

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JULY 28, 2020

PRESENT: Mayor Stacy Pascoe

Council Members: Earl Beattie (absent), Kim Westergard, Adam French, and Leif Watson

Police Chief: Rod Mohler

Public Wks Dir.: Justin Johnson

Recreation Dir.: Mikel Anderson

City Clerk/Treasurer: Sandy Gaydusek

City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Mikel Anderson

PRAYER: Adam French

Mayor Pascoe opened the meeting at 7:35 p.m. and welcomed all. The room was set up to practice social distancing as listed in the CDC guidelines.

Kim moved, Adam seconded to approve the following consent agenda:

Minutes of Council Meeting for July 14, 2020

Building Permits:

Shane Matheson - storage units

Dan Landon - re-roof

Jed Young - steel building

Eric James - new home

A roll call vote was taken: Adam – aye, Kim – aye, and Leif - aye. Approved three in favor, one absent.

TJ Budge representing Snake River Valley Irrigation District wanted to talk about Idaho Code 67-6537 concerning the use of surface water to irrigate. He said it is more of an education item than an action item. Mr. Budge said all applicants proposing to make land use changes shall be required to use surface water where reasonably available as the primary source for irrigation. He said there is a need for Developers to install secondary irrigation systems. Mr. Budge said they will also be discussing this with Bingham County since a lot of this occurs in the Impact Area. Drew Jensen said there are developments that go in that have no ditches to irrigate out of and the property owners are assessed their annual assessment; then they are very upset. Mr. Budge said they are not really asking the city for anything except to follow Idaho Code by requiring use of surface water for irrigation. He said they are still working out some of the issues with Copper Meadows Subdivision since the water right mitigation was terminated. The city was unable to provide beneficial use.

The Planning and Zoning Commission approved a special use permit for storage units to be constructed on Anderson Road by Terry Vance. Afterwards they had second thoughts, and the Mayor and Council pursuant to city code have the right to review this decision. The Mayor presented a drawing that he felt may address some of the safety concerns. He discussed the number of vehicles that travel

throughout the area, and the proposed entrances into the storage units. He said a vehicle that might be hauling a trailer will not be able to enter a code on a key pad to open the gate without blocking the road. Mayor Pascoe said this needs to be kept off of the road. He also demonstrated why a chain link fence is needed along Anderson Road so people cannot use that as an access into the storage units. On the back side of the storage units it will abut a residential use which will require the later developer to install a view obscuring fence, wall, or hedge. Luke Bloxham said whatever is built on those lots will cause a visibility issue. He said they could alleviate blocking the road by eliminating a gate. Leif said he is concerned about the accessibility; could they eliminate the first four units to make more room on the property. Mr. Bloxham said they could possibly do that, but there could also be on street parking. However they were in agreement that there is a concern that could be addressed without having a gate to stop at. Rod discussed the safety problems he could see such as not have accesses that close to an intersection. Mr. Bloxham said Planning and Zoning negotiated to have three accesses instead of four as it shows on the plans. He said they also will look into removing a unit. Mayor Pascoe said he is totally against the southern access. Mr. Bloxham said they could remove a couple of units on the south side and fence it to control the access. Justin said Randy Adams, the Fire Chief said he is concerned about being able to get emergency vehicles into the back of the lot and would like to see the driveway thirty feet wide instead of twenty two. Randy said he did not want to have to back out of the facility with a fire truck and he didn't know if a fire truck is able to make those turns. Adam moved, Leif seconded to uphold the Planning and Zoning decision to approve the special use permit to allow storage units to be built with the following conditions:

1. The entrance on the southern side of Building #1 will be closed off with no access allowed. There must be a clearance of at least 22 feet from the facilities fence adjacent to Opal Court and the eastern end of Building #1.
2. The lanes between Building #1 and Building #2 and Building #2 and Building #3 will be used as entrances only.
3. The lane on the northern side of Building #3 will be used as an exit only.
4. No gates will be installed on any access in or out of the facility.
5. The building on the eastern end of the facility will satisfy the requirement for a view obscuring fence, wall or hedge between commercial and residential use. However at least a five foot high view obscuring fence must be installed along the portion designated as snow removal where the building wall does not extend to. Also a view obscuring fence will be required along the northern end of the facility which abuts a residential use. A fence will be constructed along the southern side of the facility adjacent to Anderson Road running around to Opal Court that will prohibit vehicular access.

Approved three in favor, one absent. An exhibit with building and access designations is attached.

Bret Waters requested to rezone his property at 428 E. Center to Heavy Commercial to operate a tow truck operation. He already operates a body shop which has been grandfathered in for many years. The Planning and Zoning Commission recommended approval of the rezone with a limit of five cars being kept in impound. Mayor Pascoe said he is concerned about rezoning the property and then at a later date a different type of operation may come in that is also allowed in a Heavy Commercial zone. Mayor Pascoe said the tow truck operation

may be allowed through the non-conforming use exception. The council determined this property will not need to be rezoned to Heavy Commercial for Mr. Waters to operate a tow truck operation. The city will issue a letter stating he may continue this use under his grandfather clause. Kim moved, Adam seconded to refund the \$200 application fee for the rezone. Approved three in favor, one absent.

Rueben Estrada did not submit his applications for beer and wine served on premises.

Leif moved, Kim seconded to appoint Jeff Kelley to the Planning and Zoning Board. Approved three in favor, one absent.

