

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

DECEMBER 09, 2008

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

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Lorin Croft

Lorin moved, Steve seconded to approve the following consent agenda:

Minutes of November 25, 2008 Council Meeting
Approval of November 2008 Expenditures
Approval of November 2008 Overall Budget & Treasurer's Rpt.
Building Permits:
Craig Geary - re-model
BMC West - re-model

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin - aye. Approved three in favor, one absent.

BJ presented Ordinance #525 regarding the annexation of the City of Shelley into the Shelley/Firth Rural Fire District. Members of the Fire District Board approached the city council in a previous council meeting to ask that the city be annexed into the Fire District to simplify the levying procedure. Presently the city levies for taxes to pay to the Fire District for their services, by being annexed into the Fire District the Fire District would levy for the taxes. Lorin moved, Steve seconded to suspend the reading of Ordinance #525 on three different days and read the title of Ordinance #525 once. Approved three in favor, one absent. Lorin read the title of Ordinance #525 regarding annexation of the city into the Fire District. Lorin moved, Steve seconded to approve Ordinance #525 annexing the City of Shelley into the Shelley/Firth Rural Fire District's boundaries. Approved three in favor, one absent. Sandy will publish the ordinance and send it to the appropriate agencies.

Dave Noel, Forsgren Engineering said they were recently informed that IDWR approved the city's transfer of the water diversion points. He said there are no new water rights, but this allows the city to get started drilling a new well. Dave said the new well can be used, however the volume or the flow rate the city currently has cannot be increased without new water rights. He asked if the city would like Forsgren to pursue the design for the new well. Once the design is submitted to DEQ and approved, a well permit can be obtained. Dave said once a permit is issued, drilling has to commence within sixty days. He said the project can be put out to bid and the permit could be the contractor's responsibility. Dave said the Facility Planning Study (FPS) recommends a 2500 g.p.m. well with an 18-inch line be installed. He said there has been some discussion about a test well, however it may be cost prohibitive. Dave said the design could be

complete and ready for bid sometime in the spring. He said DEQ has forty-six days to review the design. The Mayor and Council gave permission to begin the design phase, obtain DEQ approval, and then seek bids.

Kong Khamone was not in attendance to conduct a hearing on his variance appeal.

Mark Cowley, representing the Blackfoot/Bingham County Youth Coalition discussed the group's accomplishments and goals. He said there is a local student that sits on the National Youth Advisory Council. Mr. Cowley presented a video presentation made by some of the students attending summer camp in Island Park this year. He said Shelley has about 32 active students in the group. Mr. Cowley discussed what programs the youth would like to see that was discussed during Youth Camp. He said they are working with ITD to run a one-day Youth Driving Safety workshop. He said they are also working on several grants for other various programs. Mr. Cowley said the three major programs are 1) Prevention and Intervention of Teen Suicide 2) Positive Ticketing for Youthful Drivers 3) Organizing and Running the First Southeastern Idaho Youth Driving Safety Summit. Steve commended the amount of time that Mark and Pat have put into this program. Mr. Cowley said the economy should not change the availability of any of the grant they are seeking. Steve moved, Lorin seconded to approve the appropriation of \$1000 to the Blackfoot/Bingham Youth Coalition for 2008-2009. Approved three in favor, one absent.

David Babbitt the Bingham County Public Works Director introduced Ken Taylor, the foreman over the Shelley shop and Commissioner Cleone Jolley. Mr. Babbitt presented a map that was put together while working with Rick and Chuck regarding the street maintenance that the city and the county will be responsible for due to the recent annexations. Mr. Babbitt discussed the road and bridge fund that is levied by the county of which a portion goes to the city for street maintenance. Brian Anderson, a resident of Kelley Acres said he prefers the county to maintain his subdivision, at least until their annexation is finalized. Steve said he felt the map was a good design and would work well for the city. Steve moved, Lorin seconded to approve the designated roads on the map presented by David Babbitt (copy attached) as submitted and both entities could work together further on this matter. Approved three in favor, one absent.

Rod Shaw, 846 E. 1340 N. asked what size the city wells currently are, and when the city applies for water rights through the state how are they given. Dave said there are two points of criteria; volume and flow rate. He said currently the city has a total of 10.02 c.f.s., however the wells are not ran at full capacity at all times. Mr. Shaw asked if the city could supply water to the proposed Rockwell addition. Dave said yes, this potential subdivision was included in the FPS. Mr. Shaw asked if the proposed new well is being protested. Dave said the city is proposing to drill a new well as a backup well, which will not increase the capacity for a higher flow rate or volume. Mr. Shaw asked how the city can provide water to a new school if there are no new connections available. BJ said it is a delicate situation. He said the school will use a small portion of the water that has been dedicated to proposed developments that have not been

developed yet. BJ said this is a policy decision that was made by the Council. Mr. Shaw asked if the city's water system is in good shape. Dave said at the current use, it is.

Brian Anderson 1226 N. 825 E. said he has been following the council meetings for the past several months. He said the city ordinance states that all ordinances shall be read at three different council meetings before adoption. Mr. Anderson asked why the city does not practice this. Sandy said the Idaho Code allows the reading of an ordinance to be suspended and read by title once only if the council chooses. BJ said the State has streamlined the code as a policy matter. Mr. Anderson said this may be appropriate to allow the public to review an ordinance and think about it, so comments could be made. BJ said the council does have that discretion, to read the ordinance on three separate occasions if they desire. Mr. Anderson feels the city is trying to push through ordinances instead of allowing public disclosure. Mayor Christensen said the city is not trying to push anything through, but trying to be efficient and get things completed. He said usually nobody is in attendance to give comments on these issues. He said this is a way to expedite the process. Mr. Anderson said he doesn't feel residents have the right to discuss or give comment to the council in this matter. He also asked about due process and the notification procedure. Mr. Anderson does not feel the process was followed for the Kelley Acres annexation. BJ said he knows of nothing that has been followed incorrectly. Mr. Anderson said he felt the property owners within three hundred feet were not notified, and not given proper notice. BJ and Sandy said they were not aware of anything that had been done incorrectly. Mr. Anderson said their attorney is working on an appeal, and mailed one to the city today. BJ asked Mr. Anderson exactly what was incorrectly done in his opinion. Mr. Anderson said he is unable to give any more information. He said he feels the council is not giving all of the information regarding the reason for the annexation of Kelley Acres. Mayor Christensen said when meeting with IDWR it is hard to explain why Kelley Acres is contiguous with the city and using city water, but not within city limits. BJ said the answers regarding the reason for annexing Kelley Acres have been given, but the residents just keep asking for reasons over and over. Mr. Anderson said he feels the city has given misleading and conflicting information to the residents of Kelley Acres. BJ said reasons may change over time, but at the hearing the Council gave those reasons for annexation. He said the residents of Kelley Acres are not willing to accept those reasons.

Elwood Christensen said one reason given at the last council meeting was that it should have been done twenty-five years ago. He said the property is not contiguous. Mr. Christensen said he spoke with several property owners around the area and they have no intentions of requesting annexation into the city for development.

Sandy presented several business licenses for 2009. Lorin moved, Charlotte seconded to approve a beer license, carry out only for Main Street Exxon for 2009. Approved three in favor, one absent. Steve moved, Lorin seconded to approve a beer license, consumed on premises for El Vaquero 2 for 2009. Approved three in favor, one absent. Steve moved, Charlotte seconded to approve a wine license, carry out only for Broulims for 2009. Approved three in favor, one absent. Lorin moved, Steve seconded to approve a beer license, carry out only for Broulims for 2009. Approved three in favor, one absent. Steve moved, Lorin seconded to approve a beer

license, carry out only for Jo Jos Food Plaza for 2009. Approved three in favor, one absent. Steve moved, Charlotte seconded to approve a beer license, carry out only for Jo Jos Hardtimes II for 2009. Approved three in favor, one absent. Lorin moved, Steve seconded to approve a Commercial Kennel License for Katherine Butchart for 2009. Approved three in favor, one absent. Steve moved, Charlotte seconded to approve a Second Hand Sales License to Blue Mule Auction for 2009. Approved three in favor, one absent.

The Mayor and Council determined that the General Business License applications will be reviewed at the first council meeting in January.

BJ presented Annexation Ordinance #524 annexing property known as Kelley Acres and zoning the property as Residential Agricultural (RA). Steve moved, Lorin seconded to suspend the reading of Ordinance #524 on three different days and read the title of Ordinance #524 once. Approved three in favor, one absent. Lorin read the title of Ordinance #524 regarding the annexation and zoning of the property known as Kelley Acres into the city limits. Steve moved, Lorin seconded to approve Ordinance #524 annexing the property known as Kelley Acres into the Shelley city limits and zone this property as Residential Agricultural (RA). Approved three in favor, one absent. Sandy will publish the ordinance and send it to the appropriate agencies.

