

September 25, 2007

PRESENT: Mayor: Eric "Swede" Christensen  
 Council persons: Lorin Croft, Steve Cederberg, John Lent, and Charlotte Fredrickson  
 P.W. Foreman: Rick Anderson  
 Recreation Dir: Dawn Lloyd  
 Assist. City Clerk: Beth Williams  
 City Attorney: B.J. Driskoll

The Mayor called the meeting to order at 7:33 p.m.

The Pledge of Allegiance was led by Charlotte Fredrickson.

Prayer was given by B.J. Driskoll.

Sandy was excused due to personal leave; Alan was ill. Dawn was involved with sports, so she arrived later.

Lorin moved to approve the consent agenda items #4a, 4b, 4c and 4d with one change to the minutes. Steve seconded the motion and Lorin voted aye; Steve, aye; John, aye; and Charlotte, aye. It was a unanimous vote to accept them with one change.

Building permits approved:

Eva Gallup	Fence
Jim Sorensen	Reroof
Kong Khamone	Three windows and a sidewalk cover

A Public Hearing opened for Shawn Allen's application for a Rezone. Eric Tarklason, his business partner, presented the request. He said they wanted to change the property they bought from Brett Waters, the back half of 328 E. Center St., from Residential Agriculture (RA) to Multiple Family Dwelling (RM). It is the south half of the lot and adjacent to the property Shawn owns that is already zoned RM. They were able to put apartments on the land zoned RM, but wanted to change the zone on the new piece so the apartments could be placed on it and the access road would be a straighter road in. It would be safer, allow for more parking, allow for more greenery, and would allow emergency vehicles easier access in and out. He understood the Fire Chief had approved of the straighter road. If the rezone is not approved, they will still build; but the road would follow the outer perimeters of the properties and not be as nice looking or as safe for those driving in and out.

Jeanne Stonely, owner of the land south of the proposed rezone, worried about the high-density population there. A lot more people would cause a lot more traffic. She saw safety as an issue. With the Heavy Commercial zone by it and with more traffic added she didn't want to see a fatal

accident. She wondered at the water situation until she saw a preliminary plan for the property and saw that problem was addressed. She said that plan had too many people for the size of the property. The Mayor stated there would be a road there regardless of the zones; that was the reason for the purchase of the Railroad Spur by the City. Charlotte asked how many apartments they were planning and Eric said two four-plexes and two six-plexes, whatever would fit with the ordinances of the City of Shelley. Mike Carter said he had not seen the plan, he was just shown a hand drawn sketch. He had no objections to a rezone, but wanted the Council to know that the prospective plan did not have his approval yet. Beth was asked what was presented to the Planning & Zoning Board for their decision. Beth said they only looked at the information that was pertinent to the rezone, not any of the other zones or a final plan for the building. B.J. said the questions the Board needed to review were what uses the land could be used for with the new zone, does it fit the comprehensive plan, and what was going on in the area of the zone. Joanne Stonely said Shawn had cleaned it up and it was a great improvement over what was there previously.

Eric made a rebuttal addressing the traffic. He said he thought seventy five percent of the traffic would be off Center St. until the Spur Road was developed.

Lorin said Carder's, in the HC zone, was doing well; they weren't going anywhere. There wasn't anything else that could go in the area but a trailer court as no one would want to build houses next to the business. The apartments were the best use of the land, so he thought the rezone was a good idea.

Charlotte said safety was a big issue as there may be housing on the other side of Center St. She did like their plans, though.

Steve said the Planning & Zoning Committee had voted for this. He thought they should be backed up. He thought it was a good idea for the zone change.

John said it cleaner for Rick to get in and get out with city vehicles; he liked the clean road through it. The road study done for Center Street showed it could handle the added traffic. There may need to be a turn lane on Center St. That was the best use of the property.

Steve made a motion to approve the Rezone from RA to RM for the property. John seconded the motion. The vote was: Lorin, yes; Steve, yes; John, yes; and Charlotte, yes. It was unanimously approved to rezone.

Kong Khamone, 190 E.Pine St., was called before the Council to discuss the clean-up of his property. He had been issued a citation from the City and had appeared in court that day. The

