

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

MARCH 26, 2019

PRESENT: Mayor Stacy Pascoe

Council Members: Earl Beattie Mayor, Jeff Kelley, Kim Westergard, and Adam French
Police Chief: Rod Mohler
Public Wks Dir.: Justin Johnson
Recreation Dir.: Mikel Anderson
City Clerk/Treasurer: Sandy Gaydusek
City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Scout Alex Fackerell

PRAYER: Kim Westergard

Mayor Pascoe opened the meeting at 7:30 p.m.

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

Minutes of Council Meeting on March 12, 2019

Minutes of Work Meeting on February 22, 2019

February Expenditures

February Overall Budget & Treasurer's Rpt.

Building Permits:

ALR - new home

ALR - new home

A roll call vote was taken: Kim - aye, Adam - aye, Earl - aye, and Jeff - aye.
Approved unanimously.

Mayor Pascoe said the next item on the agenda is to have a public hearing to open the budget and amend it to reflect the new soccer program that the city will be providing since Stephanie Pena is unable to do the program any longer. He said the soccer program will be for children K-6 grade. Mayor Pascoe turned the time over to BJ to conduct the public hearing. BJ said the hearing has been advertised and will amend the Recreation Fund budget by \$12,000 to cover the soccer program, and to adopt a fee schedule for the program. The fees will be the same as the baseball program K-4 is \$40 and 5-6 is \$45, and there is \$10 extra for registration for those residing outside of city limits. BJ explained the hearing procedures for public testimony. There was no public testimony given, however a member of the public asked why we needed to put the money in the budget when the fees are paid by the parents. It was explained that the money must be appropriated to the Recreation Fund before it can be spent. BJ closed the public hearing. Kim said she is excited to bring soccer to our city program. Jeff said he is in favor also. Jeff moved, Adam seconded to adopt the amendment to the fiscal year 2018-2019 budget to include \$12,000 appropriated to the Recreation Fund for the soccer program, and to adopt the presented fees for registration. Approved unanimously. Sandy presented the amended Appropriation Ordinance #596 for adoption and to be sent to the State. Kim moved, Jeff seconded to suspend the reading of Ordinance #596 on three different days and read the title

of Ordinance #596 once. Kim read the title of Ordinance #596 once. Kim moved, Jeff seconded to adopt Ordinance #596 regarding the amendment of \$12,000 to the Recreation Fund for the Appropriations for the fiscal year 2018-2019. A roll call vote was taken: Earl – aye, Adam – aye, Kim – aye, and Jeff – aye. Approved unanimously.

MHD Development submitted their preliminary plat for Park View Estates. The Planning and Zoning Commission held a public hearing and recommend approval of the plat conditional upon two plans being presented to the Mayor and Council to accommodate fire and emergency concerns since there is no secondary access. The Preliminary Plat requests two variances; one is to not be regulated to place sidewalk on the north side of their entrance to the subdivision since there are no houses. However they will install a crosswalk for pedestrians to cross to continue traveling on a sidewalk between lot 24 and lot 6. The other variance is to request that the subdivision be allowed to have only one access, based on the width of the street that is being installed. Derreck Dye, 481 N. Park who is one of the Developers said they are constructing a low maintenance development at approximately 505 N. Park Avenue. He said Park View Estates is zoned as R1A to accommodate twin homes. He said they are asking for a sidewalk variance on the north side, but the sidewalk will loop up to lot 24. He said they will landscape this area with trees and shrubs and will install a drip line to water the foliage. He said Block 2 Lot 1 will be where the retainage pond will be established. He said the pond will be landscaped with a sprinkler system. Mr. Dye said they are also asking for a variance regarding the ordinance that states a dead end street or cul-de-sac cannot be over 400 feet. He said he feels this street loops around and since the streets are 62 feet wide and a fire hydrant will be placed at the start of lot 24 there should be enough room for emergency vehicles to get into the subdivision. Dave Noel explained our ordinance. He said a street with one way in and one way out is actually a dead-end street. He said in our ordinances it states there can only be 400 feet before a dead-end street. Dave said there are three reasons; fire, emergency services, and egress. He said the city is trying to create an environment where residents are not stuck in a subdivision in case of an emergency, and also so emergency vehicles are assured to get into the subdivision. Dave said during the pre-application meeting he pointed out that there is about six hundred feet from the entrance of the subdivision to the furthest point. He said for convenience the city states that you need a second access, however in reality it is up to the Developer how he complies with the ordinance; he can make a second access of make the subdivision smaller. Mr. Dye said the International Fire Code states that thirty residents or less are adequate with one access. He said that is why there were looking at this as a variance. Mr. Dye asked about the regulations of stub streets and if one would be needed next to the commercial property to the east of his property. Dave said typically stub streets are used when a subdivision has several phases. He said the city has not typically required stub streets to neighboring properties. Jeff and Adam did not feel access would be needed to that commercial property. Mr. Dye said there is no connecting road to their development. He said he and his partners are willing to put a crash gate up next to the development to the north. Mayor Pascoe asked if they have looked into a fire lane. Mr. Dye said he doesn't want to affect the aesthetics of the community with more asphalt, striping, etc. Justin said the development is about 140 feet from Ruby Circle where a retainage pond is located, however there is only nine feet on the side of the pond where another access could be constructed. He said the pond could be slid over since it is not

fully developed but it makes this a little challenging. Mr. Dye said they would like to make this a nice subdivision and asked what they need to do. Dave said at this point the city doesn't own the retention pond, so we can't manipulate it in anyway at this time. Mayor Pascoe asked about using a portion of the church property that lies to the west of the development. Mr. Dye said there is a ditch located there and that may also be challenging. They discussed the storm water calculations in the North Shelley Business Park. Jeff said a road could be installed to access Ruby Circle when the retainage pond is fully developed. Mayor Pascoe asked who would pay for the road at that time. Jeff said the Developer would be responsible to pay for it, and it must be an all-weather road. This will avoid the installation of a fire lane. Mr. Dye said they have discussed accessing Ruby Circle via the pond; however, the owner wants them to pay for the landscaping and the completion of the retainage pond in exchange for using it. Heath Mitchell one of the partners said they are willing to put a road up to their property line. Dave said it would be better to require them to put in a gravel road once the city owns it. BJ said he will look into the enforcement of the Development Agreement with the Developer of the North Shelley Business Park to see if the retainage pond can be finished in a timely manner. Dave said if the Developer stays within the four hundred feet, a variance would not be needed; the subdivision could be built in phases until the retainage pond is complete, but the first phase would need to be limited to four hundred feet. Randy Adams, the Fire Chief said he was okay with that also. Dave said once the pond is accepted by the City, they could apply for Phase two of the subdivision. Mr. Dye said they would like the entire subdivision approved all at once time in case there is someone would want a home at the back of the subdivision. He said the Development Agreement could set the guidelines for the development of the property; however, they could amend the Development Agreement once the building is to go beyond the four hundred feet. BJ said he is confident the language could be drafted to accommodate this. Blake Jolley, the engineer for the project said there is a way to allow the flow from the retainage pond to the Developments proposed retainage pond if necessary. Jeff moved, Adam seconded to approve the preliminary plat with a variance regarding the sidewalk on the north side of the entrance to the subdivision with a crosswalk installed to accommodate pedestrian traffic, however the variance requested for no secondary access is not approved, but the development of a secondary access through the retainage pond to Ruby Circle will be dealt with in the Development Agreement. Approved unanimously.

Dave Noel presented the contract to upgrade our water model and to design the booster pump. Kim moved, Earl seconded to approve the contract with Forsgren Engineering to upgrade the city's water model and design the proposed booster pump. Approved unanimously.

Mayor Pascoe said Hanson Avenue is in terrible condition. He said Jeff and he talked to the County Commissioners about help repairing the road since part of the road is in the county boundaries. However, according to the State Statute the city is responsible for the maintenance of the entire road, and the county does not have the funds in their budget to help us. They have recommended that the city does a double chip seal on the road once the base has been fixed. Mayor Pascoe said there is a problem with the truck traffic utilizing that road. The County has suggested that truck traffic should be restricted from Country Club to Fir Street. However, realizing there are some fields that only have access from Hanson Avenue, law enforcement would need to make a determination whether

trucks should be on Hanson Ave for that reason or not. Rod said an ordinance would need to be created to make this enforceable. On Hanson Avenue we would maintain the road from the bridge running south and the county will maintain it from the bridge running north; an agreement will need to be drafted. Dave said by allowing even one truck to use Hanson even for a short time will damage the road. He said if the base isn't fixed and a chip seal is put on it, then it will not last and money is being wasted. Justin said the road could be built up and then chip sealed each year to keep it built up once the base is fixed. He suggested placing load limits on the road in the spring time when it is still wet. The Mayor and Council asked Dave and Justin to review the road and see how much it is just to fix the soft spots and then email their findings.

The PUD for All Star Homes was not discussed; there is still no Development Agreement to finalize.

Sandy said she received the corrections for the final plat and Development Agreement for Phase Four of the Wind River Subdivision. Adam moved, Kim seconded to approve the Final Plat for Phase Four of the Wind River Subdivision and the Development Agreement as presented. Approved unanimously.

Sandy said the AIC Spring District workshop will be held April 23, 2019 in Idaho Falls.

Mikel said he is working on developing the soccer program.

Dave said Well #4 will be worked on to reroute some of the lines. He said they are also installing the new flo-meter. Dave said they are still trying to find a camera that will fit down the line so the pump doesn't have to be pulled to view the casing.

Justin said April 22 through April 26 will be Spring Clean Up.

Justin said Jordan's last day was Thursday, and applications are being accepted.

Rod said they have completed all of the testing for the applicants for the officer position. He said they will move forward with the top three or four and report back at the next council meeting.

Adjourned: 9:50 p.m.

APPROVE: _____



ATTEST: _____

