

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

NOVEMBER 14, 2006

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft (absent), Steve Cederberg, John Lent, Charlotte Fredrickson  
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: Tate Foster  
PRAYER: Mayor Christensen

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

Minutes of October 24, 2006 Council Meeting  
Approval of October 06 Expenditures  
Approval of October 06 Overall Budget & Treasurer's Rpt.  
Building Permits:  
Steve Cederberg - re-roof  
Dorothy Pilkington - re-roof  
Mike Gregory - re-roof  
Claudia Cook - re-roof

A roll call vote was called for: Steve – aye, Charlotte – aye, John – aye, approved three in favor, one absent.

Mayor Christensen opened a public hearing to consider rezoning a parcel of property located at 256 S. Park Avenue from R1 (Single Family Dwelling) to R2 (Two Family Dwelling). The property is currently owned by Gary and Karma Ohman who are no longer residing at the property. The Planning and Zoning Commission held a public hearing on October 18, 2006 and recommended approval of the rezone. The council discussed this matter and determined there were other zones including R2 already in the vicinity, and no adverse effect to adjoining property owners. John moved, Steve seconded to approval Mr. Ohman's request for a rezone from R1 to R2 at 256 S. Park Avenue. Approved three in favor, one absent. BJ was directed to draft an ordinance for adoption at the next meeting.

Sandy said Kurt Rolland of Schiess Engineering would not be in attendance to discuss the development agreement for the Pebblecreek Subdivision. Mr. Rolland said his clients would need to review the draft of the development agreement. The Mayor and Council tabled this matter until the next council meeting to be held on November 28, 2006.

Scout Leader Glen Russell discussed the possibility of installing a Frisbee/Golf Park somewhere in the city. Mayor Christensen said there is a lot of desire to do so, but a lack of funds. Dawn said the City of Blackfoot has a Frisbee/Golf park, but there are quite a few obstacles such as trees to make the activity fun. She said she didn't think any of our parks had enough of those

types of obstacles to make it very fun. Dawn said she didn't think any of our parks would be very compatible. Dawn suggested that the scout group check with the North Shelley Bingham County Park. She said it may be a good Eagle Scout project to help facilitate one of these parks. Mayor Christensen said the city would like to have more parks in the future, but how near in the future is unknown.

Scout Leader Glen Russell asked about the condition of the railroad crossings. He said a year or two ago he attended a meeting where the poor condition of the crossings was discussed, and he wondered if anything had been done. Mayor Christensen said he has written many letters to Union Pacific regarding this matter. He said the crossing at the intersection at Center Street and Highway 91 will be fixed during the installation of a traffic signal sometime in the spring of 2007. Mr. Russell asked about the walk path crossing the railroad tracks at Locust Street and Highway 91. Rick said he has tried to contact Dave Kula who is a Union Pacific foreman for this area, but he has had no response from Mr. Kula.

At the last council meeting the Mayor and Council approved the amendment to Title 10 of the zoning ordinance allowing a parking lot in an R1 (single family dwelling) zone with a special use permit. Steve and John felt it would be looking at future growth and development, and it is a good idea to amend the ordinance. BJ said there are a few issues to be worked out, such as a more detailed definition of a parking lot, and a little bit of housekeeping needs to be done regarding the R1A District. Sandy said we need to define a parking lot so if a resident pours a parking pad for family members, RV use, etc. it will not need a special use permit. Sandy and BJ will work on this matter and bring it back to the council. BJ said in the mean time the ordinance can be adopted as he presented. John moved, Steve seconded to suspend the reading of ordinance #501 on three different days and read the title of ordinance #501 once. Approved three in favor, one absent. Steve read ordinance #501 by title in full. Steve moved, Charlotte seconded to adopt ordinance #501 amending Title 10 to provide the installation of a parking lot in an R1 zone with a special use permit. Approved three in favor, one absent. Sandy will publish this ordinance.

John presented two names to fill the vacancies on the Planning and Zoning Board; Gregg Nelson and Joyce Killpack. Steve moved, John seconded to appoint Gregg Nelson and Joyce Killpack to the Planning and Zoning Board. Approved three in favor, one absent.

Sandy said Odell Young was issued a citation for the appearance of the back of his property known as Hidden Treasures on South Emerson Avenue. She said the ticket was not received by the court prior to 9:00 a.m. on October 31, 2006, the court date. Sandy said the citation was sent to Bingham County on October 27, 2006, and did not know why it was not filed with the courts on time. She said she spoke with our prosecutor, and he said the procedure would need to be done completely over. Sandy said this means she would need to draft a letter to Mr. Young giving him 20 days to clean up his property, and if not done another citation would be issued. Mayor Christensen said he is concerned about a few other businesses that need to clean up their appearance a little. He said we need to make sure this ordinance is enforced with everyone.

Sandy said Lorin had sent her an email concerned about running this particular business out of town. The council discussed this further and determined that the property needs to be cleaned up more than it has been, and Sandy should begin the procedure with drafting him a letter stating he is not complying with city ordinances.

Sandy asked if the Mayor and Council would like to give the same Christmas gifts to the employees and committee members as last year. The Mayor and Council gave permission to give the full time employees \$30 gift certificates from Broulims, part time employee's \$15 gift certificates from Broulims, and the members of the various committees a gift of chocolates or meats, etc.

John moved, Charlotte seconded to cancel the council meeting scheduled for December 26, 2006, due to the holidays. Approved three in favor, one absent. Sandy will advertise the cancellation.

BJ said an executive session will be needed to discuss potential litigation.

Sandy said she was contacted by a resident who would like to fly a POW/MIA flag at Centennial Park. The resident said the flag will be donated. The council gave permission to fly the flag at Centennial Park if the resident is willing to donate the first flag and any replacement flags in the future.

