



July 25, 2007

PRESENT: Mayor: Eric "Swede" Christensen  
Council persons: Lorin Croft, Steve Cederberg, John Lent, and Charlotte Fredrickson  
Police Chief: Alan Dial  
P.W. Director: Rick Anderson  
Recreation Dir: Dawn Lloyd  
Assist. City Clerk: Beth Williams  
City Attorney: B.J. Driskoll

The Mayor called the meeting to order at 7:34 p.m.

The Pledge of Allegiance was led by Dawn Lloyd.

Prayer was given by Steve Cederberg.

Sandy was excused due to personal leave.

Lorin moved to approve the consent agenda items 4a and 4b with no changes. John seconded the motion and Lorin voted aye; Steve, aye; John, aye; and Charlotte, aye. It was a unanimous vote to accept them.

Building permits approved:

Odell Young	Fence
Chad Christensen	Addition
Brenda Jensen	Fence
Curtis Thompson	Finished Basement
Kurt Coates	Carport Overhang

The Mayor opened the Public Hearing for Gables Management's request for a Rezone from RA to R1-A in the River Pointe Subdivision at the assisted living center at 850W. Fir St. platted as lot three on their proposed subdivision. Mark Stevenson represented Gables. They needed the zone change to include the lot in the plat for the subdivision to have room for a cul-de-sac easement. B.J. asked the Mayor and Council if they would object to his work with Gables Management on a project that was unrelated with the City. They expressed confidence that B.J. would not compromise his work with the City. John moved to draft an ordinance for the rezone on lot 3. Steve seconded the motion. It was a unanimous vote to approve an ordinance for the zone change.

Mark Stevenson, Gables Management also expressed concern with the pressurized irrigation system for their landscaping. They will be putting in about \$100,000 on the lot and the water

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only runs in the irrigation canals from mid April to mid September. There is a possibility that they would have to have water for two or three weeks on either side of that time frame. They asked if they would be permitted to use a dual switch on the irrigation system to use potable water when irrigation water is unavailable. The Mayor said the City is facing a serious issue with the water rights at this time; it needs to be conserved as much as possible. B.J suggested that Mark bring a plan and estimated usage to the City to look at.

Brent Christensen, North Shelley Business Park, said his developmental agreement said he needed to put a 6 foot privacy fence between residential and commercial lots, and a 4 foot protective fence between the residential lots and the canal. He asked to amend the agreement to allow him to put the vinyl privacy fence between the commercial lots and residences at the time the lots are developed. He also wanted to put a netting fence by the canal until those lots are developed, then have the new owners put a permanent, security vinyl fence in. This would be included in the covenants for the subdivision. The City will not enforce the protective covenants, but the fencing must be put in. The Mayor and Council allowed these changes to the developmental agreement sections 3j and 3k.

Kim Leavitt, Harper-Leavitt, appeared to discuss Rich Eaton's potential annexation. It's about 6 ½ acres just east of Pebble Creek Subdivision. Kim understood there were some water issues facing the City. The land abuts a commercial zone. There would only be one access off Country Club Road. John explained that the swale design would not be accepted by the City; there must be sidewalks, curbs and gutters for any subdivision. Rich had gone to Bingham County and was told to come back to the City for an annexation/subdivision proposal because they were contiguous to Shelley's boundary. Kim said it hasn't yet been advertised for annexation. Rich is looking at three tenths of an acre lots. The cul-de-sac is over four hundred feet, about seven to eight hundred feet. Rich does not own any ground water rights. Kim explained how Ammon handled their water system. Kim said they just wanted to see what the Council thoughts were about annexation. Kim said even after annexation and developmental drawings, plats, and things like that; if the water problem has not been resolved, then Rich would just wait. The Mayor said providing water is the key. The Council discussed use of the water that Marv Keele was sitting on with his undeveloped subdivision. Kim said they were contacted to go ahead with Marv's subdivision, so that suggestion was out. Rick said the water was only 300 feet from Rich's property on Highway 91. The possibility of having a one-lot subdivision was discussed. B.J. advised the Council not to look at it until they figured out how to provide water; to not commit to an obligation they could not fulfil. The Council had Kim proceed towards annexation. Dave explained about water rights and the protest mitigation. Kim said there is a boundary to the aquifer and no one can protest if a well was sunk outside of that boundary.

The Mayor called for citizens from the floor. Kim spoke about a letter from Harper-Leavitt

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asking to let them hook a subdivision west of the river onto the new sewer line. He was directed to talk to Forsgren Engineers and fill out the application.

Lorin said people in the West River Subdivision are using the nature trail across W. Fir St. They do not have access to the path off Longhurst Lane., so they are walking through about thirty feet of thistles. They approached him to see if the City could make a paved area from the roadway to the nature trail. Sandy said there was money in the fund for it. A crosswalk was discussed. Alan was concerned about the speed of the traffic there and how liable the City would be if an accident happened. It would be about an eight feet by thirty feet strip of asphalt. Rick could do the paving, but someone else would have to do any concrete work. Alan suggested that signs of pedestrian crossing be posted giving drivers plenty of advanced warning. Lorin, Alan and Rick will look at it and figure out the best plan, then proceed with it.

