

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

SEPTEMBER 28, 2010

PRESENT: Mayor Eric Christensen
Council Members: John Lent, Charlotte Fredrickson, Earl Beattie, and Kurt Russell
Police Chief: Alan Dial
Public Wks Dir: Chuck Lloyd
Recreation Dir.: Dawn Lloyd
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Mayor Christensen

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

Minutes of September 14, 2010 Council Meeting
August 2010 Overall Budget & Treasurer's Rpt.
August 2010 Expenditures

A roll call vote was called for: Earl – aye, Charlotte – aye, John – aye, and Kurt – aye.

Approved unanimously.

Mayor Christensen turned the time over to BJ Driscoll to conduct a public hearing concerning the change of the sewer rate structure. BJ said typically a resolution does not require a public hearing, however the council determined there was enough impact regarding the sewer structure on the public that public comment should be obtained. BJ opened the hearing for public testimony.

Kurt Coates, 195 S Spud Alley asked how much the residential rates are increasing. Sandy said a residential home would be going from \$37.70 to \$39.85.

Kyle Orme said he just purchased the Shelley Laundromat and just wanted updated on what was happening with the sewer rates.

Sandy explained why the new sewer rate structure is being considered. She said the new plant had to be built based on maximum peak daily flow. Sandy said some of the businesses are on meters and billed for actual usage, however this will change based on maximum peak daily flow also. She said there were three Idaho Wastewater Treatment guidelines that were used in coming up with the calculations for establishing each business or entities ERU (equivlant residential unit). Sandy said for instance the guidelines suggested a restaurant would serve 4.5 meals per day per seat. The engineers for the Regional Authority wanted to remain on the lower end of the suggested rates and used 2.5 meals per day per seat. Sandy said schools are being based on treating 12.8 gallons of wastewater per day per student, yet guidelines suggested 15 to 30 gallons of wastewater per day per student. She said the strength of the wastewater is also considered based on the type of business. For example a business whose wastewater is generated by

restrooms has a higher strength of treatment than a business whose wastewater is generated by washing dishes. Kevin Harris, Forsgren also discussed how the ERU's are assessed and the industry standards. He said the Regional Authority (EIRWA) adopted the calculation chart some time ago, but the City of Ammon requested that some items be changed on the chart. Kevin said the current chart was adopted by EIRWA also, but would probably be open to suggestions from the City of Shelley. Sandy said since EIRWA has adopted the calculation chart, the city would be charged for monthly operations and maintenance for the treatment plant based on the ERU's established by this chart. Basically meaning if the city chooses to charge businesses and entities less than the chart states, the city will need to subsidize the fee to EIRWA in another way, such as higher residential rates. Kevin said the ERU chart currently does not allow for a fast food restaurant. He said the only categories are drive through only or sit down establishments. Kevin said some of the restaurants are mainly fast food with a drive through, but also have seating inside the building. He said there are paper products used for serving the food. Kevin said there were no industry guidelines regulating fast food establishments, but other cities had this category. He said this category could be added to the ERU calculation sheet, but EIRWA would have to adopt the change. Kevin said in other cities .05 per seat is used for fast food instead of .10 per seat as in as sit down establishment.

Debbie Carter, 756 Cedar Avenue said she owns Sugar Plum Preschool. She said she does not have a daycare establishment, just a preschool were the children come to her home for approximately two hours per day. She said she has two classes on Monday, Wednesday and Thursday, and one class on Tuesday and Friday. She said there is no weekend or evening activities. Mrs. Carter said she does not mind paying some extra for her business, but she feels almost \$40 per month extra is a little high. She said she is not opened during the summer or holidays and runs basically on the same schedule as the public schools. Mrs. Carter said she has watched, and most of the time only one or two students per class use the restroom.

Linda Black, 757 S. Park Avenue said she owns Little Blossoms Daycare and has done so for over the past fifteen years. She said she also feels she should pay a little bit more, but feels \$40 more is too high. Mrs. Black said she is self employed and single. She said she has her daycare open Monday through Friday, and uses paper products to serve meals. Mrs. Black said she has six or more children approximately 3 hours per day, and the remaining hours of the day she has fewer children. She said she is licensed by the State and the city, however there are many daycares in the city that are not licensed. Kevin said there is a miscellaneous category that could be used in these types of instances where a portion of an ERU can be assessed.

Rue Bing, owner of the China King said she is concerned over the number of people coming into her business to use the restroom and then leaving. She said she cannot turn people away who really need to use the restroom, but this makes her metered costs go up. Kevin explained that the sewer rate would no longer be based on usage, but on the number of seats she has in her business. Rue Bing though her bill would be too high based on her seating. She said her stools at the bar are never used.

Kevin said the Council could go ahead and assess the businesses and then have an appeal process available on a case-by-case basis. Sandy said ERU sheets were sent to each business that would see an increase. She said if they would like to talk to her first, she could review the calculations prior to an appeal to make sure she did not make a mistake when calculating the ERU's.

Mayor Christensen welcomed the Scouts in attendance.

Glen Taylor, owner of the Hungry Corner agreed with the concept of a flat rate, however since 2009 the economy has been on a downslide. He said unemployment taxes have doubled, and a lot of costs are being passed on to small businesses. Mr. Taylor said these businesses need to be saved, and cannot survive if their sewer rates are doubled.

There was no other public testimony.

Sandy said when she visited the restaurants she originally based the number of seats as four per booth, but this could be changed to two per booth if the council chooses. Earl felt the city should move forward using two seats per booth instead of four, and also allowing a case basis appeal.

Sandy asked about daycare and preschool facilities. She suggested that she could work with each establishment regarding the number of children and operating hours to come up with a reasonable rate. The council felt the city should use two per booth and discuss adding a fast food category on the calculation sheet that could be presented to EIRWA for adoption.

Sandy said she also received some written comments from Jeff Steadman who owns some of the apartment buildings in the North Shelley Business Park. Mr. Steadman is currently charged by metered rates on not individual units. He will now be assessed per apartment and not usage. Mr. Steadman wrote that the rates will drive out his tenants. He barely filled all of the apartments last spring, and he has to be competitive with units in other cities.

John said his goal since he was elected was to try and increase business in the city. He said Urban Renewal helped give the downtown area a facelift, Riverfest was created, etc.

Mayor Christensen discussed water and how it is considered a valuable resource in Idaho. He said currently water is charged on a flat rate basis, however many think the only equitable way to charge is to meter. He said some day there will be a state mandate requiring everyone to be on a water meter. Mayor Christensen said there is a lot coming down the line, and mandates are passed. He said this council and the previous council has always been very business oriented.

John moved, Charlotte seconded to adopt the Sewer Resolution # and Rate Structure as presented. Approved unanimously. Sandy was instructed to use two seats per booth and the fast food category would be presented to the EIRWA Board on Thursday to consider for adoption.

At the last council meeting the new stop sign westbound on Holley and Robald Street being removed was discussed. John asked Chuck and Alan's opinion regarding the removal of the sign. He said a resident of Robald had requested the stop sign be removed. Both Chuck and Alan felt the stop sign is doing the job intended. John recommended leaving the stop sign up and possibly reviewing this matter again in the spring.

Sid Page said he met earlier with the council regarding an insurance proposal for liability and casualty insurance. He said he wanted to distribute some information for the council tonight, but since he was too late to get on the agenda he will be back to discuss his proposal with the council at the meeting on October 14, 2010. Mr. Page said he realizes the city is with ICRMP, which is an insurance pool, however the city may pay for other cities losses in a pool. He would like to look at the city's entire policy to provide a better quote. Sandy said she thought she gave Mr. Page the entire policy. Mr. Page said he only received the declaration pages. Mr. Page said ICRMP does not have enough data to give a solid rating, which may be somewhat of a concern. He said Euclid Insurance specializes in municipalities. Mr. Page said he would like to work further on the quote, but if the city is content with ICRMP he doesn't want to put the time into a more in depth quote. Alan asked if Euclid could provide help with attorneys whenever a city might need one. For instance Alan said he can call Dave Swather who is with ICRMP anytime if he has a question at no charge. Mr. Page did not know if Euclid would provide the same service. Kurt said he appreciates the work Mr. Page has done on this quote, but it appears the department heads are content with ICRMP at this time. Mr. Page asked for permission to work with Sandy on a comparison of coverage for the Mayor and Council. The council agreed, and Sandy said she would have a copy of the entire policy ready for review.

BJ discussed an amendment to the city's Sewer Ordinance regarding the payment of user fees when buildings or homes are not occupied. He asked if every vacant building would be required to pay the debt service and treatment plant O&M each month. Sandy said there are instances that a landlord may have several apartments vacant for several months, and wondered if the city would charge for vacant apartments. She said when someone leaves for the winter its understandable that that would be billed, but there are other instances such as a home that is being foreclosed upon or a business closes its doors. Sandy said she would like to do a small publication and possibly have Shirley do a story in the Pioneer regarding this matter to receive input from the public. BJ asked the Mayor and Council to think about this matter and possibly criteria could be used upon assessing vacant buildings. He said possibly not charging the monthly fee after a certain time limit or if the water is physically disconnected.

Sandy said there was one internal application and one outside application for the position to be filled in the Public Works Department. The groundskeeper, Jordan Johnson, submitted the internal application. Chuck said he would like to hire Jordan at the entry level with a probationary period. John moved, Charlotte seconded to hire Jordan Johnson internally at the entry level with a six-month probationary period effective October 1, 2010. Earl asked if two brothers working in the same department could be considered nepotism. BJ said it could not. A vote was taken, and the council unanimously approved the hiring of Jordan Johnson.

BJ thanked those that attended the oral argument with the Supreme Court regarding the annexation of Kelley Acres. He said it was unknown when we will receive a decision from the court.

Sandy said there will be a land use meeting in Boise that Bingham County would provide a grant for the registration for one person from the city to attend. There was no one on the council available to attend. The council instructed Sandy to ask Joyce Killpack from the P&Z if she is interested in attending the workshop.

Chuck said the alley on West Center running to West Maple has been completed. He said gravel has been placed on the alley.

Chuck said there was a power spike that ruined the electronics of the lift station in the West River Subdivision. He said they are currently operating the lift station manually. Chuck said the repair including a new dialer and probe will cost approximately \$5500. He said he will also be looking at some type of surge protector.

Alan said Bingham County has adopted a Spice Ordinance and would like the city to do the same. Alan said he has a concern regarding the county ordinance, which provides jail time. He said the county can charge the city under their ordinance for using their jail and hold the city liable for any liability that may occur. He said under the State Code the county cannot charge the city or hold it liable. Alan said the State has not adopted any code regarding the drug Spice at this time. He said he would have a hard time making this an arrestable offense. Alan said he would obtain a copy of the County Ordinance for the Council and Mayor to review.

John asked if the sewer project on Seminary Avenue has been completed. Chuck said not yet, and he has not gotten a definite time line from the company who is doing the work.

John said he had a great time at Spud Day. He said the Kiwanis did a great job. John said during Spud Day two people approached him about why the city does not allow Sunday Beer Sales. He said he would like to visit some convenience stores in the city to get their input, and then possibly discuss this matter further.

John said there are some on line courses and school courses that some of the employees may be interested in. He asked if the city has a policy on this matter. Sandy said the policy manual specifies that the department head must approve any employee's reimbursable courses and the class must be passed with 65% or better.

John said he will not be in attendance on October 14, 2010, but he will be in attendance on October 28, 2010. He said he will teleconference on the 14th.

Mayor Christensen said there will be a Regional Wastewater Authority meeting on September 30, 2010 at 10:00 a.m. at city hall.

Mayor Christensen said he had a great time at Spud Day. He said the city workers did a great job, and it makes the entire city look great. Mayor Christensen said on the Monday after Spud Day the Natural Helpers, and members of the Youth Committee cleaned up the entire park and it looks great.

Mayor Christensen said there is now a Level Four Operator at the new Oxbow facility. He said Carl Christensen started in this position on September 20, 2010.

Adjourned: 10:03 p.m.

ATTEST:  APPROVE: 