BJ said he revised the outside water user's agreement. He said he added a section for consent for annexation. BJ said this made the agreement more uniform.

BJ said he received another draft agreement for Snake River Valley Irrigation. He said we are trying to work through and resolve some of the Irrigation Districts concerns so the hearing can be rescheduled.

Sandy presented the engagement letter from Searle, Hart, and Associates for the audit for 2007-2008. She said it presented the fee to be based on an hourly rate not to exceed \$8000. The Mayor and Council gave permission to proceed with this years' audit.

Sandy said she received word from AIC that the State Revenue Sharing Funds and the State Highway Funds are expected to decrease approximately 5% from earlier projections for this budget year. She said other cities have been trying to cut some costs that would not reduce services, such as Christmas parties, gifts, etc. The Mayor and Council felt Christmas gifts should be given to the employees and committee volunteers. They suggested the Department Heads meet together and come back with some proposals to reduce expenses in other areas.

Dawn said she met with a Janis Leonard, a representative of Idaho Parks and Recreation regarding the new restroom at Brinkman Park. Ms. Leonard needs to know the schedule for cleaning the restrooms and requested that the handicap signs be installed and then she will schedule another visit. Dawn said we need to start the reimbursement process. She asked if the city will need to re-seal the tennis courts as part of the grant. Steve said he will contact Jill Murphy regarding this matter.

Dawn said the gazebo on the walk path was destroyed. She said an Eagle Scout was working on refurbishing the gazebo for his Eagle Project. Sandy said she received a verbal bid of \$3600 plus costs for a bench if the new gazebo is to have a bench inside. She said she will submit this project to ICRMP as soon as she gets a written bid. The Mayor and Council will decide what should be done as soon as ICRMP determines if the damage will be covered by insurance.

Chuck said the city crew is getting the snow equipment ready for use. He said the Christmas lights are up and Rick will be back Monday.

Charlotte said the Kiwanis are working on the Good Fellow Drive. She said this year the number of food baskets needed could go from 200 to 400.

Charlotte said she and Rick both represent the city in the Kiwanis and hold memberships. She recommended that only one city representative have a membership to the Kiwanis to cut budget expenses. Charlotte felt Rick should have the membership, and she would be willing to help the organization in any way she could. The Mayor agreed.

Steve thanked all of the employees for their efforts and said to keep up the good work. He said we live in a great community.

Lorin said he attended a SICO meeting last week. He said Marie Antonne is over Senior Housing and said the Shelley Senior Center is one of the better facilities in the area. Mrs. Billman does a great job. Lorin said there are other Senior Citizen organizations that are struggling. He said the Mayor of Chubbuck, Steve England said their building permits have decreased drastically. He said they are now extending services and hoping to come up with a regional wastewater treatment plant like we have done.

Lorin said he went on a tour of the wastewater treatment plant, and feels the engineers are doing a fantastic job. He said there are five buildings under construction. Wes said the plant is approximately 25% complete.

Lorin said Gables Assisted Living Center is almost full of residents, and they enjoy walking. He has been asked if more lighting can be installed on the walk path. Alan said some of the existing lights are out and he will notify Rocky Mountain Power. Lorin asked if there are any grants available that may fund more lighting on the path. Steve said he would check into it.

Mayor Christensen said tomorrow in Idaho Falls there will be a public meeting for AREVA at 7:00 p.m. at the Shilo.

Mayor Christensen said there will be a RWWC meeting December 11, 2008, at 10:00 a.m.

Mayor Christensen wished everyone a Merry Christmas and a Happy New Year.

Sandy said there will be an AIC Legislative Luncheon in Boise January 29, 2009. The Council felt the Mayor should attend this function.

Adjourned 9:55 p.m.