Sandy said she received a comment sheet from Bingham County regarding the proposed River Bend Estates Subdivision. She said this proposed subdivision is on the west side of the city's sewer lagoon property. Sandy said the plat she received does not show the city's easement to get in and out of the lagoon property. She said the current easement runs adjacent to the pond on the west side of Steve Nielson's property. Sandy said she spoke with the engineer working for Harper Leavitt and he said he did not see a recorded easement, but he was sure that the developer would be willing to move the easement. Sandy said there are some other concerns such as individual septic systems, right-of-way widths, etc. She said she spoke with Commissioner Jolley and the Health Department, and there was no indication that they would force the developer to access the municipal system which will be regionalized over the next few years. The Mayor and Council discussed this further, and felt the developer and the engineer should be invited to the next council meeting November 28, 2006. The following comments will be listed on Bingham County's Planning and Zoning comment sheet and sent back: 1. A sewer treatment facility will be constructed on the city property where a sewer lagoon currently exists in the next two years. 2. The city wants to make sure we retain our easement into our property whether it remains as is or is moved to the other side of the property. 3. The city is in favor of the developer accessing the municipal sewer system and using individual pressurized systems in each home to move the waste. 4. If other phases are intended to utilize the municipal system, those phases will be required to construct according to city subdivision standards. This means street lights, curb and gutter, 62' right-of-ways, etc. Currently the proposed plat shows 50' right-

of-ways; how will the right-of-ways connect correctly. Sandy said she will prepare the comment sheet and talk to the engineer and the developer about attending the next council meeting.

Sandy presented a petition she has received signed by several property owners regarding the appearance and condition of the property at 280 W. Center. She said this property is owned by Ada Christensen, and in the past her son Danny Whittaker had been living there. The petition stated the property was unsafe and requesting the city to condemn it. The council discussed this further, and felt under the circumstances they are not willing to condemn it as this point until more information is obtained. They directed Sandy to begin with notifying the property owner that the appearance of the property is not in compliance with the city ordinance, and then proceed as normal. She was also instructed to send a copy of the petition to the property owner.

Sandy asked who will be attending the Legislative Academy and Luncheon on December 1, 2006. John, Charlotte and Steve plan to attend. Sandy said she will register them, and remind them prior to academy.

Sandy said there have been two applications submitted for the building inspector position. She said the certification fees run around \$900. The council discussed this, and felt the city would be willing to pay for the certification costs in exchange for a commitment to work for the city for a certain period of time. The council instructed Sandy to continue running the ad for the position of building inspector in the Pioneer, Blackfoot News, and the Post Register.

Dawn said the members of the Kiwanis would like a member of the city council to attend their next luncheon to help resolve some of the problems that were encountered during Spud Day; such as the insurance for the vendors and the issuance of city itinerant business licenses. Steve said he would be willing to attend this meeting. Mayor Christensen said Spud Day needs to be successful and viable for all, but he did not feel it should become a city sponsored function.

Dawn said the Jazz Basketball program has begun and going strong.

Alan thanked the Mayor and Council for the Bar J Wrangler outing.

Rick said he has been approached by Union Pacific Railroad regarding the poles that are in the railroad right-of-way. The poles are owned by Union Pacific, and run the power to their signals and arms. The railroad said the city could remove their poles if they would run underground power to their power boxes. Rick said he would like to remove the twenty six poles because they are an eyesore. He said the city would have the salvage rights to the material that is removed. Rick said flaggers would not be needed because the poles are further than twenty five feet from the tracks.

Charlotte said she attended the INEEL Regional Alliance dinner last night. She said they would like to become more involved with the young people in the communities. Charlotte said she

intended to invite members of the Regional Alliance to speak at the Kiwanis luncheon, and with the School Superintendent.

Mayor Christensen said a new business will be opening in the city limits. He said there will be a ribbon cutting ceremony for Penson Imports on the corner of State Street and Pine Street at 11:00 a.m. Mayor Christensen said he will not be able to attend the ceremony so he has asked Charlotte to do the honors. Mayor Christensen invited everyone to attend this event.

John said BJ will be meeting with the members of the Planning and Zoning Board at their meeting tomorrow night to discuss zoning issues.

John reminded everyone about the Tree Lighting Ceremony on Friday, November 24, 2006 at the City Park. He said the Chili Cook Off will begin at 3:30 p.m. John said there will be vendors, entertainment and of course, the appearance of Santa Claus.

Steve said he attended a grant workshop meeting in Boise. He said Craig Rolland is in the process of obtaining a grant for the North Bingham County Library, and the Fire Department for a new building. Steve said Heather from the Idaho Department of Parks and Recreation will be contacting the city with a few questions, and then the Brinkman Park restroom facility grant will be available.

Mayor Christensen said a workshop regarding Potato Nematode will be held November 16, 2006, at 6:00 p.m. at the Pocatello Ramada. He said he plans to attend the workshop, and encouraged all to attend.

Steve moved, John seconded to adjourn into executive session pursuant to I.C. 67-2345(f) to discuss potential litigation. Approved three in favor, one absent.

Mayor Christensen said during executive session potential litigation was discussed.

Sandy presented a manual that the City of Firth had drafted to be given to new developers outlining the city requirements that should be followed during the development procedure. Sandy said she would like to work with Forsgren on a manual such as this one. The Council gave permission to proceed.

Alan presented the name of Mikayla Hernandez to be hired as a part time police officer. John moved, Charlotte seconded to hire Ms. Hernandez as a part time officer with a six month probationary period. Approved three in favor, one absent.

Adjourned 9:29 p.m.

ATTEST: Sandy Baydusak APPROVE: Eric Christensen