

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

FEBRUARY 26, 2025

PRESENT: Mayor Stacy Pascoe
Council Members: Kim Westergard, Jeff Kelley,
Don West, Sean Kress (Absent)
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: Mayor Stacy Pascoe

The meeting was opened at 7:31 p.m.

Kim moved; Don seconded to approve the consent calendar:
Council Meeting Minutes of February 12, 2025

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

**Brad Butters, Manager of the Bonneville Jefferson Ground Water District –
Injection Well Information/Education**

Kim had mentioned that she was the one who invited Brad to come to our Council meeting and educate us on the subject. Brad Butters who is the manager of the Bonneville Jefferson Ground Water District gave a history on the aquifer recharge and recharging the aquifer and the injection wells. Brad mentioned that we have to recharge water to where the springs from Blackfoot to American Falls can maintain flow. Don asked how are we doing it so it is safe. Brad responded that there are multiple ways that the aquifer is recharged with incidental recharge is the biggest one and has been going for the last 50 years. The incidental recharge will come from the canal system where it goes through the canal, it will also come from flood irrigation out on the fields and once the ground unthaws, it will seek into the ground. B.J. said that the gossip is that there are deep wells being drilled directly into the aquifer and then they are injecting untreated surface water directly into those well right into the aquifer and thinks that is where people are concerned. B.J. asked if that is happening, if it is not happening, or is it not as bad as we think it is. Brad responded that it has been going on for 30 years and they are on the Southwest Irrigation District between Burley and Twin falls. Brad stated that in the mid 90's that became a critical ground and their aquifer was declining and as a result they had to do something which in the 90's they captured water out of the river which canal water its water out of the river only going into a manmade channel or it could come out of Springs or Creeks. Brad also mentioned that there are thousands of tests to monitor the quality of the water after it gets into the ground. Brad mentioned that there is bacteria in all of

the water but after it goes into the ground it eliminates the bacteria and minimizes the risk. If there are bad tests what happens it that the well is shut off, and treat the domestic well and once it has been stabilized then the process starts again. The Mayor mentioned that he had concerns of contamination to the aquifer. Brad said he appreciates the concern but the testing is done on a regular basis. After more information that was given and the attachments provided Brad said he hoped he was able to help understand the process of recharging the aquifer and the injection wells and finding a solution. Brad was thanked for taking the time for coming into the Council meeting and clarifying the process.

Eagle Rock Engineering – Caden – Update on Copper Meadows Phase #2 and consider a Will Serve Letter

Nate Clark from Rockwell Homes was present. Nate mentioned that their goal for today was to provide a letter to Planning and Zoning and Public Works to discuss and to let it be known to the Mayor and Council that they are working on a pressure issue on the water system to get water to their Copper Meadows #2 subdivision that they are working on. Nate mentioned that he was here to get approval of that letter and that the letter talks about putting in a booster pump in order to increase the pressure to get adequate pressure to supply water to their Copper Meadows Division 2. Nate mentioned that the second portion of why he was here was to share a little about the subdivision and to answer any questions. Kim asked if they have found a site for the booster pump in which Nate responded that they are still working on a site. Nate mentioned that they have gone back and forth and have also looked at the City Hill and putting a booster there but because of timing purposes, the City Hill isn't going to work for their subdivision and so they will be doing a solo booster pump somewhere on their ground or near their ground to help with the water pressure. The Mayor asked how many lots will be done. Nate responded that there are 112 lots on the 45-acre subdivision and all the lots can be done on a quarter acre minimum but are above the quarter acre lot. Don asked if this was the average lot and Nate said the average lot is about .3 acres, about .25 to .28 acres. Kim asked if the water situation was the only thing because they had already gone to EIRSD. Nate said they have gone to EIRSD and they are annexed into the EIRSD district and the water was the only thing we are trying to figure out. Nate gave a quick update and said that they have 45-acre piece of ground and they are trying to do 112 lots. They will have four non buildable lots, they will have green space area to meet the city's code. Nate mentioned that this a County project that is within the City's impact area and the subdivision will be done to the specs and the codes of the city because of the impact area. They have met the green space code, all the setback codes, easement codes for the City of Shelley again because of the impact area. Nate said that they have worked Justin and Jordon to make sure they were meeting the area, they have met with the Fire Marshall and a few other City employees to make sure they are taking into consideration any of their thoughts and concerns. They will not do all of the project at once, they will do them in four phases with the first phase starting in 2026 and do one phase a year. The Mayor mentioned that there were two issues with the first issue that we haven't been giving people outside of the city limits except around the school because Balls put the water line out there so we would have had to reimburse them or let them build the first phase. The Mayor said that they were allowed to build the first phase and with that said, Balls has paid for a permit to drill a well but permit has expired and we didn't get it and probably won't have enough water. The other

