

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

MAY 26, 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 Josh Peterson

PRAYER: Lorin Croft

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

Minutes of May 12, 2009 Council Meeting
April 2009 Expenditures
April 2009 Overall Budget & Treasurer's Rpt.
Building Permits:
Kurt Coates - remodel
Dave Stewart - apartments
Chad Christensen - fence

A roll call vote was called for: Steve – aye, John - aye, Charlotte – aye, Lorin abstained.
Approved three in favor, motion carried.

Richard Ottley appeared before the council to request property be rezoned from Manufacturing (M) to Heavy Commercial (HC). Mr. Ottley owns the building on the property, but leases the property from Union Pacific Railroad. Union Pacific Railroad has granted written permission to have the property rezoned also. Mr. Ottley said the building was once used to package red potatoes, and that business is no longer operating. He said he would like to sell or lease the building, but he is open for any improvements. BJ opened the public hearing to consider the application for rezoning the property to Heavy Commercial. Richard Ottley, 428 S. Lincoln was sworn in by BJ. Mr. Ottley said at the present there are two options his building could be used for; a flea market operation and an ice melt business. The ice melt business would utilize the building as a transport station. John asked if there is enough public parking space. Mr. Ottley said yes, there is about seven hundred feet of parking on the north end, and there is parking on Locust Street. He said some of the railroad spurs have been removed, and Union Pacific allows forty five feet from the building to be used by Mr. Ottley. Mr. Ottley said he intends on improving the façade on the property depending on what is allowed by city code. He said within the area being used as a flea market, he would like to create a memorabilia wall. BJ stated for the record an application dated March 12, 2009 had been received with a petition, a letter from Union Pacific, a Tax Receipt, Legal Description, and pictures of the building. Mr. Ottley said that is correct. Tom Jensen, 938 E. 600 N., Firth was sworn in by BJ. He said he is interested in placing a flea market in Mr. Ottley's building. He said there will be used and new merchandise for sale that will be contained inside the building and not on the street. Mr. Jensen said he currently has a flea market on Sunnyside Road in Idaho Falls. He said there will be

approximately twenty five vendors which should help stimulate the economy by buying gas, food, etc. There was no other public testimony. Sandy said the Planning and Zoning held a public hearing on April 15, 2009, and recommend approval of the rezoning request. John moved, Charlotte seconded to approve the rezone for approximately 270 Spud Alley to Heavy Commercial from Manufacturing to allow less industrialized businesses into a partial residential area. Approved unanimously. BJ was directed to prepare the ordinance to complete the rezoning process. The public hearing was closed. Mr. Ottley was directed to obtain a business license.

Sandy said Del Kohtz is not available tonight, but wondered where the city stands regarding the purchase of the water rights he has for sale. John said it was his understanding that a developer will need to step forward and help fund this purchase. BJ said Ball Development still has not responded. He asked if anyone knew of any other developers that might be interested in helping to fund the water rights, so they may be annexed and access city water. Sandy said Juan Murdock is a Realtor who represents Sharon Dial who is trying to sell her property adjacent to the city limits. He calls quite often to find out the status on the city's water because they want the property annexed into the city limits, and developed. BJ said he will try and contact Mr. Murdock. John said he will email BJ a list of suggestions also. John asked if Basic American Foods leaves the city, if they may have water rights that could be obtained. BAF does have deep water wells. Steve felt the city needs to use their available funds to drill a well first, and then if a developer comes forward to help fund the purchase of additional water rights, the city should be ready for that also.

John Campbell addressed the council to discuss the possibility of lining Pine Street and State Street with trees. He said he intends to open a candy/gift store on West Pine Street and the area seems to be a concrete jungle. Mr. Campbell said he would like to see circles removed from the concrete so trees can be planted, and the city can be beautified. He said he is getting bids for a sprinkling system, etc. John suggested he speak with member of the Tree City USA Committee regarding this matter. Mayor Christensen invited Mr. Campbell to attend Arbor Day which will be held at the City Park on June 6, 2009.

Lorin moved, Steve seconded to ratify the purchase of two 2009 Dodge Chargers on a lease purchase program through Ken Garff in Sandy, Utah. These vehicles will be used by the Police Department and a lease payment will be made each year for five years at approximately \$9980. Approved unanimously.

Sandy said she received a letter from Kerri Payne/Elite Studios appealing the Planning and Zoning Commission's denial of her variance application to install a sign which does not meet city code. Sandy said the variance application is to mount the sign with a projection of 53 inches and the city code only allows projection of up to two feet. She said the P&Z Board denied the variance because they felt no hardship exists since Mrs. Payne chooses to rent the building. Mrs. Payne said the sign she would like to install is exactly the same size as the sign Nalders had in place. She said this sign has been engineered to be safe, and she would like a classy sign that can

be seen from State Street. Steve said he hates anything to discourage business. Mrs. Payne said the P&Z Board did not feel they could hand out a variance where no hardship has been shown. She said the sign has not been purchased yet, but the purchase price is \$2000. BJ said there are very high standards to grant a variance. Although he had not yet reviewed the P&Z's minutes, he said the Planning and Zoning Commission likely held to those high standards. He said the Council could choose to call for a hearing to review the record, or in addition could call for a public hearing to obtain further testimony. The Council also felt the Planning and Zoning Commission did a good job. Alan said the ownership has not changed on the building, and wondered if a grandfather clause existed. BJ said he will review this matter. Steve moved, Lorin seconded to review the record at the council meeting on June 9, 2009 regarding the decision of the P&Z Board for the variance requested by Mrs. Payne to install a sign. Approved unanimously. Sandy will obtain a copy of the draft of the Planning and Zoning minutes for May 20, 2009.

