

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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OCTOBER 24, 2006

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: Hans Haroldsen  
PRAYER: Lorin Croft

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

Minutes of October 10, 2006 Council Meeting  
Approval of September 06 Expenditures  
Approval of September 06 Overall Budget & Treasurer's Rpt.  
Building Permits:  
Nathan Kohler - fence  
Mary Lou Isaacs - re-roof  
Shiloh Huntsman - re-roof

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

Sandy said the Planning and Zoning Commission held a public hearing on October 18, 2006, to consider rezoning a parcel of property from R1 (Single Family Dwelling) to HC (Heavy Commercial) so a parking lot can be constructed by Gary and Karma Ohman for customers of their potential business. She said the P&Z recommended denial of the rezone because of the public testimony given in opposition; however they recommended to the city council that the city code be changed to allow a parking facility in an R1 zone with a special use permit. BJ said the biggest concern regarding the amendment to the city code would be setting precedence for other zoning issues. He said there could be some concern about having a parking lot in an R1 zone with a special use permit. BJ clarified what would be discussed regarding this agenda item. BJ said there is another item further down the agenda regarding a public hearing to rezone the Ohman property from R1 to HC. He said this is to call for a public hearing only, and no public testimony would be taken until the hearing. BJ said at this time the city council should discuss whether or not to amend the city code only because these two issues are separate. John introduced Kirk Dooley, a member of the Planning and Zoning Board. He said Mr. Dooley would like to explain to the council why the P&Z Board recommended changing the city code, rather than rezoning the Ohman property. Mr. Dooley said the P&Z Board wanted to support the businesses or potential businesses in the city, but at the same time protect the residential areas from the potential factories and other businesses that might be located in a HC zone. He said the Board was trying to be innovative and come up with an idea to allow this type of construction or

development on a case by case basis. Mr. Dooley said the Board did not feel this type of situation would arise very often in the future. John said he asked for written permission from the three property owners that own the property which would give egress and ingress easement to the proposed parking lot. Mrs. Ohman said the three property owners agreed to give easement as long as the property was not rezoned to HC. Mrs. Ohman also presented a signed petition in support of their proposed business of a motel, dance studio, etc. John asked if the city would have any liability regarding setting precedence if a situation came up like this in the future and the request was denied. BJ said yes, it could be taken to court but a high standard would need to be presented to the courts. Lorin felt he would rather see the lots being used for something rather than just sitting empty with weeds. John felt an amendment to the city code to allow a parking facility in an R1 zone with a special use permit would benefit the city. Steve said he is in favor of the amendment, and looks forward to the potential growth in the city. John moved, Steve seconded to direct BJ to amend the city ordinance regarding a parking facility to allow this use in an R1 zone with a special use permit. Approved unanimously.

Ian Davis, Department of Agriculture discussed the development in the city and the surrounding areas in regards to the nematode outbreak and quarantine. Mr. Davis said the township east of the river is the area in question. He said the Department of Agriculture is requesting that all contractors, developers, etc. that are working within this township have their equipment cleaned before leaving the regulated area. He said they can move freely about until they intend to leave the area. Mr. Davis said anyone working within a quarantined area must have their equipment cleaned before leaving the site. He said the Department of Agriculture is providing the people and equipment to clean the equipment free of charge. Mr. Davis said the Department of Agriculture would like to be able to conduct the cleaning of this equipment at a facility on the east side of the railroad tracks near the transfer station at the north end of the city. He proposed to pave the area that has not been paved and create a berm to control the water run off. Mr. Davis said this would only be a short term solution to sanitize the equipment. Rick said he looked at the site that Mr. Davis is talking about, and he did not feel there would be any problem with the Department of Agriculture setting up their facility. He said they have already been using the site for the past month. Mayor Christensen said if the Department of Agriculture intends to construct any long term facility, such as testing labs in the future he would like them to consider building the facility in the city limits. The Council directed Mr. Davis to work with Rick on constructing the short term facility, and gave approval of using the transfer station lot.

Sandy discussed the development agreement for the Pebblecreek Subdivision. She said the first draft of the agreement included a one year time period to commence construction, the development of the drainage pond, and the presentation of a bond. She asked if there were any other items they would like addressed in the agreement. The Mayor and Council instructed Sandy to insert the requirement of a pressurized irrigation system, and a walk path to be constructed along the east side of the New Sweden Highway. She will present the second draft at the next council meeting.

Sandy said the Planning and Zoning Commission held a public hearing on October 18, 2006, to consider rezoning a parcel of property owned by Gary Ohman at 256 S. Park Avenue. The P&Z Board recommended approval of the rezone request. John moved, Steve seconded to call for the next public hearing on November 14, 2006, at 7:30 p.m. to consider this rezoning request from R1 (Single Family Dwelling) to R2 (Two Family Dwelling). Approved unanimously.

The next item on the agenda was to call for a public hearing to consider rezoning a parcel of property at the end of the vacated Mallard Avenue from R1 (Single Family Dwelling) to HC (Heavy Commercial). Sandy said the Planning and Zoning Commissioner recommended to deny this request, but to amend the city code to allow a parking facility in an R1 zone with a special use permit. Gary and Karma Ohman formally withdrew their application for this request to rezone. No hearing was called for.

Brent Christensen was in attendance to discuss the improvements being done in his development, the North Shelley Business Park. He said the water lines have been cut into the ground at 3 ½ feet, however there is 2 feet of fill that needs to be brought in. Mr. Christensen said the lines will be adequately covered to prevent freezing. Rick said he is also concerned about the depth of the fire hydrants. Mr. Christensen said Butler Engineering shot the elevation, and said the water lines will be at least 5 feet deep and in some places up to 6 feet deep. Rick said he did not think Mr. Butler's figures were right, and he intended to have Forsgren, the City Engineer shoot the elevation. Mr. Christensen said the water and sewer lines that have been installed on the north side of the road still need gravel put into the trench. He said he has a company lined up to begin installing the curb and gutter next week. Mr. Christensen said he needs to bring a sewer line across Anderson Road, and would like permission to cut the road. Mayor Christensen said no, the road was already ruined from the other cuts he had made and he would need to bore under the road. Mr. Christensen said it is hard to find a company that would guarantee the boring. Mayor Christensen instructed Mr. Christensen to work with Rick, but he would not be able to cut the road. Mr. Christensen said he figures the subdivision will be paved by Thanksgiving.

Steve Bare introduced himself as running for the State Senate. He asked if there are any concerns the city may have with the legislature. John said yes, well drilling permits and septic permits are being given easily for county residents, yet for the city to obtain a drilling permit to provide municipal water it is nearly impossible to obtain water rights. He said it should be easier for cities since they annex outwards due to growth, and have to inherit many private wells and septic systems. John said he also felt the legislature should work towards mandating regional sewer treatment facilities instead of every city having their own system. Mr. Bare offered his services to aid the city and county in any way he can.

Sandy said only one bid was received for the call for bids for a snow loader. She said ETI, a company in Billings Montana submitted a bid in the amount of \$47,250. Sandy said she telephoned the Council for acceptance of this bid and it now needs ratified. Steve moved, Charlotte seconded to ratify the acceptance of the bid for a snow loader in the amount of \$47,250 received from ETI. Approved unanimously.

Sandy telephone polled the council regarding the employment of Jorge Mena as a level one reserve that will be on a part time basis. Alan said Mr. Mena will not be attending post, but he can be hired as a level one reserve with direct supervision that can be via telephone. Mr. Mena will be paid at entry level wage. Lorin moved, John seconded ratify the employment of Jorge Mena as a part time level one reserve officer at entry level wage. Approved unanimously.

Sandy said the position of building inspector has been placed in the newspaper until the position is filled. She said she found out the inspector must be certified. Sandy said in the interim of hiring a new inspector, Bingham County will be providing our inspections at no cost.

Sandy said during "Fall Clean Up" there was some confusion about what would be picked up and hauled off. She said she advertised that the clean up would be limited to yard debris. Sandy said she discussed this matter with Rick, and they felt that if the city would like to limit the type of debris that is picked up, there should be more notification to the public. She said she would like to create a mailer to be mailed out a month prior to "Spring Clean Up" defining what materials would be removed during a clean up period, and what the violation would be for any debris set out that was not picked up. She said it would cost approximately \$450. Rick discussed charging a fee for loads that have been requested to be picked up that are fairly large. The council felt this would be a good idea to create a mailer, and gave permission. Sandy will draft the mailer and present it to the council for review and approval.

The Council discussed placing a sign at Centennial Park; possibly a large rock listing the dedication date. Rick said the flag poles have been installed and the benches and flower pots are here. He said the benches and flower pots will be installed next year when the weather breaks. An opening ceremony for the park will be planned, possibly next spring during the Arbor Day celebration.

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

Sandy said Odell Young has been issued a citation for the accumulation of weeds and debris on the back of his business, Hidden Treasures. She said she met with Mr. Young and explained the problem with the appearance of his property. Sandy said Mr. Young was in the process of trying to clean up the area closest to the residential homes, but she felt the citation should run through the courts which would give him a little more time to clean up the premises.

Sandy said there will be an AIC City Officials Academy and Legislative luncheon held in Idaho Falls on December 1, 2006. She asked who is planning to attend the luncheon so she can register. Charlotte, Steve, and John said they would like to go for sure. Lorin and Mayor Christensen said they would check their schedules.

Sandy said she would like to clarify permission to move forward on the second half of the Water Planning Study. She said the computer model was done last year, and the second half has been budgeted to be done this year in the amount of \$25,000. Sandy said we are trying to obtain a

DEQ grant for half of the project, but last year we weren't high enough on the priority list. The Council gave permission to move forward on the second half of the water study and expend \$25,000.

Rick said he received the new snow loader today from ETI. He said he will begin preparing it for the winter season.

Dawn requested that a tree be planted in remembrance of Jay Rowley during the Arbor Day celebration. Everyone thought that is a great idea.

Charlotte said she is concerned about the pedestrian traffic trying to cross West Fir near the Movie Gallery. She said she watched a woman trying to cross the street and it was quite hazardous. Charlotte said she spoke with the woman who lived nearby, and asked her to watch the street and give her an opinion of where the best site for a crosswalk would be. Sandy said this was discussed at a prior council meeting and Rick was going to paint a crosswalk. Rick said he intends to place a crosswalk at Edwards Avenue crossing West Fir Street, but hasn't had time yet.

Charlotte presented a draft of the city flag. She said Sign Works has laid out the design and the cost is \$386 for a 4x5 flag. Charlotte said she would like to order two to begin with; one for the Mayor's office and one for Centennial Park.

John said he needs two people to fill the two vacancies on the Planning and Zoning Board. He said he will try and present some names at the next council meeting.

John said the Urban Renewal Board has been working towards changing the District boundaries. Sandy said Kathleen Lewis from SICOG has provided a list of property owners who will be removed from the district and a list of those who will be added. She said the list will need to be changed slightly. John said the Urban Renewal Board will continue working towards Phase 2 of the façade project.

John said he is working on the Tree Lighting Ceremony plans. He said the ceremony will begin with a chili cook off at 3:30 p.m. on November 24, 2006, at the City Park. John said they are planning to have entertainment, Santa's visit, etc. He said Diane Mickelson is facilitating the event, and invited all to attend.

Steve asked if Marvin Keele has any intentions of commencing construction at Wind River Estates. Sandy said she sent a "second request" letter just last week asking his intentions.

Lorin said an executive session would be needed to discuss personnel matters.

Mayor Christensen read a letter he received from DEQ regarding the Wastewater Treatment Plant Feasibility Study. He said DEQ has approved the final study which mean the interest for the loan is locked in at 3.25%.

Sandy said DEQ needs a "will serve" letter for the project at exit 113 which will expand the regional transmission line to the east. The council had no objections to issuing a "will serve" letter.

Lorin moved, Steve seconded to adjourn into executive session pursuant to Idaho Code 67-2345(a) and 67-2345(f) to discuss pending litigation and personnel matters. Approved unanimously.

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

Mayor Christensen said during executive session pending litigation and personnel matters were discussed.

Adjourned: 10:25 p.m.

ATTEST: Sandy Hajduk APPROVE: Eric R. Christensen

**OCTOBER CLAIMS**

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
13-Oct-06	<b>Association of Idaho Cities</b>	<b>1,652.00</b>	<b>30223</b>
13-Oct-06	Eric Christensen	800.00	30224
13-Oct-06	<b>ETI</b>	<b>47,500.00</b>	<b>30225</b>
13-Oct-06	<b>ICRMP</b>	<b>17,152.50</b>	<b>30226</b>
13-Oct-06	<b>IDHW/DEQ Drinking Water</b>	<b>4,800.00</b>	<b>30227</b>
13-Oct-06	<b>John Deere Credit</b>	<b>24,830.27</b>	<b>30228</b>
13-Oct-06	<b>Public Transportation Dept</b>	<b>1,100.00</b>	<b>30229</b>
13-Oct-06	Southeast Idaho Council Governments	686.34	30230
13-Oct-06	Idaho State Tax Commission	6.80	30231
17-Oct-06	Sams Club	357.11	30232
17-Oct-06	US Post Office	627.00	30233
23-Oct-06	<b>Hiball Trucking Inc</b>	<b>1,075.00</b>	<b>30234</b>
31-Oct-06	Advanced Business Systems	51.90	30235
31-Oct-06	Advanced Diagnostics Inc	145.00	30236
31-Oct-06	Alltel	151.90	30237
31-Oct-06	Blackfoot/Bingham County Youth Coalition	950.00	30238
31-Oct-06	Business Phone Specialists Inc	60.00	30239
31-Oct-06	Cable One	116.15	30240
31-Oct-06	<b>Daniel Acevedo</b>	<b>1,500.00</b>	<b>30241</b>
31-Oct-06	District Seven Health Department	55.00	30242
31-Oct-06	<b>Eagle Rock Nursery</b>	<b>1,619.92</b>	<b>30243</b>
31-Oct-06	<b>Eagle Rock Sanitation</b>	<b>3,579.13</b>	<b>30244</b>
31-Oct-06	Electrical Equipment Co Inc	986.73	30245
31-Oct-06	Exxonmobil Fleet/Gecc	278.87	30246
31-Oct-06	Fire Services of Idaho	320.00	30247
31-Oct-06	First Responders	152.99	30248
31-Oct-06	IAS-Envirochem	256.00	30249
31-Oct-06	Idaho Traffic Safety Inc	274.20	30250
31-Oct-06	Intermountain Gas Co	98.91	30251
31-Oct-06	<b>Jim Cotterell</b>	<b>14,100.00</b>	<b>30252</b>
31-Oct-06	Johnstone Supply	54.84	30253
31-Oct-06	Kirkham Auto Parts Service Co. #8	366.55	30254
31-Oct-06	Korner Service Auto Repair	66.50	30255
31-Oct-06	<b>L&amp;S Metal Products LLC</b>	<b>3,580.86</b>	<b>30256</b>
31-Oct-06	Lansing Building Products	6.00	30257
31-Oct-06	Leon Murray	24.18	30258
31-Oct-06	<b>McGrath Meacham and Smith PLLC</b>	<b>1,855.05</b>	<b>30259</b>
31-Oct-06	McLeodUSA	478.58	30260
31-Oct-06	Mel's Lock and Key	26.00	30261
31-Oct-06	Metroquip Inc	932.22	30262
31-Oct-06	<b>Mounatin West Bark Products Inc</b>	<b>3,108.00</b>	<b>30263</b>
31-Oct-06	Mountainland Communications Inc	504.00	30264
31-Oct-06	Stanley J Peterson	67.99	30265
31-Oct-06	Petty Cash	44.47	30266
31-Oct-06	Phillips 66 Co	858.28	30267
31-Oct-06	Qwest	43.18	30268
31-Oct-06	<b>Regional Waste Water Trust Fund</b>	<b>14,666.00</b>	<b>30269</b>
31-Oct-06	Scott Machinery Co	392.80	30270
31-Oct-06	<b>Senior Citizens</b>	<b>2,000.00</b>	<b>30271</b>
31-Oct-06	Shelley Kiwanis Club	250.00	30272
31-Oct-06	Shelley Pioneer	161.93	30273
31-Oct-06	<b>Shelley/Firth Rural Fire District</b>	<b>4,347.00</b>	<b>30274</b>
31-Oct-06	Cheryl Simmons	350.00	30275
31-Oct-06	Standard Plumbing	4.18	30276
31-Oct-06	<b>State Insurance Fund</b>	<b>5,646.00</b>	<b>30277</b>
31-Oct-06	State of Idah Bureau of Occupational Lt	45.00	30278
31-Oct-06	Steve's Radiator Shop	10.00	30279
31-Oct-06	US Post Office	302.40	30280
31-Oct-06	Watson Roto Rooter/Thayne Watson	150.00	30281
31-Oct-06	2M Company Inc	35.26	30282
6-Oct-06	<b>City of Shelley Payroll</b>	<b>44,596.87</b>	
20-Oct-06	<b>City of Shelley Payroll</b>	<b>42,388.90</b>	
	<b>Total</b>	<b>252,646.76</b>	