

CITY OF CHELLEY
COUNCIL MEETING
MINUTES

MARCH 10, 2009

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Steve Cederberg , John Lent (absent) , 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: Girl Scout Kadie Mickelsen
PRAYER: Steve Cederberg

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

Minutes of February 24, 2009 Council Meeting
Approval of February 2009 Expenditures
Approval of February 2009 Overall Budget & Treasurer's Rpt.
Building Permits:
Basic American Foods - remodel

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

Mark Cowley discussed the replacement of the vandalized gazebo on the walk path. He presented several designs for a new gazebo that the Youth Coalition would install. Mr. Cowley said there are a lot of functional designs. He said for a 14 x 14 vinyl gazebo it would cost about \$4600 for the base kit. For a wood gazebo it would cost about \$3095 for the base kit. Mr. Cowley said a wood gazebo kit could be purchased locally, however a vinyl kit would need to be ordered. He said he would like to have bench seating installed inside the gazebo, but if this is not possible he would like to set a bench in front of the gazebo facing the river. Sandy said Husk from Forsgen called and said the new transmission line for the wastewater treatment plant will be running right were the former gazebo was set. He asked if the replacement of the gazebo could be held up until the line was installed sometime last this fall. Mr. Cowley said the Youth Coalition would be glad to help whenever the council is ready to pursue this project.

Mark Cowley said this Saturday night will be the Youth Coalition's fundraiser at the Blackfoot Elk's Lodge. He stated the cost is \$30 per plate and invited the Mayor and Council to attend. Mr. Cowley said Troy Mecham will be speaking at this event beginning at 3:30 p.m.

Mayor Christensen welcomed the Girl Scouts in attendance. He proclaimed the week of March 8, 2009 as Girl Scout Week. Mayor Christensen presented members of the troop with the proclamation he read aloud.

Linda Fitzpatrick, 385 E. Locust Street said two officers knocked on her door about two weeks ago. They told her that one of her neighbors had made a complaint about her dogs barking.

Upon further investigation it was discovered that Mrs. Fitzpatrick has four dogs when the city ordinance only allows two dogs per household. Mrs. Fitzpatrick said she has lived there for seven years and never has been informed of any complaints before now. She said she was given a week to get rid of two of the dogs. Mrs. Fitzpatrick said she reviewed the city code and interpreted it as the Mayor having the right to grant exceptions to the code. She said she visited with all of her neighbors and none of them had complained to the city. Mrs. Fitzpatrick said she has been in touch with ASPCA, the Humane Society and the Dog Pound. She said at this time there is no organization that has room for her animals. Mrs. Fitzpatrick said she spoke with Dr. Alderson about this matter and the doctor is very angry. She said she would be willing to write a letter to the city on her behalf. Mrs. Fitzpatrick asked why a kennel license could not be obtained if all of the neighbors around her approve. Mayor Christensen said this ordinance has been in place for a number of years, even before Mrs. Fitzpatrick moved here. He said no kennel can be allowed in a residential zone, they are only allowed in a heavy commercial zone. Mayor Christensen said it is the city's duty to sustain a law or change it. He said if any exceptions are made it would be opening Pandora's box. Mrs. Fitzpatrick said two of her dogs are very old. She asked if an exception could be made to keep all four until the two older passed away, and then she would keep only two dogs. Mrs. Fitzpatrick said the ordinance states you can have two dogs per household. She said she lives with her son and his family. Mrs. Fitzpatrick said they live in one house, but her son and his family live upstairs and she lives downstairs. She said two of the dogs are his and two of the dogs are hers. Mrs. Fitzpatrick said they each have their own household. BJ said in his opinion the code allows two dogs per house, thus trying to limit the number of dogs per lot. Mrs. Fitzpatrick said there is no place to take her dogs, other than to have them put down. BJ disagreed, and said there are other options than to keep the dogs or have them destroyed. Mrs. Fitzpatrick said she would like an exception to keep all four dogs until the two older dogs are gone. She said why now the code is being enforced. Mayor Christensen said because we have an animal control problem. He said it is impossible to make an exception for Mrs. Fitzpatrick and he is sorry.

