

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

SEPTEMBER 09, 2008

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft, Steve Cederberg, John Lent (absent), Charlotte Fredrickson  
Police Chief: Alan Dial (absent)  
Public Wks Dir: Rick Anderson  
Recreation Dir.: Dawn Lloyd  
City Clerk: Sandy Gaydusek  
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Lorin Croft

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

Minutes of August 26, 2008 Council Meeting  
Minutes of September 2, 2008 Special Meeting

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin – aye. Approved three in favor, one absent.

A representative for Gables Management was not present, however a letter was sent to the Mayor and Council asking for an extension of their temporary occupancy certificate that has expired. The letter stated the guy wire has not been relocated, but they have come up with a feasible option to relocate it. Sandy said she drafted a letter stating they must still relocate the guy wire, pay for the street signs and stop signs that have been installed, set a street light, and install curb stops at the water valves. Rick said he spoke with Gables about the street light and showed them where a good place to install the street light would be. He said he spoke to them regarding the curb stops also. Steve moved, Charlotte seconded to extend the temporary certificate of occupancy for an additional ninety days from today's date. Approved three in favor, one absent.

George Donnahue, a member of the David Bleak Post #93 of the American Legion addressed the council regarding an itinerant business license to sell hamburgers, hot dogs, etc. on Spud Day and possibly Veterans Day at Food Plaza on State Street. This matter had been tabled at the last council meeting because there were no specific sales dates listed on the application for the license. Typically, an itinerant license is good for ninety days. Mr. Donnahue said his organization is unable to set up in the City Park for Spud Day due to the requirement for \$300,000 of liability insurance under the Kiwanis by-laws. He said this insurance would cost Post #93 \$300 to \$500 for one day of insurance, and that is their entire annual budget. He said they have obtained permission from the owner of the Food Plaza to set up their booth on Spud Day. Mr. Donnahue said they have had a booth in that area for the past two years, but never had obtained a license from the city to do so. He said this year one of the members felt they should request a city license. Lorin said there are several legitimate businesses in the city that their booth may be taking business away from. Steve said in his opinion all of the booths should be in the City Park on Spud Day. He said if not, there will be booths scattered all around the park on

private property and nobody left in the park. Mr. Donnahue said they would love to be in the park, but they cannot afford the insurance. BJ said Post #93 would be responsibility for liability if they set up a booth anywhere in the city, and liability could also fall back on the property owner. Mr. Donnahue said the Post is looking for insurance coverage at this time, but have not acquired it yet. Lorin said the Kiwanis would like the city to support them and keep everyone located inside the City Park. Lorin moved, Steve seconded to deny the Itinerant Business License application submitted by the David Bleak Post #93 American Legion. Approved three in favor, one absent.

Pedro Palayao, the owner of El Vaquero 2, 374 South State Street submitted applications for a beer and wine license. Mr. Palayao submitted proof of State Beer and Wine Licenses as well as County Licenses. His application for beer was for consumed on premises only, and wine is for consumed on premises only also. Steve moved, Lorin seconded to approve a wine license "consumed on premises only" for 2008 for Pedro Palayao operating El Vaquero 2 at 374 South State Street. Approved three in favor, one absent. Lorin moved, Steve seconded to approve a beer license "consumed on premises only" for 2008 for Pedro Palayao operating El Vaquero 2 at 374 South State Street. Approved three in favor, one absent.

Mayor Christensen wished Councilman Croft Happy Birthday and thanked his wife for the birthday cake. A short recess was taken.

BJ presented Ordinance #521 that he drafted regarding an amendment to the procedures for filing an appeal relating to variances. He said the amendment includes that an appeal needs to be delivered in writing to the city clerk, and also clarifies the definition of affected persons included the city clerk/P&Z administrator. This amendment clarifies that this is to be the appeal process in all P&Z decisions unless otherwise spelled out. Lorin moved, Steve seconded to suspend the reading of Ordinance #521 on three different days and read the title of Ordinance #521 once. Approve three in favor, one absent. Lorin read the Title of Ordinance #521. Lorin moved, Steve seconded to adopt Ordinance #521 regarding an amendment to the procedures for filing an appeal relating to variances and other P&Z decisions. Approved three in favor, one absent. Sandy was directed to publish the ordinance.

Sandy presented a rough draft of an ordinance regarding regulations for installing residential windmills within the City of Shelley. BJ's comments were added to the rough draft. Sandy said the P&Z members have been given copy of the ordinance for their comments, but she has not received their comments yet. Sandy will review the ordinance with BJ and Lorin further, and this matter will be placed on the next agenda for further discussion.

BJ discussed a court case regarding Judicial Confirmation for Bonner County. He said the Judge denied the Judicial Confirmation based on objections and lack of facts.

BJ said he would need an executive session called for to discuss pending administrative litigation.

Sandy said she received a notice from Bingham County stating the property owned by Vaughn Lefevre on State Street would be up for auction on September 10, 2008, due to delinquent taxes. The city's lien of \$19,850 was listed on the property and minimum bid is \$28,011.92.