issue is that we have an agreement with the County and they are supposed to be paying us for maintaining the subdivision that is already out there. The Mayor asked Lisa and Justin if we have received any money from them. Lisa said that she was not aware of any money received. Justin said we haven't but also didn't think there was an agreement on first phase and from his understanding, the Council at that time went ahead and accepted that, we accepted it thinking that it was going to be annexed into the city within a year or two. The Mayor said we did. Justin said that he had gone down to talk to the County a few years ago when the Balls were working on phase two but that has changed hands but doesn't think the County actually agreed to pay us any money for phase one. Jeff said they didn't. B.J. said that there was a concern about how we were designing our roads and what their equipment could do. Justin said that the discussion was that they build to the City's specs, the curb, gutter, sidewalk, they felt that their equipment was too big to maintain that and so the City goes out and does the snow removal and sweep the streets a few times throughout the year and we maintain the sewer and water system out there. Justin said that he believes that with phase one, the Council allowed them with the idea that they would be annexed in the near future and mentioned that he doesn't believe that the County is responsible to pay anybody for phase one. Jeff agreed that County is not responsible for phase one but mentioned that with Phase 2 there would need to be a discussion with the County. Justin mentioned that there was discussion about phase 2 but it has since changed hands. Jeff said that we would have to meet with the County and get an agreement. The Mayor agreed or else he wasn't willing to do it and mentioned that we would not take it over unless the county pays us or its annexed in. Don asked if the plan is to annex this into the City. Nate responded that not right now because of the complications with annexation at this point. They are running through a lot of issues with the PSI and water it is taking significant amount of their time. B.J. asked if Nate knew if they or their predecessor owners already signed or did we record a consent to annex and if there was any opposition there or is it that we can't get to it. Nate said that he doesn't believe there is any opposition on their end. Jordon said that phase one we got a recorded consent to annex but doesn't think there was one for phase two and thinks that if we are going to provide water it would be something we would want to have in line. Nate did have a question for the Mayor to a previous comment was if the culinary water for Copper Meadows phase one is provided through a well drilled in the aquifer. The Mayor clarified by stating that the water is through the City well and Ball Venture paid for the water line to go to the school because they owned that property. Jeff mentioned the Balls had built homes and they did not get the letter out to the people that they would have to be annexed into the city if we came along to annex them in and because of that, it cut the path to annex this portion of Copper Meadows. Jeff also mentioned that there are water pressure issues out there, low pressure out there. Kim mentioned that they have a solution for the pressure. B.J. asked where we are at with the hookup in general. Justin said he wasn't sure where we were at as far as how many connections are available but did mention that when Balls had this and were looking at phase two and move forward with it, working with Eagle Rock Engineering on a vault system, a booster station area by the jerky plant; we gave them permission and he thinks that these guys (Rockwell) purchased it from Balls and would continue the process. The Mayor did mention that phase two was not 100+ homes. Nate mentioned that he believes it was more because they were on smaller lots and Balls didn't realize they needed to meet the quarter acre specs and they were under and that is why

