

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 23, 2007

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
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Rick Anderson

PRAYER: Steve Cederberg

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

Minutes of October 09, 2007 Council Meeting
Approval of September 2007 Expenditures
Approval of September 2007 Overall Budget & Treasurer's Rpt.
Building Permits:
Traci Olson - fence
Bonita Hanson- shop
Vicky O'Toole- shop

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin – aye. Three in favor, one absent, motion carried.

Mayor Christensen opened the public hearing to consider amending the Urban Renewal District boundaries. He turned the time over to Kathleen Lewis, SICOG, and the administrator for the Urban Renewal Agency. Ms. Lewis said the Urban Renewal boundaries were originally set in 1998. Now the Urban Renewal Board feels the boundaries should be changed by removing some of the property that will not have further extensive development, and add some property that is proposed to be developed to the north of the city. Ms. Lewis said the new boundaries will not have an evaluation over 10% of the entire city valuation as regulated by law. She said all taxing districts that will be affected by this change have been notified, and all publications and other notifications have been completed. Sandy said she did not receive any written comment to be read into the record. Mayor Christensen asked if there was any public testimony to be given, and since there was none he closed the public hearing. BJ said he has reviewed the ordinance to be considered, and asked if all of the original documents specified in the ordinance have been defined properly. Ms. Lewis said yes, they have, and she would send copies of the original documents from 1998 to him. She said Rick Skinner, a Boise attorney who specializes in Urban Renewal Districts was used to draft the ordinances. Ms. Lewis discussed the steps that that would need to be taken by the Urban Renewal Board, so phase 3 of the façade project can move forward. Sandy presented Ordinance #514 amending the 1998 original Urban Renewal District boundaries as recommended by the Planning and Zoning Commission and the Urban Renewal Board. Lorin moved, Steve seconded to suspend the reading of Ordinance #514 on three different days and read the title of ordinance #514 once. Sandy read the title of Ordinance #514.

Steve moved, Lorin seconded to adopt Ordinance #514 amending the original Urban Renewal District boundaries within the city. Approved three in favor, one absent.

Mayor Christensen opened a public hearing to receive testimony regarding the annexation and rezone of a 6.5 acre parcel of property owned by Richard Eaton. Kim Leavitt, Harper, Leavitt Engineers, 985 North Capital, Idaho Falls, Idaho spoke on behalf of Mr. Eaton. He said Mr. Eaton's property is contiguous with the city limits, and he would like to have his property annexed and rezoned to Single Family Dwelling to facilitate a nine or ten lot residential subdivision. Mr. Leavitt said the property is within the impact area, and is contiguous to some commercial zones and some residential zones. He said Mr. Eaton would like to connect to municipal water and sewer services. Mayor Christensen asked if there was anyone else who would like to give testimony. Kurt Wells, 825 E. 1400 N. Shelley said he owns land next to Mr. Eaton's property. He said he is concerned about an easement for water services to Mr. Eaton's property. He said during the first public hearing, it was stated that Lynn Alderson gave permission for Mr. Eaton to run a water line through her property, but that is not a true statement. Mr. Wells said he feels this will be just like Hallmark Estates. He asked if there will be a buffer zone between the residential and commercial uses. Mr. Wells said the properties that surround the Eaton property have animal rights, and wondered how this will affect them. Sandy said Mr. Well's property does not lie within city limits so he would not fall under city jurisdiction, and would remain under county jurisdiction. Mr. Wells asked if his 6.5 acre parcel of property would be annexed. Sandy said not without his permission, since any property larger than 5 acres cannot be annexed without the property owners consent. Therefore, his rights will not be affected unless the county regulations change. Mayor Christensen said there is a problem with this annexation. He said once the property is annexed, the city is obligated to provide city water and sewer services, and at the present the city is very limited on available water connections. Mayor Christensen said the only water rights available with this property are surface water rights. He asked the council to consider this when making a decision on this matter. Mr. Leavitt said he reviewed the city's code and there is nothing stopping a property owner from drilling their own well. He said if Mr. Eaton's property is annexed into the city and they are allowed to access city sewer, a well can be drilled on a one-half acre lot. Mr. Leavitt said this could be worked out further during the platting process. Sandy said the Planning and Zoning Commission held a public hearing regarding the annexation and rezone of this property and recommended approval. Steve moved, Lorin seconded to annex a 6.5 acre parcel of property owned by Richard Eaton at approximately 839 E. 1400 N. into the city limits and rezone the property from A (agricultural) to R1 (single family dwelling). Approved three in favor, one absent. Steve moved, Charlotte seconded to ratify the zoning of the property from Agricultural to Single Family Dwelling. Approved three in favor, one absent. BJ will draft an ordinance regarding this matter to be considered at the next council meeting.

Dave Romrell, Harper Leavitt Engineers presented the preliminary plat for Choke Cherry Heights LLC subdivision. He said the 7.5 acre parcel of property is located at approximately 440 E. Center Street. The subdivision is proposed to have 17 lots and will have two accesses into the development. One access will be onto East Center and the other will be onto East Maple via a

new bridge. Mr. Romrell said there will be a storm pond for storm water drainage, and the subdivision will have a pressurized secondary irrigation system. Sandy said the Planning and Zoning Commission held a public hearing on this matter, and recommended approval conditional upon all of the city engineer's recommendations be corrected, and that a home owners association be formed to maintain the storm sewer lot. Sandy said one written comment was given to the Planning and Zoning during their hearing, and presented a copy for the council's reference. Mike Carter asked how wide the bridge will be, and where the fire hydrant will be located at near East Center Street. Sandy said the bridge will meet the city's ROW standards of 62 feet, and the city will maintain the bridge once it is constructed. Mr. Romrell said the fire hydrant is off of East Center partially into the subdivision. Mike said the fire hydrant should be placed at the corner of East Center and Chokecherry Lane. That way, the fire department does not have to pass potential fire areas to get to a hydrant. He said this was also recommended by the State Fire Marshall. Lorin said he did not see any problem with the subdivision, however more traffic will be generated. Junean Stoddard said she lives on 1400 North and is concerned about the number of accesses coming onto East Center (1400 North) from all of the developments that have occurred in the area. She said there is also the former railroad spur where the city intends on constructing a street sometime in the future. Mrs. Stoddard asked how the city is planning to make this road safe. Alan said a traffic study was done by Bingham County, and while there will be more traffic generated due to growth, the street can still handle the additional traffic. Mrs. Stoddard said she is concerned about the times when there is more traffic, such as when school lets out. Lorin moved, Steve seconded to approve the preliminary plat for Chokecherry Heights LLC Subdivision conditional upon the requirements listed by the city engineers is met on the final plat. Approved three in favor, one absent.

At the last council meeting Sandy was instructed to invite the property owners of BMC West, Kings, and the Catholic Church to this council meeting to discuss the installation of sidewalk, curb, and gutter adjacent to their property. The North Shelley Business Park is already mandated to install sidewalk, curb, and gutter, but there is no existing sidewalk, curb or gutter to connect to. A representative of the Catholic Church said they feel the project is a good thing to do, but their budget has been finalized for the new year, and there are no funds available right now. He said they are not opposed to the project, but short on funds depending on when the project is done. Rocky Deshamps, representing BMC West said they just had a huge expense this year laying asphalt, however they feel this project should be done. He said he would like to look at the cost projections. Rick said it will cost approximately \$30 per foot for sidewalk, curb, and gutter. Tom King, the owner of Kings asked if the city would be able to help with the project, such as ground preparation. Mayor Christensen said that might be possible. Mr. King asked if Urban Renewal Funds could be used for this project. Sandy said the Urban Renewal Board would need to review the application, but in past phases parking lots, and sidewalks have been allowed. The maximum amount awarded is \$5000. The council asked Rick to help facilitate this project by October 23, 2008. The city will help with the preparation of the ground which will be limited to labor and equipment use. All material will be at the property owner's expense. The Catholic Church does not lie within the Urban Renewal boundaries and URD funds will not be

available to them. Rick said he would meet with the representatives of the Church to discuss the estimated cost for them.

Sandy said John did not give her any new names to present for the P&Z Board. However, Cindy Rivers and Greg Nelson have resigned from the Board.

The Council discussed the proposed sewer regulations drafted by the city engineers for regional uniformity. The Mayor asked for the council to continue their review of the regulations. He said Husk or Ted may be able to go over the regulations at a future meeting.

BJ said he is still working on the USDA lease. Rick said he obtained estimates for a slurry seal. He said he would like the USDA to do this seal when their lease is up and they remove their equipment. BJ said he will contact the USDA with this cost projection.

BJ said he received some information about some school grants that are available. He said the city's school liaison might want to discuss this further with the school.

BJ said there is a hearing on the water permit for the well at the lagoon. He said the city got the water right, however there are some items that were changed from our original application. BJ said the use and quantity were changed. He said Dave Noel has also expressed some concern regarding this permit since the well will be used for the new wastewater treatment plant. BJ said there will be a telephonic hearing in December to discuss the changes and try to straighten the permit out. He said the city needs a higher quantity and the right needs to state a municipal use.

BJ discussed the city's application for a water right to drill a new well. He said the application has been protested, and the city should probably contact the protestors to open the dialogue to work this matter out. The council determined the first letter should come from the city, and directed Sandy to write a letter to each individual protestor.

