

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JULY 08, 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 (absent)
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: BJ Driscoll

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

Minutes of June 24, 2008 Council Meeting

Approval of Building Permits:

Esther McGrath - awning
Stacey Pascoe - storage units
Ron Elliston - porch

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

Mayor Christensen opened a hearing to take public comment on whether or not the city should adopt a resolution authorizing its counsel to file a petition for judicial confirmation pursuant to the Judicial Confirmation Law on the question of validity of the city incurring an indebtedness and entering into a financing agreement with the Idaho Department of Environmental Quality in an principal amount not to exceed \$2,000,000 to finance the cost of improvements to its sewer system. Ted Hendricks said the council will not be able to adopt a resolution or take further action on this matter for at least fourteen days from tonight as required by law.

Ted Hendricks said a group of entities got together several years ago to discuss the feasibility of a regional wastewater treatment plant. DEQ gave these entities a group for matching funds to have a feasibility study done. The project was proven feasible, so the entities began seeking funding sourcing for the project. Ted said some of the projects have already been completed; the Northern Interceptor and the Exit 113 project. He said the first phase of the treatment plant is the base plant, and the second phase is the extension of the line to provide service to the City of Ammon. Ted said at the time the bonds were passed by the City of Shelley and the City of Ammon the cost analysis for the needed bond funds was \$21,000,000 with a bond term of twenty years. He said it was projected that the monthly user rate including operating and maintenance (O&M) is \$36.22. However, over the past few years the construction costs have increased and the project costs have went up. Ted said the bond funds have now increased to \$28,000,000. He said DEQ has reduced the interest rate on their loan for the bond funds from 3.25% to 2.0%, more grants have been received, and population has increased. Ted said debt service for the bond has only increase by \$.09, however the O&M has increased by \$4 and the user rate is

expected to reach \$40.32 to cover the bond debt service and the operation and maintenance on the system. Ted said IBSD originally joined the entities as a member of the Regional Board, but then withdrew from the board and the project. He said they still have the opportunity to come into the Regional Authority. Ted said the Judicial Confirmation that the city is seeking is to incur additional bond revenue of 2 million dollars since the interest rate has been lowered by DEQ. Ron Hyde asked how this plant compares with the odor that he has noticed that the Pocatello plant produces. Ted said this plant is a state of the art plant, and is probably as odor free as any plant of this type could be. He said most of the facilities are covered. Husk (video conferenced) said the Shelley Plant has more advanced technology. Brandon said the waste is dewatered and the sludge is removed. No other public comments were made. Mayor Christensen said this facility will be known as the Oxbow Wastewater Treatment Plant. He closed the hearing and stated the council will take this matter under advisement. Mayor Christensen said the adoption of a resolution authorizing the council to file a petition for judicial confirmation will be considered at the next council meeting on July 22, 2008.

Mayor Christensen opened a public hearing to consider a non-conforming use exception for Rick Malan for duplex apartments he owns at 606 Seminary Avenue. Mr. Malan is requesting a permanent non-conforming use exception to have a two family dwelling use in a single family residential zone. The apartments have existed since the 1950's. Sandy said the Planning and Zoning Commission recommended approval of the permanent non-conforming use exception at their meeting on May 21, 2008. BJ explained the city code regarding non-conforming uses, and stated the legal standard is very high for what Mr. Malan is requesting. He said the intent is to phase out non-conforming uses in the city, and the applicant must show an extraordinary hardship if he complies with city code. Mr. Malan said the building was built as a duplex, and there is no other purpose it could be used for. He said it cannot be sold for anything but a duplex. BJ said there are three options; granting a non-conforming use exception, remodel the existing building as a single family dwelling or demolish the building and construct a single family dwelling, or ask for a rezone of the property. Mr. Malan said he was not given the choice to request a rezone of the property. Sandy said she did not suggest a rezone to Mr. Malan because the Planning and Zoning Commission have taken a stance against spot zoning, and due to timing and cost, she assumed a non-conforming use exception would be the place to start. Mr. Malan does not feel this duplex has any adverse effect on the existing single family dwellings. Mrs. Malan said they may sell the duplex in the upcoming months and a hardship would be selling it in this state of the economy with the buyer knowing he had to remodel it or demolish it. Sandy said in her opinion a rezone is a much more drastic step to take than a non-conforming use exception. Steve said the rental unit has been there since 1958 and should logically be used as such. Steve moved, Lorin seconded to grant a permanent non-conforming use exception to Rick and Heidi Malan for a two family dwelling use in a single family dwelling zone since the duplex has been there since 1958 and should logically retain this use. Approved unanimously.

Mayor Christensen opened a public hearing to consider a non-conforming use exception for Winn Oakey for duplex apartments he owns at 121 and 123 Birch Street. Mr. Oakey is requesting a permanent non-conforming use exception to have a two family dwelling use in a

single family residential zone. His family built these apartments many years ago, and Mr. Oakey did not know when the zoning changed on the property. Sandy said the Planning and Zoning Commission recommended approval of the permanent non-conforming use exception at their meeting on May 21, 2008. Mr. Oakey said at this time he does not intend on selling the property, however he would like a permanent non-conforming use exception. Ron Hyde said he lives across from Mr. Oakey's duplex and said the yard is always taken care of and the has great renters. He said the Oakey's take care of the apartments and there have not been any problems. Steve moved, Lorin seconded to grant a permanent non-conforming use exception to Winn Oakey for a two family dwelling use in a single family dwelling zone since the duplex has been there for many years and should logically retain this use. Approved unanimously.

Rick said he has inspected Wind Rivers Subdivision and only a few signs need to be installed for the entire infrastructure to be completed. Lorin asked why there were no sidewalks installed along the entrance street from Hanson Avenue. Sandy pulled the plat and it showed the installation of sidewalk, curb and gutter along both sides of Cheyenne Drive(entrance from Hanson Avenue). The acceptance of the Wind River Subdivision infrastructure was tabled until the developer can be contacted regarding the sidewalk being installed on the street adjacent to the Rick River and the Shannon Albright property.

Maxine Hanks asked about what progress the city has made with the Revitalization Master Plan. John said this project has been put on the back burner for the time being, but he would contact her when the project begins to move forward again. Ms. Hanks said she just found out that Madrigals has been sold to a new owner that will be remodeling for a new restaurant.

Lorin discussed the implementation for an ordinance regulating residential windmills. BJ said he reviewed the model ordinance and asked the council to consider the height, lot size, etc that would fit the needs of the city. Lorin said it may be beneficial to install a windmill at the new wastewater treatment plant.

BJ said he learned that the city of American Fork, Utah is installing secondary irrigation systems.

BJ said since the withdrawal of the Ball Ventures and Merlin Dial annexation requests, it does not necessarily mean the mitigation plan for water rights cannot still be used. He said Ball Ventures could still access city water without being in the city limits. BJ said there are some conditions such as each property would be metered and a water agreement must be signed. He said this mitigation plan has been the most promising way for the city to obtain water rights. BJ said there is a meeting at Ball Ventures tomorrow at 9:00 a.m. to talk about the details. He also suggested that if Ball Ventures accesses city water that an annexation agreement is signed so the property can be annexed into the city when it becomes contiguous.

BJ suggested the city code regarding non-conforming uses be amended to refer to State Code 67-6538 so there is no conflict. The Council agreed to amend the ordinance and asked BJ to draft the amendment.

Sandy presented a list of trailers and vehicles in violation of the city parking ordinance that Officer Tincher compiled. Officer Tincher stated that contacts had been made for each of the listings.

Sandy said she received a request from Bingham County for comments in relation to the consideration for a rezone for Sunset View Subdivision which is located on the Shelley Butte. The Council determined that there is no objection to the zone change, however city will can not be accessed until the property can be annexed into the city.

Rick said the city crew has been repaving Holley Street. He said the street is being done one half at a time. Rick said the remainder of the street will be finished as soon as he has a full crew.

Alan said he attended the AIC meetings in Boise and ICRMP is recommending changing the way police departments are hiring new officers. He said AIC suggests new officers should not be put on the street until they have attended the POST academy. Alan said this would create a problem because POST has a waiting list which leaves the department short during the interim. Alan said Officer Johnson will be done with the POST academy the middle of August. He will make sure each of the council members receive an invitation to his graduation.

Lorin said he attended the AIC Conference, and there were some very good meetings. He said he was disappointed in one liberal speaker though.

Lorin encouraged everyone to visit the Journey's End Golf Course. He said it is a good little course.

Lorin said Morrell Hampton contacted him about trading the ownership of the water line that services his subdivision on the Butte for a dump site to dump asphalt. Rick said he has a dump site that he uses for asphalt, and he did not feel the city should take ownership of a water line outside of city limits.

Lorin discussed the development of Choke Cherry Heights Subdivision. Sandy said during a meeting with the city engineer and Rick, the developers suggested they may re-submit a plat with a different second access other than constructing a bridge onto Maple Street. She said they discussed accessing the railroad spur by means of an easement that Alva Harris is willing to give the subdivision, and separate sewer pumps at each property. Rick said they were told that they would need to pave the railroad spur if it could be used as an access. Lorin said the city needs to grow. He said there are more developments being done in the county instead of in the city due to the city regulations.

Mayor Christensen said this year is the first opportunity he has had to attend the AIC Conference. He said he attended a class entitled "Living in a Fishbowl". He said it was a great class and they gave out good information.

Mayor Christensen said he attended an open house for Gables Assisted Living Center. He said the open house will continue through tomorrow and he encouraged all to attend.

Lorin moved, Steve seconded to adjourn into executive session pursuant to Idaho Code 67-2345(c) to discuss labor negotiations. Approved unanimously.

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

Mayor Christensen said during executive session labor negotiations were discussed.

Adjourned: 9:37 p.m.

ATTEST: Sandy Bagdask APPROVED: Emi R. Christensen

PROJECT ANALYSIS WORKSHEET
MONTHLY USER RATE
EASTERN IDAHO REGIONAL WASTEWATER AUTHORITY
OXBOW WWTP & E. INTERCEPTOR

Project No. 01-03-0057
Project: REGIONAL SEWER PROJECT
Client: EIRWWA
Date: 2-Jul-08
Prepared by: BJC

ITEM NO.	DESCRIPTION	COST ANALYSIS AT TIME OF BOND	CURRENT COST ANALYSIS
4	Interest	\$ 20	\$ 20
5	Reserve	2.29	2.30
6	Annual Payment	\$1,444,750.00	\$1,700,000.00
7	Interest	5.29	5.00
8	Monthly User Rate - Debt Service	\$ 22.93	\$ 23.02
9	Monthly User Rate - Reserve @ 10%	\$ 2.29	\$ 2.30
10	Monthly User Rate - O&M EIRWWA	\$ 7.00	\$ 10.00
11	Subtotal Monthly User Rate - EIRWWA	\$ 32.22	\$ 35.32
12	Estimated Monthly User Rate - Entity O&M	\$ 4.00	\$ 5.00
13	Total Estimated Monthly User Rate	\$ 36.22	\$ 40.32

JUNE CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
2-Jun-08	Advanced Business Systems	158.05	31909
2-Jun-08	Comdata	3,874.79	31910
2-Jun-08	Diamond B Specialties	390.00	31911
2-Jun-08	Kenny Williams Heating	260.00	31912
2-Jun-08	Cheryl Simmons	350.00	31913
2-Jun-08	Snake River Valley Irrigation	925.00	31914
5-Jun-08	Broadway Graphics LLC	545.00	31915
5-Jun-08	Petty Cash	160.00	31916
10-Jun-08	AWS Dredge Inc	82,789.30	31917
10-Jun-08	Burley All Star Tournament	275.00	31918
10-Jun-08	ECIPDA	58,000.00	31919
10-Jun-08	Upper Valley Youth Association	250.00	31920
16-Jun-08	Alltel	264.39	31921
16-Jun-08	American Linen	472.70	31922
16-Jun-08	Rick Anderson	22.50	31923
16-Jun-08	BMC West	418.71	31924
16-Jun-08	Boyd Jolley	3,454.12	31925
16-Jun-08	Broulims	33.67	31926
16-Jun-08	Business Phone Specialists Inc	66.50	31927
16-Jun-08	Central Transfer Station	90.00	31928
16-Jun-08	Davies Aqua Chem Supply Co	5,485.37	31929
16-Jun-08	Alan Dial	60.00	31930
16-Jun-08	District Health Dept	50.00	31931
16-Jun-08	Eagle Rock Sanitation	4,874.32	31932
16-Jun-08	Elnora Davis	17.25	31933
16-Jun-08	Elnora Davis	6.81	31934
16-Jun-08	Eric Christensen	22.50	31935
16-Jun-08	Ferguson Enterprises Inc	867.03	31936
16-Jun-08	Forsgren Associates/P.A.	1,905.00	31937
16-Jun-08	Hammon Teton Delivery	45.00	31938
16-Jun-08	Hunter Upholstering	72.00	31939
16-Jun-08	IAS-Envirochem	602.00	31940
16-Jun-08	Idaho Business Systems	64.16	31941
16-Jun-08	Kings No. 21	74.71	31942
16-Jun-08	Kirkham Auto Parts Service Co. #8	244.38	31943
16-Jun-08	Les Schwab Tire Center	458.15	31944
16-Jun-08	Lincoln Equipment Inc	155.59	31945
16-Jun-08	Long Trees	191.00	31946
16-Jun-08	Lorin Croft	556.23	31947
16-Jun-08	Mathews Plumbing & Heating	12.50	31948
16-Jun-08	McGrath Mcacham and Smith PLLC	1,935.15	31949
16-Jun-08	Merlin Stoddard	237.50	31950
16-Jun-08	Moore Smith Buston & Turcke CHTD	1,650.20	31951
16-Jun-08	Post Register	389.52	31952
16-Jun-08	Qwest	44.71	31953
16-Jun-08	Rocky Mountain Power	8,455.07	31954
16-Jun-08	Sams Club	627.00	61955
16-Jun-08	Shelley Pioneer	1,044.38	31956
16-Jun-08	Shelley Police Officers Association	225.00	31957
16-Jun-08	Cheryl Simmons	87.50	31958
16-Jun-08	Standard Plumbing	4.50	31959
16-Jun-08	State Insurance Fund	3,266.00	31960
16-Jun-08	Stephenson Computer Consulting	18.75	31961
16-Jun-08	Town And Country Gardens	977.24	31962
16-Jun-08	Tractor Sales	163.34	31963
16-Jun-08	United States Welding Inc	127.54	31964
16-Jun-08	Valley Glass Company	330.83	31965
16-Jun-08	Watson Roto Rooter/Thayne Watson	150.00	31966
16-Jun-08	Wilford Hess	1,187.50	31967
16-Jun-08	2M Company Inc	15.47	31968
20-Jun-08	Jim Cotterell	12,288.00	31969
20-Jun-08	Smith Chevrolet Co. Inc	16,000.00	31970
24-Jun-08	Brent Clark	237.76	31971
30-Jun-08	A & B Transmission & Service Ctr.	24.95	31972
30-Jun-08	Advanced Business Systems	769.95	31973
30-Jun-08	Advanced Diagnostics Inc	255.00	31974
30-Jun-08	All American Sports	70.15	31975

30-Jun-08	Alltel	147.68	31976
30-Jun-08	Avenet LLC	126.00	31977
30-Jun-08	B's Portable Toilet	70.00	31978
30-Jun-08	Business Phone Specialists Inc	66.50	31979
30-Jun-08	Cable One	164.95	31980
30-Jun-08	Civil Air Patrol Magazine	100.00	31981
30-Jun-08	Crown Trophy	693.54	31982
30-Jun-08	Daniel Acevedo	4,950.00	31983
30-Jun-08	Davies Aqua Chem Supply Co	482.50	31984
30-Jun-08	DBS Inc	5,256.88	31985
30-Jun-08	Dougs Screen	169.25	31986
30-Jun-08	Eagle Rock Santitation	262.31	31987
30-Jun-08	Eaton Body Shop	204.83	31988
30-Jun-08	Exxonmobil Fleet/Gecc	89.53	31989
30-Jun-08	First Responders	81.99	31990
30-Jun-08	Giles Cleaning Service	337.00	31991
30-Jun-08	IAS-Envirochem	414.00	31992
30-Jun-08	Idaho Traffic Safety Inc	298.00	31993
30-Jun-08	Industrial Hose and Fittings	5.94	31994
30-Jun-08	Intermountain Gas Co	1,129.71	31995
30-Jun-08	Jim's Trophy Room	237.75	31996
30-Jun-08	Kirkham Auto Parts Service Co. #8	387.79	31997
30-Jun-08	Lexisnexis Matthew Bender	405.85	31998
30-Jun-08	Lynn Peavey Company	40.50	31999
30-Jun-08	Mathews Plumbing & Heating	86.50	32000
30-Jun-08	McLeodusa	455.23	32001
30-Jun-08	Mountain River Mechanical Services	200.00	32002
30-Jun-08	Mountainland Communications Inc	227.00	32003
30-Jun-08	Pacific Steel	731.45	32004
30-Jun-08	Petty Cash	52.96	32005
30-Jun-08	Phillips 66 Co.	1,787.29	32006
30-Jun-08	Post Register	141.51	32007
30-Jun-08	Pro Wrench	106.28	32008
30-Jun-08	Qwest	86.77	32009
30-Jun-08	R&S Distributing	49.02	32010
30-Jun-08	Rotational Molding	2,730.00	32011
30-Jun-08	Shelley Quick Lube and Auto Center	115.50	32012
30-Jun-08	Shelley/Firth Rural Fire District	4,886.00	32013
30-Jun-08	Southeast Idaho Council Governments	2,500.00	32014
30-Jun-08	US Post Office	341.55	32015
30-Jun-08	United States Welding Inc	79.30	32016
13-Jun-08	City of Shelley Payroll	49,774.45	
27-Jun-08	City of Shelley Payroll	53,140.19	
	Total	352,760.24	