

CITY OF CHELSEA
COUNCIL MEETING
MINUTES

January 08, 2008

PRESENT: Mayor Eric Christensen (absent)
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 Bryce Bradshaw
PRAYER: BJ Driscoll

Council member Lorin Croft conducting as Mayor Pro-Tem.

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

Minutes of December 11, 2007 Council Meeting

Building Permits:

- BMT Investment - move on home
- BMT Investment - move on home
- BMT Investment - new home
- BMT Investment - new home

A roll call vote was called for: Steve – aye, Charlotte – aye, John – aye. Approved three in favor, Lorin did not vote.

Sandy swore in Council Member John Lent for his new four-year term for which he was re-elected November 6, 2007.

Sandy swore in Council Member Charlotte Fredrickson for her new four-year term for which she was re-elected November 6, 2007.

Mayor Pro-Tem Lorin Croft turned the time over to BJ Driscoll to conduct a public hearing to consider annexation and rezoning of three parcels of property.

BJ said before he opens the public hearing there are some items to be discussed. He said Merlin Dial and Ball Development is requesting annexation of three parcels of property into the city limits with zoning designations of Agricultural, Single Family Dwelling, and Multiple Family Dwelling. BJ said he spoke with Ball Development's attorney, Rob Harris and a major issue surrounding the annexation of this property is water service. He said Ball Development has provided IDWR (Idaho Department of Water Resources) a conceptual idea for mitigation purposes for water rights. BJ said there has been no response back from IDWR yet. He said there is a proposed three-part agreement that is included with the mitigation plan between the city, the developer, and SRVI (Snake River Valley Irrigation). BJ said Ball Development has requested that this meeting be continued until January 22, 2008, or February 12, 2008. He said the hearing could still be opened if the Council chooses to. Lorin felt IDWR might not respond

to the proposed mitigation plan in a timely manner. Rob Harris, the attorney for Ball Development said he has spoke with Dave Tuthill, the Executive Director for IDWR and Governor Otter regarding the mitigation plan. He felt the comments should be received back from IDWR in two to four weeks. Mr. Harris said he would continue to follow up with his sources. Steve felt the city needs more information regarding the water issue before continuing. BJ said the city code allows for the hearing to be continued for at least 15 days and maybe more. The code section is ambiguous, but at some point a decision must be made.

Lorin asked for a brief moment for the introduction of the Youth Council President. Dawn introduced Sidney Searle. Ms. Searle said the Youth group has chosen the name "Committee of Promise". She said the group will represent the youth regarding local government, and ask businesses and others to involve the youth in the community in the decision making processes. Ms. Searle said they are a service organization and are planning a dance for March 8, 2008. She said they intend to have driving simulators and goggles available to demonstrate the impairment that drivers have when driving under the influence of drugs or alcohol.

The Council felt the citizens present should be able to make comment on the Dial/Ball rezone and annexation. BJ opened the public hearing for testimony. He called on representation for the developer requesting annexation. Rob Harris, 1000 Riverwalk Dr. Suite 200, Idaho Falls was sworn in. Mr. Harris said he is the attorney representing Ball Development. He said there might be some matters of concern from the citizens that would be better addressed during the platting phase of the development. Mr. Harris said the property that is proposed for annexation and rezone will also include an area for a new school. He discussed how the proposed mitigation plan might help the city obtain water rights so a new well can be drilled. Mr. Harris explained that the mitigation plan has an option to recharge the aquifer through Jensen's Grove. He said if surface water is diverted, there could be no secondary irrigation system. Mr. Harris said groundwater from the well would be used for irrigation purposes. He said Kartchner Homes would be working with Ball Development to build the homes in the development. Lorin said he doesn't agree with bringing surface water rights and not ground water rights with the development. Mr. Harris said there are no ground water rights on the property. He said it could be somewhat difficult to find available ground water rights due to the way the Snake River Valley was settled. Steve felt a well should be drilled at the present to provide water for our current residents, not more development. Sandy said she has received some written comment regarding this public hearing. She said she received a letter written by Kirk Dooley, the Chairman of the Planning and Zoning Commission. Mr. Dooley stated in the letter that after the public hearing held in November by the Planning and Zoning he had a change of heart regarding the zone change on the Ball property to RM (Multiple Family Housing). The letter stated that even though the Planning and Zoning Commission unanimously voted to recommend approval of the annexation and rezone to the City Council, that he was not in favor of rezoning one of the parcels to RM. However, he is in favor of annexing and rezoning the property to Single Family Dwelling and Agricultural. Sandy said she also received written testimony from Gregg Nelson, also a member of the Planning and Zoning Commission. Mr. Nelson stated he also had a change of heart and was in favor of annexing and rezoning the property to Single Family Dwelling, but