The Mayor and Council reviewed the Bingham County comment sheet for a public hearing for Safelink to install a tower on city property on the Butte. They had no concerns or comments.

BJ presented an ordinance amendment deleting the need for a hearing on an exception to a non-conforming use as sited in 10-11-8. Ordinance 604 was presented with the changes noted. Kim moved. Adam seconded to suspend the reading of Ordinance #604 on three different days and read the title of Ordinance #604 once. Kim read the title of Ordinance #604. Kim moved, Adam seconded to adopt Ordinance #604 as presented eliminating the need for a hearing on a non-conforming use exception. Approved three in favor, one absent.

A meeting is being set up to discuss the Impact Area between the Bingham County Commissioners and the City.

A waiver was presented to be used for a background check on any Mobile Food Vendor License Application. BJ said he will need to edit the waiver slightly. Leif moved, Adam seconded to adopt the waiver as amended by BJ. Approved three in favor, one absent.

The Compliance Agreement Schedule with DEQ and the entities of EIRWWA must have each entity's approval. Adam moved, Kim seconded to approve the Compliance Agreement Schedule with DEQ and allow the Mayor to sign the agreement. Approved three in favor, one absent.

A work meeting will be held August 10, 2020 at 6:00 p.m. to discuss the 2020-2021 fiscal year budget.

A special meeting will be held on August 18, 2020 at 5:30 p.m. to consider adopting the tentative budget for fiscal year 2020-2021.

The annual city employee picnic will be held August 19, 2020 at 6:00 p.m. at Pillsbury Park.

The Budget Hearing will be held September 8, 2020 at 7:30 p.m.

Mikel said the football numbers are about the same as last year except Firth has started their own program. He said he is not sure if the school will use the pool

this year. It is not known if the school will go online only when they open up. If they do the Key Club and the Mayor's Youth Committee will not be active.

Justin said H-K started last Friday on the street improvements. He said they will be done tomorrow. The seal coating will begin next week. Justin said the work on Well #4 has slowed down; the crew has been quarantined.

Kim said she received some complaints about the water being shut off on Opal Court without notice. Justin said a contractor had to shut it off due to an emergency. He said he informed the contractor that notice must be given if there is not an emergency.

Kim said Dayle Searle will be retiring from the Tree Committee next year. She said if anyone knows someone who could take over to please inform her.

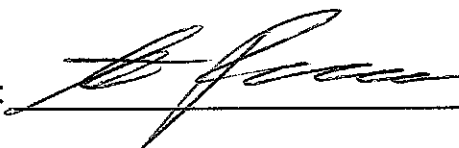
Adam moved, Leif seconded to adjourn into executive session pursuant to I.C. 74-206(1)(b) to consider evaluation, dismissal, etc. of an employee at 9:30 pm. A roll call vote was taken: Adam – aye, Kim – aye, and Leif – aye. Earl absent. Approved three in favor, one absent.

Adam moved, Kim seconded to reconvene into regular session. Approved unanimously.

During executive session evaluation, dismissal, etc. of an employee was discussed.

Adjourned: 9:57 p.m.

APPROVE:



ATTEST:





City of Shelley

Celebrating our 100th Anniversary

101 South Emerson Street Shelley, Idaho 83274 (208) 357-3390

City Web Site www.ci.shelley.id.us



MAYOR
Stacy Pascoe

July 29, 2020

COUNCIL
Earl Beattie
Kim Westergard
Adam French
Leif Watson

Terry Vance
753 E. 1500 N.
Shelley, ID. 83274

OFFICERS
Sandy Gaydusek
City Clerk/Treasurer

Dear Mr. Vance,

Rod Mohler
Police Chief

The Mayor and Council reviewed and upheld the Planning and Zoning Commissions approval of your Special Use Permit to construct storage units at 135 and 155 Anderson Road with the following conditions which are identified on Exhibit A:

Justin Johnson
Public Works Dir.

Mikel Anderson
Recreation Director

Forsgren Engineering
City Engineer

B.J. Driscoll
City Attorney

1. The access point shown as Access #1 on the attached exhibit A on the southern side of Building #1 will be closed off with no access allowed. There must be a clearance of at least 22 feet from the facilities fence adjacent to Opal Court and the eastern end of Building #1.
2. The lanes between Building #1 and Building #2 and Building #2 and Building #3 will be used as entrances only.
3. The lane on the northern side of Building #3 will be used as an exit only.
4. No gates will be installed on any access in or out of the facility.
5. The building on the eastern end of the facility will satisfy the requirement for a view obscuring fence, wall or hedge between commercial and residential use. However at least a 5 foot high view obscuring fence must be installed along the portion designated as snow removal where the building wall does not extend to. Also a view obscuring fence will be required along the northern end of the facility which abuts a residential use. A fence will be constructed along the southern side of the facility adjacent to Anderson Road running around to Opal Court that will prohibit vehicular access.

During the Planning and Zoning Commission hearing, a condition was established that you must remove the snow from your snow storage area.

Please submit plans to our building department for review prior to obtaining a building permit. If you have any questions, please contact me at 208-357-3390. Thank you.

Sincerely,

Sandy Gaydusek
Clerk/Treasurer



Eastern Building

Building # 3

Building # 2

Building # 1

Southern

Northwing

#3

#2

#1

PERICE

ACCESS

ACCESS

ACCESS

ACCESS

STORAGE

STORAGE

STORAGE

STORAGE

STORAGE

PERICE

Exhibit A