Lorin moved, Charlotte seconded to ratify the approval of the name change for the River Pointe Subdivision to the Pointe on the River Subdivision due to the County already having a subdivision with that name. Approved three in favor, one absent.

Sandy said Kelton Larsen spoke to her about the development of Wind River Acres Subdivision. She said Mr. Larsen is preparing to begin on the construction of the improvements of the subdivision, and acquiring funding at this time. Sandy said he inquired if there would be any problem with water connections. She told him his 45 lots were included in the calculations for pending water connections for the city. Mr. Larsen said construction would begin in the spring.

Sandy said Kent Carlson signed an agreement to install a six inch water line that would feed the property he owns on the east side of Highway 91 by August 31, 2006. He has not fulfilled this agreement. Mr. Carlson originally had a one inch water line feeding a mobile home that he rented to a caretaker. The mobile home has been removed, but the one inch line was extended to

another parcel of property that Mr. Carlson sold to Travis Staker. If Mr. Staker develops each parcel of property, it would be against city code to feed both parcels with a one inch line. The Council agreed that if Mr. Staker develops each parcel individually, he will need to connect each parcel with separate lines. Lorin asked if Max Ririe intends to develop any portion of the property adjacent to the Staker property. Sandy said Mr. Carlson had indicated that Mr. Ririe has not approached him about an easement. Sandy said there may be funds available in the Urban Renewal Agency to help get the sewer line over to Mr. Ririe.

Sandy presented the Council with copies of a letter Mercy Sotelo at 560 Flamingo Avenue had written to the city. The letter stated that several utility line repairs have been done in the last few months in her neighborhood, and the employers repairing the lines said the problem stem from new development occurring in the city. She felt that the new water lines and change in water pressure have contributed to the damage to the lines, and asked if the city could help fix this problem. Rick said the subdivision was built approximately thirty years ago. At that time the accepted practice was to install copper lines and galvanized lines together. He said this creates electrolysis which eats the galvanized line. Sandy was asked to draft a letter to Ms. Sotelo explaining why some of the line breakage might be occurring.

Sandy said instead of refurbishing the council room table it might be better to build a new one. She said Mountain States Cabinets have asked if they could design a new desk that is 24 inches wide instead of the 30 inches like the existing table. The Council felt the width that we have now is needed, and not to reduce the size of a new table.

Sandy said John wanted to express his appreciation to all those that helped with the changes to the Urban Renewal boundary changes.

Sandy said John wanted to thank Dawn for making the recreation programs so successful, and commented on how nice the city office looked since the remodel has been finished.

Rocky Deschamps, the Chairman for Bingham County Planning and Zoning said the county is feeling the same frustrations as the city regarding water and sewer. He said the county is considering amending their ordinance to specify a requirement for when county residents must access a water or sewer district. This regulation would specify a footage requirement. Mr. Deschamps said they would be holding meetings with the Health Department and other key personnel to discuss this further. He invited a city representative to attend these meetings. Mr. Deschamps said he would inform the council of the date of the first meeting when it is scheduled.

Dawn said this year there will be no tickets offered for the Jr. Jazz program. She said she was informed there are no tickets available at this time by the Utah Jazz. Dawn said if some become available she won't know until after November 1, 2007.

Alan said the new police car has been received. He said next week the light bars will be installed.

Rick said "Fall Clean Up" is almost done. He said the snowfall delayed the program a bit.

Rick said Bryan Jolley is the new Kiwanis President.

Rick and Steve will be attending an auction in Salt Lake City on Thursday to try and acquire a new line truck for the city.

Rick said the island at the intersection of State Street and Center Street has been removed and painted by the State Transportation Department. He said there has been a letter written to the State regarding the other safety concerns the city has such as moving the sidewalk further to the south, but no response has been received yet.

Charlotte said she spoke to the School Superintendent regarding the joint effort to pave of the road at the middle school, but has not gotten any response back from the School Board yet. She said the ditch will be covered at Hazel Stuart School during the remodeling project since the ditch is currently used for drainage purposes.

Steve said Bingham County may be looking for a resident of the city to serve on the County Planning and Zoning Board.

Lorin discussed an incident regarding two vehicles that were towed by Eaton's. Alan said he reviewed the fees that were charged to the vehicle owner and the cost was right in line with the other towing company that is used by the city.

Lorin said he contacted Cracker Barrel about locating one of their businesses to the city area. He said he was informed that they will be building 25 new stores, but there are none planned for our area.

Lorin said the owner of the bus that provides Mexican food will be relocating to a permanent building which was once occupied by Papa Kelsey's.

Adjourned: 9:50 p.m.

ATTEST: Sandy Baydusok APPROVE: Eric R. Christensen