they have made them into a little bigger lots. Justin mentioned that he was not sure but believed that with Forsgren, they ran some studies out there and know that it's a pressure issue and not so much a volume issue and that we have had conversations about it the last three to five years. Jeff said that for the rest of the land that they own, the development beyond this, there is no way. Nate asked if he was saying there are no water connections. Kim asked if it he meant on the other side of Copper Meadows. Jeff said that the development beyond this addition and beyond this addition we don't know that the water is and would need to have modeling done and have annexation completed and with this one, we would need to go to the County and have some kind of an agreement to maintain it. B.J. asked Nate if he was here tonight primarily to request the Will Serve letter on the water. Nate said yes and that part of that letter was to show how they were going to solve the pressure issue. B.J. mentioned that even assuming that they do solve the pressure issue but because it is out of the City, it's been a big hang up because we are kind of at a critical tipping point of what we can do and can't do. B.J. said that we have been excited for the subdivision for a long time but that was with the understanding it would be in the City instead of us providing water to a County subdivision. Jeff mentioned that the issue is that there is no path to annex them in and we don't know if we could even annex them in. Nate mentioned that they were not aware of this and they were under the impression that this second phase would be identical as the first phase with the understanding that it would be annexed in within the next couple of years. Kim asked if we needed table this until we talked to the County. The Mayor said he wasn't willing to give anyone a Will Serve letter outside of City limits unless we have an agreement with the County and we know we have enough water because we have to provide water for those who live in City limits no matter what. Jeff asked if they have been going to the planning meetings. Kim said they had and we had talked more about them (multiple developers) doing a booster station. Jeff mentioned that they talked about water. Jordon mentioned that along the way, he feels like we led them in the wrong direction and all along we have discussed and talked about Copper Meadows for last couple of years and they have been at multiple meetings and we talked about where to put the booster station and doesn't think that not once we talked about that we wouldn't provide them water. The last conversations from the last six months to a year we've never questioned if were going to provide water. Jeff mentioned that we have talked about this development for a while and we've been willing to do it but we need to know about the water and as the Mayor says, with the annexation not being there, we don't know what we can do long term with the County and with us using our equipment to go out there and clean out, that is the City tax payers money; and we were willing to do that in division one but we haven't talked about division two. Nate mentioned that he understood where we are with the County. Kim stated that maybe we should table this until we talk to the County and see where we are with them. B.J. mentioned that we should maybe look back at the history of the what was promised and what was said with this group. He mentioned that it is frustrating and it was not Rockwell's fault and believes we would like to see this happen. The Mayor said he was all in favor for the subdivision but with Balls selling their lots that we needed to go through to annex without getting permission to get annex on those. The Mayor mentioned that if we don't annex it in, we have turned down a lot of people. Don also mentioned that we would be providing to the County with no benefit. The Mayor agreed and said as tax payers and representing the tax payers we are saying that we will do

this with their money versus everyone's money. Kim agreed with the Mayor but also stated that she agreed with Jordon and this is the first time they are hearing that this could be a problem. Justin mentioned that we did let Balls proceed forward with it also and never discussed not having water that we discussed water pressure. Jeff said he was in favor of this as well and moving forward with it but his question is what the County is willing to agree to do for us. Jordon did mention that Copper Meadow number two when Balls owned it, they had 130 lots and Rockwell have reduced those lots. Nate wanted to mentioned that Rockwell wants to be in Shelley and they see a huge benefit. They believe Shelley is doing things correctly. They want to help and are willing to be patient. This project has come with some difficulties and this one being completely unexpected along with water pressure and a lot of different things and working with the County and working with the City and now satisfying two people on this project and it seems that they are not quite on the same page. Nate mentioned again that they want to be here and are willing to work with you and have a nice park and safety and hope that you can help them to get this project through. It's been about two and a half years in the making and hope to have something going later this year or next year and hopefully it doesn't drag this on because if it does, he doesn't know what the future hold for them in Shelley. The Mayor mentioned that he wanted them to understand that we want them here but we need to figure out how to annex them in. Jeff also mentioned that we need to be on the same page as the County and make it easier for them. Nate thought that it was happening and Jeff mentioned that we would make it happen. Nate asked the Council if this could be on the next agenda to be able to work through that next month. Jeff mentioned that it could be on the agenda and we would talk to the County and get something worked out asap. Nate gave thanks to the Council.

