

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

APRIL 13, 2010

PRESENT: Mayor Eric Christensen  
Council Members: John Lent, Charlotte Fredrickson, Earl Beattie (absent), and  
Kurt Russell  
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: Austin Stewart

PRAYER: Charlotte Fredrickson

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

Minutes of March 23, 2010 Council Meeting  
March 2010 Expenditures  
March 2010 Overall Budget & Treasurer's Rpt.  
Building Permits:  
Bank of Commerce - Drive Through Canopy  
Kelton Larsen - New Home

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

Larry Bateman, 760 Aspen Avenue addressed the Council regarding the gate placed between Robald Avenue and the Shelley High School property. Mr. Bateman gave a statement regarding the hard tasks that must be accomplished to run a government. He said Mayor's and Council's are a must in cities. Mr. Bateman said the people in a city depend on their councils to protect them, help the city grow correctly, etc. He said he has reviewed the works of the council and the Shelley School Board regarding the installation of the gate on Robald Avenue. He said he understands there were many hours spent trying to resolve this issue. Mr. Bateman said there was a speed bump and a stop sign installed. He said the major complaints of the residents of Robald Avenue are speeding traffic, loud noise, and the volume of traffic. He said a reason to close the gate is to reduce the volume of traffic. Mr. Bateman recited several quotes that were given by the complainants of Robald Avenue at the council meeting held August 25, 2009. Mr. Bateman said the gate is supposed to remain open from 7:00 a.m. until 4:00 p.m. and for major school events. He asked what is to be gained by this; it is not reducing the volume of traffic. Mr. Bateman asked if the Shelley High School students were ever approached about this problem. He said the students should have been given the benefit of the doubt; now they feel betrayed as some of the adults also do, and they will react. Mr. Bateman wondered if the police couldn't monitor Robald during the high volume traffic time to reduce the infractions that the complainants are seeing. He said road noise can also be a problem, and the large stones that have been applied to this street could contribute to that. He informed the council how to properly chip a street. He felt if the proper procedure was followed the street would be quieter. Mr. Bateman listed the operating hours for the gate, and wondered why the gate was not opened

for the track meet last week, a wrestling match on Saturday, and the school board meeting. He said it is an embarrassing situation to let our visitors see us in this predicament. Mr. Bateman asked what would happen in an emergency situation, and how much are we willing to sacrifice. He asked what justifies the removal of an access to a public place. Mr. Bateman asked the Mayor and Council to reconsider and evaluate the placement of the gate. He asked for the gate to be removed. Mr. Bateman offered to dismantle the gate and give it back to those that purchased it. Mr. Bateman presented a petition with signature to request the removal of the Robald Avenue gate. (A copy of Mr. Bateman's presentation and the petition is on file)

Mayor Christensen called Brad Darrington for his comments. Mr. Darrington was not in attendance, so Val Darrington spoke. Mrs. Darrington said they live on the corner of Holley Street and Robald Avenue. She said she agrees with 99% of what Mr. Bateman said, that there is a problem that needs a solution. She said the gate is not a perfect solution. Mrs. Darrington said she would like a compromise and try and resolve this problem. She suggested everyone could brainstorm and come up with a resolution that would make everyone happy. Mrs. Darrington said her family has zero tolerance for abuse, violence and vandalism. She said nobody should be personally attacked for the way they feel, there should be other avenues taken.

Mayor Christensen said everyone has witnessed democracy in action. He said both sides were presented regarding this issue, and hopefully we will come up with a solution with everybody's help.

Charlotte thanked everyone for the way this matter was presented. She agreed that everyone needs to work together.

Charlotte moved, John seconded to table this matter until the council meeting scheduled for April 27, 2010, to allow the council to review the petition submitted. Approved three in favor, one absent.

John said he appreciates the attendance tonight and understands everyone's concerns. He hopes the city can help, and feels this issue was forced upon us. He asked if Mr. Bateman could email a copy of the petition to him for his review.

Charlotte asked Mr. Bateman if everyone who signed the petition has been informed of the hours that the gate is to remain open. Mr. Bateman said yes, they were told.

Charlotte said she did not feel she was forced into this, the city had a patron come ask for help and that is where this all began in her opinion. John said in his opinion it was the lack of the School District taking care of an issue. Charlotte said there were several meetings held.

Many citizens made, and some wanted to make comments regarding this issue, however this matter was tabled for two weeks then comments may be made. Mayor Christensen asked the citizens in attendance to come up with some viable solutions over the next two weeks.

John suggested patrons email him with solutions and possibly put up a blog or forum for people's comments.

Devrie Hanson of the Mayor's Youth Committee said the group's annual service day will be held April 24, 2010. She said they intend to paint the playground toys at the Pillsbury and City Parks. Ms. Hanson said they are also sponsoring a "teach in" at the school this year.

Sandy presented a comment sheet received from Bingham County regarding a caretaker residence being allowed at A&B Storage (888 E 1450 N) in a Light Manufacturing zone. The Mayor and Council had no comments or concerns.

Sandy presented a proclamation proclaiming April as Fair Housing month. She said the Mayor wished to make this proclamation and she telephone polled the council for any concerns they may have. John moved, Kurt seconded to ratify the proclamation for April as Fair Housing month. Approved three in favor, one absent.

Sandy said she must notify the County Clerk by April 30, 2010, of the date the city will hold its budget hearing. Charlotte moved, John seconded to set the budget hearing for the City of Shelley as September 7, 2010, at 7:30 p.m. Approved three in favor, one absent.

Sandy said Gables Management will not be constructing the second Assisted Living Facility on River Pointe Lane at this time. The project has been put on hold for an indefinite period. Sandy said the contractor, Jay Hayes from Blue Ribbon Construction paid \$5012 for the building permit and would like a refund. Mr. Hayes has placed a lien on the property for several expenses he incurred. John moved, Charlotte seconded to refund \$5012.25 to Jay Hayes/Blue Ribbon Construction for the building permit he purchased for construction for Gables Management. Approved three in favor, one absent.

Kurt moved, Charlotte seconded to approve the following Business Licenses for 2010:

|                       |                     |
|-----------------------|---------------------|
| S&T Sno Hut           | 580 N State         |
| Jensen PC Repair      | 315 E. Maple        |
| Best Technologies     | 356 S. Holmes       |
| Direct Loop LLC       | 1035 Rimrock Canyon |
| Lamar Trucking        | 220 N. Park         |
| Mel's Photography     | 449 Brent Way       |
| Carl's Corner Service | 230 S. State        |

Approved three in favor, one absent.

Sandy said Don Wilde from the Shelley School District asked if the city would be willing to provide sanitation services at the new Riverview Elementary whereas it is located outside the city limits. Rick said he did not see this as a problem. John moved, Charlotte seconded to

provide sanitation services to Riverview Elementary located outside the city limits on the New Sweden Highway. Approved unanimously.

Alan said he received a bid to relocate the fire alarm, and electrical box and place a camera and phone in the police vestibule for emergency services. He said the bid is approximately \$1005. The council felt this would be a good idea to provide this service and felt the community needs to be educated about it. Charlotte said maybe the Youth Group can help inform the children. Charlotte moved, John seconded to expend approximately \$1005 for the safety project in the police vestibule. Approved three in favor, one absent.

Sandy said the auction to sell the city property at 176 S. State was held on April 1, 2010, and no bids were received. BJ said the council now has the authority to sell the property in the best interest of the city. The council determined the sale of the property will be advertised again. Sealed bids will be accepted until 5:00 p.m. on June 8, 2010, and the bids will be opened at council meeting that same night. The terms of payment will be that payment in full must be received by the city within thirty days from the bid opening. Also any and all bids may be rejected. Alan made a suggestion to look at the property for a future police department or recreation center site.

Rick said he is still working on the sewer project on South Park and Seminary Avenue. He said a camera was sent down the sewer line and it showed the line is in very bad condition. Rick said the city previously discussed placing individual lift pumps in each of the residential homes along the problem area which would cost approximately \$75,000. However, there may be a better solution. Rick said he located some companies that do collapsible lines. He said this will be less impact to the home owners and less costly to the city. Rick said he is in the process of getting bids. Rick was asked if this project has been budgeted for, and he replied no. Sandy said there is only \$25,000 in the emergency fund, and approximately \$138,000 in the capital improvement fund. She said there has not been much growth in the capital improvement fund over the past ten years since all fee increases have been allocated to the new treatment plant. Therefore, not much contingency is built up. The council asked Rick to obtain bids for this project.

BJ said he is pursuing a couple of collections for the city, and is waiting for the court date to be set for the Kelley Acres annexation case.

Sandy said Pat Kearney at 405 W. Center would like to pour a five foot sidewalk in front of his property instead of a six foot sidewalk as required by the city specifications adopted by the city council. She said the city also owns a piece of property between Mr. Kearney and his neighbor to the east that was quitclaimed to the city by Earl and Fern Hampton. She said the legal description depicts this as a fifty foot wide strip so she wants to double check this at the assessor's office. Sandy asked if the city would like to pour the sidewalk on their portion of property between the two lots. Alan suggested vacating the property since the city does not need it for a right-of-way. Sandy said this may take a few months to go through the vacation process.

John said if Mr. Kearney is pouring the sidewalk before the vacation of the city property can occur he should have permission to finish pouring the sidewalk on that property. John moved, Charlotte seconded to approve a five foot sidewalk being poured in front of 405 W. Center. Approved three in favor, one absent. If Mr. Kearney would like to continue with the five foot sidewalk in front of the property to the east he may.

Mr. Kearney asked for a curb cut in front of his driveway down to two inches. Rick gave permission to go a minimum of one inch.

Dawn said the pool is draining and she is having new drains installed to meet new regulations. She said the original engineer's measurements were incorrect, so they are being refigured.

Kurt said on April 7, 2010, the North Bingham County Library Board met to discuss the proposed library building. He said they have a good architect, and it sounds like the building will be very sufficient. Kurt said the Bond Election is scheduled for May 25, 2010.

John asked if there is any way the walk path can be widened when it is reconstructed. He said he would like to see an eight to ten foot wide path. John said he asked Brent Clark to look for funding for the path also. Mike Carter suggested placing electrical boxes for lighting along the path for the future.

Mayor Christensen said the Regional Board will be interviewing for a Grade Four Operator. He said there are several interviews scheduled.

Mayor Christensen said on April 9<sup>th</sup> there was a Regional Mayor's meeting. He said he discovered many communities have the same type of problems, such as funding, dogs, traffic, etc.

Adjourned: 9:12 p.m.

ATTEST: Sandy Haglund APPROVE: Eric R. Christensen