

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 26, 2010

PRESENT: Mayor Eric Christensen
Council Members: John Lent (teleconferenced), Charlotte Fredrickson, Earl Beattie, and Kurt Russell
Police Chief: Alan Dial
Public Wks Dir: Chuck Lloyd
Recreation Dir.: Dawn Lloyd
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Kurt Russell

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

Minutes of October 12, 2010 Council Meeting
September 2010 Overall Budget & Treasurer's Rpt.
September 2010 Expenditures
Building Permits:
Wayne Clark - re-roof

A roll call vote was called for: Earl – aye, John – aye, Charlotte – aye, and Kurt – aye.

Approved unanimously.

Cody Johnson reported for the Mayor's Youth Committee. He said the group is seeking sponsors for T-shirts and sweatshirts. Cody said the Youth Group participated in the Pumpkin Walk this year. He said the Senior Citizens Center has too much staff helping serve lunch so they will not be participating in that event this year. He said they intend to spend some time with the Gables residents, and possibly mentor some of the younger school kids during school time.

Mayor Christensen said there will be a public discussion on a sewer ordinance amendment. He asked Sandy to update the council and attendees on this matter. Sandy said currently the ordinance states that only users occupying buildings will be charged the monthly sewer rate. However, since the bond payments for the new waste water treatment facility is based on the number of users/ERU's the city will need to collect at least the debt service and maintenance portion of the monthly rate. She said she asked other city clerks how this matter is handled and received a variety of responses. Some cities do not charge for unoccupied buildings, and others charge for vacant buildings and homes even if they have been foreclosed upon or the business has closed their doors. BJ discussed several options. He said the city could charge the debt service fee and maintenance for all vacant buildings with no exceptions or they could discontinue charging if the water is physically turned off, or discontinue the fee after a certain time period has gone by that the building has been unoccupied. Mayor Christensen asked for any public comment on this matter. Phyllis Lambeth, 323 S. Park Avenue said she read an article in the Shelley Pioneer regarding the snowbirds being charged for sewer when they are not at home. She asked if other people will be connecting to the new sewer treatment plant. Sandy said there

will be other connections made, but they will have to pay their own way. Dave Noel explained that the Regional Authority consists of four entities. He said the four entities signed a Joint Powers Agreement, however they do not have the capability to bond. Dave said Shelley sponsored the first portion of the construction of the treatment plant by bonding for 8 million dollars. The City of Ammon bonded for 18 million dollars to fund a portion of the treatment plant and the eastern interceptor. Dave said everyone using the system is required to pay the same amount for debt service and operation of the treatment plant. BJ stated that the repayment of the bond will always stay the same. He said if discounts are given to some, then that amount will have to be redistributed among the other citizens. Mr. Will Lambeth asked about the tap fees that he paid, and what those funds are used for. Sandy explained that a tap fee is used for future infrastructure needs. Earl felt everyone should be treated the same whether it's a home, business, apartment, etc. He said if not, then the funds will have to be picked up by others. Earl clarified that residents will be charged only for the debt service and the treatment plant operation when the building is not occupied. They will not be charged for the entire city utility bill. Earl felt apartments, home, foreclosure, etc. should be charged for the debt service and operation fee. The other council members concurred. BJ was asked to proceed with the ordinance amendment providing that all buildings whether occupied or not will pay the minimum debt service charge (\$24-\$26) and the treatment plant operation fee (\$9). The council discussed demolished buildings or buildings that are completely disconnected from the sewer system. It was determined that if a connection is totally disconnected then no monthly charge would be assessed, however when the property needs re-connected, a new tap fee will be charged.

The residents on Brent Way are no longer receiving mail to their door due to some dog related incidents. The post office notified the residents of Brent Way that they must install a mailbox curb side or rent a post office box to continue receiving their mail. Earl said the Postmaster talked to his supervisor for other options such as installing a community box or trying to take care of the dog problems in the neighborhood. However, the supervisor did not approve of those options. Sandy said the current city ordinance states that a mailbox must not protrude towards the residence any further than 15 inches from the back of the curb. She said the sidewalk on Brent Way is only 48 inches wide making it impossible to have a fifteen inch mailbox and still meet ADA regulations which states there must be 36 inches to access the sidewalk with no obstructions. Sandy said Keith Johnson brought in some information regarding a locking mailbox available at Lowes. This mail box sits sideways and will allow 36 inches of access behind it, as well as meeting the current city ordinance. Sandy said the current city ordinance also prohibits the placement of mailboxes in cans, planters, etc., and approximately 70% of city mailboxes do not comply. Sandy said the height, length, and container need to be reviewed by the council and possibly amended. Earl said the Postmaster has stated that the Post Office does not have the funding to install a community mailbox. He suggested that the homeowners consider placing two mailboxes together between the homes to allow better access to the mail carrier where vehicles may be parked along the street. John said the regulations need to be consistent with the entire city. Mr. Wickel said he could not understand why Brent Way is being singled out. He said the residents on Brent Way cannot control the dogs in the entire city. Mayor Christensen said the city has no authority over the U.S. Postal Service. He said they

regulate themselves. Bruce Rudd suggested a meeting be scheduled with the Post Office, City, Police, Postal Workers, etc. to discuss this matter together. He feels every conversation has been one sided. The Mayor and Earl suggested that the residents set up a meeting with the Post Office. Mr. Rudd asked the city to contact the Post Office and represent the citizens. There were citizens concerned over why the residents living on Walnut, just across the street from Brent Way were still having the mail delivered to their door. Lynn Rudd felt there are a lot of questions unanswered regarding the dog bite. Some even suggested the picture showing the bite had been altered. Earl suggested the Shelley Postmaster's Supervisor be contacted. Brent Dial stated that the residents have until November 20th to install a mailbox. Mrs. Twitchell said she is concerned about snow being plowed in front of the mailbox during the winter and not receiving mail. Alan said the Meadowpark Addition has mailboxes curb side and they do not have many parking or delivery issues. BJ discussed sections 8-8-6 (a) (b) (c) (d) of the city code and what amendments should be drafted. The council chose to delete section (d) regarding planters, cans, boxes, etc. being prohibited to place a mailbox curbside. Also, the height regulation will be deleted as well as the width from curbside towards the house. It will be the property owner's responsibility to make sure ADA regulations will be met. BJ said he can present the amended ordinance by the November 9th meeting, but it will not be published until November 17th. The council stated the residents of Brent Way could place mailboxes curb side under the proposed new regulations. Bruce Rudd asked if the city would set up a meeting with the Postmaster. Mayor Christensen stated the residents need to set up a meeting, however a city council member could attend the meeting also. Earl was assigned to this matter.

Kong Khamone, 190 E. Pine Street discussed the street light specifications with the council. Mr. Khamone said he is replacing the sidewalk in front of his residence, and he would also like to replace the street light on the corner because of its appearance and condition. He said he spoke with Chuck and Bill from Rocky Mountain Power regarding the placement of a new pole. Mr. Khamone presented a diagram of where he would like the new pole relocated to. He said the new sidewalk will be poured next to the curb and he would like the pole set inside on the sidewalk on the east side of his property. Mr. Khamone said he would like to place a concrete street light instead of the city specified metal pole. Dave Noel suggested Mr. Khamone submit plans for the light pole which must have a structural engineer stamp on it, and also meet illumination specifications. Mr. Noel said if the light is not placed in the city right-of-way, ownership must be determined. He said if the light pole is on private property it would be the owner's responsibility to maintain and pay for the electrical expense. Mr. Khamone discussed the sidewalk that he has not poured yet. Chuck said the sidewalk must be put back in this year and there is still time with weather permitting. Mr. Khamone asked if he could wait to pour the sidewalk. Earl said he would like the sidewalk poured as soon as possible. BJ stated that Mr. Khamone should not have pulled the old sidewalk out if he was not prepared to put a new sidewalk back in. Mr. Khamone said he intends to build onto his facility and a large service truck would break up the new sidewalk. The council sympathized, but instructed Mr. Khamone that he would have to handle this problem. Mr. Khamone asked if he could place conduit underground to move the overhead electrical service to underground. The council informed Mr.

Khamone that if he wants conduit he must put it in at his expense and have the State Electrical Inspector approve it.

Kurt Coates commended the council on doing a great job.

Dave Noel discussed the EECBG grant that was received from DEQ to replace the pump at wells one and two. He presented a scope of work from Forsgren for this project. Dave said the project would replace one pump that will run both wells. He said the grant was awarded this spring in the amount of \$32,667. He said we requested \$115,000 to cover the design, equipment, installation of the pump, and to develop an energy efficiency plan, however we did not receive the full request. Dave said the scope of work was reduced to administration of the grant (\$2670), and the remaining portion was to prepare the design of the pump, submit to DEQ, and to purchase the equipment. Dave said he prepared a work release for the design and administration costs as an amendment to the base engineering agreement with Forsgren. Dave gave this amendment to BJ for review. He said he needs the work release authorized to move forward on this project to meet the dead lines of the grant. The council agreed to have BJ review the amendment and give a recommendation at the next meeting.

Dawn said Mrs. Foster would like to donate \$350,000 to the city to construct a spray park. She said she has check into overhead to maintain the park once it is built, but still does not have some firm costs. Dawn said the liability insurance would be approximately \$400 annually. She said the spray park would be incorporated into the existing swimming pool to utilize the current filtering system. Dawn said the City of Rexburg said there is testing that needs to be done every hour on their spray park, and signage exists to prevent running on the concrete. Earl said he thinks this is a great idea but is concerned about more liability for the city. He feels h would need more details regarding this project before making any decisions. BJ suggested contacting Mrs. Foster to see if she would be willing to donate a portion now, to obtain plans for a spray park and cost estimates to see if the project is even feasible for the city. Dawn said Mrs. Foster is gone for the winter, but possibly a family member could discuss this further with the council.

Chuck discussed the surplus property listed on the agenda. He said the council has already declared the tractor and plow as surplus property, but he thought the school was going to make an offer on the equipment. Chuck said they have not done so, so the equipment will be run through the auction as planned.

Sandy said there is a pre-trial for the Alva Harris case on December 7th regarding the clean up of his property on North Byron. She asked how the council would like to follow up on this matter. John suggested issuing another citation. BJ said he has been cited before. Earl also felt another citation should be issued. The council agreed. Sandy will follow up on this matter.

Chuck said the crew has just completed the fall "Clean Up". He said Bingham County has also place the hauling road into the wastewater treatment plant today.

Mayor Christensen said he attended former Mayor Phil Worlton's graveside service.

Mayor Christensen said there will be a Regional Wastewater Authority meeting on October 28, 2010 at 10:00 a.m. at the Shelley City Hall.

Adjourned: 10:03 p.m.

ATTEST: Sandy Daydush APPROVE: Em R Christensen