

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 14, 2008

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

PLEDGE OF ALLEGIANCE: Rick Anderson

PRAYER: BJ Driscoll

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

Minutes of September 23, 2008 Council Meeting
September 2008 Expenditures
September 2008 Overall Budget & Treasurer's Rpt.
Building Permits:

Curt Carpenter	- sign
Don Martin	- fence
George Siems	- re-roof
Joanne Hibbert	- re-roof
Ken Karr	- re-roof
Randy Lundquist	- re-roof
Donna Tanner	- carport

A roll call vote was called for: Steve – aye, John – aye, Lorin – aye, Charlotte - aye. Approved unanimously.

Mayor Christensen asked if there was anyone in attendance that would like to be recognized on the agenda as citizens of the floor.

Elwood (Woody) Christensen said the residents of Kelley Acres are unanimously not in favor of the annexation of their subdivision.

Mayor Christensen recognized State Legislator Jim Marriott as being in attendance at tonight's meeting.

Jacqueline Wittwer, 423 South Park discussed the South East Idaho Pumpkin Walk that will be held October 27th through the 31st as the North Bingham County Park from 9:00 a.m. until 9:00 p.m. She said she would like to personally invite the Mayor and Council to the pumpkin walk where they are trying to re-create something similar to the Logan pumpkin walk. Ms. Wittwer said this is a non-scary Halloween event and the theme is "Only in America". She said there will be different displays using pumpkins, and everyone is asked not to do a scary display. Ms. Wittwer said they are having this event at the North Bingham County Park because there are locking gates there. However, they are directing traffic through the City of Shelley instead of the

interstate so people can see that Shelley is a thriving community. Ms. Wittwer said this event is for all ages and is free to the public; however they are asking for monetary donations or food donations for the food bank. Any funds raised will go to the Shelley Swim team.

Roger Steele, Kelley Acres said the residents are still adamantly against annexation. He asked about the meeting before the P&Z Board tomorrow night. Mayor Christensen said the P&Z meeting is to consider rezoning the property to Residential Agricultural if the property is annexed. Mr. Steele said he can see no advantage to being in the city because they will not receive all of the city amenities.

Woody Christensen said the residents of Kelley Acres received a letter stating that they would be able to keep animals if they owned one acre or more since the proposed zone change is RA (residential agricultural) which allows animals on one or more acres. He asked if they are annexed if the people who own less than one acre will be able to keep animals indefinitely. BJ said he spoke with Tom Budge who is the attorney representing the property owners in Kelley Acres. He said they discussed the grandfather clause and determined there would be no rights taken from the property owners on less than one acre if they are annexed under the grandfather clause. However, the grandfather clause would be lost if the property use was abandoned for over one year or ownership of the property changed. BJ said writing an indefinite special use permit into the annexation ordinance to allow the grandfather clause to exist permanently probably could not be done.

Steve Cruz, Hallmark Estates resident said he attended the prior council meeting and was quoted by the Shelley Pioneer as stating he was not opposed to the annexation of Hallmark Estates. He said he has now researched that matter further and determined he is opposed to the annexation of his property. He said property taxes will increase substantially if annexed into the city. Mr. Cruz said currently there are no city services that are used by the residents of Hallmark Estates, and he does not believe there is a need to. He said there is a lot to lose, and not much to gain. BJ said typically when a city annexes residential property it does not result in a net gain of income for the city.

Marianne Dyet asked about the levy rates for the city, she asked if the rates have been set. Sandy said the rates were set for the past year, however for the new budget year the levy rates requested by the city have to be approved by the State Tax Commission which will not happen until January 2009. Sandy said currently it is estimated that a county resident pays \$10.58 per thousand of property valuation after the homeowner's exemption, while city residents pay \$17.15 per thousand.

Steve Cruz asked Jim Marriott what could be done about forced annexation. Mr. Marriott said property owners would have to contact their legislators, and have a change of law proposed. He said single neighborhoods do not have enough impact and would take a larger group.

Woody Christensen said he furnishes jobs for five people. He said he does not qualify for exemptions on the equipment in his commercial business.

Roger Steele suggested that the city charge summer and winter water rates for city residents. He said this would increase the revenue for water.

