

CITY OF HELLER
COUNCIL MEETING
MINUTES

JUNE 22, 2004

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Chad Landon (absent), Steve Cederberg, John Lent
Police Chief: Alan Dial
Public Wks Dir.: Rick Anderson
Recreation Dir.: Dawn Lloyd (absent)
City Clerk: Sandy Gaydusek
City Attorney: Scott Hansen

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: John Lent

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

Approval of the June 08, 2004 Council Meeting Minutes

Approval of the following building permits:

Sharree Wright - fence
Drew Summers - fence

Approved three in favor, one absent.

Dave Wilson, a Realtor representing the Arave Estate addressed the council to discuss the annexation and rezoning of a 15 acre parcel of property into the city for future development. Marvin Keele, the developer of the property was also in attendance. Mr. Keele said there will be two accesses into the development; one from the Meadowpark Subdivision off of Cardinal and the other off of Hansen Avenue. Sandy said the access off of Hansen Avenue only shows that it will be sixty feet wide, and the city ordinance requires at least a sixty six foot easement. Mr. Keele asked what option he had, and Sandy said he would have to purchase more property. Mr. Keele said it appears there is city water and sewer service available to the subdivision. He said the property is currently zoned as RA (Residential Agricultural) and he would need it rezoned to R1 (Single Family Dwelling) to be able to develop it into thirty or forty residential lots. Rick said he would like to see a piece of property that could be used for storm water run off. Mr. Keele said he figured that a catch basin would be needed for this purpose. The Mayor and Council determined the first step Mr. Keele should take is to approach the Planning and Zoning Commission to request to be rezoned, however annexation would need to take place first. Sandy said since Mr. Keele is the only property owner and he is requesting annexation it should be a fairly easy process and could be done while the rezoning process is taking place. Sandy said she will place Mr. Keele on the Planning and Zoning agenda for July 21, 2004.

Dale Petty discussed the plans he has drawn up for the addition to city hall. The addition will be placed on the back of the building where the Mayor's office and break room will be constructed. Sandy will have a portion of the city office enclosed to create an office for her also. Everyone

thought the plans looked great, and Mr. Petty was asked to present the city with some cost estimates.

Lorin moved, John seconded to ratify the fireworks permit for the Kings Company. Approved three in favor (Chad voted verbally on telephone poll), Steve opposed. The motion carried.

Scott presented several city code amendments that would correct and/or clarify our existing ordinances. The first he presented was an amendment to correct a discrepancy regarding riding bicycles on city sidewalks. The new amendment would allow children under fifteen to ride their bikes on the sidewalks with the exception of the business district running from Center to Byron. Sandy read the ordinance in full. Steve moved, Lorin seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved three in favor, one absent. Steve moved, Lorin seconded to adopt ordinance #476 amending the code regarding bicycles being ridden on city sidewalks. Approved three in favor, one absent. Scott read ordinance #477 regarding the sale of fireworks in full. The current city code had a discrepancy of what dates fireworks could be sold, and this amendment corrects it. Lorin moved, Steve seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved three in favor, one absent. Lorin moved, Steve seconded to adopt ordinance #477 as read to clarify the dates fireworks could be sold. Approved three in favor, one absent. Scott presented ordinance #478 regarding non-conforming uses. There was an addition to the language of the ordinance which refers to structures, land, or structure and land combination that was needed to clarify the intent of the ordinance. Mayor Christensen read the ordinance in full. Lorin moved, Steve seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved three in favor, one absent. Lorin moved, Steve seconded to adopt ordinance #478 regarding non-conforming uses as read in full by the Mayor. Approved three in favor, one absent.