not to rezone a portion of the property to Multiple Family Dwelling. Sandy said she also received written comment from Jay Davis, however Mr. Davis is in attendance at the meeting. BJ invited Mr. Davis to stand and give a summary of his letters, which will be included in the file as a matter of record.

BJ swore in Jay Davis, 1472 North 800 East, Shelley. Mr. Davis said he lives on the opposite side of the street of the proposed development. He said he attended the Planning and Zoning public hearing in November. Mr. Davis said he wrote a letter to the P&Z after the hearing because he felt the meeting was not handled adequately. He said the developer had no information, there were no maps, etc. Mr. Davis said he sent a letter to the Mayor and Council dated December 7, 2007. He stated is he opposed to the development. Mr. Davis said the annexation and rezoning of this property does not meet the city's Comprehensive Plan as previously stated by the Planning and Zoning Commission. He said there are other properties that have been annexed into the city that are not be developed yet, such as the Rockwell property. He said that property is a big mess. Mr. Davis said Merlin Dial's property is only being annexed so the Ball Development property is contiguous and can be annexed. He said Mr. Dial has no intentions of developing his property at this time. Mr. Davis said there is no plan to adequately supply water to the development, which is a provision of the comprehensive plan. He said all new development should be considered for entrance and exit onto a main road with safety. Mr. Davis said he does not want to see 800 east become the Sunnyside Street of Shelley. He said if a turn lane is needed, that right-of-way should be considered right now. Mr. Davis said he is concerned about the apartment buildings that are proposed to be built across the street from his property. He feels they will be unsightly.

BJ swore in Randy Kendrick, 1456 N. 800 E., Shelley. Mr. Kendrick said he knows the property will eventually be developed, however he feels there is a spot zoning issue. He said Multiple Family zoning is not the best zoning for the area. He felt the zoning is being liberal. John asked about the traffic safety of the New Sweden Highway. Mr. Kendrick felt the highway is dangerous, he said he and his wife walk every morning and avoid that highway. John said perhaps a walk path is needed along the road.

BJ swore in Brenda Stibel, 1342 N. 1000 E. Shelley. Mrs. Stibel said she has done some research on agricultural zoning being converted to residential zoning. She said smart growth dictates that cities should grow outward and not sprawling or in a leapfrog manner. Mrs. Stibel said this type of growth will end up costing the taxpayers more money due to school services, busing, infrastructure, etc. John mentioned the regional wastewater line that travels down the New Sweden Highway. He said this type of infrastructure will cause development.

BJ swore in Alan Dial, 804 E. 1200 N. Shelley. Mr. Dial said development will happen in the proposed area. He said the County will not control anything. Mr. Dial said even if the city does not annex the property, the development could be built in the county on acre lots and will not have sidewalk, curb, gutter, lighting, etc. Steve said a subdivision should not devalue the homes on the New Sweden Highway. He said they should actually increase the value of the

surrounding properties as long as the development is done nicely. Mr. Jay Davis said that is exactly what is discussed in his letter dated January 8, 2008. He states in the letter how the development should be done properly, and the proximity of the Multi-Family residential zone in the city.

BJ swore in Dave Noel, Forsgren Engineering. Mr. Noel said he has some pertinent information regarding the city's water issue. He said the Water Facility Planning Study is being reviewed by DEQ. Mr. Noel said with no new development added the city is deficient by 2200 gallons per minute at this time. He said the water right permit has requested 1500 gallons per minute due to the size of the infrastructure in the location where the well will be drilled. Mr. Noel said if this proposed development is planned for 1100 connections, based on existing city use at the maximum day demand, the city will need at least a source that can deliver at least 3000 gallons per minute just for the proposed subdivision. He understands that the proposed annexation does not include the entire development, but the infrastructure must be planned for future development also. Mr. Noel said at the present the city needs two more wells just for the current need and the projected regular growth. He said the cost estimates per connection if the developer brings no water are \$4700 per house to build the infrastructure.

BJ swore in Cortney Liddiard, CEO of Ball Ventures, 901 Pierview Drive, Rexburg. Mr. Liddiard felt growth is headed in the northerly direction of the city. He believes Ball Ventures can give back to the community with this development, and help the school with the needed land to build a new facility. Mr. Liddiard said he understands everyone's feelings about the proposed Multi-Family zoning, however he feels there should be a buffer between the New Sweden Highway, the school and the Single Family Dwellings. He said his company will listen to the people and try to be responsible when developing this property. Mr. Liddiard said the concerns should be addressed, and they would like to work with the city and their neighbors. He discussed the water issue and believes the city needs to fight for our rights and use what we have to the best of our ability. Mr. Liddiard said he helped form the Water Rights Coalition. He said he wants to help the city and be part of the solution. Superintendent Jolley said the school has had a great relationship with Ball Ventures and would like to construct and see the school operational by the fall of 2009.

BJ swore in Dan Larsen, Kartchner Development, 231 S. 31 E. Hyrum, Utah. Mr. Larsen discussed why Multi-Family residential is needed for a buffer between the Highway and the school, and Single Family Dwellings. He said most home owners do not want their back yard next to a busy road, and they will put in a tall fence and then the backside of the fence near the road will not be taken care of. He said with apartments, the owners and the tenants know there will be small backyards, and a low fence will be installed with shrubs or berms as a cover. Mr. Larsen said they want to construct quality homes and also provide a safe subdivision.

There was no other testimony given. The Council determined that the hearing will be continued until the next council meeting on January 22, 2008, at 7:30 p.m. when more information is

obtained regarding the water issue. Lorin expressed appreciation for all of the comments that were received.

Kong Khamone was not in attendance.

Lisa Hansen, Harper Leavitt Engineering, 985 North Capital, Idaho Falls addressed the council to discuss the Wind River Estates Subdivision. Sandy said the city engineer has reviewed the entire subdivision, however only Phase 1 of the subdivision has been given final approval by the council. She said there has been a slight modification to the storm sewer line in the development drawings, but the city engineer has reviewed the new plan and given approval. Ms. Hansen asked for approval of Phases 2 and 3 of the Wind River Estates Subdivision. John moved, Steve seconded to approve Phases 2 and 3 of the Wind River Estates Subdivision as reviewed and approved by the City Engineers. Approved unanimously.

Steve moved, Charlotte seconded to ratify the declaration of following surplus property:

IR#2007-00716 children's BMX, no ser# located
IR#2006-01331 purple girls BMX, ser#ASR0H002876
IR#2006-01599 women's 18 speed mountain bike, ser#16896-9274612H5423
IR#2007-01344 green and silver men's 18 speed, ser#96TD572385
Red Boomer Quest, ser#KOSE136
Purple and Red Huffy Nopic, No ser# located
Chrome Huffy Ironman, no ser# located
Purple Misty Next, no ser# located
Black and green Mongoos Rebel, no ser# located
Purple Huffy Shock Pro, no ser# located
Green Chaos no ser# located
Red Huffy 10 speed, no ser# located
Approved unanimously.

Alan said several years ago a policy was established regarding the reimbursement of dues for employees to become members of physical fitness facilities. He said the city has reimbursed full time employees \$15 per month, if the employee visits the a city facility at least twice a week. Alan said there are a few officers who have memberships at the Apple Athletic Gym in Idaho Falls that would like to take advantage of this reimbursement program. The Council agreed that if the employee could produce proof of attendance at least twice a week then they would be reimbursed \$15 per month for a portion of their membership dues whether the facility is located within the city limits or not.

Sandy said the Council amended the grandfather clause ordinance several years ago to include loss of the grandfather clause when a change of ownership of the non-conforming property occurs. She said it has been discovered that there are single-family homes that have changed ownership some time ago that exist in a Heavy Commercial zone. Sandy said a lot of times the city office does not know when a home is up for sale until it is sold. BJ said he and Sandy

discussed this matter and if the council is mainly concerned about eliminating animals within the city limits, the ordinance could be amended in the manner. BJ said there may be a possibility of recording something citywide that would allow each zone to be investigated upon sale of property. The council was asked to review this matter, and it will be placed on the next agenda for discussion again.

Lorin said there are a number of city water users that exist outside of city limits. He said the city is running short of water, and perhaps there should be a policy implemented that city water can only be accessed if the property resides within the city limits of Shelley. He asked each of the council members to consider this for further discussion at the next council meeting.

BJ discussed the letter he provided to the city council about the Planning and Zoning workshop he attend several months ago. He said he would like to discuss more defined procedures with the P&Z Board since the Board has changed over the past several months. BJ said some requirements could be established on what developers should provide the Board with prior to a hearing such as maps, letters, etc. BJ said he would recommend that policies and procedures be established for the Board. John suggested a training session be held with the Board on how to conduct a public hearing.

BJ briefly discussed the water right at the sewer lagoon property. He said he met with Dave and Husk to discuss this issue and there is a potential solution that could be worked out.

Sandy asked for approval to send Doug Keele, the building inspector to a training workshop in Nampa January 22nd through the 24th. She said \$700 has been budgeted, but the actual expenses would over run this amount. The actual expenses are \$813.36. The Council gave approval for Mr. Keele to attend this training.

Sandy presented the 2007 Building Permit Report that Beth has compiled. The total valuation of the permits is \$3,753,749.

Dawn said Jazz Basketball has started the games on Saturdays.

Alan said there have been some vehicles towed to aid in the snow removal effort of the city. He said the owner of L&M Auto was very upset when several vehicles in front of his business were towed. Lorin said the vehicles had been there for some time and needed to be towed. He said Alan had given Mr. Fowler a week to remove the vehicles, and that week plus a few other days had passed. Alan said there were other vehicles in the city also towed. The council discussed how many vehicles Mr. Fowler should have parked in front of his business at one time. Sandy read the minutes from January 27, 2004, and it was determined Mr. Fowler could have six vehicles in front of his business at one time.

Charlotte said the Kiwanis provided 400 boxes of food for needy families just before Christmas. She said many citizens and youth in the community came out to help load the boxes and deliver them.

Steve asked about the easement at the sewer lagoon. Rick said they still have not obtained an easement. BJ asked Rick to keep him informed about this matter because if we are unable to use the prescriptive easement then we may have a more difficult time proving the existing rights the city has. The Council felt the easement should be re-opened. Rick said there is a fence with a chain locked around it. Sandy and Rick will contact Bryce Jolley to see if the easement has been finished before the lock is removed by the city.

Jay Davis expressed appreciation for the great job that the city does.

Adjourned 10:54 p.m.

ATTEST: Sandy Haydush APPROVE: Eric R. Chitara

DECEMBER CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
6-Dec-07	Comdata	853.05	31379
6-Dec-07	Stanley J. Peterson	148.35	31380
10-Dec-07	Heather De Priest	494.82	31381
13-Dec-07	Alltel	234.74	31382
13-Dec-07	American Linen	605.75	31383
13-Dec-07	Avenet LLC	126.00	31384
13-Dec-07	Bingham Groundwater District	6,072.75	31385
13-Dec-07	BISCO	182.22	31386
13-Dec-07	BMC West	129.32	31387
13-Dec-07	Broulim's	35.81	31388
13-Dec-07	Central Transfer Station	15.00	31389
13-Dec-07	DBS Inc	2,814.83	31390
13-Dec-07	Decals	198.40	31391
13-Dec-07	Doug Keele	582.01	31392
13-Dec-07	Eagle Rock Sanitation	4,473.26	31393
13-Dec-07	Electrical Wholesale Supply Co Inc	214.99	31394
13-Dec-07	Fastenal	533.45	31395
13-Dec-07	Ferguson Enterprises Inc	642.08	31396
13-Dec-07	Forsgren Associates/P.A.	525.00	31397
13-Dec-07	Gunarama Wholesale Inc	14.05	31398
13-Dec-07	Hammon Teton Delivery	45.00	31399
13-Dec-07	HD Supply Waterworks ltd	318.20	31400
13-Dec-07	Hit Pit Inc	199.80	31401
13-Dec-07	IAS-Envirochem	716.00	31402
13-Dec-07	Idaho Business Systems	42.69	31403
13-Dec-07	Idaho Falls Peterbilt	4.32	31404
13-Dec-07	Idaho Traffic Safetly Inc	2,632.00	31405
13-Dec-07	Kings No.21	103.01	31406
13-Dec-07	Lease Consultants Corp	1,991.81	31407
13-Dec-07	Les Schwab Tire Center	450.81	31408
13-Dec-07	McGrath Meacham and Smith PLLC	1,926.40	31409
13-Dec-07	Mountain West Bark Products Inc	30.00	31410
13-Dec-07	Mountainland Communications Inc	116.00	31411
13-Dec-07	Pacific Steel	135.17	31412
13-Dec-07	Porter's	43.39	31413
13-Dec-07	Qwest	44.19	31414
13-Dec-07	R&S Distributing	15.35	31415
13-Dec-07	Rocky Mountain Power	5,975.00	31416
13-Dec-07	Sams Club	317.34	31417
13-Dec-07	Searle Hart and Associates PLLC	5,000.00	31418
13-Dec-07	Shelley Kiwanis Club	500.00	31419
13-Dec-07	Shelley Pioneer	164.06	31420
13-Dec-07	Shelley/Firth Rural Fire District	4,886.00	31421
13-Dec-07	Siems Enterprises	385.49	31422
13-Dec-07	Standard Plumbing	5.00	31423
13-Dec-07	Stephenson Computer Consulting	112.50	31424
13-Dec-07	Town and Country Gardens	64.71	31425
13-Dec-07	United States Welding Inc	77.00	31426
31-Dec-07	Alltel	112.05	31427
31-Dec-07	Arlyn Collett	34.14	31428
31-Dec-07	Auto Body Paint and Supply	18.18	31429
31-Dec-07	BISCO	56.45	31430
31-Dec-07	Business Phone Specialists Inc	66.50	31431
31-Dec-07	Cable One	165.90	31432
31-Dec-07	Daniel Acevedo	3,300.00	31433
31-Dec-07	Donnete Scott	22.26	31434
31-Dec-07	Eagle Rock Hydraulic Service	28.42	31435
31-Dec-07	Eric Christensen	22.50	31436
31-Dec-07	Exxonmobil Fleet/Gecc	199.74	31437
31-Dec-07	First Responders	270.50	31438
31-Dec-07	IAS-Envirochem	414.00	31439
31-Dec-07	Idaho Association of Building Officials	160.00	31440
31-Dec-07	Idaho Chief's of Police Association	150.00	31441
31-Dec-07	Idaho Falls Peterbilt	1,528.11	31442
31-Dec-07	Intermountain Gas Co	1,176.11	31443
31-Dec-07	Bret G Jones	51.94	31444
31-Dec-07	Lorin Croft	104.78	31445

31-Dec-07	Lynk3 Technologies	180.00	31446
31-Dec-07	McLeodUSA	520.27	31447
31-Dec-07	Mountainland Communications Inc	2,862.45	31448
31-Dec-07	Petty Cash	41.96	31449
31-Dec-07	Phillips 66 Co	1,517.16	31450
31-Dec-07	Qwest	89.24	31451
31-Dec-07	Scott Machinery Co	7,900.00	31452
31-Dec-07	Senior Citizens	2,000.00	31453
31-Dec-07	Cheryl Simmons	350.00	31454
31-Dec-07	Solid Waste Systems Equipment	1,010.31	31455
31-Dec-07	Stephenson Computer Consulting	93.75	31456
31-Dec-07	Steve's Radiator Shop	160.00	31457
31-Dec-07	Territorial Supplies	687.00	31458
31-Dec-07	Thomas Gifford	7.90	31459
31-Dec-07	Traci Johnson	20.03	31460
31-Dec-07	US Post Office	326.30	31461
31-Dec-07	Watson Roto Rooter/Thayne Watson	150.00	31462
14-Dec-07	City of Shelley Payroll	46,121.28	
28-Dec-07	City of Shelley Payroll	47,843.78	
	Total	164,960.13	