

CITY OF CHELSEA  
COUNCIL MEETING  
MINUTES

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JULY 13, 2004

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft, Chad Landon (absent), Steve Cederberg, John Lent  
Police Chief: Alan Dial  
Public Wks Dir.: Rick Anderson  
Recreation Dir.: Dawn Lloyd  
City Clerk: Sandy Gaydusek  
City Attorney: Scott Hansen

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Steve Cederberg

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

Approval of the June 22, 2004 Council Meeting Minutes  
Approval of June 2004 Expenditures  
Approval of June 2004 Overall Budget & Treasurer's Rpt.  
Approval of the following building permits:

Isaac Colby	- roof
Todd Donnaley	- remodel garage & basement
Marcella Barton	- re-roof
Elias Elizondo	- deck
Broulim's	- signs
Debra Croft	- re-roof
Clyde Jernberg	- shop/garage
Frank Thornton	- re-roof
Bob Tolman	- re-roof
Kristina Nelson	- fence
Doug DeRoche	- fence
Marion Leatham	- re-roof

Approved three in favor, one absent.

Sandy said she spoke with John Katri about his rental property at 296 N. Byron Avenue. Mr. Katri said he had never received the letters she previously sent him regarding the animals that were being kept on the premises. Mr. Katri said he would not be able to attend the meeting tonight, but he would stop by the office and obtain copies of the letters she sent to him. Sandy said she asked him to appear at the July 27<sup>th</sup> meeting or to address the problem in writing.

Sandy said Alon Johnson has a building permit to build a home at 634 N. Park Avenue. She said the building permit was purchased in 2002 and has been extended for one year, but it has expired again. Sandy said Mr. Johnson seems to be making progress on his home, but just needs more time. Steve moved, John seconded to extend Mr. Johnson's building permit for his home at 634 N. Park Avenue for an additional one year period. Approved three in favor, one absent.

Rick said Ray Fillmore approached him about constructing sidewalk, curb and gutter on the south end of South Park Avenue. He said currently no grade has been established, and our engineers should probably draw up a design. Rick said this project may need to be done as an

LID. Sandy said there is a provision in our city code which allows the Mayor and Council to order construction of sidewalk, curb, and gutter where it is needed. She said there is a particular procedure that must be followed in our code, but this will not need an LID. Rick said there are about six homes on the west side of South Park that will be involved. Scott suggested the city draft a letter to the home owners that will be involved inviting them to attend a council meeting to discuss this matter further. Sandy was instructed to draft a letter to these home owners.

Scott presented an ordinance he drafted regarding the transfer of water rights for any new development in the city. He said we previously discussed this matter at the last council meeting. Scott said this was just a rough draft and asked the Mayor and Council to review it and possibly start the implementation at a future date. This matter was tabled until Chad could review the ordinance and participate in the discussion.

Sandy said she received notice from CBS Collections that some of our delinquent accounts are no longer collectible because the statute of limitations has run out. She presented a list of these accounts and there was also one account that included a bankruptcy where no assets were available. John moved, Steve seconded to write off the following accounts totaling \$337.67 an uncollectible: Juanita Balatazar - \$45.00, Shara Denton - \$94.88, Brenda Girard - \$73.75, Trent Keele - \$69.32, Bruce King - \$39.84, Rhonda Olive - \$14.88.

Approved three in favor, one absent.

The Mayor and Council set the Annual City Employee's Picnic as August 11, 2004, at 6:30 p.m. at the lower north shelter at Pillsbury Park.

Sandy said she has begun working on the 2004-2005 fiscal year budget. She said she needs some direction to proceed with the projection for the employee's wages. Sandy said she contacted the Department of Labor and the cost of living index is at a 3.1% increase due to the rise in gasoline prices. She said she has not received any preliminary figures for the city's medical insurance yet, but does not expect as big an increase as last year. The Mayor and Council instructed Sandy to use a 3% cost of living increase for the employees this year in her projections. Sandy asked if the Mayor and Council would like to set up a work meeting to discuss the budget further when she obtains more preliminary costs. Sandy was instructed to set up a meeting sometime in August and then contact the Mayor and Council and let them know the date.

Kim Grover addressed the Council to discuss some of the occurrences that have taken place in the West River Acres Subdivision. He said when the project first began Harper Leavitt were the engineers when the plat was approved. Mr. Grover said he then took a step back and assumed the City Public Works Director and the Engineers would handle the construction of the project. He said he should not have done this and assumes full responsibility for any mis-communication that occurred. Mr. Grover said a major mistake was made by Harper Leavitt Engineers in the layout of the sewer system, therefore Benton Engineers were hired. He said during this time he was approached by Kent Carlson who intends to develop the property east of the West River

Acres. Mr. Carlson was interested in using the sewer lift station that was required to be installed in the subdivision. Mr. Grover said some of the plans had to be changed to accommodate Mr. Carlson's request. He said the lift station was relocated from the original plan and the depth was dropped. Mr. Grover said this also saved the distance on some of the line. He said he was unaware that DEQ was suppose to re-approve the plans, and when they began to review the as-builts they became concerned over the changes that had been made. Mr. Grover said he believed Rick was going to work with DEQ on this matter, but he was wrong. He said the original plans called for three phase power to be installed to run the lift station. Mr. Grover said three phase pumps were installed, but only one phase power was installed to accommodate the pumps. Therefore, a converter was installed to convert the three phase pumps to one phase power. He said this created some problems because the converter ran all the time and created some noise. Mr. Grover said DEQ was also concerned about the placement of the vault to maintain the lift station. He said they have no qualms about making the changes to the lift station such as the placement of the vault and installing three phase power. Mr. Grover said he spoke with Utah Power and Light and they will be installing another transformer. Mike Bischoff from Benton Engineering said there is a section of the sewer line that was not installed at the required .4% grade. It was installed at a .38% grade. Mr. Bischoff said DEQ has requested that a camera be ran down the line to see if there is enough slope to properly dispose of the sewage. He said they ran the camera down the line and DEQ felt it looked okay. Mr. Bischoff said DEQ now needs a letter from the city to accept the line, and stating that the city will provide any additional maintenance necessary for the line that may be needed due to the slight error in the grade. He felt the line is way above the velocity that the city needs. Rick said he was there when the line was shot with the camera, and it was also mandrelled. He said the line looks really well and drops into the lift station. Rick said a vinyl fence will be installed around the lift station also. Lorin said he spoke with a neighbor in the subdivision and there are some concerns about the noise, power and maintenance of the lift station. Mr. Grover said the converter that now exists will be removed once three phase power is installed, therefore the noise will be eliminated. He said all of the changes will be made to the lift station before the city is asked to accept it, and DEQ will need to approve it also. Steve felt we should discuss the street lights that the city installed in the subdivision. Mr. Grover said he will address that matter after he finishes his presentation. He said Rick is concerned about providing maintenance to the lift station due to the limited easement. He said they have discussed this with the home owners on each side of the lift station, and they will be buying back some of the property so there will be adequate area for the city to maintain the lift station. Mr. Grover said they will install a six foot high sight obscuring fence with two gates into the station. He said all of this will be done with Rick's approval. Mr. Grover said they will locate a transformer on the opposite side of the street so three phase power can be installed. Mr. Grover said what he would like tonight is the city to accept the section of sewer line that is at .38% grade, and the existing utilities as-builts including the location of the lift station. He said until these items have been accepted, it is holding up the paving of the last section of street before the contractor can be paid. Mr. Grover said they will approach the Council again when the lift station is completely done for the final acceptance. Lorin asked if the neighboring properties were aware that a lift station was going to be installed. Mr. Grover said yes, they were notified. He said DEQ is reluctant to give full approval until the

lift station is 100% completed, however Rick spoke with Chuck Ketterman who said the line looked okay when the camera was ran through it. Rick didn't feel the line would require additional maintenance due to the problem with the grade. Steve felt now would be an appropriate time to discuss the street lights that were installed in the subdivision. Mr. Grover said when they first proposed a plat to Bingham County the plat showed individual septic systems and wells. He said since the subdivision was around three hundred feet from the municipal sewer system they felt it would be best to tie into it. Mr. Grover said the subdivision was outside of the city limits, and annexation was discussed with the city. Mr. Grover said in his opinion there were incentives given by the city to entice them into annexing, such as the city's contribution towards a portion of the water lines. He said the city is the one who decided to install street lights in the subdivision and they incurred the expense. Mr. Grover said it was after some of the street lights had already been installed that the city decided to request that the Grover's be involved in the expense. Mr. Grover felt their subdivision was accepted as platted, and if the city wanted them involved in the cost of the street lights they should have said something before any expense was incurred. He said his father offered \$2000 to the city to help with the street lights, but his offer had not been accepted yet. Mr. Grover felt they have watched out for the city's best interest during the construction of the subdivision. He said during Phase 2 the contractor had inflated the city's portion of the water line upgrade as a benefit to the developer, however they noticed it and felt the contractor was taking advantage of the city. Therefore, they chose a different contractor making their portion more costly. Sandy said when the city was negotiating with the Grover's, the requirement of street lights was overlooked. She said it was a mistake, and listening to Mr. Grover tonight it appears there were also some mistakes made on their side. Sandy said both sides should work together to take care of these mistakes. She said the street lights cost a total of \$16,205.00, and there was also an engineering expense of \$1592.20. The engineering expense covered our city engineer's time to inspect and review the lift station, DEQ meetings on this subject, and letters of recommendation. Mr. Grover said they have no problem in paying for the engineering fees. Mr. Grover felt if the city would have approached them about installing street lights before they began their development, they probably would not have accepted annexation. Mr. Grover felt their cost effectiveness on this project has completely gone out the window. He said not much money is being made on this development. Mr. Grover said at this point he would have to approve this with his father but he felt they could contribute half of the \$16,205 for the street lights to show good faith. Mr. Grover said he listened to the council as they discussed obtaining water rights from developers. He said he knows there are water rights on the property, and if there is a favorable outcome tonight, they might be able to help the city out. Mayor Christensen said there have been good comments made from residents in the city regarding the West River Acres Subdivision, however the City has a responsibility to the citizens in managing their money too. Scott said it appears that the Grover's are trying to be fair and equitable with the city. The question is who should pay for the street lights; the developer, the citizens, or the property owners who are receiving the benefit. John clarified what Mr. Grover agreed to based upon his father's approval. He asked if there is a problem with road erosion, and whether or not curbing would need to be installed. Rick said there is not a problem, and curbing will not be needed. Steve said the West River Acres Subdivision looks very nice and he is glad it was built. He said Mr. Grover has tentatively

agreed to pay \$8102 for the street lights and \$1592 for the engineering fees. Steve felt the city should now show good faith by accepting the sewer line and the location of the lift station. Lorin said he knows there isn't much profit for developers, but wondered if the lots in the subdivision would have sold as fast if it did not have municipal water and sewer. Mr. Grover felt the lots would have sold just as fast without city services, and not being annexed into the city. Sandy asked what alternatives they had if they would not have been able to hook onto the city sewer. Mr. Grover said they would have installed individual wells and septic systems. He said they probably would have had to lower the cost of the lots though. Sandy asked if they would have had to increase the lot size to one acre to install individual wells and septic systems. Mr. Grover said no, they could have left the lots as one half acre. He said however, the city sewer line was within 348 feet from their development and they felt it was beneficial to access it. Lorin moved, Steve seconded to accept Mr. Grover's offer of \$8102 which is 50% of the cost of the street lights in the West River Acres Subdivision. Approved three in favor, one absent. John moved, Lorin seconded to accept the sewer line installed at .38% between ssmh 1-4 and ssmh1-5 instead of the required .40% and provide any additional maintenance necessary. Also moved to accept the as-builts for the water and sewer utilities that have been installed to date and the location of the lift station with the exception of the final components that will be re-addressed when the facility is completed. Approved three in favor, one absent.

Kenneth Tucker, the Idaho State Vice President for Vietnam Veterans of America introduced himself to the Mayor and Council. He said his organization will be hosting a barbecue for all veterans and their families on July 31, 2004, at no charge. Mr. Tucker said there will be three bands playing, and a POW MIA Motorcycle Group at the picnic. The picnic will be held at the Freeman Park at Shelter #31 and the events will begin at 2:00 p.m. He invited the Mayor and Council to come and join in the fun. Mr. Tucker said if this barbecue turns out well there may be some legislation presented to make this an annual event. Mr. Tucker also discussed the Yellow Ribbon Campaign. He said this campaign is being spear headed by the Vietnam Veterans and the American Legion. Mr. Tucker said this program is to honor those soldiers serving in Iraq and Afghanistan. He said the families of those serving can fill out a form and it is sent to John Rogers who is the co-coordinator of the project. All of the information regarding the soldier is placed on a large yellow ribbon, and when the soldier comes home he is presented the ribbon by a large welcoming committee. Mr. Tucker said the main intent of this program is to make sure the soldiers serving our country are not forgotten.

Scott said Mike and Lisa Hillman have not responded to their delinquency certificate issued on LID 12 in 2001. He said they have not paid as stated in their payment plan that was established at a prior council meeting either. Scott said he has presented a Treasurer's Deed so the city can take over the property to re-coup the LID expense. He said once the city takes ownership they can charge the Hillmans rent or sell the property. Scott said one concern is if there are any environmental hazards that exist on the property such as buried oil or gas tanks. He said there does not appear to be a mortgage on the home, however there may be some concerns whether that is correct or not. Scott said the next step is to have Sandy sign the Treasurer's Deed and have it recorded. The Council determined that Rick and Alan should look over the property for

any existing hazards, and if none are evident then Sandy should sign the Treasurer's Deed and proceed with taking the property as established by Idaho Code.

Sandy asked if the Mayor and Council had reviewed the comments she gave them at the last council meeting regarding the North Shelley Business Park. There were no comments at this time.

Sandy was instructed to draft a letter to Boyd Grover asking that the water rights in the West River Acres be identified, and if they are willing to transfer those water rights to the city.

Sandy said in 1997 Mike Jeppsen, our insurance agent was ordered to pay restitution to the city in the amount of approximately \$37,000. She said she received the final payment of the restitution in the amount of \$15,000 today.

Sandy said Terrill Christensen bought the Lind property. She said there is no water hook up to the property at this time since it was destroyed in the fire. Sandy said the neighboring property owner is watering the lawn so his property value does not go down. She asked if there should be a charge for the water to either the neighbor or Mr. Christensen. The Mayor and Council discussed this issue, and determined since Mr. Christensen would be replacing the water tap to the property in the near future that no additional charges should be made for the water.

Steve moved, John seconded to approve the transfer of the beer and wine licenses from Albertson's to Broulim's. Approved three in favor, one absent. Scott asked that this item be placed back on the agenda for ratification.

Dawn said the baseball tournament will be held next week at the City Park. She said the tournament is full, and those wishing to camp in the city will be allowed to at the grade school.

Dawn said the pool has been very busy since the weather turned off hot. She said they added an extra session of swimming lessons this year which should raise the revenue. Dawn said the improvements being made to the building are looking great, and Lorin and she are working on replacing some of the lights. Dawn said there was a large gas bill for the pool last month. She said the boiler inspector came and checked to see if there was a gas leak, but could not find anything.

Dawn said tomorrow night she will begin a co-ed softball program at the City Park.

Neil said he has had the opportunity to sit in on the Rigby Planning and Zoning Commission meetings. He said they have had a particular problem with annexing in subdivisions that do not have access to municipal services.

Alan said he will be working on the purchase of a new police car for the new fiscal year.

Alan said the Idaho Transportation Department moved the speed limit sign on Highway 91 as requested. He said the sign was not quite moved as far north as the city originally intended, but it will reduce the traffic hazard near Rehle Higham's Dance Studio.

Alan said the city needs to create an ordinance for the speed limit signs that have been set up in the West River Acres Subdivision. The speed limit that is posted is 20 m.p.h. Scott said he will follow up on this matter.

John said the Bradley's called and are concerned about the vehicles that are coming off of Hansen Avenue onto Hummingbird at a high rate of speed. Alan said the problem is that Hansen Avenue is in the county and we cannot stop the traffic until they have traveled onto Hummingbird a ways. Alan said the department will try and patrol this area a little more often.

Rick said a scrub coat has been done on Milton Avenue. He said traffic rides a lot smoother on the street now. Rick said the street will be sealed coated in the next week or two.

John thanked everyone for attending the Centennial Picnic on the 26<sup>th</sup>. Everyone had a lot of fun. John said there were approximately 1800 to 2000 people in attendance. He said the Centennial Committee would like to have a closing ceremony for the Centennial Year Celebration maybe sometime in October or November. Lorin suggested that when the ground breaking ceremony is held for Centennial Park that a breakfast be held as a fund raiser to construct the park. We also need to start marketing the sale of the pavers and bricks that will be used at the park. Sandy said there has been some interest in reserving pavers. She was asked to invite Tony Hill to the next meeting to discuss this further.

Steve said he has been working with Kim Wilde on a welcome sign for the city that will be placed at the City Park and also used as a name plate for the baseball fields that are being named after Dawn. He said there has been money budgeted for the purpose, and this sign will cost approximately \$4000. Steve said this sign is very nice and will be six and a half by nine feet high with granite inlay. He said hopefully the sign will be done by the morning of Spud Day.

Lorin asked if the re-surfacing has been done at the Skate Park. Alan said some of the graffiti was removed, but other pieces still need to be removed before it can be re-surfaced.

Steve moved, John seconded to adjourn into executive session. Approved three in favor, one absent.

Steve moved, Lorin seconded to reconvene into regular session. Approved three in favor, one absent.

Mayor Christensen said during executive session personnel matters were discussed.

Adjourned: 10:12 p.m.

ATTEST: Sandy Gaydos APPROVE: Eric R. Christen