Shawn Moore addressed the Mayor and Council to discuss the two pit bulls that he has been keeping at his brother, Benny Moore's house. He said he is visiting from Arizona and his dogs have gotten off the property and attacked another dog, and also attacked one of Benny's dogs. Shawn said he was given a citation and told he could not keep the dogs within the city limits because they were now considered vicious. He said he grew up in Shelley and is considering moving back into the area. Shawn said he has been boarding his dogs since the incidents, but he cannot afford to do so for much longer. He said his dogs are American Staffordshire Terriers and he has raised them from puppies. Shawn said his dogs are very expensive and well breed dogs and he does not train them to fight. Alan said he has spoken previously with Shawn and he does not want these types of incidents to happen again. Shawn said this will not happen again, and he apologized to Steve because it was his dog that was previously attacked and needed medical attention. Shawn said if the council will allow him to bring his dogs back into the city, he will construct a kennel that they cannot get out of. He said if his dogs do get out and go off his property he will give them to the city police and not argue. Shawn said he does not believe his dogs are vicious. He said things do happen if the dogs come along the wrong path. Shawn

said the night they got out and attacked Steve's dog they were not in his care, but were in his sister's care. Rennee, his sister said it was her fault that the dogs were running loose. Alan said there was a previous incident involving another person's dog which attacked a cat and killed it in their home. He said the dog's owner got a court order to get their dog back and keep it from being destroyed. Alan said Shawn's dogs were never impounded because he took them out of the city, therefore no judge ruling was made. John discussed the incident with Steve's dog, and stated the consequences if it would have been his dog. Lorin asked if Shawn's dogs would hurt children if he were out walking them. Shawn said no, they will not hurt children. He said the girl he is dating has children, and he presented a picture of one of his dogs and a small girl with her arms around it. John stated that if Shawn could provide a safe kennel, he did not have a problem with the dogs being in the city, but he did not want another incident such as the one with Steve's dog to happen again. He felt Alan should review the kennel that is to be built and review the situation periodically. Steve said he had two boxers. He said one night one of his boxer got the neighbors cat and bit a little boy who was trying to get his cat back. Steve said his boxer was put to sleep within fifteen minutes of the incident. He felt the situation with Shawn's dog was not handled properly. Steve said Shawn should have been in contact with him before now, and should have been there when his dog was taken to the vet. Steve said Shawn could not guarantee that his dogs would never get out again, and vicious dogs should not be tolerated. Shawn said he would repay Steve for all of the vet expenses and gave him \$300 for the first payment. Lorin said he met Shawn's dogs for the first time today and felt they were very well behaved. The Council determined that Shawn's dogs have committed vicious acts against other animals, however under the circumstances with Alan's supervision and approval he will be allowed to kennel the two animals at his brother's home within the city limits. Sandy asked Shawn to clarify his statement regarding the consequences if the animals get loose again. Shawn said if his dogs get loose and go off of his premises, the Shelley Police Department can take the animals away and he will not object even if they have caused no harm.

John moved, Steve seconded to approve the transfer of a beer license from Alexandra's to Madrigal's Mexican Restaurant which will be a temporary license until August 2004 when the State approves their permanent license. Approved three in favor, one absent.

Sandy said she notified John Katri about the council's concern over the animals at his rental unit located at 296 N. Byron. She said she has not had any response back from Mr. Katri since she sent him the letter. Sandy said she gave him thirty days to remove the animals or dispute this matter with the council. She asked how the council would like this matter handled. The Council agreed that Mr. Katri should be notified to appear at the next council meeting to discuss this matter further. Sandy was instructed to draft him a letter.

The Mayor and Council agreed that the street lights should be installed in the West River Acres Subdivision while the electrical trenches are open, and the expense would be re-cooped through an LID. Rick said now there is a problem with the lift station in the subdivision. He said DEQ has not approved the lift station because it was not built according to the plans. Rick said the plans call for three phase power, but only one phase power was installed. He said the pumps are

three phase and now have a converter on them to change them to one phase, however the converter runs all the time. Rick said our city engineers recommend that three phase power be installed according to the plans. Rick said the lift station was also constructed in a different location than the plans show. He said Mr. Grover's engineer knows of the existing problems and need instruction from the city of what we want done. Rick said the check station is also installed in the wrong location in the lift station, making it almost impossible to provide the needed maintenance. He said the check valve should be installed in a separate vault for accessibility. Rick said a fence should also be constructed around the lift station. He recommended a six foot high cinder block fence. The Council discussed this further and agreed that three phase power should be installed, and a six foot high cinder block fence should be constructed around the facility, as well as a separate vault for the check station. Rick said there is also a problem with the sewer line in one section of the subdivision. He said the line was laid a little bit too low, and DEQ will not accept it without some stipulations. Rick said the sewer line must be dug up and replaced or the city could draft a letter stating the line will be flushed out more than normal by the city once a camera has been ran through it and reviewed by DEQ. The Mayor and Council stated this last item of concern will be discussed more at a future council meeting.

Scott said he re-recorded the lien on the Vaugh Lefevre property. He said a representative from Diversified Holdings contacted him and said they still may be pursuing the purchase of the property. Scott said that they asked if the city would wait a little longer before filing the lien.

Scott said the Hillman's have not made their monthly payment for their LID as agreed at a previous meeting. He said he would begin the preparations for filing a tax deed on their property.

Sandy presented a plat that Bingham County sent for our comments on Division Two of the Meadow Estates Subdivision. She said the city had no comments on Division One of this same subdivision. The only comments the city wished to make is to make the County aware that a regional sewer line will be placed in the vicinity of this subdivision over the next several months.

Sandy said there are some problems with the preliminary plat for the North Shelley Business Park. She presented copies of the comments our city engineer had regarding the compliance with the city code, and the comments from Butler Engineering, the engineer for the subdivision addressing the city engineer's concerns. Sandy asked the Mayor and Council to review these documents which will be addressed in a public hearing on July 21, 2004 before the Planning and Zoning Commission. Sandy said she learned at the AIC Conference that the city should be requesting water rights from any subdivision that is developed. She said the city may want to pursue this with the developer of the North Shelley Business Park.

John said he attended a workshop at the AIC Conference pertaining to water rights and water conservation. He said it was stressed that all developers should be required to transfer water rights to the entities so water could be provided, and future wells could be drilled. The Council felt this is a good idea, and perhaps we should approach Boyd Grover about the water rights for

the West River Acres and Kent Carlson for his future development. Lorin said at the AIC Conference they also discussed the requirement of pressurized irrigation systems for all new additions. Sandy was asked to get a copy of Twin Falls ordinance regarding pressurized irrigation systems. The Council also discussed what might happen to the water rights that citizen's give up for non use.

Rick said the crew has been working on the corner of Byron and Pine Street. They are working on the storm sewer to alleviate water and ice build up in front of the Post Office.

Dawn said there is still a leak at the pool. She said the pool will need to be repaired again next spring, and hopefully the original job will still be under warranty. Dawn said the pool has been pretty busy on hot days, but we have been experiencing a few cool days which may have reduced the revenue a little.

Alan said he attended a workshop at the AIC Conference regarding Youth Advisory Councils. He said several cities have organized these councils and it has been a great success. Alan felt this may be a benefit for the city to pursue with our schools so the youth of the community can be more involved with our city government. Mayor Christensen asked John and Alan to work with the school on this matter.

John said he is very proud of the city representatives at the AIC Conference. He said he attended a meeting on broad band development. John said they discussed a five million dollar project in Utah to lay fiber optic cable. He said in the meeting they recommended to require developers to string fiber optics while they are developing. John said he was glad to have the opportunity to attend this conference and he learned a lot.

John said he received a copy of the letter written by Tyler Lind in regards to the bill sent to him by the city for water usage in his basement apartment. He said he spoke with the Lind's after the Planning and Zoning meeting several weeks ago, but he did not state that what the city had done was in poor taste and that the billing would be erased. John said he told the Lind's that he would readdress the matter before the council. He asked how the Mayor and Council would like to handle this. The Mayor and Council felt the billing which is approximately \$182 should be pursued, and the citation that was to be issued to Mr. Lind be served. Sandy was instructed to draft a letter to Mr. Lind regarding this matter, and also send it to John prior to mailing so he could add his comments.

Steve said the County Commissioners would like to pursue the transfer of the North Bingham County Park to the City. Mayor Christensen said the city should consider the additional work a new park would create and the expense to operate it. Dawn said the school has a lot of projects going on at this park, and with the projects there may not be enough room to install the soccer field and baseball diamonds as planned. John said the city may need to take some of the property use back from the school. Sandy was instructed to look review the new fiscal year's budget and see if the city can fund these additional expenses. Steve suggested that Dawn, Rick,

Alan and he meet with Errol Covington and Craig Rowland to discuss the operation of the park further. Steve said he will set up the meeting.

Steve said there are a lot of football games held at the city park, and wondered if the city should install nets so the balls could not enter the street. Dawn said she has received a complaint from one of the neighbors near the park, but the nets would have to be really high, and she did not think it would be feasible.

Lorin said there will be a SICOG meeting in Firth on June 24th. He invited all to attend.

Lorin felt the workshops at the AIC Conference were very good. He said he got some good ideas, and he appreciated being able to attend the conference.

Sandy reminded everyone about the Centennial Picnic on Saturday, June 26th. She said the events will begin at 4:00 p.m.

Steve moved, Lorin seconded to adjourn into executive session. Approved three in favor, one absent.

Steve moved, John seconded to reconvene into regular session. Approved three in favor, one absent.

Mayor Christensen said personnel matters were discussed in executive session.

Adjourned 10:13 p.m.

ATTEST: Sandy Hayward APPROVE: Eric R. Christensen

JUNE CLAIMS

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
1-Jun-04	US Post Office	272.78	27620
2-Jun-04	Comdata	516.32	27648
10-Jun-04	Utah Power and Light	8,404.00	27650
10-Jun-04	Adolf Kiefer and Associates	122.70	27651
10-Jun-04	Advanced Business Systems	33.87	27652
10-Jun-04	Albertson's #188	65.62	27653
10-Jun-04	American Linen	444.45	27654
10-Jun-04	American Plumbing Supply Co	77.98	27655
10-Jun-04	Association of Idaho Cities	1,200.00	27656
10-Jun-04	Bateman Brothers	725.00	27657
10-Jun-04	Sorensen & Hansen Chartered Blaser	1,263.00	27658
10-Jun-04	Bonneville Media	392.00	27659
10-Jun-04	Boyd Jolley	1,442.03	27660
10-Jun-04	Business Phone Specialists Inc	60.00	27661
10-Jun-04	Cal Ranch	209.55	27662
10-Jun-04	Cate-Idaho Equipment Co	21.06	27663
10-Jun-04	Davies Aqua Chem Supply Co	551.37	27664
10-Jun-04	Alan Dial	30.00	27665
10-Jun-04	Don's Fix-It Shop	77.75	27666
10-Jun-04	FMT Enterprises	3,800.00	27667
10-Jun-04	Sandra Gaydusek	163.41	27668
10-Jun-04	Hansen Excavating	100.00	27669
10-Jun-04	IAS-Envirochem	136.00	27670
10-Jun-04	Idaho Traffic Safety Inc.	292.00	27671
10-Jun-04	John Lent	205.50	27672
10-Jun-04	Jolley Building Supply Inc.	1,155.91	27673
10-Jun-04	Kings No. 21	75.87	27674
10-Jun-04	Kirkham Auto Parts Service Co. #8	133.28	27675
10-Jun-04	Les Schwab Tire Center	221.11	27676
10-Jun-04	LexisNexis Matthew Bender	59.80	27677
10-Jun-04	Linda Phillips	200.00	27678
10-Jun-04	Lloyd Wright	1,080.00	27679
10-Jun-04	Lorin Croft	99.00	27680
10-Jun-04	Merlin Stoddard	516.75	27681
10-Jun-04	Mountainland Communications Inc.	150.00	27682
10-Jun-04	National Waterworks Inc	1,001.49	27683
10-Jun-04	Void		27684
10-Jun-04	Pacific Steel	293.60	27685
10-Jun-04	Pioneer Publications	280.00	27686
10-Jun-04	Post Register	150.00	27687
10-Jun-04	Pro Rentals and Sales Inc.	225.00	27688
10-Jun-04	Roker Materials Co. Inc.	647.43	27689
10-Jun-04	Rotational Molding	2,320.00	27690
10-Jun-04	Jay Rowley	154.44	27691
10-Jun-04	State Insurance Fund	2,235.00	27692
10-Jun-04	Void		27693
10-Jun-04	The Pin Center	435.00	27694
10-Jun-04	United States Welding Inc.	106.75	27695
10-Jun-04	Utah Power and Light	7,663.45	27696
10-Jun-04	Valley Ready Mix	753.10	27697
10-Jun-04	Valley Wide Co-op	225.00	27698
10-Jun-04	Viking Office Products	78.64	27699
21-Jun-04	Sam's Club	465.38	27701
21-Jun-04	Bear Lake Baseball	450.00	27702
21-Jun-04	Daron Hull	360.00	27703
11-Jun-04	Northwest Shade Trees	309.00	27704
11-Jun-04	Northwestern Parts Washer Inc.	75.00	27705
25-Jun-04	Alan Dial	600.00	27706
25-Jun-04	Gary Grass	100.00	27707
25-Jun-04	Jake Christensen	100.00	27708
25-Jun-04	Old Time Fiddlers	100.00	27709
25-Jun-04	Wayne Richards	275.00	27710
30-Jun-04	All American Sports	63.00	27711
30-Jun-04	Business Phone Specialists Inc	60.00	27712
30-Jun-04	Cable One	227.20	27713

30-Jun-04	Cal Ranch	36.98	27714
30-Jun-04	Circular Butte Landfill	5,460.84	27715
30-Jun-04	Daniel Acevedo	1,500.00	27716
30-Jun-04	Davies Aqua Chem Supply Co	756.00	27717
30-Jun-04	Delwin Killpack	1,170.00	27718
30-Jun-04	Dougs Sales	690.75	27719
30-Jun-04	Dougs Wholesale Meats	496.00	27720
30-Jun-04	Duane Searle	18.35	27721
30-Jun-04	Eagle Rock Sanitation	3,372.25	27722
30-Jun-04	First Responders	190.74	27723
30-Jun-04	Forsgren Associates/P.A.	75.00	27724
30-Jun-04	Sandra Gaydusek	83.06	27725
30-Jun-04	H-K Contractors Inc.	1,557.74	27726
30-Jun-04	Holly Kartchner	300.00	27727
30-Jun-04	Howard's Tru Value Hardware	22.40	27728
30-Jun-04	Idaho Rural Water Association	370.00	27729
30-Jun-04	Intermountain Gas Co.	3,126.75	27730
30-Jun-04	Jeff Crezee	2,500.00	27731
30-Jun-04	Jim Cotterell	360.00	27732
30-Jun-04	Jim's Trophy Room	141.76	27733
30-Jun-04	Keith Dockstader	840.00	27734
30-Jun-04	Kirkham Auto Parts Service Co. #8	151.91	27735
30-Jun-04	Korner Service Auto Repair	369.48	27736
30-Jun-04	LexisNexis Matthew Bender	398.05	27737
30-Jun-04	McLeodUSA	391.21	27738
30-Jun-04	Mick's	443.40	27739
30-Jun-04	Miles Quick Lube and Off Road Center	10.00	27740
30-Jun-04	Mountain River Mechanical Services	2,102.97	27741
30-Jun-04	National Waterworks Inc	2,059.36	27742
30-Jun-04	Petty Cash	43.52	27743
30-Jun-04	Phillips 66 Co.	773.32	27744
30-Jun-04	Pioneer Publications	694.00	27745
30-Jun-04	Pro Power	349.99	27746
30-Jun-04	R&S Distributing	93.91	27747
30-Jun-04	Regional Waste Water Trust Fund	2,400.00	27748
30-Jun-04	Roker Materials Co. Inc.	468.15	27749
30-Jun-04	Shelley Police Officers Association	40.00	27750
30-Jun-04	Shelley/Firth Rural Fire District	3,975.00	27751
30-Jun-04	The Pin Center	435.00	27752
30-Jun-04	United States Cellular	217.95	27753
30-Jun-04	US Toy Co/Constructive Playthings	159.10	27754
30-Jun-04	Viking Office Products	59.16	27755
4-Jun-04	City of Shelley Payroll	37,217.86	27649
18-Jun-04	City of Shelley Payroll	44,887.33	27700
	Total	164,860.88	