

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 10, 2023

PRESENT: Mayor Stacy Pascoe

Council Members: Jeff Kelley, Kim Westergard, Adam French, and Leif Watson

Police Chief:	Chad Purser
Public Wks Dir.:	Justin Johnson
Recreation Dir.:	Mikel Anderson
City Clerk/Treasurer:	Sandy Gaydusek
City Attorney:	BJ Driscoll
City Building Insp/Plann.:	Jordon Johnson

PLEDGE OF ALLEGIANCE: Justin Johnson

PRAYER: Jeff Kelley

The meeting was opened at 7:30 p.m.

Kim moved, Adam seconded to approve the following consent agenda:

- Approval of the Minutes of Council Meeting on September 12, 2023
- Approval of the Minutes of the Work Meeting on September 12, 2023
- Approval of August Expenditures
- Approval of August Overall Budget & Treasurer's Rpt.
- Building Permits:
 - Shade Works - Deck
 - Yesco Signs - Sign
 - Curt Wells Const. - Single Family Dwelling
 - Carl Tyger - Commercial Building

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

Mayor's Youth Advisory Council

William Anderson, MYAC President and Hudson Tyger, Secretary came before the Council to request a donation of \$500 to be used for hoodies for the MYAC members and service projects throughout the year. Kim moved, Leif seconded to approve a \$500 donation to the MYAC for hoodies and service projects.
Approved unanimously.

Jose Gonzales/City Property/Alley Vacation

Sandy said Bingham County contacted her regarding the property Mr. Gonzales has asked to be vacated and returned to him. She said Audrey Stanfield who has worked in the County for many years said the nine feet in question was deeded to the city in 1985 as a Quit Claim Deed and there was no indication that it would be an alley. Therefore, it is city property and cannot be vacated as an alley would be. BJ reviewed the deed and said this is correct, the property cannot be vacated because it has not been established as an alley. He said the city cannot proceed with a public hearing on this matter because there is no right of way to vacate. This property is owned by the city and there are statutes governing how it can be given to a private individual. BJ said we are exploring ways to help them and there will be a discussion regarding city property and what can be done with city

property later on the agenda. Jose Gonzales Jr. said this is a nine-foot piece of property which lies on the side of their existing property. He said they are very frustrated and feel like they're getting the run around. Jacob Bell said his back yard abuts this property and when they bought their property that nine feet was fenced in as part of their yard. However, there is a transformer that is accessed by Rocky Mountain Power from the Locust Street end. There was no further discussion or decision made.

Douglas Schwartzberger – Car Show and Swap Meet

Mr. Schwartzberger said he belongs to the East Idaho branch of the Vintage Car Club. He said they hold a car show on Father's Day usually at Tautphaus Park. He said they are scouting other possible locations to hold the event. He said this will be the 45th annual show and he is not sure if they will hold it one day or two. Mr. Schwartzberger said they are a non-profit organization and the funds they make are used as scholarship funds at two local colleges. Mr. Schwartzberger said they are interested in using the City Park for this event this next year. He wondered about the availability of overnight campers, security, etc. He said he received a resolution with the city fees listed and wondered if they could be reduced since they are non-profit. Kim said she is a little bit concerned about any damage that may occur to the football fields since the grid kid program pays quite a bit of money to use the fields. Justin said the water could be turned off a week before the event to protect the grass. Also, the cars will be parked on the grass but not moved around during the event. Justin said he didn't feel this event would hurt the grass at the park. Mr. Schwartzberger asked if the Resolution would be followed regarding the cost. Leif moved, to charge the East Idaho branch of the Vintage Car Club \$300. Mr. Schwartzberger said at this time they are still scouting possible locations and costs, however they should know where they would like to locate in December of this year. In 2024 if they chose to move forward it would be held on June 15th and 16th. Leif withdrew his motion until a later date.

Consider Extension of the City Park Equipment Shed

Derek Dye and Mike Balmforth were not in attendance. They indicated they watched the live stream of the prior meeting and felt there was no funding available for the city to share in the cost.

Lorin Croft/Allan Johnston – Request to Quit Claim Deed for Twilight Park Back to Lorin Croft