Jeff Kelley – Informational Meeting on the Water Project

Jeff wanted to ask the Council if they could have an informational meeting on the water project. He would like to give the information as to when and where the project would start and what citizens are needing to sign for the easements and let them know what is going on. Jeff mentioned that during this meeting, we wouldn't take any input and this would be only information only. Kim mentioned that we could hold it at the Senior Citizens. The Mayor asked Jeff if he had a date in mind in which Jeff responded that he did not and that is what he wanted to ask the Council. Kim mentioned maybe the beginning of April. Jeff mentioned maybe mid-April. Justin said that it was scheduled for the bids to be opened on March 11th and we would have more information at our next Council meeting is on the 12th. This item will be on the next agenda when we have more information as to when the project would start.

Jordon Johnson – Spud Alley Right of Way Access

Jordon wanted to ask that as there is more development going on down Spud Alley, if this is a concern and if we wanted to approach the Railroad. Jeff said he believes we should have a traffic study on the area. B.J. asked Jordon if we could deal with this on a project-by-project basis or send a letter to the current property owners in the area as a reminder, this is all subject to the Railroad and keep that in mind with any future plans. B.J. appreciates Jordon trying to be proactive so we don't run into issues later. Jordon believe that most of the property owners there are aware, this would be for future developments. B.J. mentioned that he understands that Jordon is being proactive but they also have

to know their own property and what they can do. The Mayor asked both Justin and Jordon if they met with the railroad a while ago because he had received a call from the railroad at one time and the Mayor asked if they could meet in person to discuss what was going on and the Mayor was told the person was out of Omaha, NE. Justin mentioned that are not local. Brian Seargent spoke about the concern. He mentioned that he was worried about this and he had spoken to Jordon and were asking if that was considered a city street. Brian has three parcels and he asked the title company about the easement and the easement, the easement were granted to the original owner and it's not transferable. The title company all ensure the access and was told that if the railroad ever came in and denied access, he would have a claim with the title company. Brian said he was comfortable signing something about the access. The Mayor mentioned that the city has the transfer station down there and the only access is through Spud Alley. He doesn't see anything changing. B.J. mentioned that he doesn't believe we need to do much on it but it is important for everyone to be aware of it. The Mayor doesn't think they need to have to do anything about it.

Ted Hendricks – Consider Authorization Resolution 25-01, Submission of Application

The Mayor mentioned that this was already voted on. The Mayor mentioned that this if we are willing to put up \$30,000 but wouldn't have to put up the \$30,000 unless we get the grant \$60,000.00. Don asked that there would be no cost to us unless they put up the \$60,000.00. The Mayor confirmed that it was true. The Mayor mentioned that Ted is in Boise meeting with Legislatures and if he has the resolution he can ask if they are putting in the money. Don asked if this would be Federal money or State money, the Mayor said it would be whoever would give up the money. Kim asked the Mayor if he was 100% sure it would we would not spend one penny unless we are guaranteed and the Mayor said yes. Don mentioned that he didn't want to spend the \$30,000.00. The Mayor told Don that we wouldn't spend the \$30,000.00 unless we get the \$60,000.00. Don then said if that was the case than it was a safe bet for us, the Mayor said yes and we already voted on it. This is only a resolution that we would put up the \$30,000.00. B.J. mentioned that the resolution is not specific it only states that you are resolved to support the Idaho Gem Grant and the RDBG application and designating Full House Production, Ted's company, as the agent. Kim asked if we would be in direct competition with others. Don mentioned that he believes that the only way the city would not compete is if the city is not in the landlord business. Don doesn't believe that the city should build the building or manage the business. Brian said he has a building ready to be built but the market is not here for it just yet. It was mentioned that if he builds one and the city builds one and offers subsidized rent, he would lose tenants to go to a subsidized rental. The other question that Brian had was if the city spends the \$30,000.00 and gets the \$60,000.00 what is the obligation for the city to move forward where does it stop, where does this start. It was also mentioned who in the city going to decide who goes in. The Mayor asked if we wanted to move forward. Jeff motioned, Don seconded to approve the Authorization Resolution. Two in favor, one opposed, one absent.

New Council Business

Approval of Business License

Kim moved, Don seconded to approve the General Business Licenses. Approved unanimously, one absent.

Old Council Business

Consider moving forward with the Water conservation testing for Green Space

This item will be placed on the next agenda when all Council will be present.

