

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

August 25, 2009

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Steve Cederberg, John Lent (absent), Charlotte Fredrickson
Police Chief: Alan Dial
Public Wks Dir: Rick Anderson
Recreation Dir.: Dawn Lloyd (absent until 9:00 p.m.)
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Alan Dial
PRAYER: Lorin Croft

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

Minutes of August 11, 2009 Council Meeting
Approval of July 2009 Overall Budget & Treasurer's Rpt.
Approval of July 2009 Expenditures
Building Permits:
Rich Eaton - Commercial Building
West Pine Apt. - re-roof
Shelley High School - sign
Hazel Stuart School - sign
Neil Curtis - re-roof
Cindy Huffaker - fence

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

Barbara Scott, 480 Robald Street discussed the tremendous amount of traffic on Robald. She said she would like to come up with some way to reduce the amount of traffic in front of her home. Mrs. Scott introduced her husband, Leroy. She said they have some options that may help the problem. Mrs. Scott said she has lived on Robald the past twenty years and faced many challenges. She said they have dealt with issues such as the speed bump where you enter the school road coming out of the parking lot. Mrs. Scott said the police have been very responsive and have helped control the traffic in regards to speeding and the stop sign. She said however, she is looking for a more permanent solution. She said she would like to fix the traffic on Robald Street. Mrs. Scott said she and her husband dread the start of school each year. She said it is not only the volume of cars, but the road noise, booming bass and the attitude of the drivers. Mrs. Scott presented some statistics of the vehicle volume over various days and times of the day with some being over 100 cars in an hour's time. She said in the morning, at lunch time, and after school are the worst times. Mrs. Scott said their home is the only home on Robald Street. She said the Darrington's and the neighbor that lives west side would like to see compliance with the laws. Mrs. Scott said their preferred option is to have the west side of Robald Street closed with a gate and access only to emergency vehicles. She said another option is to make Robald a one-way street going out of the school property. Mrs. Scott said Fir Street has four lanes, lights, signs, etc. She said Robald has nothing but one stop sign. Mrs. Scott said she is asking for help

to reduce the volume of traffic in front of her home. Mayor Christensen said she has made an excellent presentation, and this is not something that can be fixed over night. He said Charlotte is the liaison with the School District and he would like her to work with the School Board on this matter. Mayor Christensen said there is a definite problem. He felt the School District should be legislating the noise problem. Mrs. Scott said they sent a letter to the School after last spring about this matter. She said Dale Clark is the only one that responded to their letter. He said the school has no control over the students once they leave the school building. She said Mr. Clark felt the police should enforce the laws. Charlotte suggested involving the Youth Coalition. Alan said when the school was built, it was said that this particular access would only be used after sporting events. He said the front entrance is poorly designed and won't accommodate the buses and the students. Russell Fricke is leasing the former Lents building on the corner of Robald and State Street. He agreed that there is a problem with the traffic. He said there have been times that the vehicles cut across his driveway and flip rocks. Charlotte will work with Mrs. Scott and the School Board and try and resolve this problem. Mayor Christensen said will work on this problem and he believes that the school and the police can help with Mr. Fricke's problem also.

BJ opened a public hearing to consider annexation and rezoning of a parcel of property owned by Brian Bird at 1392 N. 800 E. Shelley. Brian Bird was sworn in by BJ. Mr. Bird said he would like his parcel of property annexed into the city limits. He said he is currently on city water and would like to possibly annex the city's sewer line in the future. Mr. Bird said as well as being the right thing to do, he would also like the benefits of unmetered water and other city amenities. Mr. Bird said he is requesting to be rezoned to Residential Agricultural (RA) from County Agricultural. Sandy said Mr. Bird is on a one acre parcel of property and RA is the closest zoning available to County Agricultural for the size of his lot. There was no other testimony. BJ closed the hearing. Steve said it is nice to have someone who is willing to be annexed into the city limits. Sandy said the Planning and Zoning Commission held a public hearing July 15, 2009 and recommended approval. Steve moved, Lorin seconded to annex Brian Bird's parcel of property at 1392 N. 800 E. into the city limits of Shelley with a Residential Agricultural zoning as requested by Mr. Bird. Approved three in favor, one absent.

BJ opened a public hearing to consider rezoning a parcel of property owned by Jim Cotterell on the corner of South Park and Baseline Road adjacent to the canal bank to Central Business from Single Family Residential. Jim Cotterell at 780 E. 1200 N. Shelley, was sworn in by BJ. Mr. Cotterell said he owns a piece of property adjacent to the public right-of-way known as Gail Street (unimproved). He said he would like to build a 50 foot by 36 foot shop for his personal use. Mr. Cotterell said he owns a business and intends on storing his equipment there. Mr. Cotterell said the property is triangular shaped and he is having problems meeting the setbacks of a Single Family Dwelling zone to build his building. He said to alleviate this problem he would like his property zoned as Central Business. Sandy said the Planning and Zoning Commission held a public hearing July 15, 2009 and recommended approval. She said the reason a variance was not applied for in this case is because Mr. Cotterell originally applied for a special use permit as well as a rezone to build a Commercial Shop with the intentions of renting out storage

bays. Sandy said he changed his mind at the first public hearing and withdrew the special use permit application. There was no other testimony given. BJ closed the public hearing. The council felt it would make the property nicer to have something on it other than weeds. Lorin said he is concerned about backing equipment out onto Baseline Road. Mr. Cotterell said there is plenty of room to turn his equipment around before reaching Baseline with his truck and trailer. Rick said Gail Street is not developed, but will only be used for a water line access when the adjacent subdivision is developed. He said there are other accesses available to the potential subdivision off of Baseline Road. Lorin moved, Steve seconded to approve the parcel of property owned by Jim Cotterell adjacent to Gail Street rezoned as Central Business. Approval three in favor, one absent.

Sandy presented an amendment to the 2008 – 2009 Fiscal Year Budget. She said the City of Ammon is receiving it's bond proceeds to pay for a portion of the waste water treatment plant and feels since the contract with RSCI is with the city then they should send the funds to the city to be receipted and paid to the contractors. Sandy said the amendment will add 8 million dollars to the sewer fund. Lorin moved, Steve seconded to suspend the reading of Ordinance #528 on three different days and read the title of ordinance #528 once. Lorin read the title of Ordinance #528 once by title only. Lorin moved, Steve seconded to adopt the amended Appropriation Ordinance #528 for fiscal year 2008 – 2009 as read adding 8 million dollars to the sewer fund. Approved three in favor, one absent.

Richard Staten said he and Terry Julius owns a company called Idaho Energy Consulting. He said there is a REEZ (Renewable Energy Enterprise Zones) grant available to seek out renewable energy sources for rural communities. He said Idaho Energy Consulting works with various entities and businesses to complete a study to see if there are renewable energy sources and if they are feasible. Mr. Staten said Shelley may have some hydro energy that can be tapped. He said this grant does not require matching funds, and Idaho has 1.5 million dollars available for grant funding. He said he understands that all capital outlay funding has been frozen this new fiscal year. Mr. Staten discussed several options for renewable energy. Mayor Christensen thanked Mr. Staten for coming and said the council will review this information before any decision is made.

Russell Fricke said he is leasing a building from Alex Creek which was the former Lent's building. He said he would like go buy the building from Mr. Creek and would bring a fairly good size business to the city. Mr. Fricke said he uses the building occasionally now. He said his business deals with diesel injectors. He said he needs water to the outside of the building, but not inside the building. Mr. Fricke said there is a broken toilet inside the building that doesn't work unless you turn the valve off and on, and an old sink that he doesn't use. He asked for a discount on his city sewer services. Mr. Fricke said he would pay a monthly fee, but he felt \$45 a month is too much. He said he would remove the fixtures if necessary. Sandy said her concern is the other business owners who may want to remove their bathroom fixtures for a reduced rate because they do not use them. Mr. Fricke said he would also like to participate in the Urban Renewable Façade Project. Sandy said Mr. Fricke's property that he rents is not in the Urban

Renewal Agency boundaries. She said it would be illegal to give funds outside the district boundaries. Sandy said the owner of the property must also apply for any URD funding. Barbara Scott said according to the zoning map the property Mr. Fricke intends on locating his business is zoned as R1 (single family dwelling). She said it is probably grandfathered at this time, but is concerned about the noise, and odor that the business may generate. Sandy said she will check the zoning, but if that is the case, once the property changes ownership all grandfather clauses are lost. She said to continue the use a special use permit must be obtained or the property must be rezoned. Mr. Fricke said he fixes injection items. He said there are mostly parts coming into the office. Sandy said this item was not placed on the agenda, but Mr. Fricke wanted to discuss his sewer usage. She said this matter will be placed on the September 8th agenda.