Mr. Croft said he donated the lot at 806 Twilight to the City to be developed into a city park. He said he feels the city has shown no interest in developing the land so they would like the property given back to him so the neighborhood can develop it. Allan Johnston thanked BJ for the correspondence. He said the Crofts are excited about this park and want to get it developed for use. He said he feels the statute is poorly worded and the city could deed this property back to the Crofts. Mr. Johnston referred to Title 50-14 regarding property owned by the city. He said he went over the statute and feels the property is not being utilized or used for a public purpose right now. He said 50-1402 discusses the procedure to return the property. He asked the city to declare an intent to give the property back to the Crofts. He said a hearing would need to be held. Mr. Johnston said Lorin is very excited to develop the park and then he will gift it back to the city. BJ said he agrees the statute is poorly written, however there are more sections to this code. He said he does not feel he could defend this if it is challenged. He said

if you keep reading the statute in chapter 14 it talks about conveyance of the property. BJ said once the hearing is held, the Council can determine what can happen to the property. He said there are five provisions that must be followed. He said he feels this cannot be done under these five provisions. He said if this is challenged, he doesn't know how he can defend this. Mr. Johnston said Lorin is not interested in funding the development while the city still owns it. He said he feels the chances are very low of this being challenged and if so, the judges will look at the equities of this matter. Leif said he is concerned about being challenged and then having to pay for legal counsel to defend this. BJ said before the lot was given to the city it was openly discussed that the city could offer no timeline of when the lot would be developed as a park. BJ said if the property is deeded back, the deed could list it should be for public use only. Mr. Johnston said Lorin may want to put the ownership in a trust. The Council felt this matter should go to a public hearing, and terms could be spelled out in a summary of action. Jeff moved Leif seconded to call for a public hearing on November 14, 2023, to consider conveying property to the prior owner so a park could be developed within two years, or it will be deeded back to the city. If the property is not developed within two years, it must be deeded back to the city. Approved three in favor, Kim opposed, motion carries.

Ted Hendricks – Resolution 23-09

Ted said this resolution is for the submission of loan and grant applications and to have the Mayor execute the documents for submission. He said this is the beginning of the process only. Ted said if the money is awarded, the city will need to decide to accept it or not. He said this is an initial process for improvements to the water system. He said we will need to submit the applications now, but we won't know until 2024. Adam moved, Kim seconded to adopt Resolution 23-09. Approved unanimously.

Ted Hendricks – Idaho Community Development Block Grant Citizen Participation Plan

Ted said this plan requires a public hearing be held. This is to keep the citizens aware of what going on with the project. Jeff moved, Leif seconded to adopt the Idaho Community Development Block Grant Citizen Participation Plan. Approved unanimously.

Ted Hendricks – Call for a Public Hearing to Consider Grant Submissions

Ted said a public hearing must happen before the submission of the first document. The next available date for proper publication is November 14th at 7:30 p.m. Leif moved, Jeff seconded to call for a public hearing on November 14, 2023, at 7:30 p.m. to consider submission of grant/loan applications. Approved unanimously.

Ted Hendricks – Amendment to Rural Development Technical Assistance Grant

Ted said Rural Development has agreed to let the city amend the plan for this grant to move forward with a business development center, industrial park, etc. Adam moved, Jeff seconded to amend the scope of work for the Rural Development Technical Assistance Grant to help seek out funding for the development of a business center or similar developments. Approved unanimously.

Ted asked if a work meeting could be scheduled just prior to the next Council meeting to discuss the various projects that are ongoing. A work meeting was scheduled for October 24, 2023, at 6:30 p.m.

Sidewalk Construction Agreement

Jordon said Carl Tyger is putting in a new building behind Vinyl Expressions. The street improvements on Anderson Road have not been done such as sidewalk, curb, and gutter. Typically, during construction, the contractor is to install these improvements. Mr. Tyger has plans to develop along Anderson and would like to wait to put the improvements in until further development occurs. The proposed new building will access from State Street. Leif moved, Jeff seconded to delay the improvements which will include curb, gutter, sidewalk, fire hydrant and storm drain on Anderson Road until any other building permit is issued for construction on that property. Approved unanimously.

Ordinance 651 – Liquor By the Drink

This ordinance will regulate the sale of liquor by the drink to include Sunday sales and the closing time as 2 a.m. Leif moved, Kim seconded to suspend the readings of Ordinance 651 on three separate days and read Ordinance 651 by title only. Leif read Ordinance 651. Leif moved, Kim seconded to adopt 651 regulating the sale of liquor by the drink. A roll call vote was taken: Adam – aye, Kim – aye, Jeff – aye, and Leif – aye. Approved unanimously.

Title 10-16-14 (d) Certification Blocks

The Planning and Zoning Commission held a public hearing to consider amending Title 10-16-14 (d) to add the language to require certification blocks for Snake River Valley Irrigation and ERSID on final plats. The Commission recommended approval. There was a brief discussion about the consequences if one of those entities do not sign the plat. Leif moved, Jeff seconded to add the certifications blocks for SRVID and ERSID on the final plat. Approved unanimously.

Title 10-17-2 (c) (5) Garage Size

The Planning and Zoning Commission held a public hearing to consider amending Title 10-17-2 (c)(5) to remove the language 24x24 foot garage from the manufactured home ordinance. This is basically a housekeeping item that was missed when other sections of the code were amended. Adam moved, Kim seconded to amend the language of this ordinance to strike the wording 24x24. Approved unanimously.

Business Licenses

Leif moved, Adam seconded to approve the following business licenses:
Shelley Supporter of the Arts - fundraiser at the Virginia Theater/catering liquor license – fee waived for 10-12-2023.
Sew Lets Play – 330 Quigg Ave.
Big Boy Movers, Idaho 518 N. State Street Suite E
Approved unanimously.

Access Idaho Addendum

Sandy presented an addendum to the current contract with Access Idaho to provide online payments. Currently the fee is 3% plus \$1. The amended fee will be a flat 3%. Adam moved, Jeff seconded to approve the addendum with Access Idaho. Approved unanimously.

New Public Works Employee

Justin recommended hiring Ascencion Padilla at level one. Leif moved, Adam seconded to hire Ascencion Padilla at level one with a starting date of October 16, 2023. He will be eligible for a merit raise after his one-year anniversary. Approved unanimously.

Bond Transfer

ERSID has been working with DEQ to have our loan/bond for the wastewater treatment plant transferred to ERSID. The interest rate will be the same as well as the bond covenants. Both Ammon and Shelley's bonds are proposed to be transferred. An agreement was presented regarding the transfer of the bond. Adam moved, Leif seconded to approve the reassignment of the loan offer agreement to East Idaho Regional Sewer District. Approved three in favor, Kim absent.

Service and Billing Agreement

Sandy presented an agreement for the service and the billing regarding the bond transfer to ERSID. ERSID will collect the bond fees from each city and be responsible to pay the bond. However, they would like the funds from each city in the Bond Debt Guarantee Fund and the Bond Payment Fund. The surplus in the Bond Fund is approximately \$165,000 and the Guarantee Fund is approximately \$691,000. The bond covenants state the surplus in the Bond Payment Fund can be used for Sewer capital outlay. The city would like to provide back up emergency power at the lift stations with these funds. Last year \$840,000 was contributed to ERSID for improvements out of the Bond Fund. The Guarantee Fund cannot be utilized until the bonds are paid in full. Adam moved, Kim seconded to approve the service and billing agreement conditional that section 4 requiring the surplus to be given to ERSID be deleted. Approved unanimously.

Termination of Utility Services

Kim moved, Leif seconded to table this discussion item. Approved unanimously.

CDL Assistance Program Agreement

BJ reviewed and drafted an agreement for city employees who must obtain their CDL to have the city assist them with funding the classes needed to get a CDL. This would require a commitment for employment by the employee. Leif moved, Kim seconded to approve the template for the CDL Assistance Program Agreement. Approved unanimously.

Sale of SRO Rifles

Chad said he would like to sell the two SRO rifles to Bingham County and obtain two other rifles better suited for our department. Adam moved, Leif seconded to approve the sale of two rifles to Bingham County and to use those funds to purchase new rifles for the SRO. Approved unanimously.

Water Rights

Deferred to the next council meeting.

Department Head Reports

Sandy discussed the city code 8-4-9 which covers the termination of utility services.

Sandy said she placed a letter that was received from a citizen regarding each of the departments in the city and how well they are doing.

Mikel said registration is going well for basketball. We now are using a new registration system that is working great.

Jordon said Mike Hicks, one of the Developers for Fox Crossing would like to change some of the language in the Development Agreement. He said he would like to increase the limit of houses that can be built each year and change the section requiring a ten-year ownership before rental. He also would like to cut Division 1 in half since he must purchase the ERU's upfront from ERSID. Jordon said he also is wondered if the Center Street requirement to be improved can be done during Division 2 since they would like to cut down on the number of lots in Division 1. Jordon said they suggested possible having a work meeting to discuss these items further.

Justin said Fall Clean Up will begin this week. He said the parks and the pool will be winterized also.

Justin said the crew has been working on the water fountain at Brinkman Park that MYAC is helping with.

Justin said they are working on the installation of the cameras at City Park, and he has no word on the Hawk Light parts.

Chad said ITD awarded the traffic unit grant with will be \$80,000 for one year to cover the wage and benefits for a new officer.

Chad said there was national training on the Idaho Case Law. He said people from all over the state attended this training.


Council Reports

Kim said Arbor Day was held last Saturday. Two trees were planted in remembrance of loved ones. She said all went well and memorial plaques will be placed by the trees.

Adam said he met with Jeremy Siems and Mr. Siems determined he was fine with leaving his water on and keeping his sanitation can.

Mayor Pascoe said there will be a debate for the Council Seat candidates at the Senior Center on October 11, 29023 at 7:00 p.m.

Adjourned: 10:10 p.m.

APPROVE:  ATTEST: 