Sandy said she published notification of a hearing to implement a fee for park shelter rental of \$25 on September 23, 2008. She said if adopted this fee will go into effect October 1, 2008.

Sandy said she has scheduled hearings for the property owners of the proposed Pebblecreek Subdivision and the property owned by Riley Farms on South Emerson due to their non-compliance with city code regarding the accumulation of weeds. She said she has notified these property owners several times with no response. Sandy said she notified the property owners that the hearings would be held September 23, 2008.

Sandy said she has received interest in providing the city with new liability insurance from Rod Ticken of Falls Insurance. Mr. Ticken would like to quote the city for liability insurance other than ICRMP. She said the soft quote has come in between \$23,000 and \$26,000. ICRMP's premium is \$36,000. Steve and Lorin said the budget has been set for this year, however \$10,000 to \$12,000 savings is a substantial amount. The council felt comfortable with ICRMP, but directed Sandy to proceed with obtaining a hard quote to be presented to the council for the next budget year.

Sandy said Olin Barkdull would like to quote the city for medical insurance for the employees through Assurant. She said she will obtain a soft quote, get three public entity references for Assurant, and a Provider Network list for the Mayor and Council to review.

Dawn said she has an Eagle Scout who will be working on the Gazebo on the walking path. She said she has also drafted sixteen flag football teams.

Lorin said the city has excellent recreation programs and discussed raising the recreation user rates for outside city limits participant by double. Dawn felt this would hurt her programs. Charlotte said the city's recreation program helps prepare students to participate in school sports, and the students go on to become great players.

Charlotte said the gazebo in Kiwanis Park looks great. She said pavers will be added, and a large rock with the Kiwanis emblem embedded in it has been ordered.

Charlotte said there are some fire hydrants that have been painted by Eagle Scouts, however there is still more that need painted as well as the small garbage cans in the business district.

Steve said he spoke with a friend who works for the City of Idaho Falls. He said they have been having the same problems as our city in regards to large premium increases for medical insurance. Steve said they just changed from Blue Shield to Blue Cross this year.

Steve said the restroom for Brinkman Park will arrive in mid-October. Dawn said she discovered that there are some grants available that will assist the city to re-surface the tennis courts and to help at the pool. She said these are matching grants however, and more information should be obtained. Steve said he will follow up on this matter.

Steve said the city has received a radio from Bingham County for the Public Works Department. He said Bingham County donated the radios because they are changing systems.

Lorin said the construction of new waste water treatment plant is moving along nicely. He said RCSI is proceeding with the job. Rick said the headwork's system will be filled with water tomorrow to check for any leaks.

Lorin discussed the annexation of the property along Highway 91 and Kelley Acres. Sandy said a legal description has been obtained for Kelley Acres so the P&Z can call for the first hearing. She said letters have been sent to 6 or 7 property owners that have over five acres of property between Highway 91 and New Sweden. Sandy was instructed to research the property on the east side of the property up to GPOD. Lorin said GPOD has requested annexation.

Mayor Christensen said he met with Brennon Willis of the Army Corp of Engineers today as well as Brennon's proposed replacement. He said they toured the waste water treatment plant to see the progress that is being made. Mayor Christensen said the engineers said the plant is 7 to 8 percent complete. He said they also drive the route of the Eastern Interceptor. The Army Corp of Engineers has authorized the funding of the Eastern Interceptor, and it is estimated to be built in 2011.

Steve moved, Lorin seconded that we enter into executive session pursuant to the provisions of Idaho Code 67-2345(f) to discuss pending administrative litigation. Approved three in favor, one absent.

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

Mayor Christensen said in executive session, pending administrative litigation was discussed.

Adjourned: 9:32 p.m.

ATTEST:



APPROVE:



**AUGUST CLAIMS**

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
5-Aug-08	Comdata	61.55	32098
18-Aug-08	AAA Giles Cleaning and Restoration	675.00	32099
18-Aug-08	Advanced Industrail Supply	96.00	32100
18-Aug-08	All American Sports	420.00	32101
18-Aug-08	Alltel	149.29	32102
18-Aug-08	American Linen	681.71	32103
18-Aug-08	B's Portable Toilet	70.00	32104
<b>18-Aug-08</b>	<b>BMC West</b>	<b>5,626.33</b>	<b>32105</b>
<b>18-Aug-08</b>	<b>Circular Butte Landfill</b>	<b>5,118.30</b>	<b>32106</b>
18-Aug-08	Columbia Paint Co	318.00	32107
18-Aug-08	Crown Trophy	295.42	32108
18-Aug-08	Davies Aqua Chem Supply Co	631.99	32109
<b>18-Aug-08</b>	<b>DBS Inc</b>	<b>6,547.04</b>	<b>32110</b>
<b>18-Aug-08</b>	<b>Eagle Rock Sanitation</b>	<b>4,373.20</b>	<b>32111</b>
18-Aug-08	Electrical Equipment Co Inc	88.50	32112
18-Aug-08	Ferguson Enterprises Inc	794.61	32113
18-Aug-08	First Responders	110.48	32114
18-Aug-08	Forsgren Associates/P.A.	75.00	32115
<b>18-Aug-08</b>	<b>H-K Contractors Inc</b>	<b>16,048.05</b>	<b>32116</b>
18-Aug-08	Hammon Teton Delivery	45.00	32117
<b>18-Aug-08</b>	<b>HD Supply Waterworks LTD</b>	<b>1,025.26</b>	<b>32118</b>
18-Aug-08	IAS - Envirochem	392.00	32119
18-Aug-08	Idaho Business Systems	32.69	32120
18-Aug-08	Idaho Falls Peterbilt	476.69	32121
18-Aug-08	Idaho Traffic Safety Inc	292.00	32122
18-Aug-08	Kirkham Auto Parts Service Co. #8	163.04	32123
18-Aug-08	Les Schwab Tire Center	102.83	32124
<b>18-Aug-08</b>	<b>McGrath Meacham and Smith PLLC</b>	<b>2,857.45</b>	<b>32125</b>
18-Aug-08	Metroquip Inc	450.00	32126
<b>18-Aug-08</b>	<b>Moore Smith Buxton &amp; Turcke CHTD</b>	<b>1,346.89</b>	<b>32127</b>
18-Aug-08	Mountain View Sales	4.94	32128
<b>18-Aug-08</b>	<b>Mountainland Communications Inc</b>	<b>1,246.00</b>	<b>32129</b>
<b>18-Aug-08</b>	<b>North American UV LLC</b>	<b>2,428.16</b>	<b>32130</b>
18-Aug-08	Oldcastle Precast Inc	494.00	32131
<b>18-Aug-08</b>	<b>Pacific Steel</b>	<b>2,391.09</b>	<b>32132</b>
18-Aug-08	Petty Cash	55.05	32133
18-Aug-08	ProPower	10.10	32134
18-Aug-08	Qwest	45.71	32135
18-Aug-08	R&S Distributing	150.34	32136
<b>18-Aug-08</b>	<b>Rocky Mountain Power</b>	<b>15,224.30</b>	<b>32137</b>
18-Aug-08	Sams Club	825.97	32138
18-Aug-08	Shelley Pioneer	142.68	32139
18-Aug-08	Shelley Police Officers Association	150.00	32140
<b>18-Aug-08</b>	<b>Shelley/Firth Rural Fire District</b>	<b>4,886.00</b>	<b>32141</b>
<b>18-Aug-08</b>	<b>State Insurance Fund</b>	<b>3,266.00</b>	<b>32142</b>
18-Aug-08	Standard Plumbing	35.72	32143
18-Aug-08	Territorial Supplies	642.35	32144
18-Aug-08	Town And Country Gardens	743.30	32145
18-Aug-08	United States Welding Inc	72.40	32146
18-Aug-08	Watson Roto Rooter/Thayne Watson	150.00	32147
29-Aug-08	Alltel	149.36	32148
29-Aug-08	Brent Clark	58.27	32149
29-Aug-08	Business Phone Specialists Inc	66.50	32150
29-Aug-08	Cable One	164.95	32151
<b>29-Aug-08</b>	<b>Circular Butte Landfill</b>	<b>5,249.42</b>	<b>32152</b>
29-Aug-08	Columbia Paint Co	352.70	32153
<b>29-Aug-08</b>	<b>Daniel Acevedo</b>	<b>3,300.00</b>	<b>32154</b>
<b>29-Aug-08</b>	<b>DBS Inc</b>	<b>2,685.35</b>	<b>32155</b>
29-Aug-08	Electrical Equipment Co Inc	978.59	32156
29-Aug-08	Exxonmobil Fleet/GECC	315.48	32157
29-Aug-08	IAS - Envirochem	344.00	32158
29-Aug-08	Idaho Dept of Water Resources	650.00	32159
29-Aug-08	Idaho Falls Peterbilt	689.42	32160
<b>29-Aug-08</b>	<b>Intermountain Gas Co</b>	<b>1,766.02</b>	<b>32161</b>
29-Aug-08	Jim Cotterell	500.00	32162
29-Aug-08	Kirkham Auto Parts Service Co. #8	289.31	32163
29-Aug-08	Mel's Lock and Key	12.08	32164

29-Aug-08	PAETEC	453.13	32165
29-Aug-08	<b>Phillips 66 Co</b>	<b>1,711.76</b>	<b>32166</b>
29-Aug-08	Qwest	87.82	32167
29-Aug-08	Shelley Quick Lube and Auto Center	100.00	32168
29-Aug-08	Standard Plumbing	9.20	32169
29-Aug-08	Territorial Supplies	231.93	32170
<b>29-Aug-08</b>	<b>Teton Steel</b>	<b>2,691.05</b>	<b>32171</b>
29-Aug-08	US Post Office	340.20	32172
29-Aug-08	United States Welding Inc	102.04	32173
<b>08-Aug-08</b>	<b>City of Shelley Payroll</b>	<b>54,431.72</b>	
<b>22-Aug-08</b>	<b>City of Shelley Payroll</b>	<b>49,974.80</b>	
	<b>Total</b>	<b>210,033.53</b>	