

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 26, 2004

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

PLEDGE OF ALLEGIANCE: Rick Anderson

PRAYER: Lorin Croft

Mayor Christensen appointed B.J. Driscoll as the attorney for the City of Shelley, who is replacing Scott Hansen. Chad moved, Steve seconded to approve the appointment of B.J. Driscoll as the city attorney for 2004. Approved unanimously.

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

Approval of the minutes of October 12, 2004 Council meeting

Approval of September 2004 Expenditures

Approval of September 2004 Overall Budget & Treasurer's Rpt.

Approval of the following building permits:

Moises Quintero	- move on home
Qwest	- re-roof
Misty Walker	- new home

Approved unanimously.

Troy Pettingill addressed the Council to request permission to access the city water system. He said he is placing a manufacturing home on a parcel of property on the Butte. Sandy said he would be responsible to pay \$1800 for a tap fee, all necessary costs to get the water line to his property, install a water meter with a minimum of a one-inch line, and to sign a water service agreement. Mr. Pettingill asked what the cost would be to install a two and a quarter inch line so he would have more pressure. Sandy said it would cost an extra \$100 per quarter inch over one inch. Rick said there should be adequate pressure for a one-inch line for Mr. Pettingill. Chad moved, John seconded to give permission to Mr. Pettingill to access the city water system conditional upon him paying all associated costs, the appropriate tap fee, signing a water service agreement, and installing a water meter. Approved unanimously.

Debbie Evans discussed the property owned by Mr. Lefevre that the city has a lien on for demolition of a building that was on the property. Ms. Evans was at a previous council meeting asking what the city's intentions were for this property because she would like to construct a building there. The Council said they would negotiate the lien for the property with her if she owned the property. She said Mr. Lefevre does not want to sell the property to her. The Mayor and Council felt the city should begin foreclosure on the lien on this property to recoup the

amount of \$19,850 that was expended to demolish the building on the premises. John moved, Chad seconded to foreclose on the lien that was placed on the Lefevre property on State Street to recoup the amount of \$19,850 that was expended by the city to demolish the building due to safety concerns. Approved unanimously.

Ms. Evans discussed Maxine Hank's ideas to rebuild the old Mallory building, and renovate the downtown area. She said Ms. Hanks would like to have the entire downtown block listed on the Historical Registry, however she has reviewed some of those codes and felt they may discourage potential development. Ms. Evans said she just purchased a building on State Street that she intends on opening a gift and floral shop in about ten days. She said she is concerned that if the entire block is made a Historic District that the codes may be very restrictive. However, Ms. Evans said she would like to work with the city to revitalize and beautify the downtown area. She said there may be an economic development grant available to help this project along. Sandy presented the documents Maxine Hanks emailed her to be given to the council for review. She said Ms. Hanks will schedule some time on a future agenda to discuss this matter with the council. In the documents Ms. Hanks suggested a Heritage Committee be organized. Mayor Christensen said Kathy Curnutt has expressed a desire to be on this committee. Ms. Evans said she will continue to work on an idea to revitalize the downtown area, and then address the council again.

Sandy said the Planning and Zoning Commission held a public hearing to consider the recommendation for approval for a preliminary plat for the Wind River Estates Subdivision being developed by Marvin Keele. She said the P&Z Commission gave a recommendation of approval for the plat, and the only condition is that the existing irrigation ditch be left in tact and in the same working order as it is at the present. Mr. Keele said he checked into transferring the water rights of the subdivision property to the city, however the irrigation district told him that the rights stay with the property. B.J. said he will investigate this matter further, and report back to the council. John said there were a few residents on Hansen Avenue that expressed concern about the increase of traffic on Hansen Avenue if a new subdivision is developed. He said Kim Leavitt of Harper, Leavitt Engineering said growth always produces more traffic, however this will not overload Hansen Avenue according to State standards. Sandy said she received some comments from the city engineer, fire department, and Bingham County. She said Mr. Keele is aware of these comments and recommendations, and has his engineer working to resolve all of these issues. Copies of the comments are filed with the main development project. Sandy said Mr. Keele has also requested a variance in his proposal regarding the width of the right-of-way accessed by means of Hansen Avenue into the new development. Our right-of-way requirement is sixty-six feet, however Mr. Keele is only able to obtain sixty feet. Mr. Keele said he has obtained an additional six-foot easement granted by Shannon Albright, which will make the needed sixty-six feet, for approximately 274 feet entering the development. Sandy said the only problem that could be encountered by having a sixty-foot right-of-way and a six-foot easement is that on the side with the six-foot easement the city's setbacks would not be applicable for the easement. The Mayor and Council did not feel this would present a problem. Mr. Keele said the city code prohibits any building on any of the lots until the street, curb, water, sewer, and storm