BJ said he has not had any response from the Hearing Officer regarding the hearing with IDWR for the water rights.

BJ said there has not been a hearing scheduled on the "Motion for Stay" filed by the Attorney for Kelley Acres.

BJ said there are three dog issues regarding vicious dogs and he has received a motion to show cause on only two of the cases. Alan requested an executive session to discuss pending litigation on this matter. BJ said there was a hearing regarding the Betzer dog where a deal was worked out by both attorneys since the witness chose not to come forward. He said the Humane Society will take the dog and try and re-home it, but it cannot return to the city limits.

BJ discussed the small water rights that are available in Idaho Falls that could be transferred to the city. He said he would check with Dave Noel and see how many connections might generate from the rights so an offer could be made.

Dawn presented a handout that Craig Cutler created showing the overview of the accomplishments of the Mayor's Youth Council for 2009. The Youth Council worked with the Senior Citizens Center serving lunch, sponsored a "teach in" at Hobbs School regarding the abstinence of alcohol, and participated in a Youth Service Day where trees were planted, and streets were cleaned up.

Dawn said the heater at the pool will be started tomorrow and the pool will be opened. She said the Baseball program will begin June 1st and there is a blood drive at City Hall on June 2nd.

Dawn said June 22nd through the 26th, Journey Bible School would like to use the marquee and would be charged accordingly.

Sandy said a voting delegate should be chosen to represent the City of Shelley at the AIC Conference. The Council decided Mayor Christensen would be the voting delegate, and John will be the alternate.

Sandy said she received a Quit Claim Deed from Bingham County on the Lefevre property that the city has a lien on. The property has been deeded to the city by the county. Sandy said she did not know if the county had filed a tax deed on the property, but it was put up for auction a year ago and there was no sale. The council felt the area could be beautified, and possibly plant trees and install benches. Sandy was instructed to contact the county and see if a tax deed was filed, and why a warranty deed was not issued.

Sandy said she received another invoice from Harper Leavitt Engineering on the easement work that was done at the Treatment Facility site. She said each month the invoice is showing a late fee. Sandy said at a previous council meeting she was instructed to draft a letter to the owner of the property stating the city would pay half, but upon further discussion of additional easements she was told to wait. The council felt the city should wait an additional month, and mention this matter at the Regional Wastewater meeting.

Charlotte thanked Dawn for working with the Mayor's Youth Council.

Charlotte said the foundation has been poured for the new school on the New Sweden Highway.

Charlotte said the Tree Committee will be planting flowers in the flower pots in the business district tomorrow night. She invited all to help.

John said he appreciates everyone's concern over his health issues and for their help at the last meeting when he could not be in attendance.

John said he is concerned over the violation of HIPPA law that he feels exists regarding the information that Olin Barkdull distributed during his presentation for Assurant Insurance. He feels this company should go by the wayside.

John said he has received compliments regarding the DMV section in City Hall from the public.

Lorin said he would like to make a complaint as a citizen/business owner. He said his company completed some work for RSCI at the wastewater treatment plant, and when he contacted RSCI about payment he was told the City of Shelley was the slowest paying government entity they have ever worked with. Sandy said when she receives funds from DEQ and the Army Corp of Engineers she usually disperses the funds to RSCI on the same day. She said when the city is working with other government agencies for loans and grants we have to wait for the funds to become available to pay the vendor. Mayor Christensen said he met with some representatives of the Army Corp of Engineers. He said there are lots of hoops to jump through for funding so the vendors can be paid.

Mayor Christensen said there will be a Regional Wastewater meeting held on Thursday the 28th at 10:00 a.m. at city hall.

Lorin moved, Steve seconded to adjourn into executive session to discuss pending litigation pursuant to Idaho Code 67-2345(f). Approved unanimously.

Lorin moved, Charlotte seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen stated during executive session pending litigation was discussed.

Adjourned: 9:20 p.m.

