

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

NOVEMBER 09, 2004

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft, Chad Landon, Steve Cederberg, John Lent  
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: Scout Randy Stark

PRAYER: Chad Landon

Mayor Christensen recognized Lance Corporal Bobby Tincher who has just returned from serving his second tour in Iraq. The Mayor and Council thanked Mr. Tincher for his service and duty to our country.

Chad moved, Steve seconded to approve the consent agenda as follows:

Approval of the minutes of October 26, 2004 Council meeting

Approval of the minutes of November 3, 2004 Special meeting

Approval of the following building permits:

|               |                  |
|---------------|------------------|
| Donald Luce   | - porch and roof |
| Norman Lawson | - move on home   |
| Maria Haddon  | - re-roof        |
| Tony Ellis    | - new home       |

Approved unanimously.

Maxine Hanks addressed the Mayor and Council to discuss the potential revitalization of the downtown area of the city. She said she previously submitted two documents for the Mayor and Council to review regarding some of her ideas to save the buildings on State Street and renovate them. Ms. Hanks said she would like to build a Heritage Committee and/or a State Street Alliance. She said the main purpose of the Committee would be to create balance and preservation while the city is experiencing growth. Ms. Hanks said she is interested in setting up a network to make this happen. She said possibly some partnerships could be set up between developers, the city, the Chamber of Commerce, etc. Mayor Christensen mentioned that Debbie Evans has taken on the revitalization of at least one building in the community, and she may be interested in helping on a Heritage Committee. Ms. Hanks asked if she should pursue this venture. Steve said he has a problem with having the government declare a historic area in the city. He feels this makes the city lose all control, including the determination of a building that should be condemned. Steve said the federal government steps in and won't let it happen. Ms. Hanks said she has not seen this happen in very many situations. She said basically she would like to create an alliance to make the current buildings renovated instead of being torn down. Ms. Hanks feels small towns like Shelley are losing their identity when growth occurs. Debbie

Evans asked what buildings Ms. Hanks has in mind to renovate, because in her opinion many of the buildings on State Street are not that eye appealing and have no particular architecture, with the exception of the Virginia Theater. Ms. Hanks said individual buildings could be saved without saving the entire block. She said the buildings worth saving could be determined by the Heritage Committee, and the City Council. Ms. Evans said she has some concerns about the restrictions that are placed on buildings that have been declared Historical. Mayor Christensen asked Ms. Hanks to continue to work on organizing a Heritage Committee, and to include Ms. Evans. However, he asked that she be mindful of the economics in the city, and the restrictive codes that may encumber the city's growth. Neil mentioned that the Urban Renewal Agency might be a better way to revitalize State Street instead of going through the Historical Society. Mayor Christensen asked Ms. Hanks to work toward specific ideas.

Marvin Keele, the developer for the Wind River Estates Subdivision addressed the council to discuss the water use plan for his development. He said BJ drafted him a letter inviting him to this council meeting because the city code specifically requires the developer to state how culinary, irrigation, and other water uses will be provided to his development. Mr. Keele said the city would provide the culinary water and irrigation water, unless an irrigation ditch is available. He said he checked with the Snake River Valley Irrigation District, and they said surface water rights must remain with the property. Sandy said she has done some research regarding water rights, and the Idaho Department of Rural Water Resources said surface water could be transferred to ground water rights, but they have to be applied for, and the necessary regulations must be followed. BJ asked Mr. Keele to continue to work with the city regarding the water rights on his property, and the city will try to not hold up his development due to this issue. Lorin discussed the problem our State is having with water shortages. He suggested that the use of water be addressed in the Subdivision's Restrictive Covenants. Mr. Keele said there would be no water used for aesthetic purposes. He said there is no other water uses except for the sprinkler system that will be installed at the retention pond. Mr. Keele asked if he would have to pay for the tap fee for the sprinkler system at the pond. The Mayor and Council agreed that there would be no charge for this tap fee. BJ asked if the Council could see any problem with allowing the residents of the subdivision to sprinkler their lawns with city water. The Council felt as long as each lot was a normal size lot, it will not be a problem to have a sprinkler system that accesses city water. However, if the lot where the sprinkler system will be placed is a very large lot, or two lots together, another means of irrigation may be necessary. BJ will address this matter in the Developmental Agreement. He said he would keep in touch with Mr. Keele regarding the transfer of water rights.

Debbie Evans said she spoke with Kathleen Lewis about the grants that may be available to help with city revitalization from the State. She said Kathleen and she reviewed the downtown areas, and Kathleen felt the city would be a prime candidate for this type of grant. Ms. Evans said she talked to several of the downtown property owners who have plans to renovate their buildings with the exception of the Virginia Theater. She said the owners of the Virginia were not sure what they were going to do with the building. Ms. Evans said the city has approximately \$140,000 in Urban Renewal Agency funds. She said some of the owners she spoke with are

willing to raise matching funds if the Urban Renewal Agency Funds are used in their renovations. Ms. Evans said Kathleen Lewis is willing to work with the city on this if they wish to pursue it. Mayor Christensen said the Urban Renewal Agency Board is going to be discussed later on in this meeting.

Alan said he discussed the proposed Runaway Ordinance with BJ and the prosecuting attorney, Dan Acevedo. He said he would like to table the adoption of this type of ordinance at this time. Alan said the County would like the cities to establish this type of ordinance, since the State Code does not cover this issue. He said it is not a crime to run away, and currently it is the parent's responsibility to return the child to home. Alan said if the city has an ordinance in place regarding runaways, then the city would have to retrieve the child once the child has been found, and all expenses to do so are the cities. He said any medical expenses that might be incurred would also be paid by the city. BJ said he agreed with Alan on this matter. He said he could not see any benefit to the city by having this ordinance at this time.

Sandy presented the proposed Auditors Agreement for the next two fiscal year end audits. The amount is not to exceed \$7500 per year. Sandy said the contract amount has increased from last year by approximately \$1000, but this is due to the new GASB accounting. John moved, Steve seconded to accept the Auditors Agreement in the amount of \$7500 per year for the next two fiscal year end audits. Approved unanimously.

Rick said the telephone line has been hooked up at the sewer lift station. He said everything is functioning fine, and now we're waiting for DEQ approval before we can accept the lift station. Rick said Boyd Grover will need to contact DEQ, and then the city can proceed.

John apologized that he had not had time to contact the potential Urban Renewal Agency Board members. He said they discussed the names of some of the candidates that may be willing to serve on the Board at the last council meeting. John said he would finish this matter and present the names at the next council meeting.

The next item on the agenda was to discuss the lien on the Lefevre property. BJ said pursuant to Idaho Code 67-2345 this matter should be discussed in executive session since potential litigation may be involved. Steve moved, John seconded to table this matter and discuss it in executive session. Approved unanimously.

BJ said he has been working on the Developmental Agreement, the Water Use Plan, and the transfer of the water rights for the Wind River Estates Subdivision. He asked the Mayor and Council to review the draft of the Developmental Agreement, and he would address any of their concerns or questions. BJ said the delinquencies for two LID's that Scott was working on have been paid.

Sandy asked the Mayor and Council to set a date for an open house to honor Councilman Chad Landon and Judge Scott Hansen. The Mayor and Council determined the open house would be November 22, 2004, from 4:30 p.m. until 6:30 p.m.

Sandy said there has been some employees ask about the educational reimbursement listed in the personnel policy manual. She said the policy manual states that an employee must obtain permission from his/her department head before any class is taken, and the class must pertain to the position the employee holds with the city. If the employee passes the class, the city will reimburse the employee for the tuition paid for the class. Sandy said in the past the only classes that have been reimbursed were for six to eight week course classes. She said the employees have asked that if college courses are taken to obtain a bachelors or masters degree if the city will reimburse them for their tuition. Sandy asked for clarification since our policy does not address long-term educational classes. The Mayor and Council asked Sandy to copy the manual for their review, and this will be discussed again at a future council meeting.

Rick said we have had problems with the RV dump station at the Food Plaza. In the past there have been foreign objects dropped down into the line that causes it to plug up, and then there are sewer back ups in some of the homes on North Park Avenue. Rick said this problem has been corrected. He said Boyd Jolley purchased a holding tank and the city installed it.

Neil said he has been working three grants for the city. A grant for the restroom facility at Brinkman Park, a grant for an Amphitheater, and grants for an Auditorium District.

Alan said he will be back to work on November 15, 2004. He said he had surgery on his knee and was doing fine.

Alan said he ordered a new police car for this fiscal year. He said the new car will be a Chevrolet Impala. Alan said the Impala will be replacing one of the Crown Victoria which he is trying to sell to the City of Aberdeen.

Steve said he met with the County Commissioners and they really want to finish the negotiations on the Impact Area. He said they are in favor of adopting the city regulations countywide. Steve said the Commissioners promised this matter would be in motion by November 23, 2004. Steve said he intends to meet with the Commissioners again on November 15<sup>th</sup>. BJ asked Steve to keep him up to speed on this matter.

Sandy said Dawn was not in attendance because her mother had recently suffered a stroke. She said she spoke with Dawn, and her mother seems to be improving each day.

Lorin said he was pleased with the outcome on the Sewer Bond Election. He felt the bond passed because of the excellent leadership from the Mayor. Lorin said the Mayor was very positive and kept everyone informed about the issues.

Lorin said he attended a SICOG meeting recently. He said the City of Lava recently installed water meters, and obtained a grant to help with the project.

Lorin said Errol Covington will be writing a letter to the city giving permission to remove the dead trees between the walking path and the river. He said he was not sure who exactly owns the land. BJ said the Assessor's office should have that information. Lorin asked if the city, county and property owners give permission, if it would be okay to remove the trees. Mayor Christensen said he just wants to make sure that the city is not held liable and forced to replace the trees if the property owner is not happy with the removal of the trees. Alan said Kent Carlson or Boyd Grover may possibly own the land.

Chad said it has been a pleasure to work with the city for the past several years. He complimented the council and Mayor for their foresight for the city. Chad submitted his letter of resignation due to relocation outside of the city limits. Mayor Christensen said it has been an honor and a privilege to work with Chad and he appreciates everything Chad has done for the city. Mayor Christensen accepted Councilman Landon's letter of resignation.

Chad moved, Steve seconded to adjourn into executive session pursuant to Idaho Code 67-2345. Approved unanimously.

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

Mayor Christensen said during executive session potential litigation was discussed.

Adjourned: 9:35 p.m.

