

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

SEPTEMBER 25, 2012

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

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Earl Beattie

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

Minutes of September 11, 2012 Council Meeting
Approval of August Expenditures
Approval of August Overall Budget & Treasurer's Rpt.

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

Rachel Coronado, Ms. Russett addressed the Mayor and Council to discuss her Ms. Russett project. She said there is a "Lets Move" initiative started by the First Lady Michelle Obama ten years ago. She said local leaders can sign up as a "Lets Move Community" with five common goals. Ms. Coronado said first you begin with kindergarten and preschool age children to educate them. She said she will need some help from some of the city employees. Ms. Coronado said she needs the city's approval to get started. Stacy said he likes the idea, but would like some more ideas to motivate those children not involved in the city's recreation programs. Mayor Christensen said the city has terrific recreation programs. Ms. Coronado said she may have a program called "Recess with Ms. Russett". Earl said he thinks this is a great idea, but would like some suggestions on what the city can do to help her. Kathy Huntsman, Rachels' mother said they need permission from the city to allow Rachel to be the official spokesperson for the city to sign up to become a "Lets Move" city. Earl moved, Kurt seconded to appoint Rachel Coronado as the official spokesperson for the City of Shelley to implement a "Lets Move" program in the community. Approved three in favor, one absent.

Tina Gresham, USDA Program Director addressed the Mayor and Council to discuss a temporary extension of the lease with the city that is set to expire September 30, 2012. She said USDA received a letter stating the council had voted to not renew the lease, however they would like the opportunity for a second chance. Ms. Gresham said they would like a ninety day extension to take the lease to the end of the year. She said they would like some time to work through the challenges that have been encountered over the past five years. Stacy said he has talked to some of the farmers, and realizes it would be a hardship to take their equipment elsewhere for cleaning. He said the city does not want to create a hardship for the farmers. Stacy said after researching this matter further, he feels the city should propose to charge \$7500 per month for rent, with a deposit up front to repair any damage that may occur which would be otherwise reimbursed through a claim with USDA. He said he went over to the transfer station

property yesterday and today. Stacy said just in that one day period, a sand snake had been thrown up against the building. He said it did not do any structural damage to the building, but did ding it up. He said another problem is the amount of time it takes to receive payment for a claim from USDA. Stacy said he feels there is not a lot of supervision of the USDA employees. Ms. Gresham said they have several crews of seasonal staff and a full time staff. She said she worked with the full time staff when she became aware that there were problems back in December. Ms. Gresham said she felt improvements were made at that time. She said this is a very important location to be able to support the growers. She said they will do what is necessary to be a good tenant if given another chance. Ms. Gresham said she is responsible to direct the work of all PCN employees. She said she has learned a lot from the last claim. She said first, she will try and educate the employees so damage does not occur. She said there was a second incident that damaged the side of the building that she found out about in December 2011. She felt there was some mis-communication about the proof needed that USDA did the damage. Ms. Gresham said there are some positive things that the USDA employees provide to the site. She said they are very protective of the property. She said she knows there are some issues regarding some of the negative items that are occurring. Ms. Gresham said as long as she is told of the problems she can do her best to help. Chuck presented some pictures to Ms. Gresham that was taken September 21st and again this morning showing new damage that was done to the building. Chuck said he has never been contacted by any USDA staff reporting that they have done damage to the site; the city always has to address this first. He said there is still a lot of horseplay going on also. Earl said USDA has not been a good tenant. He said we are a small city, and we take pride in it. Earl said it is not good for moral when Chuck's crew sees nothing been done about the damage and the horseplay. Earl said he feels USDA should be give 45 days and then they should move out. He said he appreciates the position Ms. Gresham is in, but feels six months time will not give them the time to show that thing have changed. Ms. Gresham said the program has overcome many problems, and she feels they can make this a cooperative effort and treat the city's facility as their own. She said they will educate their employees and turn this around. Patrick Kole, Vice President of legal and government affairs for the Potato Commission said over the past six years a lot has taken place in this program. He said they have received a significant portion of funding to eradicate PCN. He said they have had success in several field with the eradication. He said he would like to have an informational meeting with the Mayor and Council to show them what the stakes are. Mr. Kole said he understands, and would also be furious regarding the incidents that have occurred at the transfer station. Mr. Kole said if the Potato Commission can be of assistance in communication, etc, they will be. Mr. Kole said there will probably be more damage in the future because it is just human nature, but they can work to make things better. Mayor Christensen said he wants to help the growers, but also look out for the "widow's mite". He said the damage needs to be repaired. Mr. Kole said they cannot go back in history, but the Potato Commission will facilitate whatever is needed. Stacy said the building has quite a few panels that have been damaged. He said it is estimated to cost \$5100 to repair all of the panels. Stacy said if the city agrees to let USDA stay, there will be more damage. He said that is why he is proposing a rental fee of \$7500 per month with first and last months rent up front, and \$5000 to fix occurring damage. Stacy said he has had employees, and knows they will still cause damage. He felt if USDA cannot accept the deal

then they should be given 45 days to remove their equipment from the city's premises. Ms. Gresham said they have brain stormed solutions; they could move their equipment away from the building or build some concrete barriers to stay further away from the building. She said they could also purchase a longer fire hose to wash the equipment so it is not necessary to get so close to the building. Ms. Gresham said they have worked very hard to find another building with the type of items needed; fenced compound, French drain, water, centrally located in the PCN boundaries. She said she has not found another place in the area that benefits the growers. Earl recommended looking at the BMC building across the highway. Stacy moved, Earl seconded to extend the lease with USDA for 45 days with the option to modify as an annual lease, and to charge \$7500 per month rent with a \$5000 deposit to cover damage from this day forward, and also approximately \$5100 to cover the existing damage at 16 panels @ \$300 each. Approved three in favor, one absent. Earl asked Ms. Gresham if 45 days would be adequate for her to discuss the motion and respond with an answer. Ms. Gresham said yes it would. Earl said they need to feel good about the relationship and work together. Kurt felt we should have open lines of communication with Chuck and the city when damage or other incidents happen. Stacy said if this matter is not agreed upon in 45 days, the lease will not be extended further.

Patty Judy residing at 433 E. Center said she needs to extend her temporary certificate of occupancy to finish constructing a driveway for another year due to medical bills for her daughter; she was born without an esophagus. She said her daughter is doing much better now, but they are not quite there yet. She said the temporary certificate of occupancy was given in 2009 and has been extended twice. She is asking for a third extension. Earl said he needs a little bit of commitment, and asked if she could give the promise to start part of the project during this next year. Mrs. Judy said she does have some property for sale that was put on the market in March. She said hopefully the property will sell to finance the driveway. She said she could possibly start a portion of the project after she gets her taxes. Stacy asked if this is extended another year, how long will it go on. He said he is also concerned about setting precedence. Earl moved, Kurt seconded to extend the temporary certificate of occupancy for Patty Judy for one year, and for the Judy's to make a good faith effort to begin the construction of a driveway if not done completely. This extension will expire on October 12, 2013. Approved three in favor, one absent.

Sandy said Rodney Shurtliff, the property owner of 389 E. Center has requested a zone change to allow him to have a two family dwelling. She said the apartment has been in the home for years, but not utilized. She said there are some properties across the street zone as Two Family Dwellings. Sandy said the P&Z Commissioner recommended approval at the public hearing they held. Earl moved, Stacy seconded to call for a public hearing to consider a zone change from Single Family Dwelling (R1) to Two Family Dwelling (R2) on October 23, 2012 at 7:30 p.m. Approved three in favor, one absent.

Sandy said she received a plat from the Union Pacific Railroad regarding the right-of-way property the city is interested in purchasing. There is approximately 2700 feet or 3.75 acres shown on the plat. Sandy said she contacted Dan Parker, and he said the plat was just a starting

point and a more definite boundary would be needed before a sale could take place. She said once UPRR gives approval, and a price is negotiated, the city will need to provide a legal description. Stacy moved, Earl seconded to agree with the approximate area on the plat provided by UPRR that the city would like to negotiate a price and purchase if feasible. Approved three in favor, one absent.

BJ said he and the Mayor met with Ball Ventures to discuss their plans for their property along the New Sweden Road. Representatives from Ball Ventures said they have had builders contacting them regarding the status of their property. BJ said they looked at ways to annex the property into the city, but cannot annex any parcels of property over five acres without the owner consent. The Council discussed consent of annexation for anyone requesting services from the city. Sandy said consent is required in the Outside Water Service Agreement. BJ advised her that these agreements should be recorded.

BJ said he will not be in attendance at the next council meeting.

Sandy presented a draft of a letter to Senator Hill regarding the city's position on the proposed elimination of personal property taxes. The Mayor and Council reviewed the letter and instructed Sandy to send the letter to Senator Hill with the information he previously requested, and expressing the city's feelings on the elimination of personal property taxes.

Rod said the First Lady, Lori Otter will be at the Senior Citizens Center tomorrow at 2:30 p.m. to discuss education issues.

Chuck said there is 20 feet of pipe installed in the new well. He said hopefully tomorrow they will continue with the pipe.

Earl said he has looked at the new mural the High School students completed at Brinkman Park. He said the mural is very impressive.

Adjourned: 9:32 p.m.

ATTEST: Sandy Englund APPROVE: Earl R. Chutkan