sewer improvements have been completed for the phase in progress. He said due to the season, it makes it very hard to lay asphalt and finish the street improvements. Mr. Keele asked that the city allow him to sell the property and commence building on it before the improvements were finished. He said any property owner would be informed that their home may not be occupied until the improvements have been completed, and a certificate of occupancy is issued. Sandy said Scott said the only problems that might arise are if the developer cannot finish the project due to lack of funds, or there is a delay in construction of the improvements. Chad suggested Mr. Keele provide written notification to any property owners informing them that no occupancy certificate will be given by the city until all improvements for the phase in progress have been completed, and in no way will the city be held liable for any damages that may occur. B.J. asked for a copy of the notification that will be given to each property owner. Mr. Keele discussed the storm water retention pond. He asked if he could delay constructing the sprinkler system and planting the grass under the third phase of the development has been completed. The Mayor and Council determined that since there was no guarantee when the third phase would be completed, that the city could grant a delay in the installation of the sprinkler system and grass until the second phase of the development is completed or eighteen months after the final plat for the first phase has been approved, whichever may occur first. Chad moved, John seconded to ratify the recommendation of the Planning and Zoning Commission by approving the preliminary plat for the Wind River Estates Subdivision. Approved unanimously. The agreements discussed tonight regarding the irrigation ditch, the construction prior to completion of the improvements, and the installation of the sprinkler system and grass at the retention pond will be addressed in the Developmental Agreement. Mr. Keele said his engineer intends to submit the final plat by November 2, 2004, so it can be placed on the agenda for final approval at the meeting on November 23, 2004.

Kevin Hansen was in attendance because he is interested in the revitalization of the downtown area. He said he has been working with the Chamber of Commerce. Mr. Hansen feels the Chamber, City, developers, and residents of the city need to work together to renovate the city.

Neil discussed the proposal regarding an amphitheater that he submitted at the last council meeting for review. He wondered if it would create a problem pursuing this proposal since there is a committee working on an auditorium district. Neil said he attended an Auditorium District meeting and the members are really going all out trying to establish a District. John felt the construction of an amphitheater is totally different than establishing an auditorium district. Lorin was concerned that both projects would be competing for the same funds. Neil said he would continue working on both projects and report what funding may be available. Neil said the Kiwanis is interested in help with the amphitheater project. Neil said he would need a design, cost, etc., for an amphitheater before he could apply for any grants. Rick said he would be able to supply this information.

Neil said the State Volleyball Tournament is being held in the Shelley School District. He said this could be beneficial to our local businesses if their operating hours can accommodate the visitors to our city, such as the restaurants remaining open to serve patrons after the tournament.

Rick said the city would not be able to approve the sewer lift vault in the West River Acres Subdivision until Qwest hooked up the phone line. He said the city will be mounting a phone box and Qwest will finish hooking up the line tomorrow. Rick said Kim Grover contacted the Mayor today regarding a water pressure and flow test that the Fire Department requested for the Subdivision. He said the test will cost approximately \$1000 and Mr. Grover has asked if the city will participate in this cost. Rick said this test has absolutely no benefit to the city, it is entirely for the fire fighting adequacy for the subdivision, and benefits the developer and the property owners only. The Mayor and Council did not feel the city should participate in this cost because of all the other expenses that have been incurred with this Subdivision Development.

John said he has some names of people that might be willing to serve on the Urban Renewal Agency Board. He suggested Debbie Evan, Neil Andreason, Shannon Albright, Gavin Matthews, Brad Miller, Steve Johnson and Bruce Crockett be considered to fill the five member board. John said he will get five commitments from these people by the next council meeting.

Chad said he has not looked at the property 296 N. Byron regarding the animals that are being kept there. Rick said the property has really been cleaned up. Chad asked how the city monitors property that may have an existing grandfather clause. Sandy said basically it is up to the citizens if they see a violation occurring. She said it is almost impossible for the city to keep track of any abandoned grandfather clause. Chad suggested that since the property has been cleaned up, to monitor it again in the next six to eight months.

Lorin asked if the city has any codes regarding the appearance of homes in the city, for example are homes required to be sided. Sandy said there are no regulations regarding the siding, painting, etc. of a home or building.

B.J. said he is excited to be present tonight, and have the opportunity to work with the city staff and residents of the city.

Sandy presented documents sent by Maxine Hanks regarding the revitalization of the downtown area. She said Maxine will be attending a future council meeting to discuss her research on this matter.

Sandy reminded the Mayor and Council about the Sewer Bond Information meeting scheduled for October 28, 2004, at 7:00 p.m. She presented flyers that are being distributed by Ron and DeEtta Christensen supporting the sewer bond issue.

Dawn said there are some national guardsmen coming home Saturday before being deployed to Iraq. She said she will have a welcome home sign placed on the marquee for this occasion.

Dawn said Jazz basketball sign ups are going on right now, and it appears she will have a great turn out. She said the games will begin in January.

Rick said Fall Clean Up is over. He said his crew finished picking up all the debris today.

Rick said the sidewalk project on South Park Avenue is completed, and looks great. He said this project made a great improvement to the properties in the area.

John said at the last Planning and Zoning meeting a developer approached the Commission about rezoning a portion of property where a Family Dollar store will be constructed. He said the site is located next to Broulims, and will be accessed from West Fir. John felt the residents on Holly Street may be concerned about the additional traffic this store will create, and the lighting from a business district. The Planning and Zoning Commission scheduled a public hearing to consider rezoning the property for their November 17th meeting. John said this new business will be hiring approximately eight to ten employees.

Johns said the Centennial Committee would like to plan an event for the Friday after Thanksgiving. He said the Senior Citizens Center has been reserved to serve hot chocolate, chili or another beverage and treat after the holiday lights are lit up for the holiday season.

John said there was an accident at the intersection of Highway 91 and Country Club Road. He asked if anything could have been done to eliminate any potential accidents at this corner. Chad said it is really hard to see the stop sign. Rick said he would talk to Richard Munson who is a Bingham County Road and Bridge worker. Steve said the way he understood it, the young men driving the car that was in the accident were blowing stop signs on purpose that night.

Steve said he will be attending a grant workshop on Friday, and will get information on funding for the Brinkman Park restroom facility.

Steve said he has passed out approximately eighty flyers promoting the sewer bond, and he has not had any negative responses.

Lorin said he was visiting with Rich Eaton, and he still plans on developing the property west of the city by the sewer lagoon. Mr. Eaton is planning a residential subdivision.

Lorin said he contacted Bingham County regarding the old dead trees between the walk path and the river. He said Errol Covington and Jack Jones gave permission to cut down and remove any dead trees. Lorin said Bingham County will assist the city in removing the trees, and he also talked to Fidel Madrigal who will help remove the trees for the wood. B.J. advised the city to get the permission in writing from the owner of the property where the trees are located.

Lorin said he will be attending a SICO meeting Thursday, and he will not be able to attend the sewer bond informational meeting.

Chad said he will be out of town on business on Thursday, and will not be able to attend the sewer bond informational meeting.

Mayor Christensen said Lorin and he attended a Senior Citizens Center meeting to inform those in attendance about the sewer bond election. He said they discussed the reasons the city needs to construct a wastewater treatment facility and answered many questions. Mayor Christensen said the majority of the patrons recognized the need for what the city is trying to accomplish.

Sandy said the votes must be canvassed within six days from the election on November 2, 2004. She asked when the Mayor and Council would like to schedule a meeting for this purpose. The Mayor and Council determined a special meeting would be held November 3, 2004, at 7:00 p.m. to canvass the votes of the Sewer Bond Election. The Mayor and Council asked Sandy to remind them the day before this meeting.

Lorin suggested that the city try and make the goal to lower the property tax levy over the next few years. Sandy said last year the tax levy actually went down, and this year the levy remained the same as last year. Lorin said this is great, but the city should continue to try and lower the taxes for their residents.

Mayor Christensen thanked B.J. for accepting his appointment as city attorney.

Adjourned: 9:27 p.m.

ATTEST: Sandy Jaydush APPROVE: Eric R. Christensen