

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

NOVEMBER 24, 2009

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: Dawn Lloyd

PRAYER: Steve Cederberg

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

Minutes of November 10, 2009 Council Meeting
October 2009 Expenditures
October 2009 Overall Treasurer's Rpt.

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

Jacqueline Wittwer said she has completed some additional research on the installation of bike paths in the city. She said she will be speaking to various churches to help inform the public about the traffic. She said this information will also be in the emergency preparedness manuals. Mrs. Wittwer said she spoke with some of the police officers about bike paths and she will return to a council meeting in January or February to discuss this further.

Mrs. Wittwer said she is willing to bring some sample pictures to the Mayor and Council regarding the Christmas decoration contest. Then the Mayor and Council could pick and choose, and recommend sizing, etc. Mayor Christensen told Mrs. Wittwer to work with Rick on this project.

Devrie Hanson, with the Mayor's Youth Council said the group will be helping with the Chili Cook Off and Tree Lighting Ceremony on Friday. Devrie said they will be working with the Gables Assisted Living Center to see if they need assistance with holiday decorations.

BJ said there was a meeting held with the Shelley School Board on October 29, 2009. He said he has reviewed the laws and determined that the meeting arguably should have been posted pursuant to the open meeting law. BJ said if the meeting is determined to be in violation, then all actions taken from the result of that meeting would be null and void. He said as a precautionary measure the city should take corrective action. BJ said there was no intent to violate the open meeting law, but any potential violation should be corrected. Steve moved, John seconded to disregard the deliberations made at the meeting with the Shelley School Board on October 29,

2009, and declare the motion made at the last council meeting on November 10, 2009, to install a gate on Robald Avenue as void. Approved unanimously. BJ said the council now could re-discuss the issue, make a new motion, or leave the issue as is. John moved, to install a gate on Robald Avenue where it intersects Russett Way, if all costs are expended by Barbara and Leroy Scott and donated to the city, however all control of the gate will be at the city's discretion. Mayor Christensen said there is a motion on the floor, but he would acknowledge a question from the audience. Bubba Rick asked questions about the hours the gate will be open. Alan said the gate will be open from 7:00 a.m. until 4:00 p.m. and any major events as determined by the police department. Bubba asked if the traffic problem is really being solved. John said after 5:00 p.m. it is. It is giving the Scotts some relief from the after school traffic. John said it is also reducing the traffic hazards after dark where the street is narrow, tight, and there are a lot of speeders. Bubba asked about the traffic being increased on Holley Street. Mayor Christensen said there was a "no left turn" sign put in many years ago to alleviate the traffic on Holley Street. Jacqueline Wittwer asked if anyone had talked to the teenagers about not using Russett Way. She asked about the traffic at 3:15 p.m. She asked if the buses could be diverted to use the back entrance, and once the buses were gone the gate could be closed. Vicki Johnson said she understands the fact that the meeting was voided, but that does not change the fact that the open meeting law was violated. She said at that meeting it was intended that the School Board was going to discuss this matter further. BJ said the state statute was reviewed, AIC was contacted, and the corrective action was taken to rectify any potential violation of the open meeting law. Mrs. Johnson asked about fines and such for the violation. BJ said if as a citizen she would like to file a complaint with the Attorney General's Office, she has that right. Mayor Christensen said there is still a motion on the floor, Charlotte seconded the motion, and the motion was approved unanimously. Mr. Darrington said they live on the corner of Holley and Robald, and Mrs. Scott has taken many steps to resolve the traffic problem, however the School has failed to do anything. He said there is a traffic problem and the City Council has taken steps to correct that.

Sandy presented a draft of an agreement with Idaho Bench Incorporated. This company would like to install benches on the city streets, especially where site workers stand to catch their bus. The locations of the benches would be at the city's discretion, at no cost to the city. The benches are paid for with advertising. The Mayor and Council determined they would like more information about this matter, and directed Sandy to invite the representative of Idaho Benches to discuss this further.

Sandy said there needs to be a public hearing to consider adopting the Cable One Franchise Renewal Ordinance. She said the ordinance has been published for the required thirty day comment period. John moved, Charlotte seconded to call for a public hearing on January 12, 2009, to consider adopting the Cableone Franchise Ordinance at 7:30 pm. Approved unanimously.

The council has reviewed the Police Critical Incident Protocol Policy. Steve moved, John seconded to adopt the presented Eastern Idaho Critical Incident Protocol Policy as written. Approved unanimously.

At the last council meeting the city considered waiving the building permit fee for the Shelley School District to construct dugouts at the High School baseball field. Steve moved, John seconded to ratify waiving the building permit fee of \$112.50 for the Shelley School District for the construction of dugouts. Approved unanimously.

At the last council meeting Sandy presented a form to combine lots in a platted subdivision which would be recorded at the County Recorder's Office. John moved, Charlotte seconded to adopt a policy to use the form "Covenant to Hold Separate Lots or Portions Thereof As One Building Parcel". Approved unanimously. This will be reviewed on a case by case basis.

BJ said he received the appellants brief from the Kelley Acres attorney. Sandy said she has reviewed the brief, and they focus on the ordinance not being published as required by law. She said the ordinance was published, and presented a copy of the publication. BJ said he will submit a response to the appellants brief by the required deadline.

Sandy said Rocky Mountain Power is having a luncheon and workshop on December 15, 2009, and asked who would be attending. The Mayor, John, Charlotte, and Steve plan to attend.

John said Diane Mickelson is interested in having a controlled fire at the Tree Lighting Ceremony. He said he is not sure of the exact location. John said Diane would be contacting Mike Carter if she decides to move forward with this event.

Rick said the dog pound floor was poured yesterday. He said hopefully after Thanksgiving, the siding will be installed.

Rick said he would like to see a sports park constructed on the city property next to the treatment plant. He said there are twenty three acres left, and baseball diamonds, soccer fields, etc. could be constructed at this site. John said the city could not buy twenty three acres in the city, and he too would like to see a sports park constructed in the next fifteen years or so. Rick recommended this property be kept by the city, and not turned over to the Regional Authority.

Charlotte thanked the members of the Fire Department for all of the great things they do for the community.

Charlotte said she met with the Tree Committee. Their next meeting will be sometime in March.

John said he would like to invite everyone to the Tree Lighting Ceremony and Chili Cook Off on Friday at 4:00 p.m. He said Santa will be arriving by Fire Truck at 5:00 p.m.

Dawn said she attended the P&Z meeting held last week. She said Ty Swenson, one of the P&Z Board members had to have his legs amputated last week due to complications from diabetes.

Steve said he discussed dry suits with the Fire Chief. He said he will contact Mike Carter with the information.

Steve said tonight there were repercussions over the gate on Robald Avenue. He said it was good the city stood its ground. Steve said this is probably not the end of this issue, but this needed to be done. Steve said the School Board runs the School and does a great job, and the city does what's needed in the community.

Lorin wanted to congratulate the Shelley Football team on their victory.

Barbara Scott thanked the City for the efforts put forth on their behalf. She said there is a lot of contention because people think the city has bent over backwards for one person. She said she feels the city did what they did because that is the city is suppose to look out for e everyone. Mrs. Scott thanked the Mayor and the Council for making the city council work the way is should be.

Mayor Christensen said there will not be a Regional Wastewater meeting this month due to Thanksgiving. He said he also wants to thank the City Council for their tenacity to stick to things and sometimes making difficult decisions.

Adjourned: 8:25 p.m.

ATTEST: Sandy Lydwak APPROVE: Emi R. Christensen

NOVEMBER CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
9-Nov-09	Ann Durbin	79.75	33441
9-Nov-09	Carol Dutton	79.75	33442
9-Nov-09	Becky Coates	79.75	33443
9-Nov-09	Comdata	2,068.80	33444
9-Nov-09	Daniel Acevedo	3,300.00	33445
9-Nov-09	Jennifer Kearsley	79.75	33446
17-Nov-09	A&B Transmission & Service CTR.	201.45	33447
17-Nov-09	AAA Giles Cleaning and Restoration	675.00	33448
17-Nov-09	American Linen	486.02	33449
17-Nov-09	Association of Idaho Cities	50.00	33450
17-Nov-09	BMC West	213.86	33451
17-Nov-09	Business Phone Specialists Inc	66.50	33452
17-Nov-09	Commercial Tire	1,629.68	33453
17-Nov-09	DBS Inc	2,783.22	33454
17-Nov-09	Doug Keele	506.86	33455
17-Nov-09	Falls Plumbing Supply Co	124.45	33456
17-Nov-09	Fastenal	224.11	33457
17-Nov-09	Ferguson Enterprises Inc	109.37	33458
17-Nov-09	First Responders	322.23	33459
17-Nov-09	Forsgren Associates/P.A.	100.00	33460
17-Nov-09	H-K Contractors Inc	601.30	33461
17-Nov-09	Hammon Teton Delivery	54.00	33462
17-Nov-09	HD Supply Waterworks LTD	506.90	33463
17-Nov-09	Honnen Equipment Co of Utah/Idaho Inc	20,150.00	33464
17-Nov-09	IAS-Envirochem	392.00	33465
17-Nov-09	Idaho Business Systems	34.93	33466
17-Nov-09	Idaho Traffic Safety Inc	2,308.80	33467
17-Nov-09	Imperial Asphalt	16,414.35	33468
17-Nov-09	Industrial Hose and Fittings	51.19	33169
17-Nov-09	Jim's Trophy Room	25.50	33470
17-Nov-09	Lake City International	62.94	33471
17-Nov-09	Les Schwab Tire Center	347.76	33472
17-Nov-09	Lexisnexis Matthew Bender	316.19	33473
17-Nov-09	Dawn Lloyd	22.90	33474
17-Nov-09	Mathews Plumbing & Heating	377.89	33475
17-Nov-09	MHL Systems	2,283.99	33476
17-Nov-09	Mickelson Construction Inc	607.20	33477
17-Nov-09	Pacific Steel	334.80	33478
17-Nov-09	Petty Cash	61.08	33479
17-Nov-09	Qwest	46.30	33480
17-Nov-09	Rocky Mountain Power	4,200.87	33481
17-Nov-09	Ryan Ellis construction	7,795.00	33482
17-Nov-09	Sams Club	55.53	33483
17-Nov-09	Shelley Pioneer	457.64	33484
17-Nov-09	Smith Driscoll & Associates PLLC	765.00	33485
17-Nov-09	Snake River Valley Irrigation	711.00	33486
17-Nov-09	State Insurance Fund	3,843.00	33487
17-Nov-09	Steam Store Rocky MT. Inc	62.35	33488
17-Nov-09	United States Weding Inc	114.79	33489
17-Nov-09	Valley Office System	354.89	33490
17-Nov-09	Verizon Wireless	521.37	33491
17-Nov-09	Watson Roto Rooter/Thayne Watson	50.00	33492
17-Nov-09	2M Company Inc	52.50	33493
30-Nov-09	U.S. Post Office	354.76	33494
30-Nov-09	Bearing & Ind. Sales Inc.	77.40	33495
30-Nov-09	Bingham Groundwater District	2,424.64	33496
30-Nov-09	Broulims	867.98	33497
30-Nov-09	Cable One	164.95	33498
30-Nov-09	Comdata	175.68	33499
30-Nov-09	Crown Trophy	40.00	33500
30-Nov-09	Davies Aqua Chem Supply Co	400.00	33501
30-Nov-09	DBS Inc	2,300.79	33502
30-Nov-09	Diamond B Specialties	212.00	33503
30-Nov-09	Eagle Rock Sanitation	3,928.42	33504
30-Nov-09	Exxonmobil Fleet/Gecc	206.38	33505
30-Nov-09	Sandra Gaydusek	438.81	33506
30-Nov-09	IAS-Envirochem	404.00	33507

30-Nov-09	Idaho Chiefs of Police Association	150.00	33508
30-Nov-09	Industrial Hose and Fittings	152.96	33509
30-Nov-09	Intermountain Gas Co	361.81	33510
30-Nov-09	Iola Syverson	25.22	33511
30-Nov-09	Tax Collector Janice Lawes	1.44	33512
30-Nov-09	Jim's Trophy Room	25.50	33513
30-Nov-09	JP Cooke Co	57.15	33514
30-Nov-09	Mountain West Bark Products Inc	3,015.00	33515
30-Nov-09	National Pen Corp	88.40	33516
30-Nov-09	Oldcastle Precast Inc	193.00	33517
30-Nov-09	Phillips 66 Co	965.38	33518
30-Nov-09	Polk Directories	160.00	33519
30-Nov-09	Qwest	862.26	33520
30-Nov-09	Reliable	241.52	33521
30-Nov-09	Ryan Ellis construction	13,450.00	33522
30-Nov-09	Steel Systems	2,507.00	33523
30-Nov-09	Tabatha Swenson	35.00	33524
30-Nov-09	Travis Mitchell	25.22	33525
30-Nov-09	US Post Office	1,426.50	33526
30-Nov-09	Utah Jazz Youth Basketball	4,487.00	33527
30-Nov-09	V-1 Propane	201.15	33528
30-Nov-09	Verizon Wireless	541.84	33529
13-Nov-09	City of Shelley Payroll	49,328.92	
20-Nov-09	City of Shelley Payroll	20,108.75	
<u>25-Nov-09</u>	<u>City of Shelley Payroll</u>	<u>50,849.38</u>	
	Total	<u>238,420.72</u>	