court case was continued. He didn't think the items on his property were debris; it was for his building project. He said even Jay had said what a good job he was doing in the house. The Mayor said that neighbors and the community cannot see what is going on inside the house; people are complaining about what they see outside. Kong said he tried to cover it up, but when he used the items every day, it got uncovered. The Mayor questioned the big pile of rocks there. Kong said they tore out the rose garden and dug a 15' by 32' pond. He said he was going through a loss of a sister two months ago and she had a lot of stuff he was storing. He spent \$5,000 to cover the ditch in the back for the safety of the children. Lorin said that was for Kong and it was property maintenance. Lorin suggested Kong do a smaller project at a time. Kong said that was what he was doing. B.J. said the complaints were for safety and property appearance. Rocks were around the fire hydrant. Kong said that was only a couple of rocks and he would pick them up. Steve asked Kong when he had last come before the Committee for this; Kong said last year. Steve said nobody saw the inside but Kong, yet all of Shelley saw the outside and it was a dump. He told Kong to clean it up. Kong said he did clean it up; it looked better than the pictures, but he did not remove things. He just moved them to organize them. Charlotte asked him why he kept the things in the back. Kong said those were going to go to the dump. She said that was what people see. Kong said that was way in the back and people didn't see it. Lorin suggested that they not issue a building permit until the outside was all cleaned up; the Mayor agreed. And the Mayor said to not do any inside work until the outside was cleaned up and organized better than it was at that time. The Mayor ordered Kong to clean it up under Rick's direction. Mayor Christensen said Kong was to appear before the Council in two weeks to show them progress was made; that if it was acceptable to Rick it would be sufficient.

John made a motion to call for a Public Hearing for a Rezone based on annexation for Rich Eaton on October 23, 2007. Steve seconded it and the vote unanimously approved the motion.

During recognition of Citizens of the floor Shirley Thompson asked if there was a possibility of a recycling program like they were doing in Rexburg. The Mayor said it was a good idea; there used to be one in Shelley until it was abused by someone disposing of dead animal parts in the bin. John said maybe the Tree Committee would work on it. Lorin said he had a recycle bin at his business on N. State St. for newspapers.

Dave Noel, Forsgren Associates, said they had been in the process of working on a water facility planning study for the city. One of the components of the study was to determine what the future water needs for Shelley might be. It was also an estimate on the growth rates. The study would provide documentation to the Dept of Water Resources for beneficial use for future demand. This was the process that they required for municipalities to get water rights for grow. There has been legislation in the last 40 day for the Dept of Water Resources that would start allowing for new water rights, domestic use only-the definition for domestic water has not yet been made or

challenged - for pending and existing developments only. This means the city could put in an application for a domestic right only for the specific lots with subdivisions already approved by the Council. As the City grew, they would have to reapply for each new subdivision. To prevent repeating the procedure, the city could have the study completed to provide a master document that showed the potential growth and domestic use requirement Shelley could have. If documented historic growth showed Shelley would grow and need the water, it would expedite the Dept of Water Resources process for rights to be issued: they would give a certain amount of days for construction, they would then do a beneficial use exam, and they would finally give the water right. Steve asked about how it would work with one system. Dave said there was still a lot of ambiguity and it was a challenge on how to use the water. One suggestion was to use only the quantity of water not designated specifically domestic for non domestic purposes. The city has current municipal water rights. If Shelley wanted to put in application for new water rights for a new well, they would apply for it right away and proceed with the design of the well and well site. It would need to be reviewed by DEQ. They would make sure construction, location, and security of the well met their requirements to protect the aquifer. Once approved, Shelley could ask for a water right with the approved plans and drawings and the permit application. These are then sent to the Dept of Water Resources to go through the process described. The city would need an approved plat showing homes water would be used for. If the Mayor and Council wanted to move forward with the right and to design a well, it would then be sent to the D.E.Q. and to apply to the Dept of Water Resources. Then, when approved, there would be sixty days to commence drilling a well: the bidding process, awarding it, and drilling commencement. But if Shelley approved a new subdivision, the whole process is redone. However, if a Shelley planning study is done, everything would proceed the same, but a master plan for 20 years would show that the city's potential growth with reliability. The Dept. of Water Resources would then accept the study as documentation for beneficial use. When they did the exams, they tested the pump, whatever the pump could pump was what they would give the city the right for, not how many lots and the domestic use per lot. At some point there probably would be litigation, but currently that was what the Dept of Water Resources did. The Mayor asked if Forsgren had designed a well for the West River Subdivision and Dave said no. Forsgren had re-allocated office resources. Wes Cook was put on the Shelley planning study to get it drafted in the next thirty days. When the comments for the draft are done, it would be submitted to DEQ. That was when Forsgren would like to get started on the design for the West River well. They could start concurrently, but would have to reshuffle the office around. This was in light of the recent letter they received asking them to move forward with that. He asked which way the Council wanted them to go. The Mayor asked for advice on whether to drill a test well or not. Dave said, in his opinion, the City needed to run a test hole. Lorin and Rick said there was not a need for a test hole as they are about \$20,000. The well will be about \$250 ~~million~~<sup>thousand</sup>. The Dept of Water Resources was behind on the beneficial exams, some places fifteen years late. Wes said if they did the master plan there were fund options that could be obtained for it. For low-interest loans

from the D.E.Q. S.R.F. funding, the facility study has to have been done during the last five years. Forsgren Associates were directed to go ahead with the facility study in the next twenty days, submit the draft to the Council, then go ahead and design the well with the recommended water volume. Dave said one thing the city could do in the meantime was to apply for the multiple diversion points so the city can pull rights from more than one pump.

