

CITY OF CHELSEA
COUNCIL MEETING
MINUTES

APRIL 27, 2010

PRESENT: Mayor Eric Christensen ^{SG}
Council Members: John Lent, Charlotte Fredrickson, Earl Beattie ~~(absent)~~, and
Kurt Russell
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 Mark Crandall
PRAYER: BJ Driscoll

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

Minutes of April 13, 2010 Council Meeting
Building Permits:
Donna Tanner - fence
Mistri Russell - fence
LDS Church - addition

A roll call vote was called for: Earl – aye, Charlotte – aye, Kurt – aye, and John - aye.

Approved unanimously.

Dave Noel, Forsgren discussed the Water Facility Planning Study. He said the city held a public hearing last September for public testimony on this matter. Dave said the study was completed and submitted to DEQ in September also. He said there were some questions involving the EID, which Forsgren has responded to. Dave said at the public hearing the council did not make a formal motion to accept the study. He said we need this motion to send to Nancy Bowser of DEQ, so we can qualify for the EECBG grant money that will be used to upgrade the city wells at the shop before we can move forward. Dave said there were comments at the public hearing, which Forsgren responded to. He said Forsgren made several recommendations in the study that he would briefly discuss with the council. Dave said the first recommendation in the study was to acquire additional water rights to meet the firm capacity regulation. He said we have applied for and received the water rights to drill a well for firm capacity. He said the second recommendation was to acquire additional water rights for future growth. He said the city has worked with Ball Ventures and obtained water rights through mitigation. Dave said the third recommendation was to abandon well #1 and put a larger pump in well #2 because it has a larger casing and it is deeper. He said the fourth recommendation was to complete the sixteen-inch loop line in the southern portion of the water distribution system that was begun in 1992, and to complete a ten-inch line in the same area. Dave said the next recommendation was to replace the water storage tank with a 1.5 million gallon tank to meet DEQ requirements for fire flow and peak flow. John moved, Charlotte seconded to accept the Water Facility Planning Study completed by Forsgren. Approved unanimously.

The Mayor and Council discussed the Robald Gate issue. BJ said there is a sign up sheet for the attendees that wish to speak on this matter. Each speaker was given five minutes to make his or her presentation. Kent Carlson said he owns the farmland to the south west of the Robald gate. He said he uses this road during the summer for farming purposes. Mr. Carlson said the school has told him there is no problem with him using road to utilize his farm ground. He said he never obtained a written easement from the School. Mr. Carlson felt the use of the property has changed and therefore a public hearing for a zone change should have been held with proper notification to the nearby landowners. He said the gate should be left open until the proper hearing is held. Mr. Carlson said he also understood that if he were to develop the property the gate would be removed. He stated he wanted it made a matter of record that he is requesting to use this road for his farming needs. Mr. Carlson said that he and Rick lined up the road in the West River Subdivision (Grover) when it was being constructed for future development of his property. Mr. Carlson said he would give his notes to Sandy to make them a matter of record.

Jeff Kelley said he usually doesn't use the Robald access to the school, however this has become an issue. He said he has three options regarding this matter. 1. The council has the right to close the street, so close Robald Avenue permanently. He said the pros to this option are that it will control the traffic and help the Scotts eliminate the noise from the traffic. He said the cons to this option are that it denies access to the school by residents, frustrates the school's sports complex, frustrates growth of the Carlson property, and denies the possibility of the school to expand. 2. Remove the gate at Robald and put it back to status quo. Have the police enforce the laws. Place another stop sign on the street. Mr. Kelley said this would not alleviate the traffic of the Scotts and their neighbors. 3. Leave the gate open from 6:00 a.m. until 10:00 p.m. and close during the summer, Sundays, and some holidays. Also allow the principal to have a key to unlock the gate from emergency purposes. However, the gate will need to be removed when expansion occurs. Mr. Kelley said this would allow the citizens to have confirmed defined times of when the road can be accessed. He said the police could also enforce traffic violations. He said the downside is that the police will still have the responsibility to open and close the gate. Mr. Kelley said he feels the best option is #3. He stated the council should consider their neighbors and the citizen's needs.

Brad Darrington said he has lived on the corner of Robald and Holley for thirty-two years. He said the quality of civilization is linked to the respect of property rights. Mr. Darrington said his family attended the Shelley School District and he appreciates what was done for his family. He said the traffic at Robald is one of the largest traffic events in Shelley. Mr. Darrington said he is in favor of the gate, and speaks in favor of the Scotts. He said the gate allows each family to have some peace in the evening. Mr. Darrington said there are a lot of cars in the morning, afternoon, and during lunch. He said there is about as much traffic as other streets in the city, but Robald is not a very wide street, and there is erratic driving. Mr. Darrington said he thinks the gate is fine and is a workable solution. He said when there are small events at the High School, why not use West Fir instead of Robald. Mr. Darrington said he felt the open hours of 7:00 a.m. until 4:00 p.m. is adequate, and unless there is a need in the evening the gate should not have to be opened. He asked what other tiny street in the city has this much traffic. He said he feels the

Scotts have gone about trying to resolve this problem in the right way. Mr. Darrington said their driveway is directly adjacent to Robald. He said the Scotts should not be villianized, and thinks the School should be on board and try to make everyone's life bearable. John asked about overflow parking. Mr. Darrington said there is some overflow parking on the street, but not too often. John suggested cleaning up the back half of the School property and using it for overflow traffic.

Dwight Richins said he uses the Robald Avenue access to the school several times a day. He said it is easy access from the south side of the school. Mr. Richins said he feels a compromise is the way to win. He feels the hours the gate is open should be expanded. Mr. Richins said there was an unscheduled event a few nights ago. He said the police were called and the officer on duty said he would need Chief Dial's approval to open the gate. Mr. Richins said he feels the council should empower the police officers and himself to open the gage. He said they need to have trust. Mr. Richins recommended the gate be left open until 10:00 p.m. He said he understands the Scotts and the Darrington's problem, but there should be a compromise. Brad Darrington asked if the event calendar is done in advance and set in stone. Mr. Richins said no, the calendar changes almost daily. He said the city could possibly work with the school to help turn this around. He said he would do everything possible to work with the kids to educate them, however you need to remind them often and teach them respect.

Barbara Scott said she is not sure of their position because the rules keep changing. She said they were told the gate would be closed at 4:00 p.m. and only opened when the traffic is congested in the front of the school. Mrs. Scott said the gate was being left open constantly. She said unless the gate is closed at the same time every day, there will be hate and discontent until they are dead. John agrees that consistency is the key. Mrs. Scott said she does not want the gate removed. She said this is their only change to have peace and quiet.

Larry Bateman said the truth is that two families are unhappy with the circumstances. He said the gate does not solve the traffic problems, and creates more problems for some of the residents. Mr. Bateman said most people do not want the gate. He said there is a face book page that was put up for possible solutions and suggestions for this issue. Mr. Bateman said the suggestions included resurfacing the street, sound walls constructed, installing another speed bump, and installing another stop sign. He said he has even seen the suggestion to barricade Robald Avenue at Highway 91. Mr. Bateman said it has been suggested to change the hours that the gate is open. He said the city will still have a controlled gate and that is not acceptable. Mr. Bateman said the gate has been opened for events in the past two weeks, and wondered what has changed. He said nothing has changed for emergency responders. He said they may have a key to the gate, but that could still add response time to an emergency. Mr. Bateman said they need to come up with an alternative solution. He said he would like the gate taken down and have the laws enforced by the police.

Mayor Christensen said this meeting procedure tonight was democracy in action. He said solutions and suggestions have been presented tonight.

Barbara Scott said she did not say the only option to this problem is a gate, but that for the gate to be effective, needs uniformity. She said the problem with the noise is not road noise, but vehicle noise. Mrs. Scott said in the petition that was circulated for removal of the gate, the rights of the residents living on Robald or Holley are not mentioned. She feels they do not live on the city street named Robald Avenue, but on the school driveway named Russet Way. Mrs. Scott said she would like to compromise, she wants the gate in place but realizes the school must operate. She said the times the gate is closed need to be uniform. She said the reason the gate was installed is to give the resident relief from the High School traffic. Jeff Kelley asked about the width of the right-of-way. Mrs. Scott said there is thirty-six feet of asphalt. The plat states the right-of-way is sixty feet but that includes the sidewalk, curb, gutter and utility easement.

Alva Harris said the school needs two accesses, and if Robald is cut off that only leaves one. He suggested having the county help build a road from the south to Baseline Road and to the east to Longhurst Lane. He said this will eliminate some of the traffic. Mayor Christensen said that would be up to the school since they own the property. Mr. Harris said yes, but he has not heard from the Trustees of the School. He said there are not showing great leadership right now. John said he has researched the possibility of purchasing property onto Highway 91 to help eliminate safety concerns. Mrs. Harris felt representatives from all the organizations should come together to discuss this matter. He urged the City to meet with School Board to resolve this problem. Mr. Harris the Boards should forget what has happened in the past and work toward a resolution. Jeff Kelley did not fee the city should pay for a street to Baseline or Longhurst just to allow the Scotts to have a private road. He said Robald Avenue is sixty feet wide and provides access to the school.

Earl said he was not on the council when the decision to install a gate was made. He said at that time he did not think it was a great idea to install the gate, but there was not near as much input for the council to base their decision on as there is now. Earl said he does not feel the police department should be responsible to open and close the gate. He said everyone has made good points tonight, and the city needs to work with the School Board to resolve this matter. He said the majority elected him, and the city should do what's right for the majority. Earl said we can help two or three people, but should make it good for all. He suggested opening the gate and leaving it open until the School and the City can meet to resolve this. Earl said building new roads is a great idea, but the budget won't allow it right now. He said he would like to see the School in charge of the gate with the Scott's input.

Kurt said he agrees with Earl, and he also was not on the Board when this matter was brought up. He said he lives on a street that is farm to market and can sympathize with the Scotts. Kurt said he feels the gate should be opened until this matter is resolved.

Charlotte suggested finishing the school year and closing the gate as it has been being done. She said then the city should try and come up with a better solution.

John suggested the gate be closed for the summer when school is over and try to work out a better solution.

Earl moved, John seconded to open the gate and leave it open until the end of the school year, then close the gate for the summer and come up with a viable solution before school starts again next year. Three in favor, Charlotte opposed. Earl said he does not want the police department responsible for the gate. The gate will not be tore down, but closed after the end of this school year. Dwight Richins suggested forming a problem solving committee to come up with a viable solution for the gate. Mayor Christensen asked Earl to head the Committee. The gate will be opened tomorrow and remain open until May 28, 2010.

John left the meeting at approximately 8:45 p.m.

Kurt Coates asked if there are two entrances to the school. The answer was that there are two exits and one entrance.

Loraine Stewart of the North Bingham Library Board said there will be a bond election on May 25, 2010 for the consideration of a new library building. She said the Planning and Zoning Commission held a hearing to consider annexation and rezone of a piece of property that they have purchased to build a new building. Sandy said the P&Z Board recommended approval of rezoning the property to CB (Central Business) contingent upon annexation. Charlotte moved, Earl seconded to call for a public hearing on May 25, 2010 to consider rezoning and annexation of a parcel of property adjacent to Hanson Avenue, next to Brinkman Park. Approved three in favor, one absent.

Norma Guerro said she and her husband Porfinio own a lawn mowing business and would like permission to park a truck and trailer on the city street until the end of October. She said they have tried parking in their small driveway, but this caused a lot of safety concerns with children. She said it is too time consuming to unhook and rehook up the trailer each day. Mrs. Guerro said they do not have the funding to pave more parking area on their property, and would only park on the street when necessary. Alan said the police department cannot arbitrarily enforce the law. Mrs. Guerro said it is hard to comply with the law due to lack of resources. Rick said it is hard to clean the streets of the city when cars and trailers are parked on the street. He said if permission is given to one person to park their trailers on the street then it should be given to all. Mrs. Guerro said if their trailer is not on the street, then cars will be parked there that could have been in their driveway. Alan suggested parking on the former Bleak property. Mrs. Guerro said they already have one trailer there, but this trailer is hooked up to the truck. Earl said they cannot give permission to violate the city code to just one person. He agreed with Alan about parking on other piece of property close by. Earl said he would like to help the Guerro's but he cannot give permission to just one person for this. Sandy read the ordinance regarding parking trailers on the street. The only time one can be parked on the street is to load and unload expeditiously. Mrs. Guerro said they could use the street to load and unload. Earl said everyone should use common sense, but can load and unload their trailers expeditiously. Council

determined permission cannot be granted to the Guerro's to park their lawn-mowing trailer on the city street.

Dawn said she would like to hire Dustin McKinnley as pool manager for this season. She said Dustin has previously worked at the pool. Council gave permission to hire Dustin McKinnley as pool manager this season.

Dawn said she originally had a bad check she could not collect on, however the person just moved back to the city so she would try once more to collect on it before deeming uncollectible.

Charlotte moved, Kurt seconded to approve the following city business licenses for 2010:

Massage by Michelle - 528 N. State

Shelley Auto Care - 580 S. State Street

Kong Khamone - 190 E. Pine

I Scream U Scream Ice Cream - Mobile Food Vendor

Approved three in favor, one absent.

Sandy reported that Earl and Fern Hampton quitclaimed the city property next to Pat Kearney on West Center Street to the city in the early 1970's. She said the Assessor's Office did not have record of any easement or right-of-way and suggested that the city have a title search done.

Sandy said the Assessor's Office also has part of the city property encroaching on Mr. Kearney's property. BJ said the city might not need a title search. He said the city could research the property through the Assessor's Office, however a title search may still be beneficial. Sandy was instructed to check on the cost of a title search. If there is no easement or right-of-way a vacation will not need to be done, however it is unclear if the city can give the land to the adjacent property owners without going through the bidding process.

Dawn said the Mayor's Youth Council painted the playground equipment at Pillsbury Park last weekend and did a great job.

Rick said he would like to make a complaint about the noise being emitted by the new equipment being installed at Basic American Foods. He said they have been great neighbors in the past, however there are more steam stacks being installed and it sounds like a jet engine. Rick said this noise is constant twenty-four hours a day, seven days a week. He said he did not want to close up Basic American Foods, but he feels something could be done to reduce the noise. Rick said he spoke with Basic American Foods and their representative said they are doing everything EPA has asked. Sandy read a letter submitted by Bruce Crockett regarding the noise. Mayor Christensen requested Rick to have Bruce send a copy of this letter to Basic American Foods. Rick said this has been occurring the past three months. Sandy was asked to have Doug review this matter and see if a building permit was obtained for the work Basic American Foods is doing.

Charlotte said Arbor Day will be held May 22, 2010 at the City Park. She asked the Mayor to attend and read the city proclamation. Charlotte said they will be planting tree and flowers this year.

Mayor Christensen presented a letter of termination due to retirement from Rick Anderson effective May 31, 2010. Mayor Christensen accepted this letter of resignation, and thanked Rick for his years of service. The Council determined an open house will be held May 25, 2010 from 6:00 p.m. until 7:00 p.m.

Mayor Christensen said the Regional Wastewater Authority will hold a meeting April 29, 2010 at 10:00 a.m. at city hall. He said they will be discussing hiring a wastewater operator.

Adjourned: 9:32 p.m.

ATTEST: Sandy Ely APPROVE: Eric R. Christensen