

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JULY 28, 2009

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

PLEDGE OF ALLEGIANCE: Scout Seth Osborn

PRAYER: John Lent

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

Minutes of July 14, 2009 Council Meeting

Building Permits:

Garen Hale	- re-roof
United Methodist	- re-roof
Rick Atchley	- remodel
Crystal Alexander	- fence
Scott Wolff	- addition
Kelton Larsen	- new home
Farrell Austin	- remodel

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

Dave Noel of Forsgren presented the well design engineering contract. He said he has also moved the well design as a task in the Water Facility Planning Study to recoup some of the funds through a DEQ grant. He said DEQ has approved this task for the grant, but he needs both documents signed by the city. Dave said he would like to move forward on the well design. He said the contract from 2003 was modified for the 2009 engineering contract for the well design. Dave discussed the inspections for the installation of the wells. He said some of the inspections will need to be done by a Geologist, but the Public Works Department can do some of the inspections. Steve moved, John seconded to approve the execution of the Engineering Contract for the well design, and the amendment to the Water Facility Planning Study conditional upon BJ's review and approval of both contracts. Approved unanimously.

Dave offered tours of the construction of the new waste water treatment facility to the Mayor and Council. He said he would be at the plant on Monday August 10, 2009 all day. The Council and the Mayor agreed to be at the plant at 10:00 a.m. on August 3, 2009, for a tour. The City of Ammon Board will be at the plant on August 10th.

Dave said Rocky Mountain Power is installing electricity at the treatment plant. He said they have been great to work with. Dave said the power should be installed by the first week in August.

Sandy said Jim Cotterell would like to rezone a parcel of his property off of Baseline Road to reduce the setbacks so he can build a storage garage for his personal use. She said the Planning and Zoning Commission have held a public hearing and recommend approval of rezoning from Single Family Dwelling to Central Business. Lorin moved, Charlotte seconded to call for a public hearing to consider rezoning the Cotterell property from R1 to CB on August 25, 2009, at 7:30 p.m. Approved unanimously.

Sandy said Brian Bird at 1392 N. 800 E. has requested annexation into the city. He currently is on city water. The Planning and Zoning Commission held a public hearing to consider rezoning the property from County Agricultural to City Residential Agricultural. They recommended approval to the city council. Lorin moved, John seconded to call for a public hearing on August 25, 2009, at 7:30 p.m. to consider annexing and rezoning Brian Birds property from County Agricultural to City Residential Agricultural. Approved unanimously.

Glen Russell, a Scout Master for Troop 44 said the scouts in attendance are working on communication skills. He asked for an update on the city's dog ordinance. The Mayor said that item is coming up on the agenda. Mr. Russell said he appreciates the city, and he and his troop are willing to help the city in anyway possible.

Lorin moved, Steve seconded to approve the following business licenses for 2009:

BMA Environmental

Tapp Enterprises – Itinerant Business License

Baseline Contractors

Approved unanimously.

Sandy presented the Tentative Budget Amendment for fiscal year 2008-2009. This amendment includes the addition of 8 million dollars that will be received from the City of Ammon for their portion of the wastewater treatment facility. The City will receive the funds from Ammon and pay the contractor RSCI since the contract is with Shelley. Lorin moved, Charlotte seconded to adopt this Tentative Budget Amendment as presented by Sandy and hold a budget hearing to consider this matter on August 25, 2009, at 7:30 p.m. Approved unanimously.

BJ discussed the amendment to the dog ordinance. He said he has not drafted a new version yet, because he wanted more input from the council and the public. BJ discussed the implementation of a non-commercial kennel license. Glen Russell discussed the percentage of neighbors who should give approval to anyone wishing to obtain a non-commercial kennel license. He said those closest neighbors to the kennel should be giving their approval. Another attendee said his brother will be sent over seas with the military and he has two dogs. He asked if there were any exceptions that could be made for him to keep his brother's two dogs as well as his own two

