

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

NOVEMBER 28, 2006

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, 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: Alan Dial

PRAYER: BJ Driscoll

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

Minutes of November 14, 2006 Council Meeting

Building Permits:

Troy Hastings - apartments
Paul Lee - windows
Pro-Wrench - re-roof

A roll call vote was called for: Steve – aye, Charlotte – aye, John – aye, Lorin – aye, approved unanimously.

Volunteer Shelley/Firth Fire Chief Mike Carter discussed the purchase of land and the design for a new fire station. He said Craig Rolland of Bingham County is working on a grant to assist in the funding for this project. Mike presented a handout diagramming the plan for the facility. He said Bingham County has agreed to help with the gravel that will be needed and some other construction items. Mike said the facility has been planned so it could accommodate future growth, and eventually a full time fire department. He asked for everyone's input; these plans are not finalized and could be changed if anyone has any suggestions.

Charlotte stood and informed the attendees that she had been given the task to find a "Brightest Star" in our community. She said Mike Carter has been chosen as the city's "Brightest Star". Mayor Christensen said Mike's nomination has been accepted by Governor Risch, and Mike has been invited to Boise on December 7, 2006 to attend a ceremony honoring the "Brightest Stars" in the State of Idaho for his dedication to the community. Mayor Christensen said the city will pay for Mike's mileage and motel room for the night. Mike thanked the city for the nice surprise, and said he would be honored to represent the city at the Brightest Stars Ceremony.

Bryce Jolley discussed the proposed development named River Bend Estates. He said Bingham County recently sent a comment sheet to the city regarding the design of the plat. Mr. Jolley said there was some concern over the easement the city has been using to access the city's sewer lagoon. This easement currently runs along the pond on the west side of the property where Phase 1 will be developed. He said he did not see any easement recorded, but the developer is

willing to work with the city on an easement that is moved over to the east side of the development for access to the city's lagoon which eventually will be a wastewater treatment facility. Mr. Jolley said another issue the city has is the installation of individual wells and septic systems. He said Phase 1 of the development is on the west side of the existing city sewer lagoon which is approximately 2500 feet away from the main transmission line, and needs approximately 10 feet of elevation to discharge into the city's system. Mr. Jolley said accessing city sewer in Phase 1 of the project is cost prohibitive and would like to keep the first 26 one acre lots in the county jurisdiction. He said he understood that if any phases of the development intend to request access to the municipal sewer system, they will be required to construct to city standards which includes 62 foot right-of-ways. Mr. Jolley said Phase 1 of the plat will be changed to 62 foot right-of-ways instead of 50 foot right-of-ways so there will be no future connection problems. He asked when a larger wastewater transmission line is installed, that it be designed so the new development in the area can tie into it. Mayor Christensen said that may be possible. He said the new treatment plant should be on line the fourth quarter of 2008. Mayor Christensen asked the developer to keep the city updated on the future phases of the development so we can work together on this matter.

Shirley Thompson, Shelley Pioneer said she is working on a story for Drug and Drunk Driving month in December. She said she will need some information regarding the city stats for her story. Shirley asked if the city police officers are given orders of who should be stopped, when, and for what circumstances. Mayor Christensen said he and the Council do not micro-manage each of the departments. He said it is up to the Police Chief and the other department heads to run there departments appropriately. Chief Dial said everyone who needs to be stopped, will be stopped.

The Mayor and Council granted permission for the city offices to be closed at noon on December 22, 2006, to provide a Christmas luncheon for the city employees.

BJ presented Ordinance #502 rezoning a parcel of property owned by Gary and Karma Ohman at 256 S. Park Avenue from R1 (single family dwelling) to R2 (two family dwelling). John moved, Charlotte seconded to suspend the reading of ordinance #502 on three different days and read the title of ordinance #502 once. Approved unanimously. Mayor Christensen read the title of ordinance #502. Steve moved, Lorin seconded to adopt ordinance #502 rezoning 256 S. Park Avenue from R1 to R2. Approved unanimously. Sandy will have the ordinance published.

BJ said he spoke with the Planning and Zoning Commission at their last meeting to discuss spot zoning and other legal issues. John said BJ's presentation was very effective, and the members of the P&Z Board appreciated BJ's discussion.

BJ discussed a section of the city code addressing the impact area. He said this matter should be reviewed and amended to reflect the newly negotiated Impact Area Agreement.

BJ discussed the growth that the city has encountered, and suggested that the city council consider having one of the engineers attend the council meetings. John felt they should attend and give comments when subdivision plats are being considered. The council determined to invite an engineer from Forsgren on an on-call basis when development is being discussed.

Sandy reminded everyone of the Legislative Academy and Luncheon being held on December 1, 2006, at the Red Lion Hotel.

Sandy discussed the development agreement for the Pebble creek Subdivision. The Mayor and Council would like to require a performance bond from the developers as part of the development agreement. Sandy said Kurt Rolland the engineer for the project spoke to her about the pressurized irrigation system that is required to be installed. He inquired who would maintain the system. The Mayor and Council determined the city would not be responsible to maintain the system, and more than likely a home owners association would need to be formed. Sandy said Kurt Rolland and a representative from Rockwell Development will be in attendance at the council meeting on December 12, 2006.

Sandy said Gary Ohman has withdrew his special use permit application for a parking lot in an R1 zone that would have been located at the end of the vacated street known as Mallard Avenue. She said it appears they may not be able to purchase the property due to contract negotiations, and the current owner may continue the efforts to develop the property residentially.

The Mayor and Council discussed the future annexation of River Bend Estates with Steve Nielsen. The council felt that city standards for subdivisions should be complied with when developing the property, because annexation will more than likely happen in the future. Steve agreed, and felt this should be a well planned subdivision that could be annexed into the city limits.

Rick said the first snowfall has occurred, and the crew and the equipment are ready for the season.

Dawn said she had a great time at the Chili Cook Off and City Lighting Ceremony.

Alan said he attended the City Light Ceremony, and commended the person who put it all together.

Charlotte complimented the city's festive appearance.

John introduced Kurt and Becky Coates as members of the Urban Renewal Board. He thanked everyone for helping at the City Lighting Ceremony. John said hopefully the new boundaries for the Urban Renewal District will be done by the spring of 2007. John said Diane Mickelson did a great job putting the Chili Cook Off and Lighting Ceremony together. He said next year she would like to try and organize a parade of lights.

Steve said the Lighting Ceremony was great. He said when Santa arrived, the children stood in line for a few hours in the cold to see him. He complimented Rick for the appearance of the city.

Lorin asked if Gables Management intended to construct a few town homes on their property where they had obtained a special use permit for a nursing home. Sandy said there have not been any plans submitted, and they would need to be rezoned to R1A first.

Lorin talked to Odell Young regarding the appearance of his property. He said Mr. Young has received letters from the city requesting that he clean up his property, and even received a citation to appear in court. Lorin said Mr. Young has recently placed his property on the market for sale. He said he felt it is mostly a communication problem between the city and Mr. Young. Lorin said Mr. Young just wanted someone to come in and talk to him about the matter, but he did not want to attend a council meeting. He said Mr. Young will agree to construct a six foot sight obscuring fence on the north and south ends of the back of his property. Lorin said there is an empty lot next to his which he does not know who owns it, but he has been mowing it. He said Mr. Young should be able to construct the fence over the next six months. John said he runs a business in Idaho Falls and keeps the yard clean. He felt there was no excuse for a business to be unsightly. Sandy said she and Alan went and spoke with Mr. Young about the property just after the citation was issued. She said he had begun to clean it up, but it was not compliance with city ordinance prior to the court date. Sandy said the ticket was sent to Bingham County with sufficient filing time before the court date, but for some reason it did not get filed in time. She said she addressed the council at the last meeting to see if the procedure should be started again for the accumulation of junk and debris. The council instructed her to write another letter to Mr. Young and begin the process again. Sandy asked for direction regarding the letter and any future complaints that may be received. She said the Bank of Commerce still has some concern over the appearance of the front of Mr. Young's property and the effect it has on their business. Alan said he felt the front of the business attracts customers to come see what more is inside the building, however the property behind the store near the alley should be covered or cleaned. The Mayor and Council determined after further discussion that Mr. Young will be sent a letter asking for a six foot sight obscuring fence to be installed by May 22, 2007. Once the agreement is signed, the letter stating he was out of compliance with city ordinance will be withdrawn and a citation regarding this particular matter will not be issued. Sandy will draft the agreement. John asked Rick and Alan to review the business district and see what other areas may need to be cleaned up, such as L&M Auto Body.

Sandy said there have been several applications submitted for the position of building inspector. She said one of the applicants is certified, and has worked for the City of Idaho Falls and the City of Ammon as a part time building inspector. Sandy said the advertisement for a building inspector will run another two weeks, then she will present the applications and interviews can be set up.

Sandy said she drafted a letter to Ada Christensen regarding the appearance of her property at 286 W. Center. She said Mrs. Christensen has been given thirty days to clean up her property.

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

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

Mayor Christensen said during executive session potential litigation was discussed.

Adjourned 9:34 p.m.

ATTEST: *T. J. Williams* APPROVE: *Eric R. Christensen*