

CITY OF BIRMGHAM
COUNCIL MEETING
MINUTES

January 22, 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: Scout Seth Osborn

PRAYER: Charlotte Fredrickson

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

Minutes of January 8, 2008 Council Meeting
December 2007 Expenditures
December 2007 Overall Budget & Treasurer's Rpt.
Building Permits:
North Bingham County Library - re-roof

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

Mayor Christensen gave the State of the City address for 2008. He began with an expression of appreciation for all of the staff, and volunteers that contributed to the many organizations of the city and the events that have taken place. Mayor Christensen discussed the formation of the Youth Committee and their goals for the next year. He mentioned the remodeling that has been done at City Hall and the downtown façade projects that have been assisted by the Urban Renewal Agency. Mayor Christensen said the city has experienced an infestation of Nematode, however the boundaries of the quarantined areas were recently changed to not include the city limits. He discussed the ongoing efforts that the city is putting forth to obtain water rights to drill a new well, and the present and future improvements to the parks and the swimming pool. Mayor Christensen said a new traffic light was installed at the intersection of State Street and Center Street, which is very beneficial to the city, and two new officers were hired for the police department. He discussed the growth that the city has seen this past year with the total city valuation rising an additional three and one half million dollars. Mayor Christensen said the regional wastewater treatment plant is still under design, but is expected to be operational in 2009. Mayor Christensen thanked all of the citizens, staff, and elected officials for working so hard to make him look good. He ended the address by stating "Onward and Upward".

Dawn said two youths were nominated for Jr. NBA Awards. She said Marcos Vega and Katelyn Cox were nominated and their names were sent to the Utah Jazz. Dawn explained the selection criteria, and said the Utah Jazz has chosen Katelyn Cox as an "All Regional Player". Mayor Christensen presented both Marcos Vega and Katelyn Cox with certificates of achievement.

Mayor Christensen opened the continuation of the public hearing held on January 8, 2008, concerning the annexation and rezoning of three parcels of property owned by Merlin Dial and Ball Development. Rob Harris, the attorney for Ball Development stated he was hoping to receive comments back from the Idaho Department of Water Resources (IDWR) on the proposed mitigation plan. He said there was a telephonic conference held last Thursday, which was very helpful, but IDWR has some concerns with the proposed plan. Mr. Harris said since there are still some issues regarding the availability of water, and the city council is mandated by code to make a decision tonight that they are formally withdrawing the applications for annexation and rezone. He said they did not want to wait one year to reapply for annexation as specified by city code if the applications were denied tonight. Mr. Harris said he still hopes Ball Ventures can be of assistance to the city with their efforts to obtain some new water rights. There were no questions from the city council, and the Mayor closed the public hearing without testimony since the application for annexation and rezone was withdrawn by the applicant. Courtney Liddiard stated Ball Ventures is committed to the community. He said they would like to help the city with their water problems. He said he appreciates all of the help and support the city has given them. BJ said he has attended the meetings with Ball Ventures, and appreciates their help as well as Snake River Valley Irrigation, and Rob Harris's help. He said he looks forward to working with everyone in the future. Jay Davis said he and the neighbors are not against the development, he just felt some of the issues had not been reviewed thoroughly.

Big Bear Construction was not in attendance.

Linda King was not in attendance.

One citizen asked about the location for the proposed new well. Sandy said there is a parcel of property in the West River Acres Subdivision that has been prepared. Mayor Christensen said there will be other sites for wells in the futures, however this is the designate area for this well.

Mayor Christensen discussed the assignments and appointments for 2008. He said the council assignments would be as follows: Lorin will remain the SICOG liaison and over the Police Department. Steve will remain over the Public Works Department and the Bingham County Economic Development liaison. John will remain as the Urban Renewal and Planning and Zoning liaison, and over the Parks and Recreation Department. Charlotte will remain over City Hall and the School and Tree Committee liaison. Mayor Christensen asked the appropriate council member to make the motions for the following appointments. Alan Dial as Police Chief, Doug Keele as Building Inspector, Rick Anderson as Public Works Director, Forsgren as the City Engineers, Dawn Lloyd as Parks and Recreation Director, and BJ Driscoll as the City Attorney.

Lorin moved, Steve seconded to appoint Doug Keele as the City Building Inspector for 2008. Approved unanimously. Lorin moved, John seconded to appoint Alan Dial as Police Chief for 2008. Approved unanimously. Steve moved, Charlotte seconded to appoint Forsgren Engineering as the City Engineers for 2008. Approved unanimously. Steve moved, Lorin

seconded to appoint Rick Anderson as Public Works Director for 2008. Approved unanimously. John moved, Steve seconded to appoint Dawn Lloyd as the Parks and Recreation Director for 2008. Approved unanimously. Charlotte moved, John seconded to appoint BJ Driscoll as City Attorney for 2008. Approved unanimously.

Charlotte moved, John seconded to elect Lorin Croft as Council President for 2008. Approved unanimously.

At the last council meeting the Grandfather Clause Ordinance was briefly discussed. The grandfather clause is lost upon change of ownership. Sandy said there has been single family homes sold in Heavy Commercial zones that were not discovered prior to being sold. She said some of the other uses that have been lost under this code have been allowed to apply for special use permits to carry on the use, however a single family dwelling in a Heavy Commercial zone is not eligible for a special use permit. Sandy said the only way the use could continue would be under a rezone, which may be considered spot zoning in some areas. BJ said the language in the ordinance could be amended, and the city should also consider amending the Comprehensive Plan. The Council asked how many properties in the city are affected by the grandfather ordinance. Sandy said she was unsure, but could compile a list. Steve felt the city should send a letter to the affected property owners letting them know that they currently have a non-conforming use that may be lost upon change of ownership of the property. Sandy said she would review the city and compile a list of property owners that have non-conforming uses and present it to the council before letters are sent out.

The Mayor and Council discussed the number of city water users that are not in city limits. He changed the subject slightly, and recommended that all new development be required to install meters and bases at each lot. The Council agreed that meter should be required and to amend the ordinance to reflect this decision. The Council discussed the possible annexation of properties using city water lying within Kelly Acres, parts of Hanson Avenue and the New Sweden Highway. Sandy was asked to draft a letter to the water users that are contiguous with the city, asking them to attend the council meeting on February 26, 2008, to discuss this matter further.

BJ thanked the Mayor and Council for his appointment. He said he enjoys working with the city and the support he is given.

BJ said he participated in a telephonic conference last Thursday that involved Ball Ventures and IDWR. He felt the meeting was good and a lot of various concerns were discussed, however there were some issues with the proposed mitigation plan that were unresolved with IDWR.

BJ said he received the USDA lease draft. He said the lease states that if USDA remains leasing the transfer station property for at least four years then a representative of USDA will meet with a city representative and determine if and where the asphalt at the transfer station needs to be seal coated. If the two parties cannot come to an agreement, then a third qualified party will be called in to make the determination. If it is determined that the asphalt needs to be seal coated,

then USDA will pay 100% for the seal coating of the area they are leasing, and 50% of the remaining area. Lorin felt the entire portion of asphalt should be replaced by USDA when their lease expires. Steve moved, Charlotte seconded to approve authorization for the Mayor to execute the lease as proposed by BJ. Approved three in favor, Lorin opposed.

Sandy thanked Charlotte for the kind words expressed in her behalf regarding her permanent appointment as City Clerk/Treasurer. She said she received the legal descriptions from Harper Leavitt Engineering for the easements at the sewer lagoon property. Sandy said she sent the legal descriptions to Forsgren for their review. She said the actual easement documents will be completed by the end of January.

Dawn thanked the Mayor and Council for her appointment as Parks and Recreation Director. She said the Tree Committee received a \$2000 grant from Basic American Foods.

Chuck said the new water radio system (SCADA) is being installed.

Alan thanked the Mayor and Council for his appointment as Police Chief. He said Thursday night there is training scheduled for the police department regarding hostage/shooter situations. He said later in February there will be a simulation shooting at the high school that will involve the teachers but not the students. Alan said the press will be made aware of this drill.

Mike Carter expressed appreciation to the City Officials and the city staff for all of their hard work.

Charlotte thanked Mike for everything he does for the community.

Charlotte asked about the status of the snow on South Park Street. She said she has had some citizens contact her about the amount of snow next to the curb and lack of parking in front of their homes and she is not sure what to tell them. Chuck said that snow hasn't really been a high priority since that street is so wide, but something may be able to be done.

John discussed the façade applications that have been done with the Urban Renew monies. He suggested the comprehensive plan for the city be updated as soon as possible. Sandy said she would contact Kathleen Lewis of SICOG to help us through this process.

Lorin said there was a ribbon cutting ceremony January 21, 2008 for El Vaquero 2 to celebrate their opening on State Street. He asked about the implementation of city licenses. Sandy said she has completed the application, but is looking for a simplified version of a generic ordinance to use.

Lorin said the Police Reserve Board has begun meetings to recruit seven new officers. He said he had the privilege to set in on one of these meetings.

Mayor Christensen said he and Lorin will be attending the Legislative Committee Meetings in Boise on January 31, 2008.

Adjourned: 9:37 p.m.

ATTEST



APPROVE:



JANUARY CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
4-Jan-08	Comdata	1,184.55	31463
16-Jan-08	Alltel	190.38	31464
16-Jan-08	American Linen	497.18	31465
16-Jan-08	Auto Body Paint and Supply	33.90	31466
16-Jan-08	Autowash	44.95	31467
16-Jan-08	Bearing & Ind. Sales Inc.	54.72	31468
16-Jan-08	BMC West	1,158.93	31469
16-Jan-08	Broulim's	20.12	31470
16-Jan-08	Circular Butte Landfill	4,804.21	31471
16-Jan-08	DBS Inc	3,347.57	31472
16-Jan-08	Doug Keele	281.79	31473
16-Jan-08	Eagle Rock Sanitation	2,399.13	31474
16-Jan-08	Electrical Equipment Co Inc	94.50	31475
16-Jan-08	Electrical Wholesale Supply Co Inc	298.25	31476
16-Jan-08	Ellis Automotive	62.65	31477
16-Jan-08	Fastenal	95.43	31478
16-Jan-08	First Responders	892.95	31479
16-Jan-08	Hammon Teton Delivery	45.00	31480
16-Jan-08	Hampton Inn & Suites	267.00	31481
16-Jan-08	IAS- Envirochem	392.00	31482
16-Jan-08	Idaho Buisness Systems	32.00	31483
16-Jan-08	Idaho Dept of Employment	413.98	31484
16-Jan-08	Idaho State Tax Commission	16.11	31485
16-Jan-08	Idaho Steel Products Co.	408.00	31486
16-Jan-08	Mike Johnson	75.00	31487
16-Jan-08	Kimball Midwest	189.00	31488
16-Jan-08	Kirkham Auto Parts Service Co. #8	1,183.92	31489
16-Jan-08	Lake City International	20.53	31490
16-Jan-08	LC Insulation and Supply Co	585.00	31491
16-Jan-08	Lease Consultants Corp	1.00	31492
16-Jan-08	Les Schwab Tire Center	15.00	31493
16-Jan-08	Lexisnexis matthew Bender	65.15	31494
16-Jan-08	Dawn Lloyd	32.37	31495
16-Jan-08	Mathews Plumbing & Heating	17.50	31496
16-Jan-08	McGrath Meacham and Smith PLLC	2,264.10	31497
16-Jan-08	Pacific Steel	405.42	31498
16-Jan-08	Petty Cash	41.80	31499
16-Jan-08	Porter's	8.48	31500
16-Jan-08	Qwest	44.19	31501
16-Jan-08	R&S Distributing	78.95	31502
16-Jan-08	RDK Thermoform LLC	2,999.50	31503
16-Jan-08	Robert G Tincher	75.00	31504
16-Jan-08	Rocky Mountain Power	5,311.27	31505
16-Jan-08	Sams Club	265.28	31506
16-Jan-08	Shelley Pioneer	232.70	31507
16-Jan-08	Shelley/Firth Rural Fire District	4,886.00	31508
16-Jan-08	Siems Enterprises	12.95	31509
16-Jan-08	Steve's Radiator Shop	160.00	31510
16-Jan-08	Territorial Supplies	605.02	31511
16-Jan-08	US Post Office	443.00	31512
16-Jan-08	Unites States Welding Inc	79.30	31513
16-Jan-08	Valley Wide Co-op	16.00	31514
16-Jan-08	Western States Equipment	245.64	31515
31-Jan-08	A & B Transmission	693.16	31516
31-Jan-08	Advanced Business Systems	738.66	31517
31-Jan-08	Advanced Disgnostics Inc	50.00	31518
31-Jan-08	Alltel	146.37	31519
31-Jan-08	Arizona Refuse Sales LLC	164.62	31520
31-Jan-08	Associated Business Forms & Systems	84.10	31521
31-Jan-08	Bank of Commerce	21,908.50	31522
31-Jan-08	Business Phone Specialists Inc	66.50	31523
31-Jan-08	Cable One	164.95	31524
31-Jan-08	Circular Butte Landfill	3,787.58	31525
31-Jan-08	Exxonmobil Fleet/GECC	287.05	31526
31-Jan-08	Forsgren Associates/P.A.	75.00	31527
31-Jan-08	IAS - Envirochem	586.00	31528
31-Jan-08	Idaho Buisness Systems	152.00	31529