We were asked about where the city stood with the Urban Renewal time. Becky Coates said October 23<sup>rd</sup> was the hearing.

Rick hired Michael Randall and he didn't last three days. Rick called all the Council and asked if he could hire Gary Hansen; they approved it. Steve made the motion to ratify the hiring of Gary Hansen at entry level with a six-month probation period. Lorin seconded the motion and the vote approved the employment unanimously.

Lorin moved to designate City Hall as a suitable polling place for the November 6<sup>th</sup> election. John seconded the motion and the Council voted unanimously to accept the location.

Rick reported that Brent Christensen has completed most of his work on the North Shelley Business Park. He said there was nothing unfinished that the city couldn't live with. Brent still had concrete to pour around some manholes, but that is about all. There was some curbing and some water issues Rick had, and there are some bad spots in it; but nothing that Rick couldn't handle. Rick recommended approval from the City Council for the streets and the water, sewer, and storm sewer systems Brent had completed. Steve moved to accept them into the City and Lorin seconded the motion. The Council approved the motion unanimously by vote. Lorin asked about the status on the sidewalk, curb and gutter in front of the Catholic Church and Rick reported on that.

Dawn arrived at 8:55 pm.

B.J. presented the USDA Lease Agreement from Karen Fincke for the Mayor's signature. It was for the maintenance of their area of use and for the repair of any damage they caused by that use. Rick had told B.J. that a seal coat before they left it would be sufficient for the pavement in the leased area. The lease area was defined in the agreement. Lorin said the lease needed to be reviewed; he found a problem with the wording in it. It committed the City to a five-year lease instead of the two years initially planned. The agreement included having the asphalt laid in sixty days; and Rick said that was possible. USDA wouldn't run any power lines. They would use a generator. And they would continue to use the water meter. Steve moved to have the Mayor sign the Lease Agreement subject to removing some language and adding the corrections discussed. Charlotte seconded the motion. Steve and Charlotte voted in favor of the motion.

Lorin and John voted against it. Mayor Christensen broke the tie and voted in favor of the motion.

B. J. reported that he attended a Land Use Planning and Zoning Seminar in Boise and gleaned some good information. He asked about Riverbend Estates and said he didn't want them to get too far ahead of us. He was told Forsgren Engineering had been keeping up with it.

Beth reported Sandy would be assessing Crystal Alexander for the cost of cleaning up her property for safety. The city received a letter of appreciation for the cleanup from adjoining property owners. She also reported the County has been working on a GPS mapping system for emergency and other use. They had delivered a copy of the address map and a copy of the street map to her that afternoon and it was shown to the Council. The system was the result of five years work.

Dawn was in the middle of Flag Football.

Mike Carter, Fire Chief, said the City's Sidewalk Replacement Program was really nice. He also said Lorin had pointed him in the direction of a woman who would work on a grant for the Fire Department. A grant for land and a new building is supposed to be submitted in November, 2007.

Rick reported that Mike Carter and Glen Pond, Rocky Mountain Power, were working to get the City a surplus bucket truck. The auction for it is October 23<sup>rd</sup>. He asked Steve to attend that with him.

Charlotte was glad Spud Day was over. It was a good day and she thanked all who were involved with it.

John said he enjoyed Spud Day more than he had for years. He praised Rick's crew for the work they did before and after Spud Day. He also thanked the High School youth who cleaned up the next day. About a hundred of them came over on the bus and helped a great deal. He also thanked Charlotte who had done a lot of work all week on the activities. He also reported that the City needs more playing fields in park areas in the next five or so years. He would like to see a recreation complex catering to all the ball sports-and many others-that would require about forty acres.

Steve echoed the thanks to those who helped make Spud Day a success, specifically Rick, Dawn, Alan, Mike and their crews.

Lorin said he and Steve were in the front of the Spud Day parade. No one else had been assigned as color guard, so they did it. He also said that Rocky Mountain Power had a good weatherization package on line. It was a one-hundred-percent reimbursement.

Mayor Christensen reported the Regional Wastewater meeting would be held September 27<sup>th</sup>. The project was expected to go to bid the first part of 2008, with construction in the spring of 2008.

Lorin said the City should have possibly hired a different engineer to do the water study as they would have had a well by then. Forsgren was inundated with the Wastewater Treatment Plant Project and the study was too much to add to that.

The meeting adjourned at 9:26 pm.

ATTEST: Sandy Hajduk APPROVE: Eric R. Christensen