

CITY OF WHEELER
COUNCIL MEETING
MINUTES

OCTOBER 23, 2012

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

PLEDGE OF ALLEGIANCE: Chuck Lloyd

PRAYER: BJ Driscoll

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

Minutes of October 09, 2012 Council Meeting
Approval of September Overall Budget & Treasurer's Rpt.
Approval of September Expenditures
Building Permits:
Bret Waters - sign

A roll call vote was called for: Stacy – aye, Kurt – aye, Jeff – aye, and Earl – aye. Approved unanimously.

Andrea Jo Jolley, the Vice President of the Mayor's Youth Committee said some of the service projects the group completed included cleaning up an elderly woman's yard, cleaned up apples in yard and took them to the food bank, and on Thursday's they have a lunch buddy program at Hobbs Middle School. She said they are also looking for other service projects to do.

Mayor Christensen said there is public hearing to consider rezoning a parcel of property from Single Family Dwelling to Two Family Dwelling. Rodney Shurtliff submitted an application for the property at 389 E. Center that he just purchased. The home has an apartment in the basement that has not been utilized as such for years. Mr. Shurtliff said there are rental properties across the street from his property, and feels a Two Family Dwelling is compatible with the area. Mayor Christensen turned the time over to BJ for public testimony. BJ asked if there was anyone in opposition, in favor, or neutral for the proposal being considered. There was no public testimony given. The Planning and Zoning Commission held a public hearing to consider this matter, and recommend approval of the rezone to the Council. Mr. Shurtliff said they talked to the property owners within three hundred feet of their property and everyone signed a petition of approval with the exception of one property owner that was unavailable. BJ closed the public hearing and turned the time over to the Council for deliberations. The Council discussed the application submitted by Mr. Shurtliff, and felt a Two Family Dwelling is compatible to the area. Jeff moved, Earl seconded to approve a rezone from Single Family Dwelling to Two Family Dwelling at 389 E. Center Street since it is compatible with the area. Approved unanimously. BJ will prepare the ordinance for the next meeting.

Paul Young, 461 Hummingbird said his home was damaged from the water hammer that occurred in his subdivision. He said everyone they have dealt with have been great to work with

including contractors, insurance adjustors and city personnel. Mr. Young said they were aware of the depreciation that would be considered regarding their carpet, and they tried to pick a less expensive carpet to absorb that extra expense. He said they took steps to try and not have any out of pocket expense and to keep the overall expense down, however they still owed \$362. Mr. Young said they reused some of the wall paneling, choose less expensive carpet, did not replace a portion of the carpet, and they would have been frugal on the purchase of their water softener, but were not given an option. He said Mathews plumbing chose a water softener that was closet to their old one. Stacy said the damage to their property was the city's fault, and they tried to keep the cost down, so he was okay with reimbursing the Young's for their out of pocket expense. Jeff apologized that the damage even occurred. He said he agrees they tried to keep the cost down, and felt it would be okay to compensate the Youngs. Kurt said he agreed, and the city should make this right. Earl said he agreed, that we should make it right. Earl asked if anything had ever happened like this before. Sandy said she was not aware of any problem that occurred in the past. BJ was asked if this decision would set precedent, and he said yes, but every circumstance is different. Each case is evaluated to consider any objective basis for distinguishing. Jeff felt the city would not be going above and beyond in this case. Earl moved, Kurt seconded to approve the expense of \$362 to be paid the Paul and Kimberly Young for their out of pocket expense caused by a water hammer when a fire hydrant was being repaired by city personnel. Approved unanimously.

Mayor Christensen issued a proclamation proclaiming November 11 through November 17, 2012 as Family Reading Week.

Sandy said the library has requested a letter of support from the city regarding the bond election to purchase the former BMC West building and renovate it as a library. Kaylynn Jensen, a representative for the library said the bond is for 2.5 million; \$500,000 to remodel the building as a library, and \$2,000,000 to purchase the building. Mrs. Jensen said they will first work on the front of the store, then there are grants available to help remodel the rest of the building at a later date. She said they may sell off the back half of the property. Stacy asked if the library could afford to maintain a larger building. Mrs. Jensen said yes, and they will also have two offices that could be rented out in the building to help with additional expenses. Stacy said he is not totally sold on this location, and there are no solid plans for the back of the building. Mrs. Jensen said the Realtor said he has an interested buyer for the tress plant. Earl asked if there are people at the library who would have the time to manage rentals, etc. Mrs. Jensen said she doesn't have all of the answers to the questions being asked tonight. She said perhaps one of the Board members could discuss this with the council. Mrs. Jensen said for a home valued at \$100,000 with the \$50,000 home owners exemption, it would cost an additional \$16.98 per year in property taxes if this bond passes. This is a twenty year bond. Jeff said he is concerned about the fit for the library. He said the building is bigger than what is needed, and they will be using bonded money to sell off the unneeded portion. Earl said the city would like to see a new library, but also want to watch out for the taxpayers. He felt they would need more definite information before he could sign a letter of support. Stacy asked what the money generated by a sale of the back of the property would be used for. He asked if the bond would be paid off early,

or if it would be used for something else. Stacy said he feels he cannot sign a letter of support based on the information right now. However, the council supports the need for a new library. Mrs. Jensen said BMC would not sell just the front portion of the property and the parking lot. She said with a larger building they could grow, and there are grant funds available for remodeling. Jeff asked how large of a building could be built with 2.2 million dollars. Mrs. Jensen was not sure. She said there will be a community meeting on November 1, 2012 at 7:00 p.m. at the library. She said they will be discussing the plans, and have other information. The Council determined they would not be able to sign a letter of support at this time based on the information received.

Mike Carter, the Shelley/Firth Rural Fire Chief said the Fire District will be trying to bond for a new building again at the upcoming election. He said they are trying to educate the patrons of why a new fire station is needed. Mr. Carter said they are trying to bond for 1.7 million dollars which would cost approximately \$7 more per year in property taxes. He said they are still looking at the same plans and same location as they presented at the last election where the bond was defeated by eight votes. Mr. Carter said there will be an open house on November 1, 2012 from 6:00 to 8:00 p.m. at the Fire Station. He asked for the Council's support for this bond.

Sandy presented a subdivision plat she received from Bingham County regarding a 3 lot subdivision over 5 acres per lot owned by Merrill and Wanda Blake. This subdivision is in the Jameston area. The Mayor and Council have no concerns regarding this plat.

Chuck said he has more stop signs that are no longer needed, and requested them to be declared surplus property so they could be sold. He said the first six were declared surplus property and sold at auction already. Chuck said he has sixty five to seventy stop signs that are not high intensity signs as now required. Earl moved, Kurt seconded to declare seventy stop signs as surplus property to be sold at auction. Approved unanimously.

Sandy said representatives from US Bank Investments discussed the city's investment policy with her. She said the last amendment regarding the percentage of the portfolio that can be used for corporate bonds conflicts with a table located in the policy. Sandy said the table diagrams what is listed in each section of the policy, and is really not needed based on the information our broker stated. Sandy said they also recommended changing the maximum maturity from five years to seven or eight years in case an investment with a great return comes along with a longer maturity than five years. Stacy and Jeff felt concerned about extending the maximum maturity date, but would like the opportunity to invest in a good bond if something comes up, but not necessarily everything. The council agreed that the table should be removed from the policy, and that a bond with a longer maturity date than five years could be purchased with the approval of a council member prior to purchasing. Sandy will get the policy amended and bring back a final copy for the council to consider adopting.

Jeff moved, Earl seconded to approve a business license for 2012 for Lease To Own Auto at 458 N. State Street. Approved unanimously.

