

CITY OF BERKELEY
COUNCIL MEETING
MINUTES

AUGUST 14, 2007

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: Alan Dial

PRAYER: Lorin Croft

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

Minutes of July 24, 2007 Council Meeting

Building Permits:

Larry Pope	- fence
Larry Pope	- garage
Brenda Johnson	- patio
Richard Street	- remodel
Wayne VanOrden	- apartments
Ann Bradley	- fence

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

Mayor Christensen opened the hearing regarding the appearance of the property at 307 West Center Street owned by Jill and Chrystal Alexander. Sandy said she notified the Alexanders that their property did not conform to city ordinances, and gave them 30 days to clean it up. She said the property was not cleaned up, so she sent the Alexander's a notice of hearing regarding this matter. Sandy said she spoke with both Chrystal and Jill Alexander who reside in California. She said Jill had visited the property and tried to clean some of the weeds, however there are still weeds on the lot, two abandoned vehicles and several dead trees. Doris Jones, the adjacent neighbor said this property is not being taken care of, and has been an ongoing problem for the past three years. The Council felt the city should proceed with the regulations in the city ordinance. Lorin moved, Steve seconded that the property does not conform to city ordinance 5-9-12, and 5-9-11 regarding the accumulation of weeds, junk and debris, and the city will proceed with abating this nuisance if the property owners have not cleaned up the property within the next five days. All costs will be assessed to the property owner. Approved unanimously. Sandy was directed to notify the Alexander's of the decision made at the hearing tonight.

Mayor Christensen opened the hearing to consider the adoption of a sewer connection review fee. Sandy said the hearing has been published as required by law, and the city is proposing to implement a fee of \$200 plus \$25 per lot or actual engineering costs whichever is greater for review fees to the city/regional sewer system. The engineers need to review the connection to

determine where the new tap will connect at, and to check to make sure the new connection will not jeopardize the integrity of the system. Steve moved, John seconded to adopt Resolution 07-03 and implement the fee of \$200 plus \$25 per lot or actual engineering costs for any property that is connected to the city/regional sewer system for review of the connection. Approved three in favor, Lorin opposed. Motion carries.

Sandy said at the last council meeting the preliminary plat for the River Pointe Subdivision was approved with a few corrections that needed to be made to the final plat. She said she has not received a plan for the irrigation system with the dual valves, an irrigation easement, or a design to loop the water line. Lorin moved, John seconded to approve the final plat based on receiving an irrigation plan and easement, and a new water drawing showing the water system to be looped. Approved unanimously.

Sandy said a Development Agreement needs to be established for the River Pointe Subdivision. Charlton, Big Bear Construction, the contractor for the subdivision said he would like to be able to begin construction of the town homes before winter hits. He said he needs to get as much infrastructure and landscaping done as possible. Sandy said she drafted the development agreement to allow early construction of the buildings if all water lines, hydrants, and road base has been installed. Charlton said he would rather put a pump in the canal that would suffice for all fire suppression. He said he will also install the road base adequate for a fire truck to access the property. Alan contacted the Assistant Fire Chief who stated that would be fine as long as the pump is electrical and will hook to the fire hose with the same flow through the pump as it would be for a hydrant. He also stated a road base sufficient to hold the fire truck must be installed. Nick Montana, also from Big Bear Construction will contact Sandy with the details so she can draft a new development agreement.

Pedro Pelayo's son was in attendance to speak on behalf for his father who owns the bus located on State Street where they would like to sell Mexican food from. He said they applied for a mobile food vendor license to begin business, but it was later revoked. Mr. Pelayo said he then applied for an itinerant business license but it was denied. He said the bus is too big to move around and he would like a permit to remain in one location to do business. Mayor Christensen said we want businesses to locate in the city, but everyone must comply with city ordinances. Mr. Pelayo said he would like a permit just for a few months while he is looking for a permanent location to place his business in the city. Steve said he would be more inclined to support Mr. Pelayo's business if it was a full business that would be staying in the city. He said does not like the appearance of the bus on main street. Mr. Pelayo said he spoke with Alex Creek about a building that might be vacant that he could locate his business in, but there is nothing available right now. He said right now he would like to see if there are enough customers to warrant a permanent restaurant. John said he was originally against the bus being parked in one location to do business, however if the Pelayo's are really interested in a long term permanent plan he would support an itinerant business license for 90 days. John moved, Charlotte seconded to approve an itinerant business license for Pedro Pelayo to operate as a temporary food vendor at the corner of

Byron and State Street for a period of 90 days. Approved three in favor, Steve opposed. Motion carries.

Marianne Davidson presented a letter, plans and a petition to have a crosswalk painted and signs installed between West Oak and North Emerson Street. She said this crosswalk would service the children on Quigg Street and the Ritter Mobile Home Court. Alan said he thought this is a great idea. Rick said he has never installed a crosswalk there because he wasn't sure where the appropriate location was, and there is a lack of sidewalk in front of Carl Hansen's home. Rick said at the present cars slow down for the drainage culvert running across the street. Mrs. Davidson said she has a plan for the location drawn in her packet she presented to the council, and she spoke with Carl Hansen who said he would not object to the children using the front of his lawn to walk on since there is no sidewalk. The council determined the cross walk should be painted, and signs should be installed for children to travel between North Emerson and West Oak Street. Rick said he would take care of this as soon as possible.

Chandler Putnam and Nathan Derby presented a petition signed by city and surrounding area residents to have a bike park established. Mr. Putnam said they need a safe place to ride their bikes, and they are not allowed on the skate park. Lorin said this matter has been discussed by the city council before, and asked Dawn for her input. Dawn said the city does not have any land or funds to construct a bike park. She said the North Bingham County Park would be the best location for a bike park. Dawn said the Kofed's have a dirt path near their home on Hanson Avenue that may be available, however the park would be the best location. The Council directed Mr. Putnam and Mr. Derby to discuss this matter with Mike Winston, and the County Commissioners. Lorin said the city is in support of a bike park and will help out when possible.

Wes Cook, Forsgren Engineering said he has been working on the legal description for the Urban Renewal Boundaries. He said he will try and be prepared for the next council meeting, however there has been a slight delay. Wes said he needed some deeds from SICO, however he has received those deeds now.

Wes Cook, Forsgren Engineering said he contacted Schiess Engineering to discuss the errors on the Pebblecreek Subdivision plat. He said there are three items that need to be corrected; the connecting water line, an irrigation plan, and the water line distribution. Chris Park from Schiess will be working to resolve those problems.

Jill Alexander, the owner of 307 W. Center Street arrived. She said she has been trying to contact tree removal and lawn care service providers to obtain bids to clean up her property. Ms. Alexander said she also contacted the owners of the vehicles parked on her property so they could remove them. She said she had no idea that the yard and trees on her property were in such bad condition. Ms. Alexander said she received two bids to remove the trees, and she felt she could take care of the rest of the property herself. She said she needs to find someone that will take care of the irrigation to her property. Ms. Alexander requested more time to comply with the city ordinance since she intends to take care of most of the property herself, and has

limited funds for tree removal. BJ discussed the responsibility of a property owner. Sandy asked Ms. Alexander if she intended to stay in the city until she finished cleaning up her property. Ms. Alexander stated she needs to get back to work and did not know how long she would be staying. The Mayor and Council determined the hearing had been held earlier tonight where public testimony was accepted and the final conclusion was that Ms. Alexander has five days to comply with the city ordinance regarding the appearance of her property or the city will be forced to take further action. The council stated that Ms. Alexander will be receiving a letter regarding this decision.

Sandy presented a dance license for a fundraiser to benefit the Pettingill family for the lose of one daughter, and the medical costs of another. The dance will be held at the City Park on August 24, 2007. Alan said he did not see a problem with the dance, but it should probably end no later than 11:00 p.m. Lorin moved, Steve seconded to approve a dance license and waive the fee for a dance that will be held as a fundraiser for the Pettingill family. Approved unanimously.

Sandy presented two itinerant business licenses. The first is for Neil Sims to sell peaches in the Kirkhams parking lot, and the second is for Sarah Carr to sell peaches at 580 North State. Lorin moved, John seconded to approve an itinerant business license for Neil Sims and Sarah Carr to sell peaches on State Street at the designated locations for no more than 90 days. Approved unanimously.

Lorin discussed USDA using the city's water and transfer station free of charge. Sandy said a contract is being sent from headquarters for the city to review for the lease of the transfer station parking lot. She said a meeting was held with the Mayor, Rick and USDA personnel to discuss how the lease should be drafted so it could be presented to the city council for review. Shirley said there was a fire last week in a farming field where the fire department was instructed to wash off their trucks before they could leave the field and respond to another fire. Lorin felt since there is a shortage of city water, culinary USDA should not use water for the purpose of cleaning off equipment. He said a lease has not been established yet, and USDA should not be using the transfer station for parking until one has been executed. Rick was instructed to shut the water off to the transfer station. Sandy was instructed to ask Ian Davis, USDA to attend the next council meeting to discuss this matter further. The council felt an ordinance should be developed to establish a penalty for anyone taking city water from a hydrant or by other means if it has not been purchased from the city before use. The council established the price as \$20 per tank and a \$500 fine if anyone is caught taking water without permission.

Sandy presented a delinquency in the amount of \$5.18 owed by Paragon Enterprises. She said this company has moved, and she did not feel it is feasible to turn this small of an amount over to a collection agency. John moved, Steve seconded to write off \$5.18 owed by Paragon Enterprises. Approved unanimously.

BJ presented Ordinance #509 rezoning a portion of land owned by Gables Management. This property is lot three of the northly section of the platted subdivision which was not included in

the previous rezone, but needed for the right-of-way in the subdivision. Charlotte moved, Steve seconded to suspend the reading of Ordinance #509 on three different days and read the title of Ordinance #509 once. Approved unanimously. Charlotte moved, John seconded to adopt Ordinance #509 rezoning a portion of property to R1A from RA owned by Gables Management that will be included in the River Pointe Subdivision plat. Approved unanimously.

BJ discussed drafting an ordinance regarding the election procedures since some of the laws were changed by legislation recently. He said he will give copies to the council for their review at the next council meeting.

BJ said he prepared the second addendum that was discussed in the last council meeting for Brent Christensen allowing the privacy fence between the commercial and residential uses to be installed by the property owner instead of the developer. Sandy will have Mr. Christensen sign the addendum.

BJ said there will be a workshop held in Boise on August 21, 2007 regarding the management of groundwater if anyone is interested in attending.

BJ discussed River Bend Estates. He said the city must obtain an easement once the first easement is closed, the alternate easement must be accessible to the city or action can be taken.

BJ said he reviewed a copy of the lease agreement for the backhoe that Rick has proposed. Rick said the lease presently states the city will be charged for any hourly usage over 500 hours, but that will be changed to 750 hours. BJ said the lease agreement states ^{there is a guaranteed lease provision.} ~~if the backhoe is unusable~~ ~~the lease payment must still be guaranteed.~~ He said this is a one year lease, however the backhoe the city is giving Scott's Machinery will cover a three year credit. BJ said this may not work since the city cannot obligate a lease for more than one year. Rick said he spoke with the dealer and they are willing to pay the city \$30,000 directly for our backhoe which can be kept and earmarked for payments for the next three years. BJ said he will ^{review} ~~make~~ the necessary corrections and speak with Scott's Machinery once the revised lease is received. BJ said he would like to review the revised lease before it is signed.

Sandy said she received notice that the Eastern Idaho Water Rights Coalition has been formed, and the city is being asked to become a member for \$250 annually. The Mayor and Council felt it would be a good idea to become members and told Sandy to send in the membership papers. Sandy said the corrected application for new water rights has been submitted to IDWR.

John said he had asked Alan to run a traffic study on East Center Street, one of the entrances into the city. He said the maximum count is 2700 vehicles per day, which is not a lot. John said we should keep this in mind with the development that is occurring on that side of the city.

Rick said the traffic light at Center and State Street is now working. He said he doesn't really like the design of the intersection and intends to discuss it further with Ed Bala. Rick feels the intersection is poorly designed and cheaply done because of the island in the middle.

Rick said he has a Dixon lawnmower that he would like to place in the auction on August 29, 2007. Steve moved, Charlotte seconded to declare the Dixon lawnmower as surplus property and place in an auction on August 29, 2007. Approved unanimously.

Charlotte said she attended the Kiwanis meeting and Spud Day was discussed. While there, she spoke with the School Superintendent about covering the ditch at Hazel Stuart School. She said she informed the Superintendent that the city is willing to lay the pipe, if the school purchases it. Superintendent Jolley said he will consider it, but there may be some drainage issues at this time. However, he did feel the ditch needs to be covered for safety purposes and to extend the walking path.

John asked about the line truck that Rick intends to purchase next fiscal year. He said if the crew could use the line truck to trim trees, Gerry Bates is willing to teach a course in trimming trees.

John said the Tree Committee met, and they are almost finished surveying the city park trees.

John said Casey Sponenberg has resigned from the Planning and Zoning Board since he has moved from the city limits. He asked Shirley to list a vacancy on the Board in the paper.

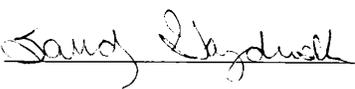
John said the Urban Renewal Agency will continue on working on the reformation of the boundaries once a new legal description is completed.

Steve said he received notice from Brandon Bird that there will be a new business at the Mooreland Transfer Station. He said the business will use waste to generate electricity. Steve said Iogen has decided to build their Ethanol Plant in Canada instead of the United States.

Lorin said Mike Worlton will be leaving the city's employment. He has chosen to return to work at H-K Contractors. The Public Works Department will need to seek a new employee.

Adjourned 10:18 p.m.

ATTEST:



APPROVE:



JULY CLAIMS

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
5-Jul-07	Comdata	1,887.54	30973
18-Jul-07	All American Sports	57.96	30974
18-Jul-07	Alltel	727.13	30975
18-Jul-07	American Linen	486.68	30976
18-Jul-07	AW Works Inc	467.95	30977
18-Jul-07	Bearing & Ind. Sales Inc.	205.29	30978
18-Jul-07	BMC West	339.43	30979
18-Jul-07	Broulims	44.53	30980
18-Jul-07	Business Phone Specialists Inc	65.36	30981
18-Jul-07	Central Transfer Station	30.00	30982
18-Jul-07	Columbia Paint Co	1,115.93	30983
18-Jul-07	Crown Trophy	237.00	30984
18-Jul-07	Daniel Acevedo	1,500.00	30985
18-Jul-07	DBS INC	2,941.15	30986
18-Jul-07	Debbie Croft	745.00	30987
18-Jul-07	First Street Welding Inc	14.60	30988
18-Jul-07	Forsgren Associates/P.A.	3,600.00	30989
18-Jul-07	H-K Contractors Inc.	4,115.88	30990
18-Jul-07	Hammon Teton Delivery	45.00	30991
18-Jul-07	HD Supply Waterworks LTD	1,417.44	30992
18-Jul-07	IAS-Envirochem	984.00	30993
18-Jul-07	IBM Corporation	1,228.00	30994
18-Jul-07	Idaho Business Systems	32.00	30995
18-Jul-07	Idaho Commerce and Labor	121.42	30996
18-Jul-07	Idaho Dept of Water Resources	200.00	30997
18-Jul-07	Idaho Dept of Water Resources	370.00	30998
18-Jul-07	Idaho Rural Water Association	440.00	30999
18-Jul-07	Idaho State Tax Commission	11.96	31000
18-Jul-07	Industrial Hose and Fittings	10.92	31001
18-Jul-07	Intrnat'l Inst of Municipal Clerks	140.00	31002
18-Jul-07	Jason Leckington	60.00	31003
18-Jul-07	L&S Metal Products LLC	130.00	31004
18-Jul-07	Les Schwab Tire Center	11.50	31005
18-Jul-07	Lexisnexis Matthew Bender	340.92	31006
18-Jul-07	Dawn Lloyd	17.47	31007
18-Jul-07	McGrath Meacham and Smith PLLC	1,054.20	31008
18-Jul-07	Mountain View Sales	11,500.00	31009
18-Jul-07	Pacific Steel	192.15	31010
18-Jul-07	Pro Power	70.40	31011
18-Jul-07	Qwest	45.36	31012
18-Jul-07	R&S Distributing	75.24	31013
18-Jul-07	Rocky Mountain Power	12,259.99	31014
18-Jul-07	Sams Club	1,494.71	31015
18-Jul-07	Shelley/Firth Rural Fire District	4,347.00	31016
18-Jul-07	Siems Enterprises	19.90	31017
18-Jul-07	State Insurance Fund	2,956.00	31018
18-Jul-07	Teton Communications Inc	474.05	31019
18-Jul-07	Unites States Welding Inc	77.00	31020
18-Jul-07	Valley Wide Co-op	272.50	31021
18-Jul-07	2M Company Inc	71.60	31022
20-Jul-07	Post Academy	68.00	31023
31-Jul-07	A & B Transmission & Service CTR.	26.97	31024
31-Jul-07	Advanced Business Systems	297.00	31025
31-Jul-07	All OccasionFloral & Gift LLC	70.00	31026
31-Jul-07	Alltel	210.43	31027
31-Jul-07	Bingham County Sheriffs Office	26,098.00	31028
31-Jul-07	Buisness Phone Specialists Inc	66.50	31029
31-Jul-07	Cable One	161.90	31030
31-Jul-07	Columbis Paint Co	70.45	31031
31-Jul-07	Dustin Park	24.30	31032
31-Jul-07	Eagle Rock Sanitation	4,001.59	31033
31-Jul-07	Electrical Wholesale Supply Co Inc	22.83	31034
31-Jul-07	Ellis Automotive	56.48	31035
31-Jul-07	Exxonmobil Fleet/Gecc	470.79	31036
31-Jul-07	Fastenal	209.41	31037
31-Jul-07	IAS-Envirochem	936.00	31038
31-Jul-07	Idaho Irrigation Pumpers Association	50.00	31039

31-Jul-07	Intermountain Gas Co	2,601.11	31040
31-Jul-07	Jared Landon	1,240.00	31041
31-Jul-07	Kean Recreation	4,823.00	31042
31-Jul-07	Kirkham Auto Parts Service Co. #8	303.00	31043
31-Jul-07	Korner Service Auto Repair	61.00	31044
31-Jul-07	Mathews Plumbing & Heating	18.50	31045
31-Jul-07	McLeodusa	520.95	31046
31-Jul-07	Mid-American Research Chemical Corp	219.82	31047
31-Jul-07	Petty Cash	48.47	31048
31-Jul-07	Phillips 66 Co	1,095.40	31049
31-Jul-07	Qwest	44.65	31050
31-Jul-07	Rotational Molding	2,625.00	31051
31-Jul-07	Scott Machinery	1,800.00	31052
31-Jul-07	Shelley Pioneer	659.82	31053
31-Jul-07	Cheryl Simmons	350.00	31054
31-Jul-07	Standard Plumbing	23.91	31055
31-Jul-07	US Post Office	331.50	31056
31-Jul-07	United Laboratories	2,609.22	31057
31-Jul-07	Watson Roto Rooter/Thayne Watson	227.50	31058
31-Jul-07	Wells Fargo Brokerage Services LLC	80,545.00	31059
13-Jul-07	City of Shelley Payroll	49,160.45	
27-Jul-07	City of Shelley Payroll	50,897.28	
	Total	<u>292,098.39</u>	