Dawn introduced Jacob Bush as a member of the Youth Action Council who will be attending council meetings. Mr. Bush said the Youth Council obtained a \$300 grant that will be used for teaching alcohol awareness to the sixth grade class. He said they have also been serving lunch at the Senior Citizens Center. Mr. Bush said they have been involving other organizations such as the Natural Helpers, etc. He said they are required to work at least one hour at the Sr. Center to get a free meal. Mr. Bush said some of the kids are only able to work 30 minutes. He asked if there are any kids who want the opportunity to eat lunch there, would the city be willing to pay for it out of the Youth Council funds. It would cost approximately \$9 per week. Mayor Christensen said there is funding available for this expense through the rest of the budget year. Mr. Bush said President Obama has proclaimed April 25, 2009 as "Youth Service Day". He asked if the city could make the same proclamation. Mr. Bush said the members of the Youth Council have planned several service projects for that day such as city clean up, food drives, etc.

Lorin moved, Steve seconded to approve the following General Business Licenses for 2009:
Madrigals – 190 S. State St.

Acrux Investment dba Anytime Fitness – 301 Anderson Rd.

OH-Man Motor Sports – 404 S. State St.

All That Dancewear – 554 N. Park Ave.

Buddy Bear Daycare – 165 Opal Ct #A

Children's World of Learning – 668 N. State St.

Family Dollar Inc – 560 S. State St.

Triple J Enterprises – 397 E. Center St.

Notforgotten Gifts and Collectibles – 404 S. Byron St.

T&C Storage – 128 E. Maple St.

Lazy D's – 190 S. State St.

Jaynes/Virginia Theater – 186 S. State St.

Bateman Brothers – 907 S. State St.

Mel's Photography – 449 Brent Way

Don Alderson Tile – 292 S. Byron Ave.

Shelley Veterinarian Hosp. – 614 N. State St.

Adrenaline Performance – 650 N. State St. #3

Approved three in favor, one absent.

Charlotte moved, Steve seconded to appoint Shane Wooten as a member of the Urban Renewal Board. Approved three in favor, one absent.

Charlotte moved, Lorin seconded to appoint Eric Scarr to the Planning and Zoning Board. Approved three in favor, one absent.

Sandy said the School's Construction Manager for the new elementary contacted her about the water tap fees. Sandy said there will be a three inch water line, and a six inch fire suppression line. She said the normal tap fees would be \$3900 (\$2600 tap, \$800 excess line size, \$500 fire suppression) plus the meter expense. However, the city code allows the council to determine if there will be a per fixture charge as well. Lorin moved, Steve seconded to set the tap fee for city water service to the new elementary school on the New Sweden Highway at \$3900 plus meter expenses. Approved three in favor, one absent.

Superintendent Jolley said he is concerned about the cost for the sewer tap fees. He said he received a letter stating the tap fee is \$88,400 for sewer services. Sandy explained that the charge is based on ERU's which is at 34 ERU's for the school at \$2600 each. She said each person requesting sewer services through the regional authority fills out a wastewater discharge application and the fees are based on DEQ guidelines. Mr. Jolley said 34 ERU's equals is way more usage than the new school will use. He said Sunrise Elementary uses 75,000 gallons monthly during the school year and is similar to what will be constructed. Mr. Jolley said he understands the line is owned by the Regional Authority and will attend the next Regional meeting on the 26th of March to discuss this further.

Sandy said other cities were contacted about monthly fire suppression rates. She said the City of Blackfoot charges an annual rate of \$25 for a four inch line, \$31 for a six inch line and \$37 for an eight inch line. She said the City of Jerome charges \$5.50 monthly, and the City of Burley charges \$9.00 monthly. Sandy said some cities do not charge any monthly rate for fire suppression. Sandy said Arcadia Furniture does not have any water, or sewer services to their building other than Fire Suppression which will only be used when needed. Steve moved, Lorin seconded to cease monthly billings to Arcadia Furniture until a new rate of \$31 for their six inch line can be established for October 1, 2009. Approved three in favor, one absent. Sandy was instructed to set up a public hearing to establish new rates for fire suppression when the budget hearing is held.

Sandy said she has not drafted a letter to Jay Roche yet regarding the invoice for Harper Leavitt for engineering the legal description for the new easement at the waste water treatment site. She said Dave Noel discussed this matter at the last regional meeting, and said they are still trying to obtain other needed easements. He asked if Sandy would hold off writing the letter until this was accomplished.

BJ said on March 12th and 13th there will be a hearing at the IDWR office for the city's water right application. He said the Mayor, Dave Noel, a hydrologist, and a member of the Snake River Valley Irrigation Board will be called for testimony. BJ said the hearing is scheduled for all day Thursday and part of the day on Friday.

BJ said he has received no word from Judge Simpson on the Kelley Acres annexation matter.

Sandy said Del Kohtz came into the city office and asked if the city is interested in purchasing some water rights. He is a water broker from Eden, Idaho, that sells, buys, and transfers water rights. The Mayor and Council directed Sandy to invite Mr. Kohtz to our next council meeting.

Sandy said there will be an open house hosted by SICOG to update our Comprehensive Plan at the Sr. Citizens Center on April 2, 2009 from 7:00 p.m. until 9:30 p.m. She invited the Mayor and Council to attend as concerned citizens.

Sandy said the AIC Conference will be June 17th through the 19th in Boise. She asked everyone to think about who would be attending so she can make reservations.

Sandy said a strip of Kurt Wells and Robert Hills property was accidentally annexed into the city when the annexation of the North Shelley Business Park occurred. She said she spoke with Brent Christensen about this matter, and he is willing to pay for the portion of city taxes that each party is charged. Sandy said there is a fairly easy way to take care of this. She said a Bingham County Assessor employee told her that the entire legal description of each owner's property could be used to de-annex instead of having a separate legal description compiled. Sandy said she has received Mr. Well's description, but has been unable to contact Mr. Hill yet. She asked if the Mayor and Council would like to pursue this matter and have BJ draft an

ordinance once she got the other legal description. BJ said he did not think there was any hurry to have this done. Sandy said Mr. Wells has requested that it be done prior to April because of tax rolls. BJ said the hearing was published with the legal description and if there were any comments about the annexation they should have been made at that time. The Council felt since Mr. Christensen has agreed to pay for any additional property taxes that may have impacted each party, that this should be left as is. Sandy was directed not pursue the legal descriptions for an ordinance to be drafted.

Dawn said the city is hosting a Regional Fun Shot on Saturday. She said the winners are invited to the SLC Energy Solution Center for further competition.

Dawn said she is finishing the Jazz program and working on Softball registration.

Dawn said she talked to B's toilets and to Roto Rooter. Roto Rooter will clean the restroom at Brinkman's Park for \$20 per week. She said she also obtained quotes for the porta-potties that will be set at each park. Roto Rooter reduced the price of their porta potties to \$55 (a \$15 reduction).

Alan said the SRO officer has been sitting in front of the restroom at Brinkman Park during lunch hour for the past few weeks. He said no kids have been there during the High School lunch hour. Alan said they will try and watch the restrooms as often as possible.

Charlotte said she attended the Planning and Zoning workshop last Saturday. She said she learned a lot at the meeting, and presented several questions that every city should ask itself. Charlotte said Joyce Killpack, Brian Covert, and Bruce Rudd also attended. Charlotte said Kirk Dooley is resigning from the P&Z Board and a new chairperson will be elected.

Steve said he will be delivering the grant application for the restroom at the City Park tomorrow in Boise.

Steve said Rick purchased a new used hoist for the city shop. He purchased the hoist from the Toyota shop for \$2250. It has been installed at the shop.

Lorin asked where the city is in the process to drill a new well. When will the project be bid on. Rick said he was unsure. Sandy said Forsgren was supposed to draw up the design and get it ready to bid. Sandy was directed to have Dave Noel call Lorin to discuss this matter further.

Lorin said the Shelley High School basketball team represented the community very well in Boise at the State Tournament. He said the kids did a great job, and played some great games.

Mayor Christensen said the American Legion Convention will be held this coming Saturday in Shelley. He said Post #93 of Shelley is hosting this event at the Shelley High School.

Adjourned: 9:05 p.m.

ATTEST: Sandy Gaydush APPROVE: Eric R. Chustan