dogs while his brother is gone. Mayor Christensen said every case cannot be legislated, it comes down to personal responsibility. The Council determined that a non-commercial kennel license should be limited to five dogs. The owner should have a fence, either enclosed or an underground electronic fence. The applicant must have 100% approval of their adjacent property owners, or 75% of the property owners within two hundred feet. Also, visiting dogs cannot be on the premises for over a two week period, and cannot exceed six weeks per year. BJ will draft an amendment to be presented at the next council meeting. Sandy said there was a person who picked up paperwork to file a tort claim regarding a dog that was shot by a police officer. Alan said the police were contacted by a caller who stated there was a dog foaming at the mouth at Stuart Elementary. He said when the police arrived the dog was snarling and growling, and appeared to be in pain. Alan said the police officers present could not leave the dog to go and get a catch pole, and the other officers were on a Meth arrest. He said the dog could hardly move, had a growth on the back of it and was not wearing any collar or tags, so Officer Lewis made a judgment call to shoot the dog. Alan said after this happened, the owner called and said his dog had gotten out, had arthritis, and would not drink outside water. He said the owner's son spoke with him and he instructed him to file a tort claim.

Rick said he has a design for the new dog pound, and the plans are being drawn up.

Sandy discussed the budget. She recommended freezing the wages with no employee receiving a merit raise for the year, or a cost of living raise. She recommended to insure fairness, that all employees have one year added to the date of their next merit raise. Sandy said this would save approximately \$9400 this fiscal year, and a total savings of \$42,000 over the next three years. Sandy recommended staying with Blue Shield, however changing the deductible to \$2000 with the city buying down to \$500. She said this will save approximately \$8000, but it will increase the city's deductible liability by \$400 per person. Sandy still felt the city would save money by making this change. She recommended no increases to property taxes or city service fees unless it is absolutely necessary, and no capital outlay purchases except for the new well, and the wastewater treatment facility. The Mayor and Council told her to proceed with the budget based on her recommendations.

Dawn said there would be no Baseball Tournament this year. She said there was not enough interest by other teams.

Alan said the two new cars are having the light bars and equipment installed, and should be on the street in the next two weeks.

BJ said the Protestants of the City's water rights have filed an appeal for re-consideration of the hearing officer's decision to approve the mitigation plan for the city. He does not know when the hearing officer will respond. BJ said the attorney for Kelley Acres also filed an objection with the courts because the transcript pages were not numbered.

BJ said he reviewed the paperwork MSW Green had regarding the Attorney General's purported opinion of a twenty five year contract for public entities. He said Bingham County had asked for the Attorney General's opinion on another issue regarding a possible limited liability partnership between the County and MSW Green, not the propriety of a twenty five year contract with a Municipality, and the Attorney General did not give an opinion on either issue. The Council decided to take no action on this matter, but to wait and see what actions Bingham County takes in regards to MSW Green.

Charlotte said the new school construction is still on schedule and under budget. She said the school is still in negotiations with Forsgren regarding the sewer tap fees.

John said he would like to weed whack some of the weeds that have been sprayed in the Business District on State Street. He asked about liability if a rock hits someone's window. Sandy said the city does have liability when a city lawnmower flings a rock and damages someone's window.

Steve said he would not be able to present a grant application for a restroom at the City Park in Boise. He said all state funding has been put on hold due to budgeting conflicts.

Sandy said the up front costs for the electricity at the treatment plant are \$65,000 and some change. She said this will be sent to DEQ as part of the project cost, however Rocky Mountain Power may need to be paid before the expense is processed. Sandy asked if necessary could the city use money in its coffers to pay this expense and then be reimbursed with DEQ processes the invoice. The Mayor and Council agreed to expend \$65,000 for electricity if necessary and are reimbursed by DEQ through the project.

Mayor Christensen said there would be a Regional Authority Board meeting on Thursday at 10:00 a.m. for anyone who is interested in attending.

Steve moved, Lorin seconded to adjourn into executive session pursuant to Idaho Code 67-2345 (b) to discuss employee issues. Approved unanimously.

Steve moved, John seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen said during executive session, employee discipline/hiring/firing was discussed. Steve moved, Lorin seconded to accept the resignation of Ronald Griffin, a public works employee effective August 27, 2009. Approved unanimously.

Sandy said she has received many complaints about Gordon Mitchell's property at 192 North Byron. She said since Mr. Mitchell passed away, his son's were seeing over the estate. Sandy said she has tried to contact Ray Mitchell, but has gotten no response. She said according to the Assessor's Office Gordon Mitchell is still the owner of the property. Sandy asked for the council

to consider holding hearing so the city can go in and clean up the property and assess the estate.
The Council gave permission to proceed with the hearing. Sandy will begin the notification
process.

Adjourned: 9:40 p.m.

ATTEST:

Sandy Dardusk APPROVE: Lois Cuff