

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

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

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Charlotte Fredrickson

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

Minutes of March 25, 2008 Council Meeting
Approval of March 2008 Expenditures
Approval of March 2008 Overall Budget & Treasurer's Rpt.
Approval of Building Permits:
Anytime Fitness - Commercial Building
Jeff Steadman - Apartment Buildings
Jeff Steadman - Apartment Buildings

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

Farrell Steiner presented the city's Fiscal Year 2006-2007 Audit. He said the entire audit was clean, and the records were in good order. Mr. Steiner explained how the audit is compiled and presented graphs showing the revenue, expense and fund balance of each fund. He said the General Fund balance has declined over the past few years. He recommended that the General Fund be watched, and make sure it is left with a good healthy balance. Mr. Steiner said there is one finding for 2006-2007 regarding new regulations mandating that all risks are disclosed. He said there is not a CPA on payroll or someone with the equivalent experience in General Accounting Standards to find any mistakes made by a third party auditor. Farrell said this risk must be disclosed, and management's response is that the risk is there, but the cost of hiring a CPA outweighs the benefits of fixing the deficiency. Mr. Steiner said a lot of agencies such as Bonneville County, Bingham County, City of Blackfoot, etc. will have this finding listed on their audit this year. He said the management letter lists no corrections or recommendations for improvements. Mr. Steiner discussed the audit of the Regional Wastewater federal funds that were received this past year. He said the records were clean and in good order. Lorin moved, Steve seconded to accept the 2006-2007 audit as presented by Mr. Steiner. Approved unanimously. Mr. Steiner said he will send copies of the city's audit to the appropriate agencies.

Butch Hulse introduced himself as running for the District 2 County Commissioner seat. He said he was attending the council meeting to listen to the concerns of the area.

Sandy said in the past some of the employees have asked her about direct deposit. She said direct deposit is possible to set up, however the one time programming charges would be approximately \$1000, and the bank would charge \$15 per month. Sandy said this would be a one day file transfer since payroll is done on Thursday and given out on Friday. She said the bank only guarantees a two day file transfer which means some employees may not receive their payroll until Monday. Sandy said the bank said this rarely happens, but it could with smaller institutions that only accept their transmissions once a day. Sandy said she asked how many employees were interested, and 9 out of 24 employees said they were interested in direct deposit. The Mayor and Council felt unless there is at least 60% participation from the employees it is not feasible to establish direct deposit.

Mayor Christensen read a "Fair Housing" proclamation proclaiming that the month of April is "Fair Housing" month. Lorin moved, John seconded to adopt the proclamation establishing April 2008 as "Fair Housing" month. Approved unanimously.

Diane Mickelson discussed the 3rd Annual Riverfest that will take place June 6th and 7th this year. She said this is a fundraiser that will be used to repair the nature trail and refurbish the downtown city area. Diane said the festivities will begin at Brinkman Park on June 6th with a parade of lights that George Donahue is in charge of. John suggested that the parade travel down State Street instead of Hanson Avenue. Diane said this year's theme is "United We Stand". She said Lorin will be in charge of the motorcycle show, and John will be in charge of marketing. Diane said there will be a street dance on Friday night at Brinkman Park. She said Rick will be in charge of the car show on Saturday, Dawn is in charge of the baseball tournament, and Kurt Coates will be in charge of the benefit auction. Diane said there will be Bingo, Karaoke, Skateboard competition, booths, etc.

Diane Mickelson attended the Brightest Star awards ceremony as one of the nominees in Boise. She said the event was a lot of fun, and there were a lot of nominees that aided with the fires in Sun Valley. Diane said the event was a really great experience.

Rick said Eagle Rock Sanitation is currently hauling the city's garbage to the Jefferson County landfill. He said they have requested an increase of \$1.25 per ton due to the rising cost of fuel. Sandy telephone polled the council on this matter. Steve moved, Lorin seconded to ratify the approval of the increase for Eagle Rock sanitation will is approximately \$3600 annually (\$1.25 per ton). Approved unanimously. Lorin said the city should review the cost of providing a truck and hauling the waste ourselves.

Sandy said Ball Development has asked to postpone their hearing from April 22, 2008 to May 13, 2008 to consider annexing and rezoning two parcels of property along New Sweden Highway. She said there have been neither advertising nor notifications done yet. The council agreed the hearing should be rescheduled. Steve moved, John seconded to reschedule the hearing date to May 13, 2008, at 7:30 p.m. to consider annexation and rezone of Ball Development and Merlin Dial's property along the New Sweden Highway. Approved

unanimously. BJ said he has heard that Ball Development intend to file their own application for water rights to drill a new well.

BJ discussed an amendment to the city ordinance regarding the loss of the grandfather clause for a non-conforming use upon change of property ownership. He said this amendment will allow a property owner to prove undue hardship to continue a non-conforming use upon change of ownership. BJ said this matter would first be heard by the Planning and Zoning Commission and then the City Council will make the final decision. Mayor Christensen said he would like to clean up this ordinance before our comprehensive plan is updated. Alex Creek said he has worked with the Planning and Zoning Commission in the City of Idaho Falls before, and he believes that a non-conforming use should continue until it is abandoned; not by a change of ownership. He said if a non-conforming use is lost upon change of ownership, it could be considered "a taking", and some consideration should be given. BJ defined a change of ownership as a change to the owner of record shown on the recorded deed. Even if one name is added to a warranty deed it would be considered a change of ownership. The Mayor and Council felt this amendment to the ordinance would benefit the property owner by allowing a non-conforming use to continue on a case by case basis. The ordinance that exists now and has been in effect for several years does not allow as much leniency. Steve moved, John seconded to suspend the reading of ordinance #517 on three different days and read the title of ordinance #517 once. Approved unanimously. Mayor Christensen read the title of ordinance #517. Steve moved, John seconded to adopt ordinance #517 amending the section to allow a non-conforming use to continue upon change of ownership of the property if the property owner proves an undue hardship. Approved unanimously. Sandy will publish the ordinance, and send a copy of the ordinance and a letter to all of the property owners that are currently utilizing a grandfather clause for a non-conforming use. The letter will state their options to continue the non-conforming use upon change of ownership.

Sandy presented the business license ordinance to be implemented. The Mayor and Council determined the adoption of the ordinance should be postponed until the budget hearing, when the hearing on increased fees is held. Sandy will list this on the agenda for the fiscal year 2008-2009 budget hearing.

BJ said he and Sandy needed some clarification regarding the amendment to the water service ordinance to include the installation of water meters. The Mayor and Council determined that all new development will be required to install meter bases, and when repairs are being done to existing homes a meter base will be required to be installed. Mayor Christensen suggested that the city begin looking at funding sources to install meters city wide. More than likely this would need to go to a bond election.

BJ said he reviewed and revised the SICOG agreement for the comprehensive plan update. He said he sent it back to Kathleen Lewis.

BJ said he reviewed the Chokecherry Heights Subdivision development agreement. He asked if we should add the installation of meter bases to the agreement. It was determined that the homeowner would need to provide proof that the meter base was installed at the curb stop before obtaining a building permit.

BJ said he, the Mayor, and Charlotte had a telephonic conference with David Tutthill, the executive director for IDWR. He said they discussed the water law that states surface water must be used for irrigation purposes when available. BJ said the city needs to make a decision regarding what step to take next on our water right application, such as proceed to hearing, apply for a "firm capacity" well, etc. The council definitely wants to pursue drilling a new well.

Sandy presented a comment sheet she received from Bingham County regarding a special use permit for Kevin Crandall to use a room in his garage for overnight guests. Mr. Crandall's property is east of the city. The Mayor and Council had no comments.

Dawn said the Library has asked for pool passes to be used in the reading program again this year. She recommended discontinuing this practice this year due to the needed revenue for the many pool repairs. The council agreed.

Dawn said there will be a "Dare to Dance" event held at the Shelley High School on April 19, 2008. She said the Youth Committee appreciates the Mayor and Council's support.

Dawn said the pool boiler needs to be replaced this year. She would like to place the new boiler on the main floor instead of in the pit for better ventilation, accessibility, etc.

Dawn said there will be five Shelley children participating in the fun shot event in Utah this weekend.

Alan said the city received a \$2000 grant from the State of Idaho to establish an aggressive driving task force. This task force will be in operation on April 21st through April 28th. This grant will pay for the overtime for the officers to write citations for speeding, improper lane change, etc.

Charlotte thanked BJ for his great representation during the telephonic conference with Dave Tutthill.

Charlotte said she attended the event with Governor Otter today, and felt he was very knowledgeable on the subjects that were discussed.

Mayor Christensen discussed a citizen education problem within the city. He said there is erroneous information that is being circulated in the city. Mayor Christensen felt it is up to the Governing Board to try and correct what the public perceives. He asked the council members to

take any opportunity available to visit with their friends and neighbors regarding issues such as water, annexation and development so the correct information is circulated.

Mayor Christensen said the city also has a problem with barking dogs. He said this problem has been discussed with Alan and BJ. Mayor Christensen said there is a city ordinance that prohibits barking dogs and he has asked Alan and his department to work on this problem. He asked the council members to also visit with their neighbors about this problem and inform them to contact the police department if they have barking dogs in their neighborhood.

Adjourned: 10:07 p.m.

ATTEST: Sandy Gaydush APPROVE: Eric R. Christensen