BJ said at the last council meeting the changes to the dog control ordinances had been made, but it was not adopted because the council wanted to ask for public comments. He said the biggest change to the ordinance is implementing a non-commercial kennel license in all zones except two family dwellings and multi-family dwellings, and a provision for "visiting dogs". He said license fees, kennel fees, and violations have been added to the ordinance also. Audrey DeRoche said she understands the change to the ordinance allows up to five dogs, but with the consent of surrounding property owners. She asked what distance within the kennel would consent have to be obtained. BJ said 100% of adjacent property owners, and 75% of property owners within two hundred feet must be obtained from property owners on all sides of the property where the kennel is to be located. Mrs. DeRoche felt five dogs are too much. She said the city has had problems with dogs over the past several months. Why after allowing only two dogs would the council increase this to five. Mrs. DeRoche said she agrees that the problem is irresponsible pet owners. She said there are problems with barking dogs, and a lot of the time the owners are not even home. Mrs. DeRoche asked how this ordinance could be enforced any better than the current one. BJ said the ordinance was redrafted because the language in our current ordinance states a household can have only two dogs instead of the person occupying the property. He said this amendment clarifies this. Mrs. DeRoche said she is concerned about the city opening the door to problems. BJ said the city is trying to control the problem. Those in attendance said the biggest concern is barking dogs. Mrs. DeRoche said she would like to see an enforceable ordinance. Mayor Christensen said this matter will be reviewed further at the September 8th council meeting. There were some questions about breed restrictions.

BJ discussed the zoning ordinance for kennel licenses. He said this amendment clarifies what zones a non-commercial kennel license will be allowed in. This matter will be discussed further at the September 8th council meeting also.

Sandy said there will be a Vista meeting at the City Hall on September 11, 2009, at 10:00 a.m. She said new daycare regulations will be discussed.

Sandy said Mark Cowley sent a letter requesting funding assistance with the Bingham County Youth Coalition for the new fiscal year in the amount of \$1000. She said the letter stated Mr.

Cowley and members of the group will attend a future council meeting to discuss their goals and accomplishments.

Sandy said the AIC Conference will be held in Idaho Falls next June. She said Ruby with the City of Idaho Falls contacted her and asked if the city would like to assist in hosting the conference; such as assisting with the Youth and Spouse programs. Lorin suggested a delegate tour at the new Oxbow Waste Water Treatment Plant. He also suggested a Virginia Theater night, and possibly swimming at the city pool.

Dawn said Grid Kid Football will begin August 26, 2009. She said registration is beginning for flag football. Dawn said the school has been using the pool.

Charlotte said she appreciates people working through the proper process to resolve problems. She said she looks forward to working with Barbara Scott.

Steve said Brandon Bird has resigned from the Bingham Economic Development Council. He said Brandon has taken the position of the Eastern Idaho State Fair Director.

Steve said he attended a Youth Coalition dinner in Island Park a few weeks ago. He said the Youth Coalition has a "Suicide Prevention" theme this year. He said they will be attending a future council meeting.

Lorin said he attended a tour at the new waste water treatment plant with DEQ and the Public Works Department. He said it is an engineering miracle.

Lorin said in the City of Rexburg they have parks where the door handles of their restrooms in the public parks lock automatically after 10:00 p.m. Rick said they have someone in the city that maintains these restrooms every day.

Lorin said he has noticed that some of the stores in the city have jars for donations to help the police buy handguns. Alan said this is to buy hand guns for retiring police officers.

Lorin said Rick and he entered the golf tournament that Forsgren hosted. He said it was a lot of fun. Lorin said the City of Lava is having sewer problems. He said their sewer rate is currently \$14 monthly and projected to go to \$84 monthly. Lorin said they are a tourist/visitor town.

Mayor Christensen apologized for not being in attendance at the last council meeting. He said there is a lot of buzz in the community about him not being at the meeting where the dog that was shot was discussed. Mayor Christensen said he was not in attendance because he had a "stomach bug".

Mayor Christensen said there will be a Regional Waste Water meeting on Thursday at 10:00 a.m. He invited everyone to attend.

ATTEST: Sandy England APPROVE: Em R. Chilton