Pedro Pelayo, El Rancho, applied to change his mobile food license to an itinerant license. He parked his food bus on a lot he rented from Ellis Sievers, hooked up a big propane tank, and used city water through Ellis' meter. Steve said it was hurting the businesses that were in town. Lorin said the other businesses have just put thousands of dollars into making their buildings look nice through urban renewal. John said no property taxes were being paid by Mr. Pelayo. Steve moved to immediately revoke Mr. Pelay's mobile food vendor license as it is not mobile. John seconded the motion. The vote was two in favor, two against, and the Mayor broke the tie with a vote in favor. John moved to deny the itinerant license. Steve seconded the motion. Two voted in favor of the motion, two voted against it. The Mayor broke the tie with a vote in favor of the motion. John moved to amend the revocation of the mobile food vendor license from immediate closure to Friday, July 27<sup>th</sup>, at 6:32 pm. Steve seconded the motion and the vote was unanimous to allow the extended time.

Sandy arrived and introduced her mother-in-law, Helen Gaydusek, to the Mayor and Council. She discussed some budget questions. She said the cost of living index for May '06 through May '07 was 2.7 percent. She asked the Mayor and Council if they were projecting a five-dollar raise for water, sewer, and sanitation next year. The Mayor said to budget a three percent raise for next year. Also to budget for a twenty-five cent raise for water, twenty-five cent raise for sanitation, and a four dollar and fifty-cent raise for sewer totaling five dollars. Sandy asked for a budget meeting to be held on August 7<sup>th</sup> ahead of the two meetings on August 13<sup>th</sup> and August 14<sup>th</sup>.

Sandy said the Employee Picnic will be August 22<sup>nd</sup> at 6:30 pm at Pillsbury Park. John and Steve said they would donate some giveaways if they wanted to play Bingo.

B.J. reported a letter to the Idaho Water Resources that the Council had in their folders. It was

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sent to Forsgren to fix, but given to everyone for information only.

B.J. said he did research on City Business Licenses and found no cases in the U.S. where cities were found liable because they issued them.

B.J. reported that Dave and his crew met with the developers of River Bend Estates by the sewer lagoon to talk about some issues. River Bend's position is that they agreed to give easement for a road, but not to build the road to the treatment plant. Dawn reviewed the City's tape and it didn't say they would give a road, just the easement. Sandy and Steve remembered that the developers did say in the County meeting they would put the road in. Sandy was asked to listen to the County tape and see if it is there. B.J. said the developers are proposing to destroy the right-of-way the City used and give back the right by moving it someplace else. They would not be giving back the equivalent to what they would take. The City established that road, improved it, and built a ramp up to the lagoon so there is a really good argument that they would have to provide at least an equivalent system to what is there. B.J. will go back to them with that.

The River Bend developer also found that there was not a recorded easement for the lines running across their property. There was a prescriptive easement as the line was there for a long time. The problem would be that at some point the plans either have four lines that lead to the plant or would have to have a big line with a lift station. This could exceed the current easement. At some point the decision would have to be made to obtain a wider easement for the four gravity-fed lines or to go with the lift station. The lift station would be a more expensive way to go. John asked if there could be a trade-off with the easement and the access road. B.J. said the present easement needed to be established to see if there really was a problem. B.J. said the developer was unhappy with the big signs for the Oxbow Regional Treatment Plant, but future property owners needed to be aware of what would be there. Dave had asked the developer to submit a proposal for where the new access road easement would be so they could look at it for approval.

Beth asked if the Council wanted a booth space for Spud Day. Sandy was asked to apply for a booth for information only on the Urban Renewal and the Tree City, USA.

Lorin has talked with someone about the pool. He, Lorin, and Dawn will get together and see if they could resolve some of the problems the city pool was dealing with.

Rick removed five trees from City Park and Dawn Lloyd Field. Dawn had some complaints about baseball in the sun, but after she moved the people to the shade the complaints stopped. Rick will be removing the rest later, but will plant other trees in the meantime.

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Rick said the State projected opening the Center St. crossing Thursday, July 26, 2007.

Alan reported that Officer Robert Tincher is in Boise for ten weeks of training.

Charlotte passed on a request from the Kiwanis Club to use City letterhead to invite the surrounding Mayors and Councils to ride in the parade for Spud Day. The Mayor would be signing the letter, too, so she was told to go ahead with it.

Becky Coates, Urban Renewal Committee, said they were waiting for the engineers to approve the project across the tracks. Wes Cook, Forsgren Engineers, was having trouble with some of the addresses submitted for the project, but would try to finish it. It would take forty five days for review after the publication. Becky was going to ask Kathleen Lewis to meet with the Council regarding small businesses and see what help she could give them through SICOG.

John has a very critical employee very involved with baseball. This employee told John that Dawn ran the best baseball tournament around. Dawn said she was known for the best potties in town and she reserved the best two-with air conditioning-for Spud Day.

John suggested better public relations in regards to notifying the public about the need of some day installing water meters for city water use.

Shirley Thompson said the Pioneer was changed to a Wednesday paper due to printing issues; they no longer print at the Shelley building.

Steve complimented the appearance of Shelley.

Lorin suggested that new construction be required to put in meter boxes so meters could be installed later. B.J. will check on it, but thought it could be done with a developmental agreement.

Lorin reported a SICOG meeting in Malad he would be attending. Three or four Shelley businesses have revolving loans through SICOG. Lorin expressed confidence that the City would have a new well in the next ninety days.

Lorin said Brent Christensen still had a long way to go on his North Shelley Business Park.

The Mayor said there would be a Wastewater Authority meeting Thursday.

He also said Brent Beck sent a flag to him that had flown on a mission into Iraq. It is on display

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in the Mayor's office. He invited everyone to stop in and see it.

The meeting adjourned at 9:50 pm.

ATTEST: \_\_\_\_\_ APPROVE: *Eric R. Christensen*