

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JUNE 23, 2020

PRESENT: Mayor Stacy Pascoe (absent)

Council Members: Earl Beattie (Mayor Pro-Tem), Kim Westergard (absent), Adam French, and Leif Watson

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: Justin Johnson

PRAYER: BJ Driscoll

^{Beattie}
Earl Pascoe opened the meeting at 7:30 p.m. and welcomed all. The room was set up to practice social distancing as listed in the CDC guidelines.

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

Minutes of Council Meeting on June 09, 2020

Approval of May Expenditures

Approval of May Overall Budget & Treasurer's Rpt.

Building Permits:

Grayson Russell - re-roof

A roll call vote was taken: Adam – aye, Earl – aye, and Leif - aye. Approved three in favor, one absent.

Brett Burton at 1197 E. 1465 N., Shelley, Idaho discussed selling his property that is being used as a tri-plex on Short Street. He said the property is zoned as Two Family Dwelling but it has been used as a tri-plex for many years. The grandfather clause is lost upon change of ownership. Mr. Burton said they bought the property in 2000, and the grandfather clause ordinance was adopted in 2002. Sandy said the Planning and Zoning pursuant to City Ordinance 10-11-8 recommends that the exception be granted since the tri-plex has existed for many years and a hardship is found to comply with R2 zoning. Mr. Burton presented a letter from Keller Williams Realty regarding the potential devaluation of his property if he has to make the tri-plex into a du-plex. Adam moved, Leif seconded to grant an exception to the non-conforming use pursuant to 10-11-8 in the city code to allow Multi-Family use in a Two Family zone since the tri-plex has existed for many years and would create a substantial hardship to change it into a du-plex. Approved three in favor, one absent.

Jed Young appeared before the council to discuss the 12,000 square foot building he is moving onto his property at 489 N. State Street. The building code states he must install fire suppression if the building is storing or displaying upholstered furniture or mattresses and is over 2500 square feet. Sandy said Mr. Young has indicated that even though he sells upholstered furniture and mattresses at his other business locations, he does not intend to store or display any mattresses or

upholstered furniture in this building, however he may need to put a few of these items there if a delivery comes in and it's raining, but he will move them within a few days. Sandy said BJ suggested she contact AIC regarding a contract between the city and Mr. Young stating that these types of items will not be stored in this warehouse. She said she spoke with Jerry Mason at AIC and he recommended not doing a contract, but if necessary to make sure it included civil and criminal penalties. BJ discussed the city's potential liability. Mr. Young said he interprets the code to read that he can utilize 2500 square feet to store upholstered furniture and mattresses within the 12000 square foot building. Randy Adams, the Fire Chief concurred and said Mr. Young is correct, but you must have the 2500 square foot area sectioned off with a two hour fire wall, then it would not have to be sprinkled. Randy said Mr. Young was fine as long as he does not store upholstered furniture or mattresses in the building and the building can be inspected at any time. Randy said he will be responsible to inspect the building and if Mr. Young has these types of items in there, he will shut the business down. BJ said there are basically four options for the council; 1. Approve it, without fire suppression and there is no upholstered furniture or mattresses stored there. 2. Deny it, unless fire suppression is installed. 3. Contract with Mr. Young to give the city stronger enforcement tools. 4. Change the building plan to have a 2500 square foot partition with a two hour fire wall constructed. Adam moved, Earl seconded to approve the building permit at 489 N. State Street as presented in the plans without fire suppression and no mattresses or upholstered furniture can be stored within the building based on Mr. Young's representation that he would not store or display upholstered furniture or mattresses in the building. Approved three in favor, one absent.

Sandy asked Randy if the tent in front of Hidden Treasures on South Emerson is a fire hazard. Mr. Young indicated that he does not want to move the tent until sometime next year. Randy said the tent could be a fire hazard depending on what's being stored under it. Randy said he will inspect the tent to see if a fire hazard exists.

Jeff Kelley discussed the Compliance Agreement Schedule (CAS) that is proposed for EIRWWA by DEQ. He said the agreement outlines the following deadlines: Membrane Filters must be completed within 240 calendar days after the effective date of the agreement. Bidding Process Completion for Phosphorus Treatment must be completed by February 1, 2021. Strategic Improvement Plan by May 1, 2021. Construction Progress Report by October 1, 2021, Strategic Improvement Plan Progress Report by May 1, 2022, and annually thereafter. Construction Completion Notice by September 1, 2022. Final Compliance with Effluent Limits by September 1, 2023. Jeff said the strategic improvement plan is basically to form a District or something equivalent.

