

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JUNE 24, 2014

PRESENT: Mayor Stacy Pascoe
Council Members: Earl Beattie, Jeff Kelley, Kim Westergard, and Adam French
Police Chief: Jed Lewis - Rod Mohler (absent)
Public Wks Dir: Chuck Lloyd
Recreation Dir.: Dawn Lloyd
City Clerk/Treasurer: Sandy Gaydusek
City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Jeff Kelley

Mayor Pascoe opened the meeting at 7:32 p.m.

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

Approval of June 10, 2014 Council Meeting Minutes with two corrections
Building Permits:
Norma Jean Morris – fence
Doug Pfeifer - fence

Roll Call Vote: Jeff – aye, Adam – aye, Earl – aye, and Kim -aye. Approved unanimously.

Joann Turcotte was not present to discuss her application for a rezone to her property at 386 W. Locust Street. Sandy said the P&Z Commission held a public hearing regarding the rezone and recommend approval of her rezone request from R1 (Single Family Dwelling) to R2 (Two Family Dwelling). Mrs. Turcotte stated when she bought the home there was an apartment in the basement that was previously utilized, however she did not rent it out and lost the grandfather clause. She stated that she has moved and would like to sell the home as a Two Family Dwelling. Jeff said he has a few concerns regarding spot zoning since there is R1 all around the proposed property. He said he has seen neighborhood characteristics change when rezoning such as this happens. However, he said he is in favor of this rezone since there was an apartment previously. Earl said he has a few reservations, but is in support of the Planning and Zoning Commission. Earl moved, Adam seconded to rezone 386 W. Locust Street from R1 to R2 as requested by Joann Turcotte, the owner of the property. Approved unanimously.

Josh Newell residing in the Juniper Court Subdivision was in attendance to discuss the matter of a Fireworks/Public Display Permit that had been tabled at the last council meeting. Mr. Newell presented the minutes of the city council meeting from two years ago where his permit was approved. He clarified what the stipulations were when the permit was allowed. He said two years ago the fireworks were to be discharged over 200 feet from the county/city line. Kim said she has thought about this issue, and is concerned about issuing a permit to allow the discharge of these fireworks when we don't allow "dangerous" fireworks to be sold in the city. She said she feels citizens have rights, but is concerned over the animals that may be affected by the sound, etc. Kim said with that said she feels it is not right to discharge "dangerous" fireworks

inside the city limits when they cannot be sold inside the city limits. Adam said he feels the permit should be approved since these fireworks represent the freedoms of our country and because there are precautions being taken. Jeff said the ordinance allows the discharge of dangerous fireworks with a permit, however the Shelley/Firth Fire Chief has expressed reservations regarding this permit at this time. Sandy said Mike Carter, the Fire Chief spoke with her because he was unable to attend this meeting. He said he would recommend denying the permit based on the proximity of the surroundings, however he felt this decision should be made by the city and he would support their decision. She said he would not be able to send a fire truck on standby this year. Earl said he feels it is a liability issue and he is not in favor of granting this permit. He said we do not allow the sale of dangerous fireworks, therefore they should not be discharged. Jeff asked BJ what liability the city may have. BJ said it is the permittee that is liable. Jeff said the ordinance is designed to get recommendations from the Fire Chief and the Police Chief and be considered on a case by case basis. Jed Lewis said the Police Chief expressed some concerns regarding this permit and feels it should not be approved. He said there is also a state code regarding fireworks in unsafe foliage, etc., wherever a fire hazard may exist, however it lies with Chief Carter and the Council and the applicant could be required to have \$1,000,000 of insurance. Jeff said this body does have the right to make this decision based on the recommendations of the Fire Chief and Police Chief. Mayor Pascoe said the council should consider rescinding the ordinance if we are not going to allow this. Jeff said there may be some circumstances when this ordinance will be needed. Earl moved, Kim seconded to deny Josh Newell's application for a public display of fireworks due to the recommendation of the Fire Chief and Police Chief. Three in favor, Adam opposed. The motion carried and the application was denied.

