

CITY OF WHEELING
COUNCIL MEETING
MINUTES

APRIL 13, 2004

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

PLEDGE OF ALLEGIANCE: Chris Gibson

PRAYER: Steve Cederberg

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

Approval of the March 23, 2004 Council Meeting Minutes
Approval of March 2004 Expenditures
Approval of March 2004 Overall Budget & Treasurer's Rpt.
Approval of the Following Building Permits:
Brent Dial - re-roof
Randy Eaton - garage
Shirley Simpson - addition
Rob Quilling - new home
Rob Quilling - new home

Approved unanimously.

Jon Abrams said there are many young men from our area including his son that will be sent to Iraq soon. He asked the city and those in attendance to keep the men safe in their thoughts.

Jon Abrams, Shelley School District Superintendent and Don Wilde, Maintenance Director appeared before the Mayor and Council to discuss the growth that the School District has been seeing. Mr. Abrams said he came before the city governing board about a year and a half ago to discuss the bond that was being sought to construct a new elementary school. He said at that time he stated the modular units that are presently located at Goodsell Elementary and Hazel Stuart Schools would be removed if a new elementary is constructed. Mr. Abrams said over the past ten years the schools enrollment has been declining, however the past year and a half there has been a building frenzy, and the area has experienced a tremendous growth. He said the School District even hired additional teachers to accommodate the growth. Mr. Abrams said even with the new elementary school being built, there is a shortage of rooms at Hazel Stuart. He said there are several options that will be presented to the School Board to handle this matter. One option is to put additional students in each classroom and make the class bigger. Another option is to use Goodsell Elementary for the necessary classrooms, but this would mean splitting grades. The third option is to move the modular unit presently located at Goodsell Elementary to Hazel Stuart to replace the existing modular unit that is very dilapidated. Mr. Abrams said if the city allows the school to move the modular unit to Hazel Stuart it would be for a two to five year period. He said during that time, they would be able to calculate how much growth is actually

occurring. Mr. Wilde said five years would allow the School District to evaluate the situation and see if there is just a growth bubble, or if growth is going to continue to occur. Mr. Abrams said these options have not yet been given to the School Board, but could the city support the relocation of a modular unit to Hazel Stuart School if the Board chooses this option. Lorin said the city has taken some heat over the modular units at the schools. He felt the growth in the city and the surrounding area is going to continue. Chad said there is more growth being discussed that may occur in the city at the present, so the growth will definitely continue. He said he has also received some complaints about the modular units, however the city does not want to create a hardship on the School District. Mr. Abrams said the modular unit at Goodsell Elementary has to be moved because the property where it is located has been sold. He said if growth is going to continue, the funds for the new elementary and Hazel Stuart are tapped out. He said they could use Goodsell for additional classrooms, but third grade would need to be split. Mr. Abrams said this could cause some problems with the patrons of the School District, but it could be dealt with. Don said if they could use the modular unit at Hazel Stuart for two to five years, this would give them time to put another bond package together to present to the patrons. Mr. Abrams said the options will be presented to the School Board on Thursday night. Steve said the growth in the area has effected other organizations beside the School District. He said if a bond needs to be passed, the school should get started on it. Mr. Abrams said another option may be to move pre-school and the Kindergarten to Goodsell Elementary. Chad felt the city's preference would be to come up with other options other than using a modular unit at Hazel Stuart School, however if there are no other options the School District can make another presentation to the city and see if something could be worked out. The Mayor and other Council members agreed.

Ted Hendricks reported on the regional wastewater projects that are currently being considered. He said members of the Regional Waste Water Steering Committee and their representatives will be presenting the Melaleuca project to the Governor's Advisory Council on April 23rd in Boise. Mr. Hendricks said he has personally given Governor Kempthorne an update on the project, and he is very supportive. Mr. Hendricks said there was a former scope of work approved by the Steering Committee regarding the conceptual design for the improvements to the Shelley Sewer Lagoon where every entity committed \$9600 to the \$48,000 work release. However, the Iona Bonneville Sewer District Board (IBSD) never formally approved the expense because their member, Dee Armstrong never placed the item on their agenda for approval. Now IBSD has withdrawn from the Steering Committee and all expenditures that are associated with the Regional Waste Water Project. Mr. Hendricks said the remaining four entities on the Steering Committee have been asked to expend \$2400 each to cover the balance of this work release. Mr. Hendricks said the Steering Committee also amended their original grant for the feasibility study to include a more extensive archeological review. He said the grant has been approved by DEQ in the amount of \$10,000, which will need to be matched by the entities. Mr. Hendricks said Mayor Christensen will receive confirmation regarding the grant. Chad moved, Steve seconded to approve the expenditure of \$2400 to pay the remaining amount for the work release to cover the design for the improvements to our sewer lagoon. Approved unanimously. Chad moved, John seconded to approve the expenditure of \$2500 to cover the city's portion for the archeological review grant match once the \$10,000 grant has been received. Approved

unanimously. Mr. Hendricks presented a standard contract that will be used for the 2 million dollar Melaleuca project which states ECIPDA will be hired as the administrator of the project. He said the contract is for \$88,000 and will be contingent upon receiving the block grant from the State of Idaho. Scott said he has reviewed the contract and has no comments or objections. The Council gave the Mayor authorization to execute the contract once the grant has been received.