Jeff discussed moving towards a District. He said there are two entities that have no bonding capacity and two with no skin in the game. He said this needs to move forward in the best interest of the communities. Jeff said our fees are too low and we need to raise them by about \$15 per ERU. He said the monthly fees need to pay for the O&M as well as the upgrades to the plant maintenance. He said a private company has expressed interest in buying EIRWWA. Jeff said this private company has bought Taylor Mountain and Falls Water. Jeff encouraged the Board that the city should move towards a district and not allow a private sale; that way the residents will have representation. Randy Adam felt when the

Eastern Interceptor line was installed by his property, the pipe was inadequate. He said its leaking. Jeff said the company that installed the line went bankrupt. Randy said he feels the county does not want to buy into something that is already broke. Jeff said each county already owns 25% of EIRWWA.

Adam moved, Leif seconded to ratify the business licenses for Winders Funnel Cakes and Sno-Ventures. Approved three in favor, one absent.

Leif moved, Adam seconded to approve the business license renewal for Bingham Memorial Family Medical at 275 W. Locust Street. Approved three in favor, one absent.

Adam moved, Leif seconded to declare the following items as surplus property:

2008 Chevrolet Impala Vin# 2G1WS553989100032
2006 Chevrolet Impala Vin # 2G1WS551X69319741
2013 Dodge Durango Vin # 2C3CDXAT6DH608789
Non-working refrigerator in basement of police station

Approved three in favor, one absent.

Sandy said the Morning News has sold and is now called Bingham News Chronicles. She presented an ordinance to consider for adoption with the new name for the official newspaper of the city, however she said she would like to check into pricing for the Post Register since they are a little more lenient on the window to submit the publication prior to the deadline. Leif moved, Earl seconded to table this matter until the next council meeting. Approved three in favor, one absent.

BJ said he sent the proposed map and standards to Bingham County regarding the Impact Area after the last council meeting. He said Chase Hendricks sent back the map with the boundary changes and the agreement; however none of the language in the agreement was changed. BJ sent the agreement requesting that the city standards be used in the Impact Area. BJ said he spoke to Chase about this and said the city wants the city standards to apply in the Impact Area. Chase said he understood and asked where we need to go with this now. BJ said Chase will need to talk to the County Commissioners. BJ said it is really the County that is pushing this. He said the city's current Impact Area Agreement is pretty good, and fine at this point but it's been long enough that we really need to revise the boundaries. BJ said if the agreement and boundaries cannot be worked out there is a process you can go through the courts on to have it judicially determined. He said he hates going through the court, but that option is available. BJ said if the county is really serious about developing areas around the cities they need to make this a priority for us; encourage, invest and support it. The city will wait for Bingham County's response.

BJ presented updated sports applications and waivers of liability. He also drafted the waiver and assumption of risk regarding COVID-19. BJ said this could even be used for the pool. The Council discussed the best way to have patrons at the pool sign the waiver. The Council also felt a sign should be set up stating that participants at the pool are assuming all risk.

Sandy said she received the first reimbursement from CFAC for COVID related expenses in the amount of \$2007.

Sandy presented a comment sheet from Bingham County regarding a proposal for a three lot replat in the Awbrey Downs Subdivision. The Council had no concerns or comments.

Sandy said Diane Mickelsen inquired if the restaurants would be receiving any kind of credit on their city utility bills since they could not open during the COVID-19 shutdown. Sandy said we could give them the unoccupied rate for March, April, and May. This matter will be placed on the next agenda for discussion.

Mikel said the soccer program went very well this year. He said baseball is also coming to an end.

Mikel said last year the pool revenue was at \$28000 from opening until mid-June. He said this year we are at about \$26000. He said COVID really has not affected swimming lessons or admittance to public swim.

Justin said the parts for Well #4 came in and they should be working on this project in the next two weeks. He said Sunset Vista has not been completed yet. He said Copper Meadows is done.

Justin said H-K should be working on the street improvements for the city at the end of July.

Jordan said there is a lot of new building going on. He said he intends to attend the class in September to become certified in commercial building.

Rod said he is concerned about the condition of the bathroom at Brinkman Park. He said there is a lot of graffiti, and political graffiti. Rod said he feels the restroom should be closed. Justin said he has not got the cameras that were approved yet to see who coming and going outside the restroom, but he will work on that.

Adjourned: 9:30 p.m.

APPROVE: Earl A. Beath ATTEST: Janey Hayden