

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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JANUARY 11, 2005

PRESENT: Mayor Eric Christensen (absent)  
Council Members: Lorin Croft (mayor pro-tem), Steve Cederberg, John Lent,  
Charlotte Fredrickson  
Police Chief: Alan Dial  
Public Wks Dir.: Rick Anderson  
P.W. Foreman: Chuck Lloyd  
Recreation Dir.: Dawn Lloyd  
City Clerk: Sandy Gaydusek  
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Dawn Lloyd

PRAYER: Charlotte Fredrickson

Steve moved, John seconded to approve the consent agenda as follows:

Approval of the minutes of December 14, 2004 Council meeting

Approved unanimously.

Husk Crowther, Forsgren Engineering addressed the council to discuss the city's drinking water status. He said the city has water rights that allow the city to pump a certain amount of water. Husk said when developers come into the city it uses some of the available water rights. He said Sandy asked his firm to do a study to project how many more connections the city can handle according to their existing water rights since, DEQ is asking for this type of information on new developments in the city. Husk said the city's current water rights allow the city to pump 6.5 million gallons per day. He said the Idaho Department of Water Resources calculates that a household of 3.2 persons on ½ of an acre should use approximately 13,000 gallons of water per day. Husk said based on the city's population, water demand and usage, the city has approximately 695 to many connections. However, they also reviewed flow data from similar communities in southeast Idaho that do not have water meters and found that during the summer months a value of approximately 2160 gallons per day were used in a household of 3.2 people. He said using this scenario, the city could handle an additional 276 connections based on the 2000 census, however approximately half of those connections have been used up by additional development since 2000. Husk said this evaluation is very general, and indicates that further analysis is prudent to determine the actual storage and distribution capacities. He said Forsgren recommends that the city not allow any additional connections unless those connections can provide sufficient water to support their own demand until such time as the city has completed an adequate review of the entire water system and determined that access water is available. Husk said the city may want to consider some interim actions to reduce the possibility of water shortages such as 1. Develop a policy requiring new development to provide ground water rights to the city sufficient to support the connections in the development. 2. Encourage secondary irrigations systems for developments using the existing surface water rights historically used to irrigate the agricultural ground coming out of production. 3. Apply for additional water rights

with the Idaho Department of Water Resources. 4. Install water meters on all connections and adopt a progressive user rate system to encourage water conservation. 5. Increase storage capacity. Sandy said she needs to send a "will serve" letter to Harper Leavitt Engineering stating the city can provide water, sewer, storm water, fire, and waste water treatment services to the Wind River Estates Subdivision. She said the city originally discussed a water planning study several months ago. Sandy said the cost is approximately \$50,000, and we might be eligible for a grant from DEQ for half of the project cost. Husk said the letters requesting grant funds for this purpose are due in February. He said eventually the city will probably be forced to install meters based on the water shortages in Idaho. Steve asked if the city should require all new developments to install meters. Husk said all the meters throughout the city should be the same, so the project should be done all at once. Rick said it might be beneficial to require the pits for the meter to be dug when new development occurs. Sandy asked how many water rights the city wants to use for new development. She said there is a proposed 100 lot subdivision awaiting acceptance as a preliminary plat. The Council discussed funding a water study so more accurate figures could be established. Sandy said there have been funds budgeted for a new well this year, however since we do not have the additional water rights needed for a new well, some of these funds could be used for a water study. The Council directed Sandy to write the "will serve" letter to DEQ for the Wind River Estates since the final plat has been approved, but to notify other developers that there is an issue regarding the number of water rights that the city has, and this could create a problem.

Sandy said she received a proposed preliminary plat from Butler Engineering for Brent Christensen's residential development called Sunset Meadows Subdivision. She said this plat proposes a 100 lot residential subdivision consisting of Single Family Dwelling and Two Family Dwelling. Sandy said this is a problem because you cannot have two different uses on a subdivision plat, and there is not even a Two Family Dwelling Subdivision use allowed. She said on Mr. Christensen's last plat for the North Shelley Business Park two uses were allowed because it was discovered at the time the preliminary plat was approved, and they submitted a request for a variance to the city code. Sandy said there are some other problems with the plat as well, such as the size of the right-of-ways. She said they have specified 62 foot right-of-ways, when the requirement is 66 feet. Sandy said there is also one access road that is only 50 feet wide. The Council asked Sandy to request Brent Christensen to attend a council meeting so this proposed plat could be discussed further.

Kristin and Jordan Smith, 440 Shelley Avenue addressed the council to discuss the accident that occurred at the city shop on January 8, 2005. Mrs. Smith said a fire started when her husband, Jordan was working on a van at the city shop. She said Jordan was trying to help a lady whose husband is in Iraq. Mrs. Smith said the woman's van needed some work done on it, and she could not afford the expenses. Both Mr. and Mrs. Smith thanked the city for the manner in which this situation was handled. Mrs. Smith said she has contacted her insurance company and notified them of the claim. She thanked the city once again and requested that she and her husband be invited to any future discussions on the matter.

Sandy said the city received \$2251 in dividends from the State Insurance Fund. She said historically, the city has given the employees a safety day to be used during the calendar year, and a monetary bonus for their safe work habits throughout the year. Charlotte moved, Steve seconded to award each employee a safety day to be used in the same manner as personal leave, and a \$75 bonus to express their thanks for working safely in the workplace. Approved unanimously.

Sandy presented an uncollectible account in the amount of \$364.63 owed by Kathy Scovil. She said Ms. Scovil was responsible for the account when she was operating the Family Diner. Sandy said she filed a small claims action and was awarded judgment, but Ms. Scovil moved to Arizona before her wages could be garnished. She said she has no known where about of Ms. Scovil, and the small claims judgment has expired. Sandy said she really did not want to expend any more money trying to collect on this account because she did not know Ms. Scovil's location. Steve moved, John seconded to write off the uncollectible account in the amount of \$364.63 owed by Kathy Scovil. Approved unanimously.

Sandy presented a plat for the Cedar Ridge Subdivision that she received from Bingham County requesting any comments the city may have on this matter. The Council had no comments on this plat at this time.

BJ said at the last council meeting the matter of water disconnection services at the request of the landlord/property owner was discussed. ~~He said~~ Chitta Lynch had come before the council because she did not think it was right that the landlord should be responsible for the renter's city utility bill, and she did not feel she should be required to pay \$25 to have the water services turned off at her rental properties at her request for non-payment of rent. BJ said he researched this matter, and recommended that landlords not be able to request the water to be turned off for non-payment of rent. He said the city should not be a tool to collect the rent for the landlords. BJ suggested that if someone calls and requests the water to be shut off, that the city questions why, and only shut off water for repairs or non-payment to the city for city services. He said the landlord could refuse to pay for city services, and then the water would be shut off in forty five days with the same process as for anybody else who becomes delinquent, but this could look bad on the landlord's credit rating. The council agreed with BJ's recommendation and will turn the water off when the property owner has repairs to do, or the account becomes delinquent.

BJ said he drafted a letter and sent it to Terry Taylor regarding payment for the sidewalk project done on South Park Avenue, however the city has not received any payment yet. BJ said ~~it~~ <sup>we should</sup> ~~might be beneficial to~~ go into executive session on this matter whereas litigation may be involved.

*the written decision*

BJ said he drafted ~~a letter to~~ Leading Technology Development regarding the decision of the council to deny the matter of rezoning two parcels of property to Heavy Commercial for the purpose of constructing a Family Dollar store. Sandy said she received a letter from Phillips Edison Development regarding a site for a Family Dollar store in Shelley. She presented copies

of this letter to the council. This letter stated that Phillips Edison has a 10,000 square foot space that would be adequate for a Family Dollar store and is zoned correctly.

Sandy said Brent Bischoff, a retired employee passed away yesterday. She said that many of the employees would like to attend his funeral on Friday. John moved, Steve seconded to close the city office at noon on Friday, and to encourage the employees to attend the funeral. Approved unanimously.

Dawn said there are a group of men who enjoy playing football at the city park during the evening hours. She said they are willing to pay for the electricity if they are allowed to use the lights at the city park. Dawn said the light switch has been padlocked since the lights had been left on several times. The Council felt all lights at the park should be required to be turned off by no later than 10:00 p.m. Dawn asked if there could be a liability to the city to allow someone other than city personnel to access the electricity panel since there is a sign posted that states there is a danger of high voltage. BJ said yes, there is a <sup>potential</sup> liability, and city employees should be responsible to turn off and on the lights. The Council felt anyone wishing to use the city park should contact the police department to turn off and on the lights, and if the lights are not turned off by 10:00 p.m. the privilege of using the lights will be gone.

Dawn said she started the Jazz basketball games last Saturday.

Neil said he is preparing a grant for the restrooms at Brinkman Park, and will be sending the application off to the Idaho Department of Park and Recreation as soon as possible.