Pam Johnson asked if they are annexed if they will be required to install sidewalk, curb, and gutter. She said if they are required to bear the costs, this would be an enormous cost to some. BJ said he doesn't believe there is any immediate interest from the city in ordering sidewalk, curb, and gutter to be installed. One of the residents from Kelley Acres asked if something could be added to the annexation stating the property owners will not be required to install sidewalk, curb, and gutter. Mayor Christensen said this council cannot obligate future councils with a decision like that.

Pam Johnson asked if city sewer service will be offered. Mayor Christensen said the residents will not be required to access the system upon annexation, but possibly if current sewer systems fail, it could be mandated. Typically new utility service lines are constructed with funding by an LID (local improvement district) which the residents pay for on an annual basis. Rick said he has lived in the city all of his life and the residents are required to pay for their own sidewalks, water, sewer, etc. He said residents in the city pay their own way, which is only fair since the city does not run off of profit.

One Kelley Acres resident asked if their water will still be metered if they are annexed. The Council stated no, they will be on a flat rate as other city residents are. BJ said there might have been some confusion, because in the past the council discussed requiring meters for new construction based on the engineer's recommendation. However, no ordinance mandating meters has been passed. Jacqueline Wittwer said she moved to Shelley from Colorado. She said there her water bill was \$350 per month and she allowed her lawn to die. Ms. Wittwer said the property she now owns here has no access to an irrigation ditch, and if she was ever annexed into the city, she has no way of watering except with city water.

Woody Christensen said he spoke with an attorney and if several of their septic systems failed, the city would be obligated to bring sewer to them at the rate that the city residents are charged.

Roger Steele said if they are no longer metered they will be inclined to use more water, therefore the water situation will not be any better. BJ asked if city residents have a maximum amount of property that can be watered with city water. Sandy said there is no ordinance restricting water usage for irrigation, other than you cannot water with an open hose, and water usage cannot be abused. Roger Steele asked if meters restricted water pressure. Rick said yes, any elbows or T's will restrict the volume of the water. He said there is not less pressure, but less volume due to the size of the pipe.

Rod Hatton said if water is the entire motivation for the annexation of Kelley Acres, if they put in a small community well would this deter the annexation. BJ said the sole source of reasons for annexation is not just water, there are multiple items being considered. He said IDWR possibly may not issue a permit to drill a community well.

Peg Steele said if water is not the only reason, what are the other reasons for annexation. Mayor Christensen said water is the major contributing factor. One resident reminded the council that if they are not on meters they will use more water. Lorin said the Kelley Acres Subdivision should have been annexed twenty five years ago. Steve said our community should be as one; everyone uses the same school, same parks, etc. Steve asked why they would not want to be part of the city. Pam Hatton said they do not use any of the city services. Steve said the city does not like mandating annexations either, but if the city does not grow, it will die. BJ said he does not want to offend anyone, but due to the proximity to the city, anyone would be a little naive to believe they will never be annexed. He said he would probably not like being annexed either, but feels the city needs to grow. John said we are a small community that receives back from the businesses. He said everyone needs to think together about the plans for the community during phases of growth. Johns said eventually houses will run from Blackfoot to Rexburg. He said this annexation is happening due to allow responsible and managed growth.

One resident of Kelley Acres asked what the plans of the city are regarding water. BJ said the annexation of their subdivision would not solve the water problems. He said we are however trying to show IDWR the city is responsible by requiring use of surface water for irrigations and other mitigation plans. He said the proposed annexation is just part of the collective effort.

Woody Christensen said he does not use the city parks, etc. He said he does shop at the businesses in the city, but that can be remedied. He said he could go to Idaho Falls to do his shopping.

Cheyenne Smith, a resident of Hallmark Estates said his mother lives in Kelley Acres. He asked if there are other areas that the city intends to annex, and if so can they grow more than they can accommodate. John said the city is in the process of updating the Comprehensive Plan to determine where we are going to be in twenty years. Mayor Christensen said he envisions home being constructed up to Canyon Road, and that property cannot be annexed unless it is contiguous with the city.

