

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 22, 2024

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

Pledge of Allegiance: Chad Purser

Prayer: Kim Westergard

The meeting was opened at 7:34 p.m.

Kim moved, Jeff seconded to approve the consent calendar:

- Council Meeting Minutes of October 8, 2024
- September Expenditures
- September Overall Budget & Treasurer's Report
- Quarterly Financial Report
- Building Permits:
 - Dawson Thompson - Fence
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 - Michael Wheelock - Solar

A roll call vote was taken: Don – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Heath Mitchell and Derrick Dye – Payment update/option from Fox Crossing

Heath Mitchell from Shelco Development was present. Heath asked the Council for two things. 1-an update on the sewer capacity payment from Fox Crossing when their plat was approved and 2-what any other alternative options are. Heath believes the Plat was approved in April. He reached out to Sandy in May. It has been a few months and would like to know what the Council options are. B.J. was not present and he understood that he may have more answers. Kim asked if there was a signed contract with a date on it that stated they had so long. Heath said that the understanding was their part was due once the final plat approval which has been approved. The Mayor said that BJ had talked to their attorney and they were going to borrow money to pay for their connections fees and pay back the Parks Subdivision back. Kim asked if we are the middle man, what recourse do we have and what can we do to help Heath. Jeff said that we can write a demand letter. The Mayor said that we can have B.J. be more aggressive because starting out they told us what they were doing and we said okay. Now they won't respond so we probably need to be more aggressive. Heath mentioned that they don't have a real directory course to them, they don't technically owe Heath money, they owe the City money and then they receive the money. Heath said they

recognize the Council position in helping. They are aware that Fox Crossing came in for an exception of sort and it was declined and they appreciate for the Council looking out for their interest. Heath mentioned that once B.J. get better communication from them, Heath could get a little more of a better understanding for what the options would be and what the time frames would be. Heath mentioned that he understood it was a different line item but could one of the options be offsetting the amount due from Fox Crossing and netting it out via building permit fees. The Mayor mentioned that we couldn't answer that without B.J. looking into it. Heath responded that the options are something they would be interested in if it looked like this was going to a long drawn legal battle that he has no control over, he would like to see if the Council would be willing to help with some of the offset of permit fees and help them get some of that money back sooner rather than in 10 years. The Mayor mentioned that, thinking outside the box, if Fox Crossing does not start doing something soon, somebody else is going to come in and buy the property and do something with it. If that is the case, the new developer would pay the sewer capacity to Heath. The Mayor said we will have B.J. be for forceful towards them.

Consider adopting ordinance to change Council Meetings from Tuesdays to Wednesdays.

Mayor mentioned this would change from the 2nd and 4th Tuesdays to the 2nd and 4th Wednesdays of the month. Kim asked the Mayor if he had talked to all of the department heads and B.J. to see if this would work for everyone. The Mayor said he had reached out to everyone. Kim moved, Don seconded, to suspend the reading of ordinance number 660 on three different days and under the title of ordinance 660 once. An ordinance amending the regular meeting schedule of the City Council of the City of Shelley, Bingham County, Idaho, and preventing an effective date thereof. Don – aye, Jeff – aye, Kim – aye. Kim moved, Don seconded, to adopt Ordinance 660 regarding an ordinance amending the regular meeting schedule of the City Council of the City of Shelley, Bingham County, Idaho, and providing an effective date thereof. Approved unanimously.

Consider adopting Financial Controls Policy Resolution

The Mayor mentioned that this we had to do because of grants we get from DEQ. The policy we did not have in writing for the City of Shelley. Kim moved, Jeff seconded to accept Resolution number 24-08 a resolution concerning Financial Control Policy. Approved unanimously.

Consider Adopting Authorized Signers for Legal Documents Resolution

The Mayor mentioned that if he is not here, this would allow Kim to sign legal documents. Jeff motioned, Don seconded to adopt the resolution adopting the Authorized Signers for Legal Documents Resolution. Approved unanimously.

Appointment of new Council Member

The Mayor mentioned that he will not be in attendance at the next council meeting because he is having back surgery on the 11th. The Mayor said we are going to appoint him and Lisa will swear him in the first meeting on the 13th. The Mayor said he talked to everyone, he said he is appointing Sean Kress. The Mayor also mentioned that he picked Sean because he is a sharp individual and he'll bring some new ideas and he also understands growth. Don moved, Jeff seconded

to approve appointing Sean Kress as the replacement Councilman for Dallin Jolley. Approved unanimously.

New Council Business

Ratify Approval of Shelley Supporters of the Arts Liquor Catering License

Kim moved, Jeff seconded, to accept the approval of the Shelley Supporters of the Arts Liquor Catering License with the waived fee. Approved unanimously.

Old Council Business

Amend Smoking Ordinance – 5-8-5 & 5-8-6

Kim moved, Don seconded to suspend the reading ordinance 661, City of Shelley, Bingham County, Idaho on three different days for the title of ordinance 661 once, an ordinance deleting conflicting penalties for prohibited smoking in the City of Shelley. Don – aye, Jeff – aye, Kim – aye. Kim moved, Don seconded to adopt Ordinance number 661, City of Shelley, Bingham County, Idaho regarding an ordinance to deleting conflicting penalties for prohibited smoking in the City of Shelley. Approved unanimously.

Department Head Reports

Chad said things are going good on the PD side. This Saturday, the PD is doing a prescription take back part of the DEA. If anyone has prescription, they can be brought to the PD from 10am to 2 pm and they will be mailed to the DEA and will be disposed of. Also, the attractions are keeping the PD busy. Kim asked if we had any new ordinances or laws of or with electric bikes and scooters and the age of the operators because we have kids riding electric motorcycles in the middle of the road or the main sidewalks. Kim thinks that in the Spring we should educate others if there are new laws and if we need to create an ordinance. Chad said that maybe looking at Idaho Falls and what they have done. They have done a lot of things for the greenbelt and putting some scooter restrictions.

Council Reports

Jeff mentioned that, Thane Shively, that who was mentioned last meeting that he reached out and is looking to be on P&Z Board. He would like to serve. Jeff said that there were some vacancies and was wondering if whoever Council picks, could they do an interview. The Mayor mentioned that Shane Wootan is the Chairman right now but he moved to Firth. The County asked him if he was interested in being on the P&Z. He said he would be for the County. Then Mark Bair, Bingham County Commissioner resigned. The Governor had to interview three people. Shane was one along with Matt Thompson and Drew Jensen. Shane is on hold doing anything with the County until the commissioner deal is taken care of. Once that is done, we will have to have a new chairman. Kim asked how many should we have on the P&Z Board. Jeff mentioned that we should have at least five but should go as high as seven. Kim asked if Shane leaves what do we do. The Mayor mentioned that in his opinion, if Shane leave, we may want to ask Leif Watson to be the Chairman because he has been on the board before and he know what is going on. We don't want to appoint anyone yet until it is known.

The Mayor said he talked to Justin and they had their walk-through meeting. Knife River does not have time to do it so they subbed it out to another contractor and they were supposed to start on Wednesday, a week ago. They met on Monday

and they are supposed to have equipment at the tennis courts on Tuesday to start on Wednesday. There is equipment and they should be starting soon.

Adjourned: 8:17 p.m.

APPROVE: Westergard ATTEST: Spencer