ATTEST: Sandy Snydwick APPROVE: Emil Christensen

DECEMBER CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
5-Dec-08	Comdata	477.47	32455
15-Dec-08	A & B Transmission & Service CTR	164.94	32456
15-Dec-08	AAA Giles Cleaning and Restoration	675.00	32457
15-Dec-08	Advanced Business Systems	405.87	32458
15-Dec-08	Alltel	152.45	32459
15-Dec-08	American Linen	538.30	32460
15-Dec-08	Avenet LLC	126.00	32461
15-Dec-08	Blackfoot/Bingham County Youth Coalition	1,000.00	32462
15-Dec-08	BMC West Shelley	156.30	32463
15-Dec-08	Brownells Inc	451.34	32464
15-Dec-08	Eagle Rock Sanitation	3,756.88	32465
15-Dec-08	Eric Tarkalson	85.00	32466
15-Dec-08	Forsgren Associates/P.A.	75.00	32467
15-Dec-08	H-K Contractors Inc	734.79	32468
15-Dec-08	Hammon Teton Delivery	54.00	32469
15-Dec-08	HD Supply Waterworks LTD	199.92	32470
15-Dec-08	IAS - Enivirochem	564.00	32471
15-Dec-08	Idaho Buisness Systems	43.43	32472
15-Dec-08	Idaho Traffic Safety Inc	2,449.00	32473
15-Dec-08	Jim's Trophy Room	50.00	32474
15-Dec-08	Katy Rumsey	50.00	32475
15-Dec-08	Kings No. 21	44.50	32476
15-Dec-08	L & S Metal Products LLC	55.35	32477
15-Dec-08	Lake City International	3,965.32	32478
15-Dec-08	MoonLight Lock and Key	87.00	32479
15-Dec-08	Petty Cash	40.03	32480
15-Dec-08	Pioneer Publications	219.16	32481
15-Dec-08	Qwest	45.22	32482
15-Dec-08	R & S Distributing	39.99	32483
15-Dec-08	Rocky Mountain Power	6,430.57	32484
15-Dec-08	Sams Club	625.97	32485
15-Dec-08	Shelley Kiwanis Club	250.00	32486
15-Dec-08	Shelley/Firth Rural Fire District	5,033.00	32487
15-Dec-08	Smith Driscoll & Associates PLLC	3,127.25	32488
15-Dec-08	Town and Country Gardens	204.38	32489
15-Dec-08	US Post Office	42.00	32490
15-Dec-08	United States Welding Inc	77.00	32491
15-Dec-08	Watson Roto Rooter/Thayne Watson	75.00	32492
16-Dec-08	Forsgren Associates/P.A.	53,962.28	32493
16-Dec-08	Regional Waste Water Trust Fund	86,196.49	92494
16-Dec-08	RSCI	394,232.82	92495
19-Dec-08	Dee Rays Auto Body	970.00	92496
24-Dec-08	Forsgren Associates/P.A.	59,816.95	32497
24-Dec-08	Regional Waste Water Trust Fund	113,131.75	32498
24-Dec-08	RSCI	765,747.30	32499
31-Dec-08	Alltel	148.44	32500
31-Dec-08	Auto Body Paint and Supply	39.72	32501
31-Dec-08	Blackfoot Police Dept	300.00	32502
31-Dec-08	Business Phone Specialists Inc	66.50	32503
31-Dec-08	Cable One	164.95	32504
31-Dec-08	Cate-Idaho Equipment co	40.93	32505
31-Dec-08	Cedar Hills Gun Club	200.00	32506
31-Dec-08	Daniel Acevedo	1,650.00	32507
31-Dec-08	DBS Inc	4,620.46	32508
31-Dec-08	Eagle Rock Hydraulic Service	35.47	32509
31-Dec-08	Electrical Wholesale Supply Co Inc	23.92	32510
31-Dec-08	Exxonmobil Fleet/GECC	88.31	32511
31-Dec-08	First Responders	135.00	32512
31-Dec-08	Forsgren Associates/P.A.	122,254.44	32513
31-Dec-08	Galls Inc	122.89	32514
31-Dec-08	Grovers All Whells	12,028.42	32515
31-Dec-08	IAS - Enivirochem	529.00	32516
31-Dec-08	Idaho Association of Building Officials	160.00	32517
31-Dec-08	Idaho Traffic Safety Inc	150.00	32518
31-Dec-08	Intermountain Gas Co	778.23	32519
31-Dec-08	Kirkham Auto Parts Service Co. 38	386.33	32520
31-Dec-08	Lexisnexis Matthew Bender	71.40	32521

31-Dec-08	Mountain View Sales	8.98	32522
31-Dec-08	PAETEC	491.22	32523
31-Dec-08	Phillips 66 Co	867.59	35524
31-Dec-08	Post Academy	40.00	32525
31-Dec-08	Pro Wrench	64.00	32526
31-Dec-08	Qwest	87.78	32527
31-Dec-08	Snake River Supply Inc	27.72	32528
31-Dec-08	Staples Credit Plan	59.99	32529
31-Dec-08	Stephenson Computer Consulting	18.75	32530
31-Dec-08	US Post Office	337.50	32531
12-Dec-08	City of Shelley Payroll	48,689.93	
24-Dec-08	City of Shelley Payroll	55,177.43	
	Total	1,756,494.32	