31-Jan-08	Intermountain Gas Co.	1,624.06	31530
31-Jan-08	International Code Council Inc	99.00	31531
31-Jan-08	Jim's Trophy Room	135.00	31532
31-Jan-08	Keith Gardner Agency	138.00	31533
31-Jan-08	Kirkham Auto Parts Service Co. #8	249.50	31534
31-Jan-08	Lake City International	25.56	31535
	Void		31536
31-Jan-08	Lexisnexis matthew Bender	25.75	31537
31-Jan-08	Lynk3 Technologies	304.27	31538
31-Jan-08	Marlene Hall	4.27	31539
31-Jan-08	McLeodusa	530.77	31540
31-Jan-08	Mel's Lock and Key	15.10	31541
31-Jan-08	Mid-American Research Chemical Corp	835.83	31542
31-Jan-08	Mountainland Communications Inc	112.00	31543
31-Jan-08	Mr. Pizza	80.00	31544
31-Jan-08	Phillips 66 Co	1,627.64	31545
31-Jan-08	Porter's	124.32	31546
31-Jan-08	Qwest	84.11	31547
31-Jan-08	R&S Distributing	62.71	31548
31-Jan-08	RDK Thermoform LLC	5,949.00	31549
31-Jan-08	RUD Chain Inc	346.62	31550
31-Jan-08	Cheryl Simmons	350.00	31551
31-Jan-08	Stephenson Computer consulting	225.00	31552
31-Jan-08	Teton Communications	10,545.00	31553
31-Jan-08	US Post Office	405.70	31554
31-Jan-08	Utah Jazz Youth Basketball	364.00	31555
31-Jan-08	Watson Roto Rooter/Thayne Watson	150.00	31556
31-Jan-08	LC Insulation and Supply Co	1,800.00	31557
11-Jan-08	City of Shelley Payroll	50,029.52	
25-Jan-08	City of Shelley Payroll	49,616.57	
	Total	192,158.16	