Jacqueline Wittwer said her family has lived all over the world. She said she chose to move back to Shelley because it is such a unique community. Ms. Wittwer said she is impressed how the residents of Kelley Acres has come together to approach the city council.

Jim Marriott congratulated everyone for being able to sit and talk in a civil matter regarding this annexation issue. He said it's nice to have people support the community.

Sandy said George Siems has asked for a transcription of the minutes from the June 18, 2008 Planning and Zoning minutes. She said Mr. Siems had applied for a permanent special use permit to operate his manufacturing business in a Central Business zone, and was denied. Sandy said this has been done one other time, and took a tremendous amount of time to complete at \$2 per page to the requestor. She said Mr. Siems would like a record of the meeting. The Mayor and Council felt Sandy should provide a copy of the tape recording of the meeting to Mr. Siems, and he can have the transcribing outsourced.

Sandy said Jane Call is applying for a special use permit to operate an auto sales/service business next to the former K&K Blacksmith shop on South Emerson. She has asked for the city to sign her petition that will be presented to the P&Z Board during the hearing. Sandy said she intends to place the vehicles between the asphalt and the existing chain link fence and would have from five to twelve vehicles on site. She said Ms. Call will have a chain or barrier around the vehicles. Sandy said she was concerned about the use of the city parking lot when customers are looking at the vehicles. Alan said there may not be enough room, and may cause a problem for vehicles needing a VIN inspection from the city's DMV office if customers use the city parking lot. The Council decided to table this matter, until Ms. Call could be invited in to give more information.

Rick said Sandy telephone polled the Council regarding the purchase of a new truck to replace the former flat bed truck. He said the new 2007 International Truck has approximately 88,000 miles. Steve moved, Charlotte seconded to ratify the purchase of the 2007 International Truck in the amount of \$27,233. Approved unanimously.

BJ said he is still working on the windmill ordinance and it will be presented at the next council meeting.

At the previous council meeting Ron Griffin was tentatively hired for the Public Works Department. This decision should be ratified tonight. Steve moved, Lorin seconded to hire Ron Griffin at the public works entry level with a probationary period of six months effective October 1, 2008. Approved unanimously.

BJ stated he received an "Order of Partial Decree" for the well at the sewer lagoon.

BJ said he filed a notice to appear at the water hearing which is tentatively set for October 28th and 29th at IDWR. He said he received the plans and a motion for summary judgment from Rob Harris.

BJ asked for an executive session to discuss pending litigation.

Rick said the city crew has been working on the railroad crossing at Locust Street. He said the Union Pacific is removing some of the ties, and a few sets of tracks. Rick said the crossing will ride a lot nicer once the work is complete.

Kiwanis

Charlotte said she attended a ~~School Board~~ meeting, and they are looking forward to getting the new school under construction. She said school enrollment did not decrease after Spud Harvest was over.

Charlotte said the Tree Committee wants to work on Anderson Park, and a gazebo has been constructed at Kiwanis Park.

John clarified that "Fall Clean Up" will be October 20th through the 24th this year. He also thanked everyone who attended tonight's meeting, and appreciated everyone's civil manner.

Steve said the new restroom at Brinkman Park should be here in approximately ten days. He said this will be a nice addition to this park. Steve said the city crew will dig the hole, and the company will set the vault. He said this is being funded in part by a grant which took two years to obtain.

Lorin said he attended a SICOG meeting. He said the City of Lava installed meters just this year. He said the cost was 3.7 million dollars and the payback is estimated at 45 years. Lorin said the City of Franklin is experiencing growth problems. He said Utah is moving into the city. Lorin felt cities should protect themselves when experiencing growth.

Mayor Christensen said there will be a Regional Wastewater meeting on October 30, 2008, at 10:00 a.m.

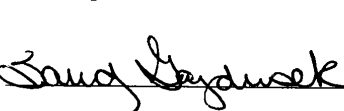
Lorin moved, Steve seconded to adjourn into executive session pursuant to Idaho Code 67-2345(f) to discuss pending litigation. Approved unanimously.

Lorin moved, Charlotte seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen said during executive session pending litigation was discussed.

Adjourned: 10:00 p.m.

ATTEST:



APPROVE:

