Aug-09	Dwayne Swearingen	39.60	33231
31-Aug-09	Eagle Rock Hydraulic Service	291.22	33232
<b>31-Aug-09</b>	<b>Eagle Rock Sanitation</b>	<b>3,908.80</b>	<b>33233</b>
31-Aug-09	Electrical Wholesale Supply Co Inc	232.68	33234
31-Aug-09	Exxonmobil Fleet/GECC	114.15	33235
31-Aug-09	Fastenal	89.40	33236
31-Aug-09	Honnen Equipment Co of Utah	153.78	33237
31-Aug-09	IAS-Envirochem	516.00	33238
<b>31-Aug-09</b>	<b>Intermountain Gas Co</b>	<b>2,341.35</b>	<b>33239</b>
31-Aug-09	Kirkham Auot Parts Service Co. #8	361.39	33240
31-Aug-09	Mountain View Sales	54.17	33241
<b>31-Aug-09</b>	<b>Mountainland Communications Inc</b>	<b>2,245.67</b>	<b>32342</b>
31-Aug-09	PAETEC	481.55	32343
31-Aug-09	Petty Cash	34.57	32344
<b>31-Aug-09</b>	<b>Phillips 66 Co</b>	<b>1,079.06</b>	<b>32345</b>
31-Aug-09	Post Register	164.15	32346
31-Aug-09	Qwest	90.00	32347
31-Aug-09	Rossiter Electric Motor	47.05	32348
31-Aug-09	Shelley Police Officers Association	375.00	32349
31-Aug-09	Territorial Supplies	86.30	32350
31-Aug-09	US Post Office	359.80	32351
31-Aug-09	Watson Roto Rooter/Thayne Watson	150.00	32352
31-Aug-09	Yvonne Jensen	25.22	33253
31-Aug-09	2M Company	292.23	33254
<b>8-Aug-09</b>	<b>City of Shelley</b>	<b>58,560.60</b>	
<b>22-Aug-09</b>	<b>City of Shelley</b>	<b>54,697.88</b>	
	<b>Total</b>	<b>422,805.91</b>	