Cody Butler was not in attendance. Sandy said she sent Mr. Butler a notice regarding the appearance of his property on S. Lincoln. Mr. Butler contacted her and stated he needed more time to clean up his property, since it has been a work in progress over the past few years. Sandy said she told him he would need to have the property cleaned up by the 27th of June or request an extension from the city council.

Patricia Judy at 433 E. Center Street said she had been issued a citation for not having her driveway completed. She said she was not in attendance earlier because her daughter was in the hospital. Mrs. Judy said she obtained a quote to install her driveway from H-K, however they cannot do the job until the later part of August. She said the bid is for recycled asphalt and wondered if that would be okay. The Council reviewed the bid and determined it was asphaltic material and 3 inches in depth as required by city ordinance. They gave approval to wait until August to complete the work. Mrs. Judy said she felt the city's procedures should be changed so there is better communications. She said her contractor did not know that a driveway had to be built when their house was built. She said she told the city council the first time the temporary occupancy certificate was extended that it would take her five years to install the driveway, and she said the city has changed their demands over that time. Earl said he was unaware that it was ever five years. Mrs. Judy also said there was a councilman that told a school class that some people were too poor to put in their driveway, and her daughter was at that school. She did not

feel that was appropriate. The Council agreed that should not have happened at the school. Jeff said it is the contractor's responsibility to know what is required in the city; the Building Inspector is not required to educate the contractor. Jeff said the city is working to correct the communication problem with contractors. Mrs. Judy asked why she could not have gotten a variance. BJ said a variance usually applies to the characteristics of the land, and a variance is not applicable in this case. Mrs. Judy asked if it is legal to issue a certificate of occupancy and then revoke it, like happened to her. Sandy said there is a section of code that allows a c.o. to be revoked if the requirements have not been met, and the certificate was issued in error. Kim said we are trying to change some of the ways we take care of things, and she has empathy for Mrs. Judy. Mayor Pascoe said some of the Board members have inherited things from five or ten years ago and we are trying to work through them. Mrs. Judy asked if the citation she received would be dismissed. BJ suggested that the proper procedures be followed with the court. Jed said the citation is still in the office and he could take care of this and pull the citation.

Kim moved, Adam seconded to approve the following business licenses for 2014:

Hot Stuf – For Hire Transportation

Sno Ventures – 570 S. State – Itinerant Sales

Eden Valley Food and Firearms – 136 E. Maple

Approved unanimously.

BJ discussed working with City Hall, and commended the staff.

Sandy said asked if there could be a revision to the Utility Billing Directive Form. She said it is cumbersome to make the landlord sign for each different tenant, and have the signature notarized. Sandy asked if the form could be changed to allow the landlord to list all tenants' "current and future: on the form instead of every individual tenant. The Council gave Sandy permission to work with BJ on this issue.

Dawn said this is the last week of baseball. She said there will be a fund raiser tournament this weekend for Youth Baseball. She said there will also be a benefit for Lakoda Stommel at the City Park on Thursday.

Dawn said the pool has been running great. She said they had to turn down the temperature a little bit. She said the filters are being kept clean and she thinks this has helped.

Chuck said he has received the paperwork from ITD regarding the cross walk lights for Locust and State Street. Mayor Pascoe will review and sign the document.

Chuck said the new well is working now, but they will have to adjust the pumping capacity.

Adam said he spoke with Chad Christensen about recycling and Mr. Christensen has gone out of business. Adam suggested the city possibly start promoting recycling to individuals regarding

curb side recycling. Sandy said she could put information on the city website and the billing cards.

Kim said she will be meeting with the Tree Committee at 6:00 p.m. on Thursday to discuss Arbor Day.

Jeff said the city looks great; the parks are well maintained and the railroad right-of-way looks good.

Earl said he commends the police department and the appearance of the city.

BJ said he reviewed the contract the city received from Dave Cannon. He discussed the contract which is good for three years, but reviewed annually. The Board discussed changes to the contract, and BJ will make the changes and present it back to Mr. Cannon. The change will include a three year fixed rate with an opt out clause each year.

Stacy said he has received some calls regarding the fading of the paint on the streets and the crosswalks. He asked if they could be repainted so the lines are darker.

Stacy said he appreciated the police, city crew and Dawn's hard work.

Adjourned: 8:48 p.m.

ATTEST:



APPROVE:

