

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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APRIL 23, 2025

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

Pledge of Allegiance: Jordon Johnson  
Prayer: Sean Kress

The meeting was opened at 7:35 p.m.

Kim moved; Jeff seconded to approve the consent calendar:  
Approval of Council Meeting Minutes of April 09, 2025  
Approval of March Expenditures  
Approval of March Overall Budget & Treasurer's Report  
Finance Report for Second Fiscal Quarter  
Approval of Building Permits  
Derrick Dye – Single Family  
Derrick Dye – Single Family  
Tristin Wright – Fence  
Raymond Stock – Accessory Building  
Chris Wood – Fence

Dawson Thompson – Fence  
Dawson Thompson – Fence  
Trave Heffner – Basement  
David Yancey – Reroof

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

**Public Hearing – Consider Resolution 25-02, Increase to Water Connection Fee**

B.J. did an informal poll asked the public who was here for the hearing in which two people rose their hands, Dave from Forsgren and Bateman Hall. B.J. explained the process would be to let those in favor of the proposed increase to speak first, then anyone who is neutral or have comments speak and then those opposition to the proposed increased fees and then allow a brief rebuttal by those who that are in support of the change. B.J. mentioned that after we have gathered all of the testimony from the public, we will close the public hearing and deliver the matter to the Council for deliberation and for a decision if they want to tonight or take whichever action that would be appropriate. B.J. started with Dave Noel, the City Engineer. Dave Noel stated his name and his address of 1865 Ross Ammon, ID. B.J. swore Dave in and Dave was able to proceed. Dave mentioned that he was here in favor but was really here to remind everyone how we had gotten here and everyone understands the history. Dave went on to state that prior to March of 2022 the connection fee for the water was \$1,300.00 and at the time the Council

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had asked Dave to look at the value of the system and provide a recommendation for a defensible connection fee. Dave mentioned that there was a replacement value put on the assets that are in the water system and depreciated those assets depending on how old they are and how long they have been under ground and what the life cycle. The value was then divided up by the number of connections. Dave mentioned that at the time, the council accepted the information and at that time the value was \$9,500.00 per connection. Dave said they recommended the Council consider raising the rate to cover the value of the system. It was mentioned by Dave that the Council decided that going from \$1,300 to \$9,500 at one time was significant and they chose as a Council to raise the connection fee to \$5,000.00 with the instruction that in a few years this would be revisited. Dave had said that he had taken the 2022 number of \$9,500 which was devalued it because it is a little older and nothing really has changed and they simply applied an inflation rate to that value in which the Municipal Construction Index (MCI) which gives the inflation rate that are specific to each municipal construction projects across the Country. Dave mentioned that based on that the current value of the system and based on that the current value on the system for each connection fee is \$9,700.00. B.J. asked the Council if they had any questions for Dave. Kim said that at the time no. B.J. asked if there was anyone else who would like to speak in favor, there were no others. B.J. asked if there was anyone who was neutral or had questions or mixed comments. Aaron Johnson went to the podium. Aaron stated his name and his address of 2025 Stosich Street, Idaho Falls. B.J. swore Aaron in. Aaron stated he could appreciate the increase of cost for delivery services and didn't want this to be meant as an attack on the credibility of the study and mentioned that Dave had already answered a few questions he already had which was very helpful. Aaron asked if the study would be available to see. If the fee is a connection fee then that is not debatable but wants to make sure the fee, when paid, is not an impact fee. B.J. mentioned that it is public record. Dave reminded the Council that the analysis in 2022 is just simply to deescalate and re-escalate over time the inflation. Sean asked if this was from 2022 report in which Jeff responded yes. The Mayor mentioned that we do not have an impact fee and we are basing it off of what the engineer's study was in 2022. Aaron stated that it sounded right and their jobs as developers, contractors is to make sure that they have all of the information and cost so they could keep them down and that this was pretty significant. Aaron also asked if the fee would be assessed when the plat is recorded or during the building permit. Jordan stated that the water connection fee is paid at the time of the building permit for each property. Aaron asked if there were any questions for him. Jeff asked Aaron if he could take the study to the Bateman Hall office. Aaron asked if he could let him know when he would be taking so he gets it. B.J. asked if there was anyone else who would like to speak in natural or opposition to the proposed fee increase. B.J. asked Dave if he had anything he would like to add or rebut or if the Council had any questions. Dave mentioned that the actual components, which we should have, the analysis that they did was to simply look at the existing infrastructure, depreciate it on the age in comparison to the life cycle to determine what the replacement cost would be for the same system and divide it by the number. Dave mentioned that he did not recreate that, he just simply took the information the Council had already accepted in 2022 and readjusted the age of it and escalated with inflation. B.J. asked if there was anyone else who would like to speak on the proposal. There was no one. B.J. closed the hearing and delivered the matter to the Council for deliberation. The Mayor mentioned that

he does not like raising the price to anything but does not want our citizens to pay for the growth and believe we need to stay as close to the amount so our citizens that are already here are not paying for new growth. Don agreed and does not feel we should be subsidizing the hookup fees like we are. Jeff mentioned that this was talked about a couple of years ago and when the fee was raised from \$1,300 to \$5,000, it was explained that it was decided at \$5,000.00 so it wouldn't be a big jump all at once. Sean asked what is a similar city in size or in or around the area and if we were to have an idea of what the connection fee would be. Sean mentioned that we have a lot of growth coming to Shelley which is great and it is exciting to see but it is going to cost the people that are already here in excess of almost \$5,000.00 per home, it's a lot of money. The Mayor mentioned that the bigger the city the lower the cost. Sean asked if there is a way to come down if the city grow. Jeff said that as the city grows, we won't charge too much and the study should be consistent with growth. Jeff thinks we need to go forward. Jeff moved, Don seconded the increase the connection fee for the water to \$9,700.00. All in favor. Approved unanimously.

**Forsgren/Dave – Consider Recommendation to Award Contractor for W. Fir Street Construction**

Dave gave a summary and mentioned that we advertised and bid out the West Fir Road and Water Project together in two different schedules and we got \$2 million and we were going to try to do it last year but it work out and it will be done this year. Dave mentioned that we didn't want to put the new road down and then tear it up to put the water line under it in the near future which these two project kind of go together. Dave stated that we received bids from HK, Knife River, and Depatco. All of the bids where in accordance with the minimum requirements and all were good bids and the lowest bid was to \$2.2 million and the highest bid at \$2.8 million. Dave gave the recommendation for HK who was the lowest responsive bidder and have met all of the requirements and are eligible for consideration to award the contract. Kim motioned, Jeff seconded to approve the West Fir Street Pavement Reconstruction, Phase 1, and the Potable Water, LSLR and Water Meter Project, Phase 2, to HK Contractors for the total of \$2,258,894.52. All in favor. Approved unanimously.

**Justin Johnson – Discuss Landscaping on New Sweden and Copper Meadows**

Justin mentioned the landscaping was a project the city was going to finish along the nature trail when Copper Meadows went in but we have not got to yet. Justin asked the Council for their opinion if they would like to have a sprinkler system with grass put in or if they wanted landscaping rock. Justin said that on the side between New Sweden and the trail is grass with a sprinkler system and from the trail up to the fences and the backyard, we don't have anything. The rocks are taken from the neighbor's property on the North end on their side and Justin wasn't sure if they wanted to continue with the rock so it blends in. Kim said that if they put grass and a sprinkler system than the City crew is going to have to maintain it and we would also have to worry about the grass along the fence and with weeding if we hit the fence then we would have to replace the fence but if we continue the rock we would only have to spray for weeds. Sean recommends to continue with the rock. Kim motioned, Sean seconded to have rock along the personal fence and the pathway out on New Sweden and Copper Meadows. All in favor. Approved unanimously.

### **Consider Approval for Hiring Public Works Employee**

Justin stated that he had been short one guy for the last three to four months. Justin has not really pushed it but he is getting to the point where he needs to fill the position. Justin mentioned that he does have someone in mind, Clint Gee. Justin said that he comes with a lot of trade experience, electrical, plumbing, framing, building but he does not have his CDL or ran equipment other than a forklift. Justin said he felt good about him and had the Chief run a background check and everything came back good with him. Justin asked for the Council to consider him to be part of the crew and bring him in on the 12-month probation period and also at entry level. Jeff asked if he had only interviewed him or if there were others. Justin said he interviewed two others. Kim motioned, Don seconded to approve Clint Gee as the Public Works hire with a 12-month probation at level entry maintenance. All in favor. Approved unanimously.

### **Consider Surplus Property – Street Light Pole**

Justin said that there was a street light pole that was hit on the intersection of Anderson and Highway 91 last October/November. The pole was kinked and Justin doesn't feel like it is structurally safe. Justin wanted to bring this to the Council attention and surplus it. The pole is a 30-foot galvanized pool and is scrap. Jeff moved, Don seconded to approve to surplus the street light pole. All in favor. Approved unanimously.

### **Consider Setting Dates and Movies Picks for the Movie in the Park 2025**

Justin asked if the Council researched some movies. Kim stated that she picked Moana 2. Justin said that he picked out some dates similar to the dates last year and they would be every other Thursday starting June 26<sup>th</sup>, July 10<sup>th</sup>, July 24<sup>th</sup>, and August 7<sup>th</sup>. Kim asked if she could do Moana 2 on August 7<sup>th</sup>. Justin said that if the Council would be good with it, he would take over the movies again like in the past but does invite the Council to come out to the movies. Sean asked Justin what movies were on the list. Justin said the movies there is Wonka, The Garfield Movie, Mufasa, Sonic 3, Minecraft, Inside Out 2, Beatle Juice Beatle Juice which is PG 13 and the rest are PG rated. The Council choose, Wonka, Moana 2, Minecraft, and Sonic 3. Justin said he would work on the copyrights and also pointed out that the only thing that would shut down the movies would be rainstorm and wind. Justin also mentioned that ICCU purchased the equipment and have a five-year agreement and first right and this is year four. Justin also let the Council know that there are times that ICCU cannot make it and he will give a name to ICCU and they will approve the business and go forward. Kim motioned, Jeff seconded to approve the application for the permit for Direct Communication and Justin can sign for Direct Communication can move forward with their project. All in favor. Approved unanimously.

### **Consider P & Z Committee's Recommendation to Approve Rezoning and Special Use Permits**

B.J. wanted to make sure that it was noted that what they had in their packets from the P&Z meeting. It was noted that there were copies of the application, picture of a map, a plat map, a concept drawing, proof of publication, notice of public hearing, proof of mailing of the notices, affidavit of postings, public records request dated April 9, 2025 from Sherri Baron, speaker sign in sheet for the public hearing on April 16<sup>th</sup>, there are a number of letters and B.J. named who they were from. The letters were from John Rick Malan, Kelly and Andrea Rausch, an email

from Colby Hatton, a hand written letter by Joe Paron, a letter dated April 2<sup>nd</sup> four and a half pages from Sherry Barron, a photograph of the streets about East Oak and North Milton with kids on bicycles on the streets, a petition consisting of six pages, a three page letter from Sherri Barron, an unnamed and unsigned typed message dated March 12<sup>th</sup> about the traffic and calculation for a number of cars, a letter dated March 12<sup>th</sup> from Jeff and Rene's Doherty. B.J. mentioned that the only other thing that was presented to the Council is draft, it's not the final version, the final version has to be approved by the P&Z, a draft of the minutes from the hearing on April 16<sup>th</sup>. Kim asked about an appeal that was not in the package. B.J. said he had a discussion with the Council and mentioned that Adam Olsen submitted an appeal and a private citizen that also submitted an appeal. Adam Olsen stated he submitted an appeal 18 pages long and also his client. Sherri Barron stated that hers was with some homeowners. B.J. mentioned that he advised the Council, and stated he would share it with also shared with them, Adam and Sherri, and they could agree or disagree is that the Council is supposed to make their decision based on the record from the public hearing. B.J. referred to the appeals as materials that were submitted afterwards and he pulled them back because part of the reason is that the Council is supposed to make their decision based on what happened at the hearing and not based on things that were submitted afterwards B.J. stated that this was not a criticism and he understands they were trying to be proactive, the other item is that P&Z has not made a decision. P&Z made a recommendation, they recommended approval and if that recommendation is accepted, they have already in contingent upon that approval have already issued that special use permit. B.J. said it was a packaged deal but it is all contingent on what the Council does and technically not a final decision yet. B.J. wanted to make sure that there were no prejudice on the appeal rights they have and wanted to make sure that was clear but they were not to be considered tonight and that is why he pulled them back. B.J. asked if the Council had any other questions and he also wanted to remind the Council, he looked at the statue and the language changed a little, needs to needs to review the P&Z recommendation and then they could either choose to hold another hearing if they think they need more information or they can accept the P&Z recommendation or reject the P&Z recommendation or the statue allows them to not make a decision tonight and continue a decision for a later date, possibly one month. B.J. mentioned that the P&Z recommended the approval subject to conducting of infrastructure consideration and a traffic study. Kim asked infrastructure meaning what. It was said it is water, sewer, roads, police, schools etc. B.J. stated that these were all appropriate because these are issues that are being considered under the comprehensive plan and it's the main governing document for both the P&Z and for the Council in considering what you want to do. Jeff mentioned that the comprehensive plan is a plan that allows the government use for a rational purpose of driving what people can and cannot do with their property. Jeff mentioned that the property is adjacent to a neighborhood but is zoned as RA which the property is underutilized and the owner would like to change the zoning and has the right too. Kim asked B.J. if she could ask questions to the building inspector and she was told questions could be asked to City personnel but not new testimony unless they wanted to call for another hearing. Kim asked Jordon why was decided to rezone from RA to Heavy Commercial. Jordon responded that after looking the zoning map, a manufactured home park, mobile home park is allowed in three different zones within the city limits, agriculture, multifamily and heavy commercial and all three

zones requires a special use permit. Jordon said that we do not have a zone that would allow the parks to be permitted without a special use permit. The comprehensive plan does state that Spud Alley is designated for heavy commercial and industrial area and looking at our zoning map, everything to the North and everything almost to the West along Highway 91 is heavy commercial and manufacturing. He and Mr. Seargent talked about multifamily but for Jordon, personally multifamily would be spot zoning on our map. The other option would have been agriculture and we have no other agriculture around that area. Jordon said that heavy commercial kind of blended with our zoning map and kicked out spot zoning and that is why they chose heavy commercial to keep it close to the comprehensive map. The Mayor mentioned that they are dealing with one person and if there is a problem we deal with one person that has to take care of the problem and not with 90 people. Sean believe that the problem to that is if there are 2 cars per unit, it's 180 cars and that is a lot of traffic. Sean stated that he sees the recommendation but he does not like the idea. Kim asked what a traffic study show. Justin stated that the traffic study will show exactly the traffic going through, what times. Justin said he has never been involved in a traffic study and didn't want to say too much but it does include the number of cars, times, ins and outs. Don mentioned that his concern is the amount of traffic it is going to produce on Spud Alley and Oak. He doesn't have a concern of the park and with the requirements of the upkeep of the park. The Mayor compared the traffic to what is currently with the apartments on Opal Ct. there are two streets that they can use to go out of the apartments. It was mentioned that there are 14 acres of land and on the 14 acres of land you could put over 200 apartments and that would have more cars. Kim stated that she agrees with the traffic issue but wanted to mention affordable housing and asked if we have affordable housing and as a Council, they have to think of all of the citizens of all ages. Don asked the Chief what his thoughts were on the traffic and the Chief stated that he agrees with all the points and it can create a bottleneck where cars are going to bed, however, it does sound like there could be 200 apartments there with the no ability to inject that, the Chief asked if they are trading one for the other. Jeff stated that the property owner has the right to utilize his property to the highest best use and its underutilized right now. Don mentioned that he agrees with Jeff and that the property owner has the right to use his property how he would like and he not opposed to the idea, the only concern he has is the traffic. Kim asked if the infrastructure has water and sewer. Someone in the chambers muttered "nuh uh," B.J. reminded those in the gallery that this was not a public hearing and any comments had to be done at the public hearing. Those in the gallery were spectators only. B.J. told the Council to continue. Don mentioned that he believes that Mr. Seargent is being very generous in what he wants to do but his concern is the traffic and that is really his only concern. Kim asked if the Fire Marshall had any concerns. Jordon responded that he did not know if he had any testimony turned in. Jeff asked if he was at the hearing and if he gave testimony. Jordon said he was there but did not give testimony. Don stated that he would personally like to see the study that the state does. B.J. stated that they could table it but they had to be careful to solicit additional information because a hearing would need to be called. Sean asked if everything they have in their packets was what P&Z received for the public hearing. Lisa mentioned that everything the Council had in their packet was what P&Z was presented for the public hearing and the unofficial minutes were emailed. Kim stated that she is leaning more toward what Jeff has said, Mr. Seargent has the right to do what he wants with his property and believe

that he has done his due diligence to really figure out a way to make it conducive and she can see the Planning and Zoning worry about a traffic. Kim asked Don if the traffic study were to come back with minimal, would he be okay with it. Don said he would be in favor if that is what the study came back. Kim asked B.J. if there would have to be a hearing after a traffic study and would it be considered new information. B.J. stated that it could be because it would be new evidence. Kim asked if the study was part of the recommendation by the P&Z would they still have to hold a new hearing. B.J. mentioned that he didn't think it would be fair to everybody to take that in isolation, interpret their own way without giving a chance for them to comment on. Don mentioned that he thinks Mr. Seargent is being very thoughtful and again to Don, the negative impact is the potential traffic through the neighborhood. Sean mentioned that he was willing to look at a traffic study but it does not think it would change the way he feels. Sean moved, Don seconded to reopen this for a public hearing with the inclusion of a traffic study before the Council moves forward with making a decision on the rezoning. All in favor. B.J. mentioned not to schedule the hearing until they get the traffic study. Jordon asked who would be responsible for setting up the traffic study and who would be responsible for paying for the traffic study. Sean mentioned that it should be the property owner who shows the Council the traffic study is minimal. B.J. said that he doesn't know that, we would need to look into it. Kim asked if they could table it until we have more information. B.J. said that they have not closed the meeting, they could vacate the prior motion and table it. Jeff moved, Kim seconded to vacate and table until we can figure out who pays for the traffic study, how much it would be and who does it. All in favor. Approved Unanimously.

### **New Council Business**

#### **Ratify Approval of appointing Cam Hulse and Josh Carrell as the newest P&Z Committee Board Members**

Kim moved, Don seconded to approve to ratify the approval of appointing Cam Hulse and Josh Carrell to the P&Z. All in favor. Approved Unanimously.

### **Approval of Business License**

Kim moved, Jeff seconded to approve the General Business Licenses. Approved unanimously.

Kim moved, Don seconded to approve the Fireworks Permits. All in favor. Approved unanimously.

### **Old Council Business**

#### **Consider Approval of Ordinance to Transfer Approximately 72 Acres of Real Property from the City to the North End Recreation District**

B.J. approved a simple ordinance approving the transfer and authorizing the Mayor to execute a deed to the North End Recreation District. B.J. asked that the Council take the steps to adopt the Ordinance 663. B.J. mentioned that the deed is done but we are waiting for the legal description. Jeff moved, Kim seconded to suspend the reading of Ordinance 663, City of Shelley, Bingham County, Idaho, an ordinance authorizing the transfer of real property to North end Recreation District Inc, and providing an effective date on three different days and read the title of the Ordinance 663 once. Sean – aye, Don – aye, Jeff – aye, Kim – aye. All in favor. Jeff moved, Don seconded to move to adopt Ordinance 663 regarding the

City of Shelley, Bingham County, Idaho, an ordinance authorizing the transfer of real property to North End Recreation District Inc, and providing an effective date. Sean – aye, Don – aye, Kim – aye, Jeff – aye. All in favor. Approved unanimously.

### **Department Head Reports**

Lisa said that at a previous meeting the Council approved two \$50.00 scholarships for the Bingham Arts Council. The Art Council sent thank you cards. Lisa also mentioned that she received an email from Joan Varsek, Press Secretary for Idaho Governor Brad Little. Joan asked if the City would like to host the Governor's next Capital for a Day event on May 22<sup>nd</sup>. Sean mentioned that it is the same day as the Shelley graduation. Lisa mentioned that the other option that they may do would be May 29<sup>th</sup>. The Council stated that if we could change it to the 29<sup>th</sup> of May, we should do it and it would be a great opportunity. Lisa also mentioned that we received a few Notices of Public Hearings from Bingham County Commissioners. May 7<sup>th</sup> at 2:30 p.m. for the Shelley Fire District, May 13<sup>th</sup> at 10:00 a.m. for SLT Properties LLC, May 14<sup>th</sup> at 11:00 a.m. for Bingham County Code Title 10, and the last one would also be May 14<sup>th</sup> at 6:00 p.m. for Edward Stolworthy second application for a conditional Use Permit.

Mikel said that soccer is going good and game are going. Baseball registration will be done on the 25<sup>th</sup>. The MAYC fundraiser will be on Saturday in Iona from 11:00 a.m. to 2:00 p.m. and Justin will be helping with the cooking. The pool is going good, cleaning and fixing the plaster. The pool should be up and going for the last couple weeks for the school. Tree City will be doing Arbor Day on Friday at 10:00 a.m. at the City Park. Mikel also said he would be leaving Monday to go to his IRPA Conference in Boise.

Jordon gave an update for EIRSD Project 1 is near to completion. The plan is to bring in the new basin online in about 6 weeks and should increase our capacity of ERUs by about 1,000. Phase 2 is underway and beginning construction and the concrete at the new processing building by the fall. The tennis court project phase 1, the courts were poured. Phase 2 will be poured tomorrow. It does have to sit 30 days for them before they paint and while they wait, they wait for the 30 days they want to work on the electrical. Jordon said that everything is running smoothly.

Justin said that they are working on Spring cleaning and they have about 90% of the East side of town done. He hopes that they will start on the West side of town tomorrow. The crew did do some patching last week for a couple of days and they did have a couple of bigger patches they needed to finish. They also started to turn on sprinkler systems at the parks today and that is usually about a week project. They have been spraying the weeds in the alley. Justin mentioned that Well #3 has been flushed and turned on today. Well #3, 5 and 1 are running. Justin said that he and Jordon meet with Parks Subdivision 2 every Monday at 11:00 a.m. they have about 2-3 weeks to put in the piping and then they can start working on roads. Wind River phase 5 will start meeting them him and Jordon on Monday's at 10:00 a.m. to go over the project and daily reports. Justin said that the Parks Subdivision has been awesome and have more documentation than he could ask for and he is hoping Wind River will be same. Other than that, things are going good on his end and he appreciates it.

Chad stated that the Step Grant is still on pause from ITD. There are mini grants that they can do. DARE Graduation is going to be on April 30<sup>th</sup> at the Shelley High School at 7:00 p.m. if anyone is interested there is plenty of room to sit in front of the kids.

### **Council Reports**

Sean stated that this was a good meeting and thanked B.J. for keeping inline and appreciated the guidance and structure. Sean hopes that the community knows that they are trying to do what is in the best interest for everyone. It is evident from all of the Department Heads of how much time and effort they put into the community.

Kim wanted to remind everyone that the library commissioner will be at the library tomorrow and they were all invited for a tour from 10:00 a.m. to 11:00 a.m. Kim also mentioned that she was worried about the traffic when the West Fir Construction begins and everyone will be routed to Baseline and there could be major car accidents. Seargent Johnson said he talked to Justin and that it would fall on the contractor. Justin said it is part of the plan that HK have a traffic control in place and they have to submit to the City and to the State. Don asked how long the project is supposed to run. Justin said they hope to have most of it done before school starts. Justin said it would be mid-May to hopefully have a big part of it done. Justin said that traffic will be flowing but it will be a nightmare and wants to make sure everyone knows that.

The Mayor mentioned that he appreciated everyone.

Adjourned: 9:36 p.m.

APPROVE:



ATTEST:

