

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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MAY 27, 2008

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 Jared Gibson

PRAYER: Steve Cederberg

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

Minutes of May 13, 2008 Council Meeting  
Minutes of May 13, 2008 Special Meeting  
Approval of Building Permits:

Bingham Memorial Hospital - remodel  
Vern Muir - foundation

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

Approved three in favor, motion carries.

A public hearing was conducted by Mayor Christensen regarding the implementation of a new fee for anyone applying for a non-conforming use exception permit. Sandy said the proposed fee for the application is \$25 plus actual publication and notification costs that are to be paid by the applicant. She said the hearing notice was published in the Shelley Pioneer as required by statute. Sandy presented resolution 08-01 stating the proposed fees. There was no testimony regarding the implementation of the new fee. Lorin moved, John seconded to adopt a new fee of \$25 plus actual costs for publication and notification for a non-conforming use exception applications, and to adopt resolution 08-01 stating such. Approved unanimously.

Sandy said there have been two applications submitted for non-conforming use exception applications that have been reviewed by the Planning and Zoning Commission. Winn Oakey would like to carry on a Two Family Dwelling use in a Single Family Dwelling zone, and Rick Malan would like to carry on a Two Family Dwelling use in a Single Family Dwelling zone. Sandy said the P&Z Board recommended approval of the applications, and pursuant to city code the city council would need to hold a public hearing on the matter. Steve moved, Lorin seconded to call for a public hearing on June 24, 2008, at 7:30 p.m. to consider the applications for a non-conforming use exception for Winn Oakey and Rick Malan. Approved unanimously.

Mark Stephens of Gables Management addressed the council to discuss the Pointe on the River Subdivision. Mr. Stephens said the assisted living center is almost fully constructed and most of the infrastructure has been installed. He said the paving will be done soon, but there is a guy

wire in the way of a portion of the street that needs to be paved. Mr. Stephens said they contacted Rocky Mountain Power and they will re-locate the guy wire, but it could take 8 weeks to get the job done. He asked if Gables Management could get a certificated of occupancy if all other paving and infrastructure has been done with the exception of the portion where the guy wire is located. Mr. Stephens said they will barricade the location of the guy wire if necessary for safety reasons. John moved, Charlotte seconded to grant a temporary occupancy certificate to Gables Management for the assisted living facility if all infrastructure is complete with the exception of the paving where the guy wire is located for 90 days from today's date. The paving where the guy wire is located must be done within the 90 day time period. Approved unanimously.

Shawn Allen, 715 S. Park Avenue said he has constructed a four plex in the Taylorview Apartment complex and needs a certificate of occupancy. Mr. Allen said he was told the private driveway must be paved. He said the owners of the other two lots have contacted him about helping to pave the driveway which both parties intend to do, but the date of completion is unknown. Mr. Allen said TMC Construction will be bringing the driveway up to road base. Mr. Allen presented a proposal/contract to have the driveway paved that was signed by Kevin Taggart the owner of the four plex Mr. Allen just completed. This contract is to pave the driveway from Center Street to the last lot (498 E. Center) in the complex where the storage units will be constructed. Sandy said Mr. Allen approached the city to obtain permission to use the railroad spur as an emergency exit several months ago, and it was assumed that he would pave the private drive. She said the city code does not require a multi-family development to pave any driveways, just a single family dwelling must have their driveway paved, however an apartment complex must have a certain number of parking spaces. Sandy said the city code may have to be amended. John asked if a fire truck can maneuver on the railroad spur. Mike Carter said road base still needs to be brought in. Eric Turkelson said four or five truck loads of pit run has already been brought in. Lorin moved, Steve seconded to grant a certificate of occupancy for the four plex constructed by Shawn Allen since Mr. Allen has presented a contract signed by Kevin Taggart to have all of the owners of the property pay for the paving of the private driveway up to the last lot. Approved unanimously.

Mayor Christensen explained the importance of Memorial Day and discussed the David B. Bleak Memorial Park and how it was dedicated.

Shirley Thompson asked if the paving has been done near Hobbs Middle School as requested by some of the students. Charlotte said she talked to the School Superintendent, but they do not have this project in their budget.

Mike Carter said the Gables facility has a very nice fire alarm system and sprinkler system.

Mike Carter discussed amending the city code to require all private driveways be paved, and to require sprinkling systems in any apartment complex larger than a duplex (3 or more units). He

said the City of Idaho Falls just adopted an ordinance like this. The Council directed Sandy to obtain a copy of the City of Idaho Falls ordinance.

