

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

MAY 28, 2013

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

PLEDGE OF ALLEGIANCE: Chuck Lloyd

PRAYER: Jeff Kelley

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

- Minutes of May 14, 2013 Council Meeting
- Approval of April Overall Budget & Treasurer's Rpt.
- Approval of April Expenditures
- Approval of the following Building Permits:
  - Rob Hanson – patio cover
  - Lorin Croft - fence

Roll Call Vote: Earl – aye, Kurt – aye, Stacy – aye, Kurt – aye, and Jeff – aye. Approved unanimously.

Sandy said the P&Z Board held a public hearing to consider amending several sections of the city ordinance in Title 10. She said the P&Z recommended approving all of the amendments, and now the city council need to hold a public hearing to consider these items. Kurt moved, Jeff seconded to call for four public hearings to consider amending the following sections in Title 10:

1. Title 10-10-1 through 10-10-9 regarding Special Use Permits/to clarify the language and correct the grammar.
2. Title 10-9-5 (J) (2) regarding the number of parking spaces required for Multi-family dwellings/increasing the number of spaces to 2 per unit.
3. Title 10-18-7 regarding the action taken by the Council prior to adopting, revising, or rejecting an amendment to the zoning ordinance /deleting the requirement of a second public hearing to be held by the Council to be consistent with State requirements.
4. Title 10-9A-3 regarding the maximum number of dwelling units for Twin Homes per acre/to delete the maximum number of units and keep the minimum requirement of 2 dwelling units per 10,000 square feet.

Approved unanimously to be held June 25, 2013, at 7:30 p.m. at the Shelley City Hall.

BJ said he will be setting up a meeting with the members of the Planning and Zoning Commission to educate them on some of the procedures and regulations for considered planning and zoning issues.

Terry Riley was not in attendance. He was in attendance at the previous meeting to request access to city water on property at the end of the city water line on 900 East that was extended due to well water being contaminated. Jeff said he looked at the homes on 900 East where the water line was extended by Basic American Foods. He said there are ten homes on city water.

Jeff said Basic American Foods should be monitoring these properties regarding the contamination, and those reports could possibly be reviewed.

Shirley asked the council about the mural that was painted on Keith Gardner's building. The Council discussed this matter, and felt in the future the city could pick the project and possibly allow it on city property. Therefore, if a property owner gives permission for a mural to be painted on their building that is their prerogative. However, the Council felt it should possibly be left up to the school to determine which mural should be painted instead of the city. In this particular case the school painted a different mural on the Gardner building than the city chose, since the mural the city chose was not designed correctly to be painted in a timely manner.

BJ presented Ordinance #553 regarding the rezoning of a parcel of property owned by Jay Johnson on the corner of New Sweden and Country Club Roads. All of the required public hearings have been held. Earl moved, Kurt seconded to suspend the read of Ordinance #553 on three different days and read the title of Ordinance #553 once. Approved unanimously. Earl read the title of Ordinance #553 in full once. Earl moved, Jeff seconded to adopt Ordinance #553 rezoning a parcel of property owned by Jay Johnson from Single Family Dwelling to Agricultural. Approved unanimously.

BJ presented the written decision regarding the rezoning of the property that is owned by Jay Johnson. The public hearing regarding this matter was held May 16, 2013. BJ said there are a couple of dates that need to be inserted regarding the postings of the hearings. Kurt moved, Stacy seconded to accept the written decision drafted by BJ with the appropriate dates inserted. Approved unanimously. A copy of this decision is attached to these minutes.

Stacy moved, Jeff seconded to approve a Fireworks Sales Permit for Flowerworks at 580 S. State Street. Approved unanimously.

BJ presented Ordinance #554 regarding the regulations for Door to Door Salesman licenses. BJ said in the draft it states that the license will be approved or denied within five days from the date of application. He said this isn't possible if the Council intends to consider the matter, unless they allow the City Clerk to do so. BJ said this could be amended to 15 days which would give enough time for the license to be placed on the agenda and heard by the Council. Sandy said the draft of the regulations state the license will expire in six months. She said the fee was advertised as \$250 per registrant per year. The Council agreed to change the license period for one year. Jeff moved, Kurt seconded to suspend the reading of Ordinance #554 on three different days and read the title of Ordinance #554 once. Approved unanimously. Jeff read the title of Ordinance #554 in full once. Jeff moved, Earl seconded to adopt Ordinance #554 creating the regulations and fees for a Door to Door Salesman license with two corrections. Approved unanimously.