Neil said he will be spending part of his summer in Mackay and may not be a reporter for the Shelley Pioneer during that time. He said there may be an intern taking his place, and reporting on city council meetings during the time he is gone.

Neil said there will be an Auditorium District meeting on January 19, 2005 at city hall. He said after reviewing this project further, he feels a bond will need to be passed once an Auditorium District is formed. Neil said the Committee members intend to visit other Auditorium Districts to see what may be needed for this project.

Rick thanked everyone for their support during his recovery after back surgery. He thanked Chuck and the entire crew for the great job they did plowing snow.

Chuck said the fire at the city shop destroyed two city vehicles. He said another vehicle is being repaired and they are down to one available vehicle to use for work. Chuck said he should hear from the insurance agent tomorrow regarding the disposition of the vehicles, and then he can go forward with replacing the two lost vehicles. He said the vehicles that are purchased will probably be used since the insurance coverage was for the value of the vehicles at the time of the loss.

The council discussed establishing a policy on the use of city property by city residents. This matter was tabled until it could be reviewed further.

Chuck said he spoke with the insurance agent, and the insurance will cover to have the building restored. He said the city crew can perform part of the restoration, and will be paid by the insurance company for their time and use of equipment. Chuck said if the crew is not busy with snow plowing, they can clean up the damage, sand blast the wall, and paint. Sandy said the insurance agent asked that the city council declare this loss a critical use emergency which allows the city to move forth with the restoration without following the bidding process. Charlotte moved, Steve seconded pursuant to Idaho Code 50-341 (L) to declare a critical use emergency situation regarding the city shop building and move forward with the restoration as soon as possible. Approved unanimously.

Alan said he received the new police vehicle which is over being painted. He said the lights for the new vehicle have been ordered. Alan said once the new vehicle is in full operation it will be driven by Officer Noah. He said he would like one of the older Crown Victoria's declared as surplus property so it can be sold. John moved, Steve seconded to declare the 1999 Ford Crown Victoria as surplus property and to be sold at auction. Approved unanimously.

Charlotte thanked the city crew for a great job of snow removing.

John complimented the city crew for the great job that was done this past week with the fire and the snow removal.

Steve moved, John seconded to adjourn into executive session. Approved unanimously.

John moved, Steve seconded to reconvene into regular session. Approved unanimously.

Lorin said potential litigation was discussed in executive session.

Adjourned 9:50 p.m.

ATTEST:  APPROVE: 

**DECEMBER CLAIMS**

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
1-Dec-04	US Post Office	277.15	28188
3-Dec-04	Invertry Trading co.	329.63	28224
<b>16-Dec-04</b>	<b>Advanced UV Systems</b>	<b>1,691.43</b>	<b>28226</b>
16-Dec-04	American Linen	445.24	28227
<b>16-Dec-04</b>	<b>Auto Body Paint And Supply</b>	<b>1,363.24</b>	<b>28228</b>
16-Dec-04	Bonita's	3.08	28229
16-Dec-04	Broulim's	119.02	28230
16-Dec-04	Cate-Idaho Equipment co.	24.20	28231
<b>16-Dec-04</b>	<b>Circular Butte Landfill</b>	<b>5,066.04</b>	<b>28232</b>
<b>16-Dec-04</b>	<b>DBS Inc.</b>	<b>1,257.92</b>	<b>28233</b>
<b>16-Dec-04</b>	<b>Eagle Rock Hydraulic Service</b>	<b>1,079.18</b>	<b>28234</b>
<b>16-Dec-04</b>	<b>Eagle Rock Sanitation</b>	<b>3,330.09</b>	<b>28235</b>
16-Dec-04	Fastenal	127.99	28236
16-Dec-04	First Responders	244.50	28237
16-Dec-04	Forsgren Associates/P.A.	75.00	28238
16-Dec-04	H-K Contractors Inc.	173.25	28239
16-Dec-04	IAS-Envirochem	116.00	28240
16-Dec-04	Idaho Transportation Dept	38.00	28241
16-Dec-04	Intermountain Gas Co	951.71	28242
16-Dec-04	Jim's Trophy Room	6.60	28243
<b>16-Dec-04</b>	<b>Jolley Building Supply Inc.</b>	<b>1,299.92</b>	<b>28244</b>
16-Dec-04	K & K Blacksmith	7.39	28245
16-Dec-04	Kings No.21	71.43	28246
16-Dec-04	Lake City International	86.95	28247
16-Dec-04	Lexisnexis Matthew Bender	56.15	28248
<b>16-Dec-04</b>	<b>McGrath Meacham and Smith PLLC</b>	<b>2,802.50</b>	<b>28249</b>
16-Dec-04	Mountain West Bark Products Inc	561.00	28250
16-Dec-04	Mountainland Communications Inc.	2.25	28251
16-Dec-04	NAPA	54.95	28252
16-Dec-04	National Waterworks Inc.	920.69	28253
16-Dec-04	Pacific Steel	227.38	28254
16-Dec-04	Phillips 66 Co.	670.78	28255
16-Dec-04	Pioneer Publications	553.16	28256
16-Dec-04	Belva Poulsen	327.37	28257
16-Dec-04	R&S Distributing	54.99	28258
16-Dec-04	Jay Rowley	154.44	28259
<b>16-Dec-04</b>	<b>Sandcreek Overhead Door Inc</b>	<b>1,097.00</b>	<b>28260</b>
16-Dec-04	Siems Enterprises	79.95	28261
16-Dec-04	Steel Systems	181.53	28262
16-Dec-04	TJ Coneveras	981.00	28263
16-Dec-04	Town and Country Gardens	37.43	28264
16-Dec-04	United States Welding Inc	197.62	28265
<b>16-Dec-04</b>	<b>Utah Power and Light</b>	<b>6,477.64</b>	<b>28266</b>
16-Dec-04	Valley Office System	98.28	28267
16-Dec-04	Watson Roto Rooter/Thayne Watson	75.00	28268
20-Dec-04	Keith Gardner Agency	120.00	28269
20-Dec-04	Blackfoot Chamber of Commerce	1,100.00	28270
22-Dec-04	Sam's Club	215.88	28271
<b>22-Dec-04</b>	<b>Rodney White</b>	<b>1,109.40</b>	<b>28272</b>
	Used in January		28274
	Used in January		28275
	Used in January		28276
30-Dec-04	Advanced Business Systems	65.00	28277
30-Dec-04	Bloomin Acres	27.49	28278
30-Dec-04	Bonita's	38.50	28279
30-Dec-04	Business Phone Specialists Inc	60.00	28280
30-Dec-04	Cable One	154.90	28281
30-Dec-04	Cal Ranch	98.96	28282
<b>30-Dec-04</b>	<b>Circular Butte Landfill</b>	<b>8,035.65</b>	<b>28283</b>
30-Dec-04	Caoch And Athletic Director	17.95	28284
<b>30-Dec-04</b>	<b>Daniel Acevedo</b>	<b>1,500.00</b>	<b>28285</b>
<b>30-Dec-04</b>	<b>DBS Inc.</b>	<b>1,197.30</b>	<b>28286</b>
30-Dec-04	Exxonmobil Fleet/GECC	774.45	28287
30-Dec-04	First Responders	148.50	28288
30-Dec-04	Idaho Business Forms	25.64	28289

<b>30-Dec-04</b>	<b>IDHW/DEQ Drinking Water</b>	<b>1,130.00</b>	<b>28290</b>
30-Dec-04	Jim's Trophy Room	155.00	28291
30-Dec-04	Kirkham Auto Parts Service co. #8	309.20	28292
30-Dec-04	<b>L&amp;S Metal Products LLC</b>	22.36	28293
30-Dec-04	Lake City International	241.34	28294
30-Dec-04	Mcleodusa	432.72	28295
30-Dec-04	Petty Cash	53.04	28296
30-Dec-04	Polk Directories	264.00	28297
30-Dec-04	Porter's	105.28	28298
30-Dec-04	R&S Distributing	49.15	28299
30-Dec-04	Shelley Police Officers Association	30.00	28300
<b>30-Dec-04</b>	<b>Shelley/Firth Rural Fire District</b>	<b>4,095.00</b>	<b>28301</b>
30-Dec-04	The J.P. Cooke Co	21.32	28302
30-Dec-04	United States Cellular	220.15	28303
30-Dec-04	United States Welding Inc	50.27	28304
30-Dec-04	Vernon Steel Inc	101.10	28305
<b>3-Dec-04</b>	<b>City of Shelley Payroll</b>	<b>40,790.84</b>	<b>28223</b>
<b>15-Dec-04</b>	<b>City of Shelley Payroll</b>	<b>37,014.91</b>	<b>28225</b>
<b>30-Dec-04</b>	<b>City of Shelley Payroll</b>	<b>35,135.62</b>	<b>28273</b>
	<b>Total</b>	<b>168,706.99</b>	