

2000  
CITY OF HERRING  
COUNCIL MEETING  
MINUTES

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JANUARY 08, 2013

PRESENT: Mayor Eric Christensen  
Council Members: Earl Beattie, Kurt Russell, Stacy Pascoe (absent), Jeff Kelley  
Police Chief: Rod Mohler  
Public Wks Dir: Chuck Lloyd  
Recreation Dir.: Dawn Lloyd  
City Clerk/Treasurer: Sandy Gaydusek  
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Rod Mohler

PRAYER: Earl Beattie

Jeff moved, Earl seconded to approve the following consent agenda:

Minutes of December 11, 2012 Council Meeting

Building Permits:

Odell Young – demolition

Odell Young – addition to store

There was discussion regarding the building permit for Odell Young for an addition to his store, Hidden Treasures. Jeff said this addition is stick built, and the building is out of compliance with the parking requirements in the city code. Sandy said according to city code, a retail store that is considered low traffic must have one parking space per 250 square feet of floor space. With the addition included there is approximately 29,000 of floor space necessitating 117 parking spaces. There is not enough room to provide 117 parking spaces. Sandy said there is a section in the city code allowing the P&Z Administrator to state how many parking spaces are needed, if the code does not specifically address a certain type of business. Sandy said she would take this matter to the P&Z for their recommendation for how many parking spaces will be needed. The Council determined they will approve this building permit conditional upon Mr. Young attending the next P&Z meeting, and complying with the city code by providing an adequate number of parking spaces as deemed necessary by the P&Z Commission.

A roll call vote was called for: Jeff – aye, Kurt – aye, and Earl – aye. Approved three in favor, one absent.

Dawn said there is no one in attendance from the Mayor's Youth Group. She said the group is helping a girl on her Senior Project by collecting coats. They are also working on a recycling program and "Pay It Forward" program. Dawn said there is a conference in Utah at the end of the month that some of the Youth Group may attend. They are currently looking for sponsors. Dawn said the Mayor's Youth Group will work on Founder's Day Ball.

Mayor Christensen gave the State of the City Address. He said this will be the last address he will give since he does not plan to run for the Mayor's seat again, so there will be a new Mayor taking his seat for 2014. Mayor Christensen said there is a great legacy of volunteers that have helped make the city what it is. He said these citizens make all types of government work.

Mayor Christensen said he appreciates the Mayor Youth Committee and all they have done. He said he salutes all of the volunteers and the good people that make the community what it is.

Mayor Christensen said one of the concerns for the city this year will be legislature's consideration to eliminate personal property taxes. He said Governor Otter has said that each city can make up the shortfall by implementing their own sales tax. Mayor Christensen said the city is progressing in the technology field; we now offer on line utility payments. He said he appreciates how the Council works with the various departments and the citizens of the city. He said everyone makes the city look great. Mayor Christensen said there is a great legacy left to the citizens, and the credit goes to the past fathers of the city. Mayor Christensen concluded his address by saying his favorite quote, the city has only one way to go; Onward and Upward.

Mike Carter, the Shelley/Firth Fire Chief discussed Commercial construction in the city. He said he would like to receive copies of the plans for review by the Fire Marshall. He said this would only be on commercial or multi-family construction. Mike said he is concerned about fire walls, fire doors, sprinkling, etc. He asked the Council if they would consider this. Jeff asked if regulation of the fire code is being missed in the city. He said he understands some of the older business buildings probably do not meet the code. Jeff said most cities have the building inspector look at the plans to see if they meet fire code, and usually the Fire Marshall inspects the premises after construction but before the Certificate of Occupancy is issued. Jeff said our building inspector and the contractor <sup>should</sup> ~~show~~ know the code. Mike said he feels Doug does a fine job, but if they provide a review also, it may help. He said if he could review the plans with Doug it would still keep the process streamlined. Jeff suggested Stacy, Doug, and Mike sit down and talk about the procedure. Jeff said he has also obtained a check list for a building permit application that may be beneficial for the city to use so items are not overlooked. He said the application would be used for Commercial or Multi-Family Construction. Dave Noel said it is very common to have a Fire Marshall review Commercial Construction. He said they can help determine the fire flow for hydrants and required sprinkler systems.

Dave said Well #5 has not been completed yet. He said they have still not been able to pull the casing out. Dave said there is also an issue with DEQ approval regarding some bentonite. He said they will continue working on this matter.

Earl moved, Kurt seconded to approve a Beer License/Carry Out Only for Food Plaza for 2013. Approved three in favor, one absent.

Kurt moved, Earl seconded to approve a Beer License/Carry Out Only for Hardtimes II for 2013. Approved three in favor, one absent.

Jeff moved, Kurt seconded to approve a Beer License/Consumed on Premises for Madrigales for 2013. Approved three in favor, one absent.

Earl moved, Kurt seconded to approve the attached list of General Business Licenses as presented for 2013. Approved three in favor, one absent.

Ordinance #551 was presented regarding the annexation and rezone of the property on the east side of the railroad tracks owned by Bryce Jolley. All public hearings and notifications have been completed. This property will be rezoned to Manufacturing. Earl moved, Kurt seconded to suspend the reading of Ordinance #551 on three different days and read the title of ordinance of #551 once. Approved three in favor, one absent. Earl read the title of Ordinance #551 once. Earl moved, Kurt seconded to adopt Ordinance #551 annexing and rezoning the property owned by Bryce Jolley located at approximately 487 N. State Street. Approved three in favor, one absent.

Sandy presented the MOU for EIRWWA and the four entities involved. This MOU is being created so the current Board and the future Boards will know the reason EIRWWA was created, as well as the responsibilities and functions of each entity. Jeff said he reviewed the MOU and wondered about who would be responsible to maintain each entities collection lines. Dave said the capital replacement plan was reviewed, and at one time the Board discussed having EIRWWA maintain each of the collection lines, however the Board has deviated from that and each entity is responsible for maintaining their own. Jeff asked about the lines as they are extended to different communities such as the Country Club area. Dave said there are several development agreements that have the developer paying for the line extensions, and then are later reimbursed where further development occurs on that area of line. He said there are also connections that have been pre-purchased. <sup>Dave</sup>~~Jeff~~ discussed how a sewer district would work if EIRWWA becomes one. He said there will be zones for each entity where the Board members will be elected by their zone. The Council reviewed the MOU and there were several typos' that need to be corrected, however there are no changes to the language of the document. BJ said the MOU will be okay to sign tonight, since there are no changes other than typos. Jeff moved, Kurt seconded to adopt the MOU dated December 2012 outlining the creation of EIRWWA and the entities responsibilities. Approved three in favor, one absent.

Sandy presented an email she received from Ron and Lynn Elliston regarding the outstanding balance they left on their account for 478 S. Park Avenue. She said the Elliston's have moved to Washington, and previously filed for bankruptcy. Sandy said the total balance on the account is \$267.70 which includes four months worth of billing for the unoccupied base rate. The balance at the time she moved from the home is \$127.06. The email the Elliston's sent stated they declared bankruptcy and no longer own the home and should not be held responsible for any balance except \$91.50 which she agreed to pay. Sandy said the Assessor's Office still has the Elliston's listed as the owners, and there is a charge on her account for use of an industrial sized sanitation can. She said Mrs. Elliston's gave the city the names of the banks that held the first and second mortgage on the property, and they have also been billed. The Council agreed that the Elliston's should be responsible for at least \$127.06, and the unoccupied base rate will continue to accrue. The Council agreed that the Elliston's will be responsible until the ownership title changes. Sandy said she will send the Elliston's a letter regarding the Council's decision.

Sandy said she received a response from Kathleen Lewis of SICOG regarding a joint meeting with P&Z to discuss the update of the comprehensive plan. She asked when the best time to meet will be. The Council felt a night time work meeting will be best, and to talk to the P&Z and see if one can be scheduled with Kathleen.

Jeff said he tried to contact DJC Investments, the owner of the deep water well near the treatment plant, but they have not returned his call yet. He said he will continue to try and approach them about exchanging the water rights for one and a half times the use of reclaimed water.

BJ said he reviewed the problem that the city has regarding multiple properties connected to one water service. He said City Code 8-4-7 states that the Public Works Director may shut off the water when ordered to do so by the Mayor or Council. BJ said there is also code 8-4-21 which states that any branch service may not serve more than one customer. If so, the city may terminate the service until separate connections are made at the owner's expense. Sandy said letters have been sent to Chitta Lynch and James Kotter regarding their connection on West Elm Street. She said Ms. Lynch was sent a letter stating she must provide a separate connection, and Mr. Kotters letter requested his permission to terminate their connection since the home has been abandoned. She said she has not had any response from either party. Sandy said Chuck indicated that he would not be able to physically terminate the service until spring when the weather permits. The matter will be pursued in the spring around March. Chuck said there are also two properties being served by one connection on Center and Short Street. Sandy was instructed to send a letter out to all of the property owners in March and to check the order of property ownership.

Sandy said she received a letter from Mayor of Meridian Tammy de Weerd, asking for the City's support on a local and national issue. As the Chair of the AIC Drug Task Force, a letter has been drafted to President Obama regarding the legalization of marijuana in Washington and Colorado. They would like to send a strong message of unity from the cities across the State of Idaho stating regardless of beliefs of whether this should or should not be legal, marijuana is illegal under federal law and should be enforced as such. The Council agreed that we should sign the letter and oppose the legalization of marijuana.

Sandy said she received an email regarding the DEQ Drinking Water Assessment paid annually. The City of Parma intends to oppose this fee. Sandy said she researched this matter, and the fees paid in by each city funds the operation of a State ran agency regulating drinking water instead of a Federal ran agency. The Council determined it is more beneficial to have a State ran agency, and will continue to pay the annual fee.

Sandy said the AIC Legislative Luncheon will be held in Boise on January 31, 2013. She said our legislators should be there and available to discuss the exemption of personal property taxes. Sandy asked if anyone planned on attending this event. Mayor Christensen said he would not be able to attend. Earl and Kurt were not sure and will let Sandy know. Jeff said he will be able to attend, and Sandy will talk to Stacy when he returns from vacation.

Dawn said her first Jazz game will be this Saturday.

Jeff discussed the building permit applications. He said some cities require plot plans on any commercial development, and he feels it would help our city to require them also. Jeff said he would like Doug, Sandy and Stacy to review the copy of a building permit application he obtained from another city and see what type of application could benefit our city, and still keep the process streamlined.

Kurt said he attended the Dare Graduation where 157 children graduated. He said it was a pleasure to shake the hands of these children as well as the other officials in attendance.

Earl said there is a vacancy on the P&Z Board. He said he will submit a name for consideration of appointment at the next council meeting. Earl said Joyce Killpack who was chairperson of the P&Z will be retiring. He said he would like to present her with an appreciation plaque at the next city council meeting. Sandy will order the plaque and arrange for Joyce to attend the meeting.

Adjourned: 9:54 p.m.

ATTEST: Sandy Boydwick APPROVE: Earl R. Patton

**CITY OF SHELLEY  
BUSINESS LICENSE  
APPLICATIONS  
SUBMITTED January 8, 2013  
FOR 2013**

<u>NAME</u>	<u>ADDRESS</u>	<u>TYPE OF BUSINESS</u>
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**SPECIALIZED LICENSES:**

ROCKY MOUNTAIN FINE FOODS	1304 N. REDWOOD, UT	90-DAY ITINERANT LICENSE
THE FOOD PLAZA	174 N. STATE ST.	BEER SALES, CARRY OUT ONLY
HARD TIMES II	644 S. STATE ST.	BEER SALES, CARRY OUT ONLY
MADRIGALES MEXICAN RESTAU	190 S. STATE ST.	BEER SALE, CONSUMED ON PREMISES

**GENERAL LICENSES:**

NEW: \$25 EACH

ALL SEASON WINDOW CARE JENCO76	694 E 825 N, BASALT 216 BIRCH ST.	WINDOW CLEANING SERVICE INTERNET SALES
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RENEW: \$5

ALVA A HARRIS	171 S. EMERSON AVE.	LAW OFFICE
BARON PHOTOGRAPHY	124 S. STATE ST.	PHOTOGRAPHY STUDIO
CHRISTA BALL	386 QUIGG AVE.	HOLISTIC SERVICE
CLOTH DOLL CREATIONS	540 FLAMINGO AVE.	MAKING & SALES OF CLOTH DOLLS
COX HONEY FARMS, INC.	456 S. STATE ST.	BEEKEEPING & RETAIL HONEY SALES
CUSTOM CANVAS	650 N. STATE ST. #2	CANVAS FABRICATION/MANUFACTURING
DAYLE'S BEAUTY SALON	134 BIRCH ST.	BEAUTY SALON
DBS, INC.	646 S. STATE ST.	WHOLESALE PETROLEUM DISTRIBUTOR
DON ALDERSON	292 S. BYRON AVE.	TILE INSTALLATION
EDWARD JONES INVESTMENTS	104 S. EMERSON #A	STOCKBROKER/DEALER
FACKERELLART.COM/FACKERE	1187 OCTOBER COVE	INTERNET PAINTING, SALES, & PHO/FITNESS
FAMILY DOLLAR, INC.	560 S. STATE ST.	RETAIL SALES
GUERRERO LAWN MOWING SE	185 W. FIR ST.	LAWN CARE SERVICE
HAIR IT IS & TANNING II	118 S. EMERSON AVE.	BEAUTY & TANNING SALON
KONG KHAMONE CERTIFIED FA	190 E. PINE ST.	ELDERLY & HANDICAP CARE PROVIDER
MARK'S AUTO SALES	648 S. STATE ST.	AUTO SALES
MICK'S HOMECOOKING	398 S. STATE ST.	RESTAURANT
NEW PHASE, INC.	149 S. EMERSON AVE.	WHOLESALE PLASTIC PRODUCTS
NORTH AMERICAN POTATO MA	975 OCTOBER COVE	POTATO MARKET NEWS PUBLISHING & CO
ONCE UPON A BLANKET	585 FLAMINGO AVE.	BLANKET MANUFACTURING & SALES

PHASE APPLICATIONS  
PORTER HOUSE, INC.  
SCARLET LIME  
SHELL-FIR CREDIT UNION  
SWEET LIFE NUTRITION  
TETON STRUCTURAL ENGINEE  
THERAPEUTIC MASSAGE  
THE ULTIMATE THRIFT STORE  
V & L ENTERPRIZES, INC.

255 E. FIR ST.  
670 N. STATE ST., #3  
664 S. PARK AVE.  
640 S. STATE ST.  
152 S. STATE ST.  
136 S. STATE ST.  
156 E. MAPLE ST.  
181 W. PINE ST.  
760 ASPEN AVE.

ELECTRICAL SALES & SERVICE  
TECHNICAL ENGINEERING SERVICE  
INTERNET SALES  
FINANCIAL INSTITUTION  
NUTRITION & WEIGHT MANAGEMENT  
ENGINEERING  
MASSAGE THERAPY  
THRIFT STORE  
CONSTRUCTION SALES & CONSULTING

35 TOTAL PERMITS

**DECEMBER CLAIMS**

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
6-Dec-12	<b>Beco Construction Inc</b>	<b>121,659.27</b>	<b>36373</b>
6-Dec-12	<b>Comdata</b>	<b>1,548.16</b>	<b>36374</b>
6-Dec-12	Doug Keele	172.15	36375
6-Dec-12	Idaho Rural Water Association	75.00	36376
6-Dec-12	Meridian Police Dept	95.00	36377
6-Dec-12	Robert G Tincher	56.56	36378
13-Dec-12	A & B Transmission & Service CTR.	331.95	36379
13-Dec-12	AAA Giles Cleaning and Restoration	675.00	36380
13-Dec-12	All Occasion Floral & Gift LLC	37.00	36381
13-Dec-12	American Linen	516.90	36382
13-Dec-12	Ammon Lock and Key	179.00	36383
<b>13-Dec-12</b>	<b>Bonneville County Solid Waste</b>	<b>7,016.32</b>	<b>36384</b>
13-Dec-12	Brand X Equipment LLC DBA	164.06	36385
13-Dec-12	Broulim's	50.77	36386
13-Dec-12	Central Transfer Station	11.00	36387
13-Dec-12	Centurylink	178.80	36388
13-Dec-12	Creative Product Source Inc	225.93	36389
<b>13-Dec-12</b>	<b>Daniel Acevedo</b>	<b>13,200.00</b>	<b>36390</b>
<b>13-Dec-12</b>	<b>DBS Inc</b>	<b>4,058.40</b>	<b>36391</b>
<b>13-Dec-12</b>	<b>Eagle Rock Sanitation</b>	<b>2,911.44</b>	<b>36392</b>
13-Dec-12	Fastenal	88.66	36393
<b>13-Dec-12</b>	<b>Ferguson Enterprises Inc</b>	<b>3,174.78</b>	<b>36394</b>
13-Dec-12	Hammon Teton Delivery	25.00	36395
13-Dec-12	Void		36396
13-Dec-12	IAS - Envirochem	70.00	363.97
13-Dec-12	Idaho Buisness Systems	38.00	36398
13-Dec-12	Idaho Chief's of Police Association	150.00	36399
13-Dec-12	Idaho Falls Peterbilt	121.45	36400
13-Dec-12	Idaho Steel Products Co.	963.00	36401
<b>13-Dec-12</b>	<b>Idaho Traffic Safety Inc</b>	<b>3,616.45</b>	<b>36402</b>
13-Dec-12	Bret G. Jones	169.74	36403
13-Dec-12	Kings No.21	62.87	36404
13-Dec-12	Les Schwab Tire Center	756.02	36405
13-Dec-12	Lexisnexis Matthew Bender	563.75	36406
13-Dec-12	Lone Pine Nursery & Tree Service	845.00	36407
13-Dec-12	Mel's Lock and Key	35.81	36408
13-Dec-12	Rod Mohler	90.00	36409
<b>13-Dec-12</b>	<b>Phillips 66 Co</b>	<b>1,599.97</b>	<b>36410</b>
<b>13-Dec-12</b>	<b>Proforce Law Enforcement</b>	<b>2,233.00</b>	<b>36411</b>
13-Dec-12	R&S Distributing	96.42	36412
<b>13-Dec-12</b>	<b>Rocky Mountain Power</b>	<b>5,954.78</b>	<b>36413</b>
13-Dec-12	Russ's Overhead Doors	420.00	36414
13-Dec-12	Sams Club	551.23	36415
13-Dec-12	Shelley Auto Care	456.67	36416
<b>13-Dec-12</b>	<b>Smith Driscoll &amp; Associates PLLC</b>	<b>1,258.00</b>	<b>36417</b>
13-Dec-12	Town And Country Gardens	126.70	36418
13-Dec-12	United States Welding Inc	92.43	36419
<b>13-Dec-12</b>	<b>Utah Jazz Youth Basketball</b>	<b>4,652.00</b>	<b>36420</b>
13-Dec-12	Verizon Wireless	436.23	36421
21-Dec-12	Bret G. Jones	218.00	36422
21-Dec-12	Mountainview Business Plaza	20.00	36423
21-Dec-12	Porter's	262.41	36424
21-Dec-12	Shelley Pioneer	452.81	36425
	Voided		36426
	<b>Used in Jan</b>		36427
31-Dec-12	Airgas Intermountain Inc	21.60	36428
31-Dec-12	Associated Business Forms & Systems	173.16	36429
31-Dec-12	Autowash	345.95	36430
31-Dec-12	Avenet LLC	550.00	36431
31-Dec-12	Brand X Equipment LLC DBA	189.26	36432
31-Dec-12	Cable One	340.26	36433
31-Dec-12	Cal Ranch	5.99	36434
31-Dec-12	Centurylink	199.02	36435
<b>31-Dec-12</b>	<b>Comdata</b>	<b>2,920.69</b>	<b>36436</b>
31-Dec-12	Dales Repair	419.26	36437
31-Dec-12	Diamond B Specialties	56.00	36438

<b>31-Dec-12</b>	<b>Eastern Idaho Regional Wastewater Auth</b>	<b>15,444.00</b>	<b>36439</b>
31-Dec-12	Falls Plumbing Supply Co	32.96	36440
31-Dec-12	First Class	50.00	36441
31-Dec-12	First Responders	301.78	36442
31-Dec-12	Forsgren Associates/P.A.	900.00	36443
31-Dec-12	HD Supply Waterworks LTD	187.62	36444
31-Dec-12	Home Depot	296.03	36445
31-Dec-12	IDABO	160.00	36446
31-Dec-12	Idaho Post	150.00	36447
31-Dec-12	Ideacom ESCI	189.54	36448
31-Dec-12	Intermountain Gas Co	274.02	36449
31-Dec-12	Kirkham Auto Parts Service Co. #8	846.15	36450
31-Dec-12	Lexisnexis Mattheww Bender	37.49	36451
31-Dec-12	Mathews Plumbing & Heating	718.98	36452
<b>31-Dec-12</b>	<b>Matkin Auto Parts</b>	<b>2,035.16</b>	<b>36453</b>
31-Dec-12	Mcguire Bearing Company	39.82	36454
31-Dec-12	Petty Cash	54.59	36455
<b>31-Dec-12</b>	<b>Phillips 66 Co.</b>	<b>3,596.51</b>	<b>36456</b>
31-Dec-12	Public Agency Training Council	295.00	36457
31-Dec-12	Rush Truck Center Idhao Falls	74.60	36458
31-Dec-12	Stephenson Computer Consulting	281.25	36459
31-Dec-12	Verizon Wireless	435.14	36460
31-Dec-12	Western States Equipment	2.92	36461
<b>7-Dec-12</b>	<b>City of Shelley Payroll</b>	<b>48,729.40</b>	
<b>21-Dec-12</b>	<b>City of Shelley Payroll</b>	<b>54,918.05</b>	
	<b>Total</b>	<b>318,036.09</b>	