ATTEST: Sandy Gaydwal APPROVE: Em R Christensen

MAY CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
8-May-09	Comdata	1,199.91	32892
8-May-09	Forsgren	97,265.00	32893
8-May-09	Regional Waste Water Trust Fund	56,038.76	32894
8-May-09	RSCI	474,657.49	32895
19-May-09	AAA Giles Cleaning and Restoration	675.00	32896
19-May-09	Alltel	171.69	32897
19-May-09	American Linen	658.18	32898
19-May-09	Auto Body Paint and Supply	792.53	32899
19-May-09	Bingham Economic Development Corp	4,000.00	32900
19-May-09	BMC West Shelley	559.17	32901
19-May-09	Broulim's	60.92	32902
19-May-09	Bug Busters Inc	86.00	32903
19-May-09	Business Phone Specialists Inc	66.50	32904
19-May-09	Cal Ranch	14.99	32905
19-May-09	CDW Government Inc	4,836.10	32906
19-May-09	Central Transfer Station	18.25	32907
19-May-09	DBS Inc	1,929.53	32908
19-May-09	Doug Keele	335.62	32909
19-May-09	Eagle Rock Hydraulic Service	29.73	32910
19-May-09	Eagle Rock Sanitation	2,989.90	32911
19-May-09	Electrical Wholesale Supply Co Inc	84.71	32912
19-May-09	Fastenal	27.50	32913
19-May-09	First Responders	219.99	32914
19-May-09	Forsgren Associates/P.A.	100.00	32915
19-May-09	Hammon Teton Delivery	54.00	32916
19-May-09	HD Supply Waterworks LTD	985.66	32917
19-May-09	IAS-Envirochem	392.00	32918
19-May-09	Idaho Asphalt Supply	434.50	32919
19-May-09	Idaho Business Systems	32.00	32920
19-May-09	Idaho Traffic Safety inc	480.00	32921
19-May-09	Jim Cotterell	3,785.00	32922
19-May-09	Just Sports	46.50	32923
19-May-09	Ken Farff West Valley Chrysler Jeep Dodge	10,303.00	32924
19-May-09	Les Schwab Tire Center	124.50	32925
19-May-09	Lynk3 Technologies	180.38	32926
19-May-09	Mathews Plumbing & Heating	60.00	32927
19-May-09	Metroquip Inc	316.04	32928
19-May-09	Mountainland Communications Inc	220.00	32929
19-May-09	Pacific Steel	262.29	32930
19-May-09	Petty Cash	40.91	32931
19-May-09	Pro Power	15.71	32932
19-May-09	Pro Rentals and Sales Inc	33.94	32933
19-May-09	Qwest	46.23	32934
19-May-09	Rocky Mountain Power	5,729.35	32935
19-May-09	Rotational Molding	3,900.00	32936
19-May-09	Salt Lake Wholesale Sports	821.52	32937
19-May-09	Sams Club	215.53	32938
19-May-09	Shelley Pioneer	334.42	32939
19-May-09	Shelley Police Officers Association	425.00	32940
19-May-09	Shelley Quick Lube and Auto Center	10.00	32941
19-May-09	Shelley/firth Rural Fire District	5,033.00	32942
19-May-09	Siems Enterprises	39.95	32943
19-May-09	Smith Driscoll & Associates PLLC	765.00	32944
19-May-09	State Insurance Fund	3,053.00	32945
19-May-09	Stephenson Computer Consulting	37.50	32946
19-May-09	Territorial Supplies	57.25	32947
19-May-09	Tomark Sport Supply Group Inc	236.01	32948
19-May-09	Town & Country Gardens	62.09	32949
19-May-09	United States Welding Inc	147.74	32950
19-May-09	Valley Office Systems	897.00	32951
19-May-09	Van Landon	149.75	32952
19-May-09	Watson Roto Rooter/Thayne Watson	126.80	32953
29-May-09	A & B Transmisssion & Service CTR	647.53	32954
29-May-09	Alltel	588.09	32955
29-May-09	Brownells Inc	204.23	32956
29-May-09	Cable One	164.95	32957
29-May-09	CDW Government Inc	988.81	32958

29-May-09	Circular Butte Landfill	6,164.36	32959
29-May-09	Compliance Service Inc	500.00	32960
29-May-09	Daniel Acevedo	2,640.00	32961
29-May-09	Davies Aqua Chem Supply Co	758.50	32962
29-May-09	Diamond B Specialties	2,065.00	32963
29-May-09	Electrical Equipment Co Inc	177.00	32964
29-May-09	Electrical Wholesale Supply Co Inc	33.81	32965
29-May-09	Exxonmobil Fleet/Gecc	131.03	32966
29-May-09	Falls Plumbing Supply Co	60.59	32967
29-May-09	Fastenal	10.66	32968
29-May-09	IAS-Envirochem	172.00	32969
29-May-09	Idaho Traffic Safety inc	1,347.00	32970
29-May-09	Intermountain Gas Co	448.35	32971
29-May-09	Kings No. 21	28.75	32972
29-May-09	Lorin Croft	319.62	32973
29-May-09	Mountainland Communications Inc	250.00	32974
29-May-09	MPH Industries Inc	1,860.00	32975
29-May-09	PAETEC	487.98	32976
29-May-09	Petty Cash	95.92	32977
29-May-09	Phillips 66 Co	1,497.38	32978
29-May-09	Qwest	89.80	32979
29-May-09	US Post Office	355.60	32980
29-May-09	Valley Office Systems	95.00	32981
1-May-09	City of Shelley Payroll	49,526.51	
15-May-09	City of Shelley Payroll	51,278.87	
29-May-09	City of Shelley Payroll	43,484.13	
	Total	853,142.51	