

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

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MARCH 24, 2009

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

PRAYER: Mayor Christensen

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

Minutes of March 10, 2009 Council Meeting

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

Mayor Christensen stated that Kirk Dooley is resigning from the Planning and Zoning Board. He stated the city's appreciation to Mr. Dooley for his willingness to serve the community. Mayor Christensen and John Lent presented Mr. Dooley with a plaque to thank him for his service.

Mayor Christensen welcomed Javier Valesco, a member of the Youth Advisory Council to the city council meeting.

Del Kohtz, Idaho Water Company LLC introduced himself to the Mayor and Council and stated that he bought, sold, and transfer water rights. He said he has done work for Pocatello and other cities. Mr. Kohtz discussed the city's re-charge efforts and asked how that was working out. BJ said the city has not heard anything yet, and the outcome is unknown. Mr. Kohtz said some of the water rights he has have early priority dates such as 1952 that might be beneficial for the city. He said he has various water rights ranging from the Twin Falls area up to Ashton that could be transferred to the city. He said he will review what the city may need and come to the council with a proposal. John asked if there are any water rights on the creeks that can be purchased. Mr. Kohtz said not that he knew of, but the closer the water right to the city, the better it will be. John asked if credit towards the city water rights could be gained with the wastewater being discharged into the river. Mr. Kohtz said he does not deal a lot with wastewater treatment. Mayor Christensen said some of the wastewater from the new treatment plant will be re-used. BJ asked Mr. Kohtz if he has any municipal rights. Mr. Kohtz said no, he does not, however he has irrigation rights that can be changed. He said the city could also use irrigation rights to irrigate the parks. Mr. Kohtz said when irrigation rights are changed to ground water rights some acreage per foot is lost. John asked what the cost would be for water rights for the city. Mr. Kohtz said it depends on the cost of the land that he buys. He said usually the cost is \$900 to

\$1000 per acre foot, and for what the city is requesting would equal about 250 acre feet. Mr. Kohtz said he would like to run some scenarios and present a proposal to the council. He said he would need to know the point of diversion and the need of the city. The Council felt this issue may be worth pursuing.

Kurt Wells said an approximately 46 foot strip of the back of his property and his neighbor's property was annexed accidentally during the annexation of the North Shelley Business Park. Sandy said this problem could be taken care of by de-annexing the strip of property that should not be in the city limits. She said originally the county assessors office thought she could use the entire legal description of entire property to be de-annexed, however it would be better to have the correct legal description. Sandy said she has spoken to Brent Christensen, the developer of the North Shelley Business Park regarding this matter, and he is willing to pay the additional taxes on the property that would be imposed by the city levy. She said the legal description used for the plat was correct, it was just the legal descriptions used for the annexation that were incorrect. Sandy said that legal description was divided into four different parcels for different zoning designations. She said the city does not check the legal descriptions presented for special use permits, rezoning or annexation. Sandy said this is too costly, and the property owners are responsible for providing the correct information. Mr. Wells said he did not want Mr. Christensen to pay his taxes. He said he does not want his property annexed into the city, and it was not a mistake he made. BJ said Mr. Christensen should be responsible to correct this matter, and possibly have his engineer draft a new legal description. BJ said the expense for the de-annexation should not be bore by the city. He said there will be publication fees and his time to draft the ordinance. John said he felt the city should move forward and de-annex the property and bill Mr. Christensen for the expense. BJ said the city needs to make sure Mr. Christensen agrees to pay the cost. Mr. Wells said he asked questions during the rezone hearing held for Mr. Christensen and was told he was not going to get annexed. BJ said this is neither Mr. Wells' fault nor the City's, but Mr. Christensen will have to agree to pay the expense before anybody charges him for it. Sandy said she will speak with Mr. Christensen about this matter.

Javier Valesco asked Mayor Christensen to proclaim April 25, 2009, as Youth Service Day. Mayor Christensen proclaimed April 24, 2009, as Youth Service Day in the City of Shelley. Sandy will draft a formal proclamation.

Steve moved, Charlotte seconded to approve the following business licenses for 2009:  
Lamar Trucking –General Business License, Tap Enterprises – Itinerant Merchant License, and Pinnacle Enterprises – Itinerant Merchant License. Approved three in favor, one absent.

BJ said he sent two email questions to the Mayor and Council regarding additional pool revenue, and a man that has some small water rights in Ammon that he is willing to sell. He said there may be forty to fifty connections are the entire right is transferable. BJ said he will check to see what the water rights are worth. BJ said in regards to pool revenue there is a man who is willing to purchase some of the property at Pillsbury Park and install a water slide to draw more patrons to the pool. He said the man would require the city to use the proceeds from the sale of the

property to upgrade or repair the pool, but the additional patrons should help both the city and the man. Dawn said the pool was constructed using grant funding so the city needs to be careful about selling the property. The Council was interested in speaking to the man about his ideas for the pool.

Sandy said the Department Heads met to discuss what cuts could be made to the current budget. She said several ideas were to eliminate paying Rocky Mountain Power for street light maintenance, dissolve the fitness policy, trade holiday pay in the police department for time off, reducing the wage for seasonal groundskeeper, cut attorney fees, reduce travel expense, buy rugs instead of using service, purchase no capital expenditures for one to two years. The Council discussed this matter and Steve said they are aware of the economic problem and will keep this in mind.

Dawn said there will be a blood drive on Tuesday, March 31, 2009.

Dawn said on Saturday there will be six youth from the city competing in the Fun Shot held in Salt Lake City.

Alan said there will be a task force activity happening this month.

Rick said "Spring Clean Up" will be held the last week of April.

Charlottes said Arbor Day will be held June 6, 2009, at the City Park. Mayor Christensen was asked to read the Arbor Day Proclamation at this event.

John said a news station reported a baseball field in Idaho Falls was having snow shoveled off of it for playing when the diamonds in Shelley were dry. He appreciated the effort Dawn and Mike took to clear the snow.

Steve said Channel Three News asked for an interview yesterday regarding Mrs. Fitzpatrick and the number of dogs she has. He said the interview that was aired was very one sided in her favor. He said there are some comments regarding this matter posted on KIDK's website. Steve said the city ordinance allows two dogs per household and needs to be followed. He said people need to realize this is for the betterment of the entire community. Alan said Mrs. Fitzpatrick was cited and the court date is March 27, 2009.

Mayor Christensen said on April 8, 2009, some management personnel from Rocky Mountain Power will be visiting the City. He said there will be a luncheon hosted by Rocky Mountain Power held at the City Shop.

Mayor Christensen said the Regional Wastewater Authority will hold a meeting on March 26, 2009, at 10:00 a.m. He said Superintendant Jolley will be in attendance to discuss the tap fees for the new elementary school.

Mayor Christensen said he will not be in attendance at the next meeting. He asked Lorin to conduct the meeting.

Adjourned: 9:02 p.m.

ATTEST: Sandy Bayduk APPROVE: Lorin Coff