Kurt said he and Chuck reviewed the streets in the city to see which ones are in need of repair or replacement. He said they looked at Fir Street, Milton Avenue, and Holmes Avenue. Kurt said

the street from Fir to Elm and Center to Pine are the worst in the city. Stacy said it costs about \$50,000 per block to repair each street. He said to do all of these streets would cost about \$200,000. Stacy said each year \$80,000 is budgeted to seal coat, and that has already been spent. Sandy said with Highway User Revenue allocations and contingency the Street fund may generate \$50,000 to \$80,000 each year. She said the city spent \$200,000 last year and is considering spending \$200,000 this year. Sandy said if we continue to spend this much each year the Street Fund will be out of capital improvement funds in two years unless funding is generated from somewhere else. Stacy said there are three main areas that are problems. He said he wants to leave some funding for emergencies. The Council discussed if it would be more fiscally responsible to spend \$100,000 from the budget this year or to spend \$200,000. They discussed how the price of oil is rising and the cost may be greater next year, and we would get more "bang for our buck" this year. The Council also discussed digging down and patching and seal coating some of the problem areas, but in the end felt it is best for the city is to go ahead and spend \$200,000 this year. Stacy moved, Earl seconded to expend \$200,000 on four projects to repair North Holmes, South Holmes, West Fir and East Fir. Approved unanimously. Chuck said Bingham County has helped with chip sealing in the past. He will work with them again this year to see how many streets could be chip sealed.

Chuck said the city sent a waiver request to DEQ to relocate the restroom at Brinkman Park within 85 feet instead of the required 100 feet from the well. He said the waiver was denied by DEQ. He said it is possible to move the restroom closer to the tennis courts but a pumper truck may have issues getting in to pump the facility. BJ said this restroom is a vault facility and being called a privy by DEQ. He said a privy is not defined in the IDAPA rules, and he doesn't feel this is a privy in the traditional sense. Jeff suggested we go back to DEQ and request the definition of a privy, and state we disagree with their decision. The council determined to have BJ draft letter asking DEQ for the basis of their decision.

Jeff said he attended a Water Reuse Conference in Boise with Chuck. He said he was disappointed to learn from DEQ that Class A reuse water cannot be used on sod or seed plants such as potatoes. He said however, it can be used on wheat, barley and alfalfa. Jeff said this will create problems to reuse this water almost anywhere on crops. He said this is restricted in Idaho, however you can put the treated water in the river and then pull the same water out 100 feet further down and use it to irrigate any crops you want. Jeff said he intends to write our legislators regarding the matter. Mayor Christensen said this should be discussed at the AIC conference coming up. Jeff said he went to the EIRWWA meeting and the best way to reuse this water is in ponds to recharge the aquifer and gain additional water rights. Jeff said Forsgren has recommended the ponds in their study. He suggested Forsgren be encouraged to pursue the establishment of these ponds.

Earl said at the last Council meeting they discussed a request from a citizen regarding the installation of "Children at Play" sign on Berrett Avenue. Earl said the Police Department watched Berrett Avenue for the past two weeks to see how much traffic there is and how many

children play in the area. He said they did not see a lot of children playing or speeding traffic. Earl said at this point he would not recommend installing "Children at Play" signs.

Dawn said there will be a Blood Drive held at City Hall on May 29, 2013.

Dawn said baseball games started tonight. She said the pool is up and running and the Ice Shack should be opening soon.

Chuck said he met with Dave Bannell, the Basic American Foods Plant Manager regarding the third railroad track by their plant. He said the track is Basic American's and they would like the track removed, but they will need approval from higher up personnel. Chuck said Mr. Bannell indicated they did not have funding to remove the tracks, so the city will need to foot the bill for labor and asphalt.

Adjourned: 9:25 p.m.

ATTEST: Sandy Gajdusek APPROVE: Em R. Chilton