Ryan Loftus of Aspen Engineering addressed the council to discuss the development of a new subdivision. He said he is representing Tammy Rencher who is in the process of purchasing a parcel of property from the Arave Estate just south of the Meadow Park Subdivision. Mr. Loftus said the proposed residential subdivision will consist of twenty-three ½ acre lots, and will have access to Hansen Avenue and Cardinal Street. He said they would like to access the city water and sewer systems, which are in the immediate area and would be easy to tie into. Mr. Loftus said the property is currently zoned as Residential Agricultural and is located in the county. He said they would seek a rezone of the property to Single Family Residential, however they did not want to be annexed into the city limits. Mr. Loftus said one reason they did not want to annex the property is due to the cost of sidewalk, curb and gutter, which is required in the city. He said if they could construct curb and gutter only, but forgo the sidewalk they might agree to be annexed. Chad said when someone outside of the city limits accesses a city service such as sewer or water, it is considered implied consent to be annexed. He said when a subdivision is as close to the city limits as the one they are proposing it enjoys benefits of the city limits such as police services, parks, pool, etc. that are paid for by the city taxpayers. Chad said a swale design might be considered, but it would be on a case-by-case basis. Lorin said he did not want an island of county property within the city limits. Mr. Loftus said they spoke with Bingham County, and were told that the city would need to approve their plans before they would be allowed to proceed since it was adjacent to the city and in the impact area. Chad felt the additional cost of the sidewalk, curb and gutter could easily be added onto the price of the lots and would be very beneficial. Shannon Albright said he was concerned about the access from Hansen Avenue to the proposed subdivision. He said Rick Rivers was in the opinion that he owned the portion of land that they were considering to use for a right-of-way. Chad said at this point the developers had been given the opinion of the city, and the first step would be to go before the Planning and Zoning Commission and request the property to be annexed and rezoned. He said then they could continue with the steps for platting the subdivision.

Peter Utkin was not in attendance to discuss the usage of the parking lot between Food Plaza and the Church where the fifth point of the intersection on Park Avenue was closed. Sandy said Mr. Utkin would like to use the parking lot as a motorcycle-testing course. Rick said the State requires designations to be painted on the street for the course. The Council determined Mr. Utkin should work with Rick on this matter.

Steve Nielsen was not in attendance. Sandy said Mr. Nielsen needed to know if he had approval to access city sewer for a development on his property near the sewer lagoon. She said she researched prior minutes and several years ago Mr. Nielsen was given permission to access the

city sewer if he developed his property. Sandy said she gave Mr. Nielsen a copy of those minutes.

Grant from Butler Engineering gave the cost estimates for the water, sewer, and street improvements for the proposed North Shelley Business Park to Sandy earlier in the week. Sandy said she had emailed the costs to each member of the council and the Mayor. Grant said they are in the process of finishing the preliminary plat for acceptance, but he needs direction on how the city would like the connector road expanded. Chad said he looked at the costs for each property owner and felt the city would have a hard time paying for any of the costs except the upgrade in the size of the water lines. Steve said he spoke with Kirk Jolley and Jolley's have no intentions of paying any costs. He said if the developer wants to develop, they should be responsible for all costs. Grant said the connector road is not a dedicated right-of-way. It is actually property that was traded to the city for the road. Chad said if the property is to be developed, the developer needs to show what he intends to do with the property he is fronting. He instructed Grant to be concerned about the developer's property only, and show how they intend to develop it and get water and sewer to it. Chad said the city will deal with the other property owners separately. John agreed that the city should pay for upgrading the size of the utility lines. Rick said the city wants a parking lane and curb, gutter and sidewalk on the frontage of the development. Grant said there are twenty lots that will have access to the connector road. John said maybe they should look at limiting the number of accesses to reduce a traffic hazard. Grant said they could post the parking lane as no parking and call it a turn lane. He said he will present this concept on the preliminary plat. Eric Call said he is concerned about the layout of the Business Park. He said he lives near the area, and wondered if there would be a buffer zone between the business area and the residential area. Sandy said whenever a business zone abuts a residential zone there must be a six-foot high sight obscuring feet constructed. She said this matter will also go before the Planning and Zoning Commission as a public hearing once the preliminary plat has been accepted.

Cameron Armstrong owns property at 347 and 349 E. Center Street. He said his property exists in a Single Family Residential Zone (R1) but he has a home with four apartments in it, and has had for years. Mr. Armstrong said he was told he cannot sell the property as apartments since an ordinance was created a year ago eliminating the grandfather clause for a piece of property that is being sold. Chad said that ordinance was adopted because of number of problems that existed in the city. He said the ordinances were placed in the city's legal newspaper when the ordinance was adopted. Mr. Armstrong said he is in a financial position that he needs to sell his property and he will not be able to sell it as an investment property if apartments are not allowed. Scott said this can be handled two ways. He said the city could strictly enforce the city code or they could direct Mr. Armstrong to the Planning and Zoning Commission to request a variance or a special use permit. Scott said there could even be conditions attached to a special use permit. He said the objective is to get in line with the comprehensive plan. Sandy said according to the district regulations a special use permit is not an option, however a variance may be an option. Scott said if the city deviates from the city code it could cause a liability for the city. Mr. Armstrong asked if the property could be rezoned. Chad said there is a comprehensive plan that

needs to be followed, and the city should not spot zone a piece of property. Lorin asked if it might be possible to split the duplexes and sell each as one home. Mr. Armstrong said he would need to check with his Realtor. Frank Smith said he is interested in purchasing Mr. Armstrong's property but not if he could not turn around in the future and sell it as apartments also. Mr. Smith said he also owns property in a R1 zone that also accommodates apartments. Scott said the city governing board could look at the ordinance and determine if animals were the main issue regarding this grandfather clause and determine they are not ready to legislate apartments at this time. Chad said he really didn't think this ordinance should apply to animals only. He said the city is also trying to locate apartments that exist in homes for city utility billing purposes too. Steve said he does not know of any complaints that have been received regarding this particular matter from other residents. Scott suggested that Mr. Armstrong be sent to the Planning and Zoning Commission and see if they are willing to review this matter as a variance. Scott said he will research this matter and try and fine-tune the ordinance for the city. Mr. Smith said he will not feel comfortable purchasing the apartments from Mr. Armstrong until the apartments are allowed on a permanent basis and not just by a variance. Scott said this matter will be readdressed in two weeks.

Sandy said according to State code the city must notify the county of the date of the budget hearing by April 30th. The Mayor and Council determined the city's 2004-2005 Budget Hearing will be held September 7, 2004, at 7:30 pm. at the city hall.

John said a letter was faxed to Vicki Johnson regarding a conflict of interest with her residing as the Planning and Zoning Chairman and representing developers in the area as their Realtor. John said he spoke with Vicki, and she suggested that she be replaced on the P&Z Board. He recommended she be notified that she is being replaced on the Board and possibly send her flowers thanking her for her service. John said in the past year the Planning and Zoning Commission have had several times that there was not a quorum present. He wondered if members should be replaced after missing a designated number of meetings. It was determined that it would be left at John's discretion if a member needs to be replaced on the P&Z Board due to missing a number of meetings. John said he felt members need to be committed to this appointment. He said he has a list of potential candidates for the P&Z Board and he will talk to several of them about serving. He said he will poll the present P&Z members about the new members before the names are presented to the council. Chad said it may be beneficial to change the number of P&Z members so four members present instead of three would constitute a quorum. John said he would follow up with this matter.

Dawn said it is time to hire managers for the pool. She recommended Monica Seward and Jennifer Burton be hired as co-managers, and Lindsay Hoskins be hired as an assistant manager. Rick said he would like to recommend Blake Barney for a groundskeeper, and he needs one more employee to fill another position as groundskeeper.

Scott said he did not finish the amendments to the sewer and sanitation ordinances regarding the responsibility of the billing. He said this matter would be readdressed in two weeks.

Sandy said she was asked to bring the issue of non-compliant apartments back to the council. She said the Lind home had an apartment in the basement when there was an unfortunate fatality accident. She said city hall drafted a letter to the Lind's in 2001 regarding the use of their apartment, stating they would be charged for city services if the apartment was being utilized. Sandy said the Lind's came into city hall and stated they had not used their apartment for over a year, and at that time they were helping out some friends by allowing them to stay there. She said Beth informed them that they could no longer use the apartment because the grandfather clause had been lost. Sandy said the newspaper stated the renters had been in the basement apartment for approximately eight months, which would have put the renters in the apartment in July of 2003. She said the city's prosecutor suggested the Lind's be cited and charged for the city services that had been used by the renters. Steve felt this matter should be pursued because other apartment owners pay their fair share, and the other council members agreed. Sandy was instructed to have the Lind's cited for a zoning violation and back billed for eight months of water and sewer fees.

The Mayor and Council determined to indefinitely table the matter regarding the development of water and sewer lines to the end of the property lines in subdivisions, and that this matter be handled on a case by case basis.

Sandy said the Spring Workshop was held earlier today, and John and she obtained a lot of helpful information.

Sandy said the Hillman's left a \$100 payment towards their LID in the drop box at the last council meeting. They also left a note saying they would try and pay more later. Scott said city should file a tax deed so they do not lose the right to collect the full payment since Idaho Code regulates the way delinquencies are to be handled. Chad suggested the city accept the \$100 payment and take monthly payments from the Hillmans. Sandy felt she would have to remind the Hillmans every month and there may be a problem collecting. Sandy was instructed by the council to draft the Hillmans a letter stating a payment must be received by the 25th of every month or a tax deed would be filed with no further notice to them.

Dawn said Mark Cowley approached her to see if the city is interested in participating in the America's Promise program. She said Mark said if the city would join the coalition it would open up a lot of grants that are available. She said the program makes sure the children in the community are getting what they need. Dawn said she needs the Mayor's approval to join the coalition, and needs the Police Chief on staff. The council stated they supported the program and gave Dawn permission to proceed.

Dawn said there were four children that went to the two-ball competition in the Jazz program. She said three out of the four took first place.

Rick said Spring Clean Up is underway and going great.

Rick said there have been plans to extend the connector road across the railroad tracks to Baseline Road. He said Ken Bateman owns some of the property that is needed for the project and he may be interested in selling. Rick said he would like Forsgren to take a look at the property and survey it. Sandy said it would cost anywhere from \$500 to \$2000 to have it surveyed, and there was no funds specifically budgeted to buy property this year. The Council instructed Rick to have Forsgren survey the property.

Alan said the 35 m.p.h. speed limit sign on Highway 91 near Chuck Higham's property was supposed to be moved further north. He said the State Transportation Department is requiring an ordinance to be drafted stating the speed limit sign needs to be moved before they will move it. Alan said 90 percent of the time there is not a safety hazard, but when dance lessons are being held at the two businesses that access the Highway there is a hazard. Alan was asked to put together a proposal for the ordinance. Lorin said he will follow up with Alan on this matter.

Alan said a shotgun was found at the High School. He said a student accidentally left the gun in his car after a hunting excursion the night before.

John thanked everyone for attending the Centennial Ball. He said the Ball was a great success with over 500 people attending. John said Shirley and Ron Lundquist did a fabulous job heading the event, and the Natural Helpers did a great job with the decorations. He said the city has received \$125 in cash donations for the Centennial Celebration, and he would hoping these funds could be used for some type of memorial at Centennial Park. John said he would meet with Tony Hill, the Tree Committee Chairman to discuss this further.

John said he received a lot of complimentary souvenirs from the Idaho Potato Commission. He said there are ties, spud buddies, caps, etc. John said some of these items will be used as door prizes at the other centennial events.

John said he also attended the Spring District AIC Workshop today. He said they provided a DVD, which will train the P&Z members.

John said Romaine's is interested in purchasing the King's building once their new store is built. He said they also intend to renovate their existing building.

Steve said there is a grant that being considered for the restrooms at Brinkman Park. He said there is a new State Director for Parks and Recreation. Steve said the Board will meet on April 27th and then we should know the outcome of the grant.

Lorin said Dale Petty is reviewing the city hall plans to determine what will be the best way to add onto the building.

Lorin said he values the department heads opinions on city matters, and invites them to participate in all of the discussions. He said their opinion is very important to the Council. Chad said he agrees.

Lorin said he just purchased a building in the city limits to locate his business in. He felt the city is very business friendly and a great place to locate to.

Chad said he received a complaint about the horses that are at the corner of Byron and Oak Street. He said there have not been horses there for a very long-time, and now there are several on the premises. Chad asked Sandy to find out who owns the property and the horses and present this information at the next council meeting.

Mayor Christensen said Rick has found a rock that will be used for the plaque at the David B. Bleak Memorial Park. He said the plaque will be set up sometime this spring.

Mayor Christensen said he had a great time at the Centennial Ball, and he also echoed the sentiments that the department heads opinions are valuable.

Chad moved, Lorin seconded to adjourn into executive session pursuant to Idaho Code 67-2345(c). Approved unanimously.

Chad moved, Steve seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen said during executive session property negotiations for a park was discussed.

Adjourned 10:40 p.m.

ATTEST: Sandy Baydush APPROVE: Eric R. Christensen