ATTEST: \_\_\_\_\_

APPROVE: \_\_\_\_\_



**OCTOBER CLAIMS**

| <u>DATE</u>      | <u>CLAIMS</u>                            | <u>AMOUNT</u>     | <u>CHECK #</u> |
|------------------|--|-------------------|----------------|
| 1-Oct-04         | US Post Office                           | 281.98            | 28006          |
| 12-Oct-04        | State Insurance Fund                     | 2,235.00          | 28073          |
| 18-Oct-04        | Sams Club                                | 353.57            | 28075          |
| 29-Oct-04        | A & B Transmission & Service Ctr.        | 127.48            | 28077          |
| 29-Oct-04        | Advanced Diagnostics Inc                 | 170.00            | 28078          |
| <b>29-Oct-04</b> | <b>Association of Idaho Cities</b>       | <b>1,554.00</b>   | <b>28079</b>   |
| 29-Oct-04        | Bonita's                                 | 16.73             | 28080          |
| 29-Oct-04        | Business Phone Specialists Inc           | 60.00             | 28081          |
| 29-Oct-04        | Cable One                                | 154.90            | 28082          |
| <b>29-Oct-04</b> | <b>Circular Butte Landfill</b>           | <b>4,668.30</b>   | <b>28083</b>   |
| <b>29-Oct-04</b> | <b>Daniel Acevedo</b>                    | <b>1,500.00</b>   | <b>28084</b>   |
| <b>29-Oct-04</b> | <b>Eagle Rock Sanitation</b>             | <b>3,003.17</b>   | <b>28085</b>   |
| 29-Oct-04        | Exxonmobil Fleet/GECC                    | 532.29            | 28086          |
| <b>29-Oct-04</b> | <b>Gene Mathews</b>                      | <b>1,091.75</b>   | <b>28087</b>   |
| 29-Oct-04        | IAS-Envirochem                           | 136.00            | 28088          |
| <b>29-Oct-04</b> | <b>ICRMP</b>                             | <b>18,055.50</b>  | <b>28089</b>   |
| 29-Oct-04        | Idaho Traffic Safety Inc                 | 135.00            | 28090          |
| <b>29-Oct-04</b> | <b>IDHW/DEQ Drinking Water</b>           | <b>1,130.00</b>   | <b>28091</b>   |
| 29-Oct-04        | Intermountain Gas Co.                    | 107.58            | 28092          |
| <b>29-Oct-04</b> | <b>Jim Cotterell</b>                     | <b>5,620.00</b>   | <b>28093</b>   |
| 29-Oct-04        | Kings No. 21                             | 24.20             | 28094          |
| 29-Oct-04        | Kirkham Auto Parts Service Co. #8        | 86.79             | 28095          |
| <b>29-Oct-04</b> | <b>Lake City International</b>           | <b>24,598.42</b>  | <b>28096</b>   |
| 29-Oct-04        | Lawrence Gallup                          | 41.35             | 28097          |
| 29-Oct-04        | Mcleodusa                                | 389.37            | 28098          |
| <b>29-Oct-04</b> | <b>Mountain West Bark Products Inc.</b>  | <b>1,042.00</b>   | <b>28099</b>   |
| 29-Oct-04        | National Pen Corp                        | 115.09            | 28100          |
| 29-Oct-04        | Phillips 66 Co.                          | 534.96            | 28101          |
| 29-Oct-04        | Pioneer Publications                     | 644.29            | 28102          |
| <b>29-Oct-04</b> | <b>Public Transportation</b>             | <b>1,100.00</b>   | <b>28103</b>   |
| 29-Oct-04        | Roker Materials Co Inc                   | 311.85            | 28104          |
| 29-Oct-04        | Scott Machinery Co                       | 249.64            | 28105          |
| <b>29-Oct-04</b> | <b>Shelley/Firth Rural Fire District</b> | <b>4,095.00</b>   | <b>28106</b>   |
| 29-Oct-04        | Southeast Idaho Council Governments      | 686.34            | 28107          |
| 29-Oct-04        | The J.P. Cooke Co                        | 54.23             | 28108          |
| 29-Oct-04        | Tia Wright                               | 25.07             | 28109          |
| 29-Oct-04        | United States Cellular                   | 218.05            | 28110          |
| 29-Oct-04        | Utility Software LLC                     | 575.00            | 28111          |
| 29-Oct-04        | Viking Office Products                   | 184.32            | 28112          |
| 29-Oct-04        | Western States Equipment                 | 248.62            | 28113          |
| 29-Oct-04        | 2M Company Inc                           | 72.00             | 28114          |
| <b>8-Oct-04</b>  | <b>City of Shelley Payroll</b>           | <b>41,182.72</b>  | <b>28009</b>   |
| <b>22-Oct-04</b> | <b>City of Shelley Payroll</b>           | <b>37,930.43</b>  | <b>28076</b>   |
|                  | <b>Total</b>                             | <b>155,342.99</b> |                |