

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JUNE 11, 2025

PRESENT: Mayor Stacy Pascoe (Zoom)
Council Members: Kim Westergard, Jeff Kelley,
Don West, Sean Kress (Absent)
Public Work Director: Justin Johnson
Police Chief: Chad Purser (Absent)
Recreation Director: Mikel Anderson (Absent)
City Building Inspector/Planner: Jordon Johnson
Attorney: B.J. Driscoll
City Clerk/Treasurer: Lisa Ybarra

Pledge of Allegiance: Justin Johnson
Prayer: Kim Westergard

Kim conducted the meeting and it was opened at 7:31 p.m.

Jeff moved; Don seconded to approve the consent calendar:
Approval of Council Meeting Minutes of May 14, 2025
Approval of Building Permits

Dennis Coatney – Fence	Alex Christensen – Deck
Dawson Thompson – Fence	Dawson Thompson – Fence
Cox's Honey – Sign	Energy Savers - Solar

A roll call vote was taken: Don – aye, Jeff – aye, Kim – aye, one absent.

Pam Eckhardt – Bingham County – Discuss Recent Ambulance District Override within the Three Districts

This item will be rescheduled for a later time.

Mikel Anderson – Consider Kids Fair 2025 at Shelley City Park

Mikel mentioned that Jena Layton who puts the fair together every year that the Kids Fair would be on Thursday, June 26th and Thursday, August 7th and would take place at the Shelley City Park/Dawn Lloyd Field area. Jeff moved, Don seconded to approve the Kids Fair 2025 at Shelley City Park. Three in favor, one absent.

Mikel Anderson – Shelley City Pool
Consider Removal of ATM at Shelley Pool

Mikel mentioned that since the pool started to accept cards, checks and cash, the ATM located at the pool has been used twice since the pool was opened this year. Mikel also mentioned that the city purchased about seven years ago and the gentleman who services our ATMs said he could buy it back if the city wanted to sell it. Kim mentioned if the ATM at the pool was the same ATM that is taken down to Spud Day. Mikel said he mentioned it to him and he was told that he could still take an ATM down for Spud Day. Jeff asked how much he would

purchase the ATM for. Mikel said he was thinking right around \$1,500.00. Don asked what we paid for them. Mikel said he didn't remember but believes we bought two ATMs for \$5,000.00 which would be \$2,500.00 each. Kim asked if the other ATM was at City Hall. Mikel said it was and it gets used a lot. Mikel wanted to see if they wanted to sell it or wait until the end of the season. Don said he didn't think we needed to wait and would be okay to sell it. Jeff agreed. B.J. mentioned that the Council would need to declare it surplus property just as any other equipment that is rotated out of the City. Jeff asked if we could do that right now or at a separate meeting. B.J. mentioned that it was put on the agenda as considering removal of the ATM and removal does contemplate that the city is going to get rid of it and would probably say that the Council could go ahead and declare the surplus tonight or they could do it at a later meeting. B.J. asked Mikel if he was sure he was on the value that they were willing to purchase it back for. Mikel said he had not done a lot of research on it but believed that \$1,500-\$1,700 was reasonable for us. Don mentioned that there isn't a big green market for it. Jeff moved, Don seconded to approve to remove and declare the ATM at the Shelley pool as surplus property and at the base rate of \$1,500.00. Three in favor, One Absent.

Discuss School Pool Requirements

Mikel clarified that he put School Pool and Lisa put it as School Pool but it should have been State Pool Requirements. Mikel went on to say that as of right now, the Shelley Pool has had the inspection done for this season and are 100% in compliance with the State requirements and passed the inspection. Mikel mentioned that as of July 1st, the State will longer require for it to be mandatory for the State to monitor pools. Mikel mentioned that he and Sean talked and decided to come up with the City's own policy of how the city pool will be operated. Mikel said that we would basically follow the exact same guidelines that we always have been doing through the State. In the policy, it is stated that Mikel will inspect it, Pam will inspect it, and the Mayor, Council, Department Heads can also go at any time and randomly inspect the pool. Jeff asked if the State was turning it over to the city. Kim said yes. Kim also gave kudos to Mikel and Pam because the State Health Inspector for the last two years has never worried about Shelley city pool because we have always ranked the highest. Mikel also mentioned that as the State required, we would also have either the Rec Director or the Pool Manager, would still be certified and take the test. Don moved, Jeff seconded to adopt State Standard and adopt it as the City's policy for the Shelley Pool effective July 1st. Three in Favor, one absent.

New Council Business

Approval of Business License

Jeff moved, Don seconded to approve the General Business Licenses. Three in favor, one absent.

Approval of Fireworks Permit

Lisa mentioned that there were two Fireworks Permits for the same business, one for the July 4th Holiday and the other for January 1st 2026 Holiday. Don moved, Jeff seconded to approve both Broulim's Fresh Foods Fireworks Permit. Three in favor, one absent.

Old Council Business

Consider Language Acceptance for Approved Rezones

B.J. mentioned that at the last Council meeting it was discussed the Commission's recommendation to review the record and make a decision on Mr. Sargent's rezone application and his request for special use permits. B.J. also mentioned that according to City Code and State Code, the Council is then to adopt findings of fact and conclusions of law that explain that decision. B.J. gave a draft for the Council consideration that gives a background of the application of what the Council is considering and purposed findings on page 2 and go onto page 3. B.J. mentioned that he tried to reflect in the document was what the Council discussed, what was decided and why, while acknowledging that it was a split decision and the Mayor casted the tie breaking vote. The document does have to the left those who voted in favor and to the right those who voted against it. B.J. mentioned that Councilman Kress was not here tonight and he put him in as the opposing votes but they did not have to be on the document because they voted opposed. B.J. also mentioned that those who voted in favor have to sign the document. Jeff and Sean do not have to sign the document but by signing they are agreeing with the document and what was talked about and what the Council decided. B.J. mentioned that he reviewed the application packet, his notes from the first meeting where they tabled it and his notes from the second meeting reflecting the discussion, the different issues that different Council members raised and he tried to reflect when there were differences of opinion and if the Council did not think it was accurate things could be changed because it was a draft or if they think it is accurate they could sign and adopt it or amend it and then adopt it. Kim asked Jeff if there was anything he could see that B.J. missed, Jeff said no. Jeff moved, Don seconded to accept the Findings of Fact and Conclusions and the decision on the application as constituted. Three in favor, one absent.

Kim opened the floor during the Department Head Reports section.

Department Head Reports

B.J. said he was working on a few things but nothing to report tonight.

Lisa mentioned that we received a thank you letter for hosting the Governor Capital of the Day.

Lisa mentioned that she realized that the 4th of July is on a Friday. The Office will work regular hours Monday, Tuesday, and Wednesday. Thursday the office will close at 1:00 p.m. and Friday the office would be closed for the holiday. Lisa asked Justin if Public Works Department was also going to be different. Justin mentioned that Public Works will work Monday through Wednesday and close Thursday and their regular Friday they are closed.

Lisa mentioned that she had received a message on her desk about a citizen requesting to set a meeting with the City Engineer. She asked B.J. and the Council that if a citizen requested to have a meeting with the City's Engineers or Attorney and it was not the City requesting the appointment, who is the one that pays the City's Engineer or Attorney appointment or time. Don mentioned that he thinks it would be person requesting the meeting. The Mayor mentioned that it how it has always been. B.J. mentioned that it could depend on the topic; if the city is

working on already it could be at the city's expense but it is something the city is not interested in talking about or pursuing or discussing but the private individual still wanted to have that discussion, it would be probably their responsibility. B.J. suggested that they should probably submit a request and the Council would respond that either they can do that but they are responsible for the bill or if the city would pay for it. Lisa asked if there is a request submitted, would she present it to the Mayor and Council or present at a Council meeting. B.J. mentioned that it would be an executive decision but if Lisa wanted Council's input, then she could present it to them and they could decide and respond to the individual with the decision.

Kim paused the Department Head Reports and opened the meeting up for any individuals with issues or any questions.

Rick Malan mentioned that he got all but two minutes to talk about the rezone they talked about it and he didn't think it was fair. Kim asked B.J. if we could have that discussion. B.J. said no because it was part of the public hearing and it is certainly subject to an appeal and there has been an appeal submitted but the time had not started to run to submit the appeal until the Council adopted the Findings and Conclusions. B.J. said that we would treat it as timely and go from there. A citizen, name not disclosed, mentioned that at the second planning and zoning commission meeting a gentleman came and he voted and, in the minutes, it said he would be ratified the next week. She asked if it was legal for him to vote if it was not ratified and if it is what is the point of ratification. B.J. said we did check on that because we did have a question about the transition and of that gentleman's appointment and his understanding from AIC is that it was kosher, that his vote was valid as if he'd been previously appointed by the Council. Kim asked the public if they knew who AIC was, the public said no. B.J. explained that AIC is the Association of Idaho Cities and whenever we deal with unusual situations, we go to them for resources. We are members in the group and we take questions to them and they will give us answers sometimes or advise us to reach out to our attorney. The citizen asked what was purpose of ratification. B.J. mentioned the purpose is that city business is officially conducted in open meetings like this and there are times that under necessity, the city can take actions and interim them and will informally call for a vote of the city council or the P&Z or whatever the body is and that is not enough. They have to still have to come in a open meeting and acknowledge what they had done outside of the meeting and ratify that and to make sure it is official. The last question the same citizen had was that if the chairman was going to recuse himself, as Shane did, then he was not to make comments throughout the meeting and he did and was very openly in favor of Mr. Sargent process and someone did ask if he would recuse himself because he has property right there and he said he was going to recuse himself all along but he still continued to very heavily lean toward Mr. Sargent's position and then when it was time to vote he recused himself. She also mentioned that the reading she did said that he should not have spoken or stated his opinion throughout and maybe he should have stayed in order as the chairman which makes perfect sense. She asked if it was appropriate for him to continue to go on and on about how right Mr. Sargent's project was and make other honoring and unkind comments about other citizen. B.J. said that was another question we asked and after his review and talking to AIC, it was his opinion that he was never required to recuse himself in the first place and

therefore, his participation was not prejudicial and that the vote by the other Commission members was still sufficient to send a recommendation to the City Council. Rick Malan mentioned that he did not have an issue with the Sargent's wanting to have manufactured homes, he believes that it is too dense of his project and the traffic problems have not been addressed. B.J. mentioned that Kim invited the questions and comments but he cautioned everybody that anything that was not presented in the public hearing would be new information and that it needs to stay with what was presented in the public hearing. B.J. mentioned that he is not trying to discourage anyone but there is a process for an appeal. Kim mentioned that at this point she was going to close down the meeting for questions and comments.

Mikel said that the swimming pool open and swimming lessons are almost done for the first session and are getting ready to start the second session. Baseball is about half way done and has been a good season with a lot of good umpires and coaches. Mayor's Youth will be going to the AIC this year and he will be helping the Iona group that has about 14 kids going and a MAYC member from Malad that asked to go and she will have a ride. Mikel said that the Jazz basketball player would be at Hobbs Middle School on June 18th from 11:00-12:00 for the clinic they do and the meet and greet. Mikel said he would be gone at AIC and he reached out to one of his coaches and a referee and they would be there to help with the clinic.

Jordon mentioned that the fencing at the tennis court is almost completed and they are working on the coating which would be about a two week process and they are half way done.

Justin mentioned that the microbes in the park were sprayed June 4th with the help of Don and Doug. They sprayed approximately 10 acres worth and will water them for the next few weeks and then start restricting the water back. Justin said he met with Parks #2 on Monday and they are working on all the crossing and are hoping they will be ready for curb, gutter and the asphalt within the next three weeks. Wind River Phase #5 have all of their waterlines in and are chlorinating now, have a pressure test done, they will chlorinate it, flush it back and pull their samples. The Fir Street project has started about two weeks ago. The project is going really well but does advise everyone to be patient with the construction and respect the red lights. Justin said that he will be gone to AIC and Jason will be charge with Jordon's help. Movie in the Park will be June 26th, Sonic 3. The Car show and Swap meet will be Saturday at the City Park. Justin also mentioned that the motorcycle bikes were at the park and thanked Kim for going out and talking to everyone. There were about 40 bikes and about 75 people. Direct Communication should be done in about 2-3 weeks. Fybercom did hit another water line, which is the 3rd line in a month, they are shut down as of now. A meeting is set up for Monday to talk about how to fix the issues. Justin also mentioned that his guys have been taking care of the weeds.

Council Reports

Mayor wanted to thank everyone who helped and participated with the Governor.

Kim wanted to let everyone know that Robin who does the flowers that she only has three spot open to help with watering. She has done amazing job.

Adjourned: 8:19 p.m.

APPROVE:  ATTEST: 