Discussion for MOU for the transfer of the 72-acre to the North End Recreation District

B.J. presented a draft of the MOU and took that the issues that the Council wanted to be address from previous Council meeting and tried to come up with any other situation that could come up but couldn't think of any. Kim asked the Chief to share what he learned while working on FOP bills. The Chief said that he came across a bill that had to do with Rec districts and basically states that if a rec district was to dissolve all of its assets would be transferred to the County. B.J. asked if it was law and not private agreement. The Chief stated that he wasn't sure if it was a current legislature that is just modifying it or a new legislator but he brought it up to Kim to be aware that if it does dissolve that the City gets it and not the County. B.J. mentioned that this is something that was addressed in the first step that there is a reversion right in there that if there was a change in the land or it dissolves that property comes back to the City and it would also be in the deed. B.J. stated that this is an issue that can still be addressed and it doesn't necessarily have to be in added to the MOU or if the Council wanted, he could make the addition to the MOU. B.J. asked the Council if there was anything else they wanted him to the MOU. The Mayor asked if the MOU wasn't ready to do anything with. B.J. said that they could continue and with different changes. The more conservative would be to wait and have the rec get their by-laws in order but they could continue with it because everyone is on the same page. Jeff asked if the reversion would be in the deed. B.J. stated that it would, it wouldn't be in the MOU but it would be in the deed. The one thing that would survive will be the name of the park from the MOU when it is all developed. Jeff motioned, Kim seconded to accept the MOU with the clarify that section 5 has the survival performance and adding a section 6 regarding the disposition of the property should anything happen with the Rec district and making the affective date today. All in favor, one absent.

Department Head Reports

Lisa mentioned that the Council had a Bingham County Notice of Public Hearing that would be on March 19th at 6:00 p.m. in regards to review proposed modifications to Bingham County Code Title 10 Zoning Regulations Chapter 7 Specific Use Performance Standards Section 35 Tower; Broadcast, Cell, Telecommunications towers. Lisa also mentioned that the City Hall received a call from Bingham Arts Council to see if the Mayor and the Council would donate to the Art Show and that last year the Mayor and Council made two \$50 award donations. The Mayor and Council agreed to make the same donation this year. Lisa said that we received a letter from Rocky Mountain Power that they will be going around to begin to trim tress that are in the way of the power lines like they

had done awhile ago. The last thing was that we had a meeting with Doxo. Lisa said she had sent them the file that was discussed at an earlier meeting to make sure the file would work and it does. Lisa also mentioned she sent out an email to other cities in Idaho for reviews on Doxo and she did inform the Mayor and the Council that all the responses she received were not good. She gave some examples from other cities for our state and a lot of cities use the same process as we do now and some suggested Black Mountain services. Kim asked to reach out to Black Mountain and Don said we should ask Doxo for their side of the story.

Mikel mentioned that basketball is done and soccer signups are going and people could sign up their kids. Mikel also mentioned that he did talk to Pam and she will be coming back as the Pool Manager. Kim mentioned an idea of maybe having different days to sign up kids for swimming lessons which may make people have to wait for a couple of hours in line to sign up. Mikel mentioned that everything was going good with MYAC.

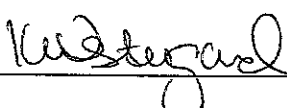
Justin mentioned that his guys are working at the shop. He also mentioned they will be doing a GIS system. Justin mentioned that Conley is about $\frac{3}{4}$ of the way on his CDL. There will be a Pre-bid meeting with contractors for Q & A at City Hall tomorrow at 2:00 p.m. and on March 11th the bids will be due and will be opened at 2:00 p.m. Justin said the hawk light will have the clock warranty again and when they pulled the clock, they are claiming that it got hit by lightning and there is a surge protector that has been blown. Justin said everything is going good.

Chad said the they had a Post Training Coordinator out and observe Officer Pacheco teaching the liability in the instructor's certificate. The Special Olympics will have the torch run through Shelley in June and to help raise money for the Special Olympics they will be bagging at Broulim's on Monday.

Council Reports

The Mayor thanked Kim for covering the last Council meeting and appreciated everybody.

Adjourned: 9:47 p.m.

APPROVE:  ATTEST: 