Sandy said Janice Leonard of Idaho Parks and Recreation contacted her about the grant to construct restroom facilities at Brinkman Park. Rick said he is not in favor of constructing restrooms at the park because it would take a full time maintenance person to take care of it and he felt a lot of vandalism would occur. He said he would like to see restrooms in all of the parks and then it would be feasible to hire someone full time to take care of them. Steve said the City of Blackfoot hires Snake River Sanitation to maintain and pump their restroom facilities at Jensen Grove. Sandy said the city pays approximately \$60 to \$70 per rental porta potty per month. Sandy said Ms. Leonard asked if the facilities had been constructed yet. Sandy told her that she thought the city needed a letter to proceed. Ms. Leonard said, it was okay to proceed and the work must be complete by December 31, 2008. John suggested tabling this matter and obtaining information from Snake River Sanitation about the costs to have their company maintain the city's facilities twice a week. Steve suggested fencing Brinkman Park and locking the restrooms and the park at 10:00 p.m. every night.

Monte Fowler, L&M Body spoke to the Council about the progress he has made towards complying with on street parking. Mr. Fowler appeared before the council a few months ago, and it was agreed that he would clean out his shop and make room for storage of the vehicles he is working on so he could comply with the 48 hour on street parking regulation. Mr. Fowler said this has been done, and the vehicles parked on the street do not go beyond the two "no parking" signs. Alan said all of the vehicles parked on the street are currently registered and there have not been any issues or problems arise. Steve and John both agreed that Monte has done an excellent job and is a value asset to the community.

Diane Mickelsen discussed Riverfest with the Mayor and Council. She said she has been receiving entries for the motorcycle show and the car show. Diane encouraged anyone who wishes to still participate in the events to register ahead of time. She said plans for the street dance and the benefit auction are going well. Diane said a movie will be show at the High School Football field on Saturday night to close Riverfest. She said she may need some city funds to help fund the movie. Sandy said the Riverfest fund has \$2700 available in it. Diane said there are other expenses such as advertising, awards, etc. She said she needs help to man the city booth to discuss what patrons what to see for the city in the future.

Officer Bob Tincher said there have been numerous complaints regarding parking that the police department receives on a daily basis. He said the officers in the department have come up with a solution. Officer Tincher presented a model citation that he proposed to be used as a tool to help enforce the city parking code. The citation is one that can be placed on the vehicle in violation of the code, and the vehicle owner does not have to be found to present the citation to. He said the city code allows a fine up to \$40, and he is proposing a fine of \$40 for handicap parking violations, and \$30 for all other parking violations. Officer Tincher said there would be a 96 hour grace period in which the vehicle owner could post a reduced bond of \$20 for the violation.

The Mayor and Council felt this would be a good idea, but felt the public needed proper notice before the police department begin issuing these citations. Notice could be placed in the newspaper, on the billing, marquee, etc. BJ suggested the police department issue a report every six months to see who has paid their fines, and if there are repeat offenders. Officer Tincher said there is already a program in place for these reports. The Council agreed for the police department to proceed with the creation and issuance of these new citations.

Sandy said there is a public hearing to consider the Water Facility Planning Study on June 24, 2008. She said Wes Cook, Forsgren asked if the Mayor and Council would like to have a work meeting to go over the plan prior to the actual hearing. The Council determined there is no need for a work meeting prior to the hearing. John suggested Wes meet with the Comp Plan Committee to discuss the water plan and the transportation plan.

Dave Noel said the bids came in very good for the construction of the waste water treatment plant. He said there is enough money budgeted to award the base bid and the alternate items which include the administration building, the maintenance building, and the solids waste handling building. Dave said right now the City of Shelley is in the process of judicial confirmation for an additional 2 million dollars since DEQ reduced the interest rate to 2%. He said the City of Ammon has agreed to put 7 million into this phase of the project. Dave said the bids for the project are good for another 3 ½ weeks, however the bids may not be able to be awarded without judicial confirmation done which could take 4 to 5 months. He said this project may need to be rebid unless this matter is resolved. Dave recommended holding a special meeting prior to the Regional Waste Water meeting on Thursday to discuss if the city could obligate 2 million of reserve funds until the judicial confirmation is approved. The Council directed Sandy to post a special meeting to be held at 9:30 a.m. on Thursday the 29<sup>th</sup> of May. Sandy said the city has approximately 1.3 million appropriated in the sewer capital outlay fund and sewer reserve fund, and approximately \$750,000 in the State Revenue Sharing Fund which could be obligated for now. Husk suggested the city have a ground breaking ceremony sometime in June for the new treatment plant.

BJ said at the last meeting the Council discussed amending the definition of a vicious dog in the city code. He said the amendment defines a vicious dog as a dog that shows aggression and is on property other than the owners. BJ presented the amendment to the ordinance. John moved, Steve seconded to suspend the reading of ordinance #518 on three different days and read the title of ordinance #518 amending the definition of a vicious dog once. Approved unanimously. John read ordinance #518 in full. John moved, Steve seconded to adopt Ordinance #518 amending the definition of a vicious dog. Approved unanimously.

BJ said the pre-hearing conference will be held tomorrow morning at 10:00 a.m. at the Idaho Department of Water Resource building.

BJ said he will provide the council with some guidelines to use when considering an application for a non-conforming use exception application.

BJ said he talked with Mike Moore's office regarding the process for judicial confirmation. He said Mr. Moore will sent copies to BJ of all of the documents in the file.

Dawn said she may be able to start filling the pool soon. She said the new heater will be shipped from New York and she is obtaining shipping costs.

Alan said Jed is beginning therapy, and should be back to work in a few weeks.

Charlotte said a Tree City flag was given to the city and she wondered if there was any place to fly it. It was decided that the flag should be displayed some place in the city office.

Charlotte asked if the speed limit on West Fir could be increased to at least 20 M.P.H. instead of 15 M.P.H. between South Park and State Street. She said Basic American Foods used to have a Fresh Pak which required the workers to walk between their two buildings. Now they no longer have a Fresh Pak which has reduced the number of pedestrians. The Council agreed to raise the speed limit on West Fir Street between State Street and South Park to 20 M.P.H.

Charlotte said she would still like to pursue an emergency siren for the city. Steve said he will ask Craig Rowland in Bingham County if there are any grants available to help fund this project.

Charlotte said the Tree Committee will be planting flower in the flower pots in front of the businesses on June 12, 2008.

John suggested that the city enact the water conservation request in the city for this summer. The residents will be asked to limit the watering of their lawns to the odd numbered calendar days if their address is odd numbered and even numbered calendar days if their address is even numbered, and to not water during the heat of the day which is 10:00 a.m. until 5:00 p.m. Sandy will publish the notice in the paper, and ask Dawn to place the information on the marquee.

John said he met with the Comp Plan Committee and there is some concern with the growing number of multi-family units within the city. He asked if there is some type of ratio that could be established when updating the comprehensive plan.

Steve said our city is growing and doing great.

Lorin said there is a hearing scheduled for June 10, 2008, to consider the annexation and rezone for Ball Development and Merlin Dial's property. He apologized that he was not in attendance at the last meeting, but would like updated on this matter. BJ explained that a material change will be considered from the P&Z Board's recommendation of approval for Multi-family dwelling, therefore another hearing had to be rescheduled. He said the P&Z recommended approval of Multi-Family Dwelling, Single Family Dwelling and Agricultural zoning. BJ said the council could deny, approve, or consider a material change to that recommendation. Lorin

reminded the council that the city has only a few opportunities for new development. Mayor Christensen stated that the city doesn't need to bend for developers either.

Adjourned: 10:15 p.m.

ATTEST: Sandy Sagdush APPROVE: Eric R. Christensen

**MAY CLAIMS**

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
5-May-08	Comdata	928.31	31831
16-May-08	A & B Transmission & Service CTR	28.95	31832
16-May-08	Advanced Business Systems	648.95	31833
16-May-08	Alltel	241.14	31834
16-May-08	American Linen	856.09	31835
16-May-08	Big 5 Corp	239.80	31836
	Void		31837
16-May-08	BMC West	290.75	31838
16-May-08	Broulim's	69.90	31839
16-May-08	Brownells Inc	158.85	31840
16-May-08	Bug Busters Inc	86.00	31841
16-May-08	Cal Ranch	35.48	31842
16-May-08	Cate-Idaho Equipment Co	98.64	31843
16-May-08	Central Transfer Station	15.00	31844
16-May-08	Code 4	376.00	31845
<b>16-May-08</b>	<b>DBS Inc</b>	<b>3,690.54</b>	<b>31846</b>
<b>16-May-08</b>	<b>Eagle Rock Sanitation</b>	<b>3,428.56</b>	<b>31847</b>
16-May-08	Electrical Wholesale Supply Co Inc	15.67	31848
16-May-08	Ferguson Enterprises Inc	995.71	31849
16-May-08	First Responders	361.32	31850
16-May-08	Hammon Teton Delivery	45.00	31851
16-May-08	IAS-Envirochem	577.00	31852
16-May-08	Idaho Business Systems	49.77	31853
16-May-08	Industrial Hose and Fittings	3.78	31854
<b>16-May-08</b>	<b>Just Sports</b>	<b>1,142.50</b>	<b>31855</b>
16-May-08	Les Schwab Tire Center	252.65	31856
16-May-08	Dawn Lloyd	33.88	31857
16-May-08	Mathews Plumbing & Heating	20.00	31858
<b>16-May-08</b>	<b>McGrath Meacham and Smith PLLC</b>	<b>5,115.79</b>	<b>31859</b>
16-May-08	Metroquip Inc	78.03	31860
16-May-08	Rod Mohler	165.00	31861
16-May-08	Pacific Steel	485.00	31862
16-May-08	Petty Cash	35.50	31863
16-May-08	Pool Petty Cash	50.00	31864
<b>16-May-08</b>	<b>Pro Wrench</b>	<b>2,411.76</b>	<b>31865</b>
16-May-08	Qwest	44.71	31866
16-May-08	R & S Distributing	113.40	31867
<b>16-May-08</b>	<b>Rocky Mountain Power</b>	<b>5,548.76</b>	<b>31868</b>
16-May-08	Sams Club	415.55	31869
16-May-08	Shelley Pioneer	714.17	31870
<b>16-May-08</b>	<b>Shelley/Firth Rural Fire District</b>	<b>4,886.00</b>	<b>31871</b>
<b>16-May-08</b>	<b>State Insurance Fund</b>	<b>3,266.00</b>	<b>31872</b>
16-May-08	Town and Country Gardens	44.89	31873
16-May-08	US Post Office	84.00	31874
<b>16-May-08</b>	<b>United Laboratories</b>		<b>void</b>
16-May-08	United States Welding Inc	125.10	31876
16-May-08	Valley Glass Company	8.27	31877
16-May-08	Watson Roto Rooter/Thayne Watson	150.00	31878
23-May-08	Compliance Service Inc	500.00	31879
30-May-08	Alltel	170.74	31880
30-May-08	American Red Cross	265.00	31881
30-May-08	B's Portable Toilet	70.00	31882
30-May-08	Blackfoot Morning News	137.00	31883
30-May-08	Cable One	164.95	31884
<b>30-May-08</b>	<b>Circular Butte Landfill</b>	<b>4,631.15</b>	<b>31885</b>
30-May-08	Diamond B Specialties	929.50	31886
<b>30-May-08</b>	<b>Dougs Sales</b>	<b>1,341.60</b>	<b>31887</b>
30-May-08	Electrical Wholesale Supply Co Inc	25.95	31888
30-May-08	Exxonmobile Fleet/GECC	52.06	31889
30-May-08	First Responders	34.00	31890
30-May-08	Forsgren Associates/P.A.	615.00	31891
30-May-08	IAS-Envirochem	172.00	31892
30-May-08	Idaho Traffic Safety Inc	75.00	31893
30-May-08	Intermountain Gas Co	520.82	31894
30-May-08	Joey Hodgson	17.56	31895
30-May-08	Dawn Lloyd	37.07	31896
30-May-08	Mathews Plumbing & Heating	523.88	31897

30-May-08	Mcleodusa	452.62	31898
30-May-08	Metroquip Inc	266.67	31899
30-May-08	Mid-American Research Chemical Corp	353.02	31900
30-May-08	Phillips 66 Co	1,800.41	31901
30-May-08	Belva Poulsen	68.35	31902
30-May-08	Pro Rentals and Sales Inc	147.33	31903
30-May-08	Qwest	86.77	31904
30-May-08	R & S Distributing	116.69	31905
30-May-08	Scott Garner	4.90	31906
30-May-08	US Post Office	337.50	31907
30-May-08	2M Company Inc	245.18	31908
<b>2-May-08</b>	<b>City of Shelley Payroll</b>	<b>44,726.80</b>	
<b>16-May-08</b>	<b>City of Shelley Payroll</b>	<b>48,690.22</b>	
<b>30-May-08</b>	<b>City of Shelley Payroll</b>	<b>40,164.76</b>	
	Total	186,176.67	