

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

FEBRUARY 28, 2012

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

PLEDGE OF ALLEGIANCE: Scout Christian Haroldsen

PRAAYER: Stacy Pascoe

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

Minutes of February 14, 2012 Council Meeting

Building Permits:

Andrew Fuell - fence

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

Tate Albright, of the Mayor's Youth Committee said on March 20, 2012 the Youth Group will be helping the Bingham County Youth Coalition serve at a Community Dinner. He said they will also be helping with the Preparedness Fair on March 24, 2012. Tate said they will be having a middle school assembly regarding people's choices and consequences.

Mayor Christensen opened the public hearing to consider a rezone request by Rich Eaton. He turned the hearing over to BJ to conduct. BJ explained the procedures of the hearing. Rich Eaton, 839 E. 1400 N. said he owned approximately 6 ½ acres formerly annexed into the city and rezoned to Single Family Dwelling (R1) to development into a subdivision. However, he probably should have requested Residential Agricultural (RA). He said the economy is not doing well and would like to rezone his property to RA. Mr. Eaton said he previously had two cows on the property to keep the grass and weeds down, but the property will handle approximately twelve cows. There was no other testimony in favor or opposition, and there were no other questions from the Mayor and Council. BJ closed the hearing. Stacy moved, Earl seconded to rezone this property to RA as requested due to the location of the property, and this would be the best utilization of the property at this time. Approved three in favor, one absent. BJ was directed to prepare the ordinance to be reviewed at the next council meeting.

Jed Young, representing Odell Young and Hidden Treasures, requested an appeal regarding their request for a setback variance that was denied by the P&Z Commission. BJ discussed the procedure for an appeal, and suggested the Council be very specific in its finding if they approve this variance. Earl said he reviewed the property, and feels it would be beneficial to allow the variance so the Young's could keep their merchandise out of site and covered. He said the addition might not have been explained correctly as a lean to. BJ said further testimony from the

Young's cannot be taken unless the council calls for their own hearing. Stacy said he has mixed emotions regarding this matter. He said we have given the P&Z guidelines to follow, and if we are not going to follow these guidelines then they should be changed. Stacy said it may be a good idea to cover things up, but maybe the council should consider a change in the ordinance, which may have an adverse impact in other matters in the future. Jeff said he appreciates Mr. Young's business being in the city. He said the city has standards that are high, and the P&Z has made a decision based on these standards. Jeff said he would be against a motion about opening this again for testimony. Earl said he respects the P&Z and know that they have rules to follow, however the council can review the information and make a determination to allow the business to progress. Jeff said he doesn't agree, if this were so then everyone denied a variance would go before the city council. Jeff said he feels Pandora's Box will be opened if this is allowed, and then it should be allowed for all. Jeff said if this is really a problem, then lets review the law. Earl said that this may have been presented as a lean to and not an enclosure and this should possibly go back to the P&Z for review. Stacy asked if this variance is approved, if precedence will be set for everyone else. BJ said not necessarily, and that each variance consideration should be based on the facts presented from each case. Jeff said if everyone else would like to hear further testimony, then he will agree to that, however unless the testimony is substantial he probably would not change his mind. He said the standards state a hardship must be presented. Jeff said the Young's have a big building, and he can't see a hardship being created by not allowing this variance. BJ said a unique characteristic of the property should be presented that will how the property would be valueless if the variance is not approved. Earl said he felt his should be opened up for a public hearing. Earl moved, Jeff seconded to set a public hearing for March 27, 2012, at 7:30 p.m. at the Shelley City Hall to accept testimony regarding this setback variance as requested by Odell Young. Approved three in favor, one absent.

Captain Mark Cowley with the Bingham County Sheriffs Office said he is the Chairman of the Bingham County Youth Coalition. He said each year various entities are asked to help with funding to keep this organization running. Mark said there are several youth groups in the area that benefit. He said the goal for the Youth Coalition is to look for positive promotion to create change. Mark said the funding helps cover the overhead costs and one staff member. He said with contributions from the cities, counties and sheriff's office they generate approximately \$7500 annually. Stacy asked if the members of the youth group pay anything towards conference attendance. Mark said 50% of the conference expenses are paid by the Coalition, and sometimes matching funds are up to the kids to raise. He said sometimes the Kiwanis help out or there are fundraisers held. Mark said there is \$5000 in scholarships awarded each year through the Coalition. Stacy moved, Jeff seconded to contribute \$1000 from the budget this fiscal year to the Bingham County Youth Coalition. Approved three in favor, one absent.

Sandy presented a list of business license applications for 2012 that need consideration for approval. She said three are two new applications, and three renewal applications. Earl moved, Jeff seconded to approve the five business licenses as presented. (List attached) Approved three in favor, one absent.

Mayor Christensen said according to the EIRWWA By-laws each entity on the Board should have an alternate delegate appointed to act in the absence of the delegate. He said he would like to appoint Shane Wootan as the Alternate Delegate to the EIRWWA Board for Shelley. Mayor Christensen said he feels it is time to become a Quasi Judicial Board and not a Political Board. He said Shane has a good business sense, and feels he would be great on the EIRWWA Board. Jeff agreed, but wondered if the other partners are looking the same way as to become Quasi Judicial. Mayor Christensen said he believes they are. Jeff moved, Stacy seconded to appoint Shane Wootan as the Alternate Delegate to the EIRWWA Board for Shelley. Approved three in favor, one absent.

