

CITY OF SHELLY
COUNCIL MEETING
MINUTES

FEBRUARY 12, 2008

PRESENT: Mayor Eric Christensen (absent)
Council Members: Lorin Croft, Steve Cederberg, John Lent (absent), Charlotte
Fredrickson
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: Steve Cederberg

Steve moved, Charlotte seconded to approve the following consent agenda:

Minutes of January 22, 2008 Council Meeting
January 2008 Expenditures
January 2008 Overall Budget & Treasurer's Rpt.

A roll call vote was called for: Lorin – aye, Steve – aye, Charlotte – aye. Approved three in favor, one absent.

Ron Carlson, Idaho H2O Consulting gave a power point presentation to the Mayor and Council regarding the water issues in the State of Idaho. Mr. Carlson previously worked for the Idaho Department of Water Resources (IDWR) and was the Water Master for the Palisades Irrigation District. Mr. Carlson said he wanted to discuss the city's need for a new well, and their ability to obtain water rights. He said most of the fresh water that Idaho has exists in the aquifer. Mr. Carlson said the Constitution of the United State and the Constitution of the State of Idaho has provisions for water rights. Mr. Carlson presented diagrams on how the aquifer is formed and works. He said Idaho Power and the districts near Twin Falls petitioned and the Swan Falls Agreement was formed. Mr. Carlson said this agreement placed a moratorium on all future water appropriations. He said in his opinion Twin Falls is not receiving less water through the Milner canal due to more water users, but may be receiving less due to the drought conditions we have had. Mr. Carlson said in conclusion that if the city wants to obtain water rights to drill a new well, they will need to buy groundwater rights from a farmer or try and get the existing law enforced. Lorin said the City of Rexburg is also having problems obtaining water rights to drill a new well.

Linda King was not in attendance.

Greg Gemar addressed the council regarding city snow removal. He gave kudos to the staff, and thought it was great that the snow next to the curb on South Park was removed, but he still has cause for concern. Mr. Gemar said he helped the city disseminate the information about the Mayor's snow removal declaration. He said he went to the schools with handouts stating the information, personally visited with some of his neighbors, and made a lot of telephone calls.

However, the proclamation that was made was not followed. Mr. Gemar said the proclamation stated the snow would be removed from the west side of the city on Monday, Tuesday, and Wednesday and the east side of the city on Thursday, Friday, and Saturday. He said the proclamation was made on Wednesday, and he waited to see city equipment moving snow on the east side of the city on Thursday, but the city was actually moving snow on the west side of the railroad tracks. Rick explained that the city crew had already been moving snow on the east side of the city when the proclamation was made. Sandy said the proclamation was based off of the ordinance which specifically states what days snow removal will be on each side of the city. Rick said he thinks that this was determined by what day garbage is removed on each side of the city. Mr. Gemar suggested the ordinance be amended to be more effective.

Lorin moved, Steve seconded to ratify the agreement of the council to rescind the letter given to Monte Fowler dated January 28, 2004, allowing him to have a maximum of six vehicles parked in front of his business at any given time. Approved three in favor, one absent. Mr. Fowler was notified that he would be subject to the ordinance regarding parking on city streets with a maximum of 48 hours at any given location.

Sandy said the City will not be receiving a State Dividend check this year due to a 44% loss ratio in 2005-2006. She said usually the employees are given a bonus and a safety day to be used as personal leave as a reward for being safe. Sandy asked if the council would still give a safety day to the employees to promote safety in the workplace. Steve moved, Lorin seconded to award each full time employee a safety day to be used during the 2008 calendar year as personal leave. Approved three in favor, one absent.

Sandy presented a partial list of non-conforming uses throughout the city that Beth had prepared. She said both her and BJ had contacted the clerk list and attorney list, but hadn't had a lot of response to the question about the loss of a grandfather clause upon change of ownership. Sandy said she would have Beth continue working on the list to be presented to the council in its entirety. BJ said the language of the existing ordinance could be amended if the council chooses, or the property owners could be notified that they have a non-conforming use that will be lost upon sale of the property. Sandy will place this matter back on the agenda for further discussion.

Sandy presented a sample of a business license ordinance and a new business license that every business would be required to complete if the Mayor and Council chooses to implement a general business license ordinance. She asked the Council to review the sample and give her feedback before she drafts the ordinance for the city.

The Council requested an ordinance be drafted to require all new development install meter bases and water meters. Sandy and BJ will work on an ordinance.

BJ said he participated in a telephonic conference last Tuesday regarding the mitigation for water rights that Ball Development has proposed and sent to IDWR. He said a committee was formed

to work with IDWR further. The committee is comprised of several attorneys including the water rights Protestants attorney.

BJ said he has been working on the water right the city has at the sewer lagoon property. He said there may be a couple of options available which including applying for a new water right. BJ said the access easements have been received and recorded that was granted to the city from the Jay Roche, the owner of Riverbend Estates.

Sandy asked BJ if he would be available to attend the P&Z meeting on February 21, 2008, to give legal counsel regarding the public hearing for Ball Development and Dial Properties to annex and rezone three parcels of property. BJ said he thought he could attend but he would check his schedule. He said he may contact the P&Z Chairman to see if there were certain issues that could be discussed via the telephone.

Lorin said a group of citizens have approached him about the possibility of developing a city recreation center. He asked Dawn to review this idea further.

Dave said Forsgren Engineering received the comments on the waste water treatment plant back from the Army Corp of Engineers last Friday. He said the comments were addressed and Forsgren responded by the same night. Dave said DEQ is still reviewing the design and not given their approval yet, however all of their concerns have been addressed. He said the construction of the plant will go out to bid as soon as approval from DEQ and the Army Corp of Engineers is obtained.

Lorin asked Alan to have the police department keep on top of the situation with the vehicles that are being parked on West Locust in front of L&M Body.

Charlotte said she attended Dare Graduation and there were 163 children that graduated. She said the Dare Program is a great program.

Charlotte thanked Mr. Gemar for his help disseminating the information concerning the snow removal proclamation.

Steve thanked Mr. Carlson for his time tonight. He said the city should keep working towards drilling a new well.

Lorin said he and the Mayor attended the Legislative Luncheon in Boise on January 31, 2008. He said the AIC Conference will be in Garden City this year. Lorin suggested that the youth committee be invited to participate.

Adjourned: 9:45 p.m.

ATTEST: Sandy Ingham APPROVE: Eric R. Christensen