BJ presented a draft of a supplemental lease agreement between the City and USDA outlining the lease amount, damage deposit and further expectations of USDA if they decide to continue leasing space at the city's transfer station. He said this agreement will be ready when USDA decides to move forward.

BJ said he is updating a form that is giving consent for annexation for those who use city services but are not annexable at the present. He said the Records Office raised some questions regarding the water user agreement, and so we should change the form to make the recording process easier. BJ said the form needs to include a legal description of the property giving consent for annexation, and a notarized signature.

BJ said he has put together a draft agreement for the unoccupied rentals that are no longer being used as rentals. He said he will finish the agreement and then present it to the council.

BJ said he would like permission from the council to send another attorney from his firm in his place due to an occasional conflict on Tuesdays. The Council agreed that another attorney would be fine.

Sandy said the Text Wire service is up and running on our city website. She said anyone wishing to be notified of city alerts by text may sign up at the city's web site or come into the city office.

Sandy said there is a situation that has not come up before regarding connections and connection fees. She said there is a property owner who needs to move his connection to another location so he can build on an addition to his home. Sandy said she needs a policy on whether or not the property owner should be charged a connection fee again, or just for the installation of the line. She said currently the connection fee is \$1300 and the installation is a minimum of \$800. Sandy said the connection fee is for the tap and privilege of accessing the city water system. She said the funds received from the connection fee are held for future infrastructure improvements.

Chuck said he felt the connection fee was paid at the time of the first connection, and the owner should not be charged again, but should be charged for the installation. The council agreed, and determined that a property owner who has paid for a connection fee once to their premises shall not be charged a second connection fee to the same premises if the connection is moved to another location on the same premises, however an installation fee would be charged again. A second connection fee would be charged if the property owner requested an additional connection that would be utilized as a secondary connection meaning having two connections and using both of them.

Chuck said Fall Clean Up is almost complete. He said the debris was able to be burnt again out at the lagoon property.

Rod said he has had several citizens discuss a speed limit issue with him on South Milton. He said going north on South Milton from Baseline Road there is a 35 mph speed limit sign, and going south on South Milton from West Fir Street there is a 25 mph speed limit sign. He said this is a little confusing, and would recommend posting the entire street from West Fir to Baseline as 25 mph. Earl moved, Jeff seconded to change the speed limit sign on South Milton from Baseline Road to West Fir Street to 25 mph. Approved unanimously.

Jeff discussed the city's current obscenity ordinance. He said there has been an issue that has come up in the city. BJ discussed the vagueness of our ordinance and what is constitutional.

Jeff said there was a North Bingham County Economic Development meeting last Thursday. He said Senator Simpson was in attendance, and gave a State of Our Union Address. Jeff said there are companies looking to locate to our city and the surrounding area. He said the North Bingham County Economic Development Council has been instrumental in finding commercial growth, and he feels we need to keep supporting this organization.

Stacy said he appreciated all of Dawn's efforts during the Football season and all she does for the community.

Kurt said Nick Kelley needs a mentor for his Senior Project which he has chose to inventory the trees in the city. He said he will be helping Nick with this project. Kurt thanked the city crew for the great job during Fall Clean Up. He also thanked the Fire Department for the great job they did with the fire at Hidden Treasures.

Earl thanked Mrs. Jensen for coming to the council meeting to represent the library regarding the bond election for the purchase of a new building. He also thanked Mike and said that the volunteer firemen were very well trained and hopes the bond for their new building passes.

Earl thanked Dawn, Chuck and Chief Mohler for the great job they do.

Mayor Christensen said traditionally the city cancels the second meeting in December due to the holidays. He said this year the second meeting falls on December 25th. Earl moved, Kurt seconded to cancel the regularly scheduled council meeting on December 25, 2012. Approved unanimously. Meetings will resume January 8, 2013.

Adjourned: 9:24 p.m.

ATTEST: Sandy Goddard APPROVE

Eric R. Christensen