Dawn said she talked to Mrs. Foster regarding the proposed spray park, and she is very disappointed the project is not further along. Jeff said he talked to Brian Anderson from Water Design about the estimate that they gave to the city prior to seeking bids for the project. Jeff said he is very disappointed about the way Water Design has handled this matter. He said there was a \$121,000 difference between the estimate and the bid for the toys at the Spray Park. Water Design has suggested that the city could purchase the toys at a lesser cost than the contractor to save some money. Sandy said she contacted AIC, and this could be considered bid splitting. BJ said he could not see how \$121,000 could be saved, and felt bid splitting was a mute point at this stage. Jeff said he would like to talk to the contractors about the concrete and the landscaping that was not even included in the bids. He does not feel that a bid would come in to allow \$20,000 of the promised \$350,000 to be set aside for operation and maintenance of the spray park. Jeff said he will review this matter further and report back at the next council meeting. Jeff said he feels Mrs. Foster's offer is very generous and would like to see this project succeed, but realistically he doesn't know if it can.

BJ said he has revised the EIRWWA lease to that incorporates the value of the property, the value of the connections, the default period, and specifications regarding the city well. The Council discussed adding an option to this lease, and whether or not it should be renewed on an annual basis. After discussion the council felt they would like to trade the property for the 67 connections at this time. Then, the ownership would change hands now. Chuck discussed the overflow in Cell A that occurs when there is a problem at the plant. He said maybe the city should consider selling them another portion of Cell A, or come up with another solution. Mayor Christensen said he would take the information regarding the trade for the 67 connections back to the EIRWWA Board at the next meeting. He reiterated that the city would like to trade for 67 connections now, or at the least add an option to the lease to have 67 connections reserved for trade at a later date.

Sandy said she contact Jim McNall at ICRMP regarding who should be listed as the Designated Official in the Workplace Discrimination and Harassment Policy Manual. Mr. McNall suggested the City Clerk or at least someone who is easy to talk too. Jeff moved, Stacy seconded to appoint Sandy as the Designated Official referred to in the Workplace Discrimination and Harassment Policy Manual. Approved three in favor, one absent.

Sandy presented the Building Permits Summary for 2011. There was a total of \$12,273.50 in revenue received, and a total of \$1,615,428.00 in increased valuation. The majority of the permits were for addition/remodel, re-roofs, and fences.

Sandy said she contacted Kathleen Lewis of SICOG to see if Urban Renewal Funds could be used to complete a Sewer Feasibility Study. She said Kathleen in turn contacted an attorney who specializes in URD's and confirmed that those funds can be used to complete a Sewer Feasibility Study. Sandy said Kathleen said the URD plan is fairly vague and may need to be updated to complete the study. She said Kathleen also made her aware that the URD is set to expire in 2013. Sandy said the funds in the account can still be used for URD projects, but additional funding will cease at that time. She said a new URD could be created after that date.

Chuck said the strong winds we have been experiencing caused some shingles to come off of the pool building and the roof at Well #4. He said we also lost a gate at the West River Lift Station. Chuck said there will be some expense to repair these items, but the claims can be submitted to ICRMP.

Rod said he is working towards finding a new hire for the Police Department. He said Mike Curnutt is scheduled to return to work at the end of March.

Jeff said the new drop off zone at Sunrise Elementary will be used beginning March 1, 2012. He asked that a little additional Police presence be provided while this transition takes place.

Jeff said there are two streets in the city that he feels need to be repaired. He said one is West Fir approaching the traffic light from the west, and the other is the intersection of Park Avenue and Locust Street. Chuck said he will look into the cost to repair these streets. Jeff asked if the city could compile a list of streets that need to be replaced. Chuck said the city has had a Transportation Study done identifying the streets that need the most attention.

Stacy said he met with representatives of US Bank Investments and discovered that the city's Investment Policy did not allow for the investment of Corporate Bonds. He said this is allowed by Statute and would like this matter added to the agenda so the policy can be amended. Stacy said he would like to see 20% of the City's funds used for the investment of Corporate Bonds. He said US Bank watches these funds closely and can sell at any time. Stacy said he would like the city to make as much as possible. He feels the increase in interest will equal what the 3% property tax increase considered last budget year would have been.

Stacy said last year the city received approximately \$12000 in building permit revenue. He said the city paid the building inspector about \$6000 to drive around looking to make sure everyone was complying with the city code. Stacy said this does not include his salary. He asked if this matter could be placed on the agenda to consider raising the fees, or limiting travel expenditures.

Chuck said the signs have been ordered for the walk path regarding pet owners and cleaning up after their pets. He said four sanitation cans will be placed on the path also. Jeff and Stacy both said they have only received positive comments regarding this issue.

Sandy said the ICRMP online testing and review has been completed by all of the employees. She said ICRMP said we will receive a 5% discount this year for our liability insurance.

Shirley Thompson said her son Matt, will be running for Bingham County Commissioner. She said he would like to introduce himself to the council at a later date.

Mayor Christensen said EIRWWA will be holding a public hearing on March 1, 2012, at 10:00 a.m. to consider increasing the sewer connection fee from \$2600 to \$3600. He invited all to attend.

Adjourned: 10:00 p.m.

ATTEST: Sandy Gaydosik APPROVE: Eric R. Christensen

**CITY OF SHELLEY
BUSINESS LICENSE
APPLICATIONS
SUBMITTED FEBRUARY 28, 2012
FOR 2012**

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

Virginia Theater	186 S. State St.	Live theater
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GENERAL LICENSES:

NEW: \$25 EACH

Bevanda	169 W. Pine St.	Coffee house
Beatriz Sanchez/El Jalisciense #3	374 S. State St.	Restaurant

RENEW: \$30 LATE FEE

FDX Auto Sales, LLC	548 N. State St.	Auto sales
V. Lott Trucking	220 N. Park Ave.	Trucking company

5 TOTAL PERMITS

<u>DATE</u>	<u>February Claims</u>	<u>AMOUNT</u>	<u>CHECK #</u>
7-Feb-12	Comdata	1,554.95	35594
7-Feb-12	Shelley Kiwanis Club	220.00	35595
15-Feb-12	AAA Giles Cleaning And Restoration	675.00	35596
15-Feb-12	Airgas intermountain Inc	22.03	35597
15-Feb-12	American Linen	537.12	35598
15-Feb-12	Associated Business Forms & Systems	164.03	35599
15-Feb-12	Bearing And Industrial Sales	46.67	35600
15-Feb-12	Bonneville County Solid Waste	6,038.96	35601
15-Feb-12	Broulim's	19.96	35602
15-Feb-12	DBS Inc	3,173.44	35603
15-Feb-12	Dee Rays Auto Body	245.00	35604
15-Feb-12	Doug Keele	465.47	35605
15-Feb-12	Fastenal	336.68	35606
15-Feb-12	Ferguson Enterprises Inc	168.89	35607
15-Feb-12	First Responders	98.75	35608
15-Feb-12	Honnen Equipmentco Of Utah/Idaho Inc	67.97	35609
15-Feb-12	IAS - Envirochem	56.00	35610
15-Feb-12	Idaho Business Systems	35.00	35611
15-Feb-12	Intermountain Gas Co	915.62	35612
15-Feb-12	Johnstone Supply	17.27	35613
15-Feb-12	Kings No.21	120.59	35614
15-Feb-12	Les Schwab Tire Center	47.00	35615
15-Feb-12	MID-American Research Chemical Corp	443.25	35616
15-Feb-12	Pacific Steel	381.26	35617
15-Feb-12	Rocky Mountain Power	5,365.10	35618
15-Feb-12	Sams Club	151.45	35619
15-Feb-12	Shelley Auto Care	813.91	35620
15-Feb-12	Shelley Pioneer	210.16	35621
15-Feb-12	Smith Driscoll & Associates PLLC	463.10	35622
15-Feb-12	Solid Waste Systems Inc	1,739.91	35623
15-Feb-12	Steve's Radiator Shop	180.00	35624
15-Feb-12	TIFCO Industries	64.62	35625
15-Feb-12	United States Welding	159.59	35626
15-Feb-12	Verizon Wireless	546.68	35627
15-Feb-12	Wilbur-Ellis Company	75.00	35628
15-Feb-12	Zee Medical Service	45.42	35629
15-Feb-12	2M Company Inc	48.34	35630
15-Feb-12	Advanced Industrial Supply	109.00	35631
29-Feb-12	Cable One	167.43	35632
29-Feb-12	Cal Ranch	14.98	35633
29-Feb-12	Centruylink	184.68	35634
29-Feb-12	Daniel Acevedo	1,650.00	35635
29-Feb-12	Doug Keele	137.86	35636
29-Feb-12	Eagle Rock Sanitaion	2,229.51	35637
29-Feb-12	Eastern Idaho Regional Wastewater Auth.	15,363.00	35638
29-Feb-12	First Class	50.00	35639
29-Feb-12	First Responders	159.75	35640
29-Feb-12	Home Depot	1,705.39	35641
29-Feb-12	IDEACOM ESCI	186.84	35642
29-Feb-12	Jim's Trophy Room	29.50	35643
29-Feb-12	Kirkham Auto Parts Service Co. #8	228.40	35644
29-Feb-12	Petty Cash	53.85	35645
29-Feb-12	Phillips 66 Co	1,086.00	35646
29-Feb-12	R&S Distributing	98.11	35647
29-Feb-12	RDJ Specialties	69.32	35648
29-Feb-12	Salt Lake Wholesale Sports	2,795.42	35649
29-Feb-12	Staples Credit Plan	177.98	35650
29-Feb-12	State Insurance Fund	669.00	35651
29-Feb-12	US Post Office	412.80	35652
3-Feb-12	City of Shelley Payroll	44,769.00	
14-Feb-12	City of Shelley Payroll	51,020.91	
	Total	149,082.92	