

CITY OF CHELLET
COUNCIL MEETING
MINUTES

JUNE 12, 2007

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft (absent), Steve Cederberg, John Lent, Charlotte Fredrickson
Police Chief: Alan Dial
Public Wks Dir: Rick Anderson (absent)
Recreation Dir.: Dawn Lloyd (absent)
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll
City Foreman: Chuck Lloyd

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Steve Cederberg

John and Charlotte were telephone conferenced in.

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

Minutes of May 22, 2007 Council Meeting
Approval May Overall Budget & Treasurer's Rpt.
Approval May Expenditures
Building Permits
Shawn Allen - garage
Marlene Jensen - fence
Tad Parmer - fence
Bryan Barclay - re-roof
Jim Danielson - addition
Ronnie Butler - re-roof
Ida Fresh - re-roof

A roll call vote was called for: Steve – aye, Charlotte – aye, John – aye, approved three in favor, one absent.

Mayor Christensen opened a hearing to receive testimony on the condition of the Herbert Newel Morris property at 144 S. Holmes. Sandy said she notified Mr. Morris on April 25, 2007, that he was not in compliance with the city ordinance 5-9-11 regarding the keeping and storage of junk. He was given thirty days to clean up his property. The property was not cleaned up to comply with city ordinance so Mr. Morris was notified on May 29, 2007 that a hearing would be held on June 12, 2007 to discuss the condition of his property, and determine if the city would clean it up and assess the cost to Mr. Morris. Jeff Morgan, 130 S. Holmes said he lives next to Mr. Morris and made the initial complaint regarding the property. He said he has spoke with several surrounding neighbors, and they are all willing to help clean up the property but have a fear of being sued by the Morris's. Mr. Morgan said the property is a mess and he has never seen anything like it. He said he is afraid the property is a fire hazard, and is concerned about the chemicals being stored on the premises. Mr. Morgan said there are two vehicles being stored at the front of the property that have not been moved for some time. He felt these vehicles should be moved to the back of the premises. Mayor Christensen said the ordinance is not selectively enforced as a letter from the Morris's indicated. He said this property is in a residential area and

there should probably not be chemicals and pesticides stored on it. BJ said there are two issues to be considered; a safety issue and a nuisance issue. Patricia Morris, 144 S. Holmes stated her sister and her father have a mental illness, and she works a full time job as well as a part time job to make ends meet. She said she tries her best, but she has not had enough time to clean up the yard. Ms. Morris said she has tried to get help from several sources but has not been successful. She said they do not intend to sue anyone that may be willing to help them. Ms. Morris said other groups have come to help in the past, but it has not been convenient times due to her sister's health. She said loud noises and smells cause her to be ill. Mr. Morgan said he would be willing to help clean up the property, and he believes the LDS church will also help the Morris's. Steve said this property needs to be cleaned up, and has needed to be cleaned up for a long time. Sandy said there have been items moved on the property and covered with tarps. Ms. Morris said the things that are covered with tarps are not junk, there is a refrigerator near the back of the home that is still operational. Mayor Christensen asked Steve to contact the church and ask for a group to help the Morris's clean up their property. Sandy asked that this hearing be continued at the next council meeting, so the entire procedure does not have to start at the beginning. She also asked if guidelines could be set for the Morris's, such as what items should be removed from the premises. Ms. Morris said there are branches that need to be removed from the yard. Steve said the rain barrels need to be removed, and there is no need for compost because there is no garden. He said this property must be cleaned up and if it takes a professional crew to do the job, then that's what will happen, and the Morris's will be billed for the expense. Ms. Morris asked that any contact regarding the property be made through her and not her father or sisters. Mayor Christensen asked Ms. Morris to contact city hall each day at 10:30 a.m. to see if it is acceptable to work. Ms. Morris said she will need help with the tree branches. Jeff Morgan said he would be willing to haul the tree branches to the transfer station. He again stressed his concern over the chemicals that may be stored on the property. Ms. Morris said there are no chemicals on the premises, everything is organic. Mr. Morgan said he will bring his electric weed eater over for them to use on the weeds on their property. Charlotte stated that the city is not picking on the Morris's as their letter has stated, we are just trying to help. Alan said the vehicles at the side of the house need to be moved to the back yard and tarped. Ms. Morris said she would need help moving the cars, and there is nothing being stored inside of the vehicles. She said the vehicles are sentimental to the family. Alan said the rain barrels and the fertilizer buckets need to be removed. Sandy said there is a lot of debris along the property line also. Ms. Morris said the property line has been cleaned up. Chuck said there is a problem with the hanging branches of the large tree in the front of the property. He said the garbage truck, snow plow, and the street cleaner cannot get under the tree branches that are overhanging into the street. Chuck said he talked to Mr. Morris about this matter two or three years ago, and Mr. Morris had put a limb under the branch to hold the branch up, but this could be a danger. Mayor Christensen asked Chuck if the city could cut the tree limbs off that are overhanging onto the street. Chuck said yes, but he would have to use a chain saw. Ms. Morris gave permission to trim the tree limbs. John said he is concerned about the Morris family making the workers leave the premises once they get over there and are ready to work. Ms. Morris said this has happened in the past because the helpers have not let her know when they are coming. Ms. Morris agreed that the city would come to trim the front tree on Thursday at 11:00 a.m. Sandy will contact Ms.

Morris prior to that time to confirm the arrangement. Mayor Christensen continued the hearing held tonight to the next council meeting on June 26, 2007, at 7:30 p.m. The Morris's were given 20 days to clean up their property, however the Morris's will be attending the continuance of the hearing to discuss the progress they are making.

Mike Carter said he attended a three day workshop to become certified in the 2003 International Fire Code. He said during the workshop two items were brought to his attention. Mike said new developments must have permanent or temporary street signs installed during construction; also functioning fire hydrants must be installed and an approved access road that the fire truck will not sink on must be constructed before any individual building commences. Mike said in regards to the new assisted living center, water services and a road need to be provided for fire protection. He said there is the same problem with the construction occurring at the North Shelley Business Park. Mike said there are a few development agreements that the city has signed that allows the developer to sell lots with the presumption that the property owner can commence building, but cannot occupy the building until the developer has completed the construction of the improvements and the city has accepted those improvements. He said this is against fire code. Mike said the fire department has the authority to stop construction until the improvements are done. John said the best way to handle this situation is to contact the three developers that have the development agreement to construct before the improvements are finished and explain the matter. He said he would also like Mike to discuss this matter with the Planning and Zoning Commission and the Building Inspector. Dave said some of the developers have thinner street sections that may not hold a fire truck unless it has been paved. Mike said he will work with the developers the best he can.

Sandy presented several fireworks permit applications:

John moved, Charlotte seconded to approve a fireworks permit for True Blue Dino Mite from June 20, 2007 through July 7, 2007. Approved two in favor, Lorin absent, and Steve opposed, motion carries. Charlotte moved, John seconded to approve a fireworks permit for Flower Family Fireworks from June 20, 2007 through July 7, 2007. Approved two in favor, Lorin absent, and Steve opposed, motion carries. John moved, Charlotte seconded to approve a fireworks permit for TNT Fireworks from June 20, 2007 through July 7, 2007. Approved two in favor, Lorin absent, and Steve opposed, motion carries.

Sandy received a request from Qwest to lay buried cable by boring under North Park Avenue to provide services to the North Shelley Business Park. She said Rick reviewed the work order and could see no problem with it. John moved, Steve seconded to approve the request for Qwest to lay buried cable to provide services to the North Shelley Business Park. Approved three in favor, one absent.

Sandy said she received a notice to discharge a debt from the U.S. Bankruptcy Court for Doug and Tandra West. Steve moved, John seconded to write off the account for Doug and Tandra West (Spring Hills) in amount of \$649.81. Approved three in favor, one absent.

BJ presented the amendment to the parking ordinance that now prohibits any type of RV or trailer from being parked on a city street. Charlotte asked for some clarification on the amendment. Mayor Christensen read a section of the ordinance. Steve moved, John seconded to suspend the reading of ordinance #508 on three different days and read the title of ordinance #508 once. Approved three in favor, one absent. Mayor Christensen read the title of ordinance #508 regarding parking on public streets. Steve moved, Charlotte seconded to adopt ordinance #508 regarding parking on public streets. Approved three in favor, one absent.

BJ discussed a letter that was drafted to Governor Otter regarding the city's dilemma with water rights and drilling a new well. BJ said there was not much factual information available so he mainly focused on municipal rights vs. private rights. He asked the Mayor and Council to review the letter so it could be signed and mailed. The Council determined the letter should be signed by all of the Governing Body. Steve said he would hand deliver it to the Governor.

BJ said he spoke with DEQ, the State Attorney General's Office, and the developer of River bend Estates. He said he basically put the developer on notice that changes to the subdivision may need to be made in the future. Dave Noel said he spoke with the Idaho Falls DEQ office, but the subdivision falls within Pocatello DEQ's jurisdiction. He said unofficially the Idaho Falls office suggested the Regional Authority change the treatment plant placement design. Dave said Pocatello DEQ is not going to do anything about the subdivision due to legal ramifications from the developer.

BJ said there was an issue that came up about the water right permit that the city has at the sewer lagoon well. He said there was notice that a hearing may be held since the permit had never been changed to a license status. BJ said upon contacting IDWR, he was informed that they were backlogged by approximately four years and the licensing of this particular water right was being processed.

BJ said he and John will continue to work on an ordinance to regulate a watering schedule for water conservation.

BJ said he received some information on an Idaho Supreme Court opinion regarding executive sessions. He said he will continue his review and keep the city informed of any compliance issues.

Sandy said the new developers of Pebblecreek Subdivision would like to continue towards getting the plat for phase 1 approved and recorded, however there was no official decision made regarding the depth of the storm water pond at the last meeting. Dave Noel said under the current design the pond is eleven feet deep and could have up to nine feet of water depth in a 100 year storm event. He said the city does not have any adopted standards regarding this matter. Dave said the city should evaluate the area, such as is it going to be a playground area or away from everything else. He said he spoke with the developer and he did not want to design the pond any shallower because he would lose an additional lot. Sandy said the development

agreement states the developer shall install a sprinkler system and grass, but the city would not have any obligation of installing playground equipment. Steve and John felt an 11 foot pond would be okay, and if a safety issue arises the city could install a fence around the pond. Charlotte agreed with an eleven foot design.

Dave said at the last council meeting, the council requested Forsgren to complete an IDAPA review of the Juniper Court Subdivision at Bob Butler's expense. This review would have alleviated the need for DEQ approval on this plat. Dave said the review was almost complete and he was contacted by DEQ stating the city could not provide this type of review because it did not have a water facility planning study approved and on file in their office. Dave said no charges were made for the work that he had already completed.

Dave said the water facility planning study is currently being completed by Forsgren but there are no conservation regulations in place. He said the plan must evaluate the current ordinances, and the study will show a significant amount of water being used in peak months. Dave said if there are some conservation regulations being considered, it would be good to have these done prior to filing the plan with IDWR. He said this will show the city's efforts towards being aware of the water situation in the state.

Dave said Forsgren is working on the sludge solids profiling on Cell C at the sewer lagoon for the regional wastewater treatment. He said they can move forward when the city obtains a sludge judge to test the site. Chuck said the sludge judge is scheduled to be received in about two weeks. Dave said it was also discovered that when the berm between cell B and cell C was constructed, it was not a water barrier. He said a water barrier will have to be installed before the construction of the treatment plant. Dave said we may be able to use a type of French drain for this purpose.

Chuck said the North Shelley Business Park is now at sub grade, and the street can be constructed. He said the last man hole passed testing yesterday. Chuck said all of the sewer manholes have passed inspection.

Chuck said four signs have been built and will be installed on the sewer lagoon property. These signs state the property will be the future home of the Oxbow Sewer Treatment Facility.

Charlotte thanked everyone who helped with Riverfest.

John said he missed Riverfest, but Diane Mickelson did a great job. He said he would like to present Diane with a gift certificate for all of her hard work.

John said he was contacted by Brent Clark, the Tree Committee Chairman and he would like to start planting flowers in the business district flower pots. Chuck said that he could see no problems with that.

Steve said there was a good turn out at the Riverfest Street Dance. He said he was unable to attend the Saturday festivities.

Steve said he will be meeting with Bingham County Economic Development on Thursday. He said Commissioner Covington will be in attendance and he will speak to him about the concerns regarding the River bend Estate Subdivision.

Mayor Christensen discussed an experience he had at a marriage he performed last Saturday. He learned he had attended school with the bride's great grandmother's boyfriend.

Adjourned: 9:33 p.m.

ATTEST: Sandy Hayward APPROVE: Eric R. Christensen