

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

August 11, 2009

PRESENT: Mayor Eric Christensen (absent)
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: Scout Jacob Nelson

PRAYER: Steve Cederberg

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

Minutes of July 28, 2009 Council Meeting

Building Permits:

Thayne Bolander - shop

Fred Bunce - new home

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

Rick Taylor was not in attendance. It appears his parking citation had been resolved.

Bryon Hobson said he is a home builder and will be building a home in the Wind River Estates over the next few months. He said he has a 24 foot travel trailer that he would like to park on the premises, and reside in while the home is under construction. Mr. Hobson said he is from the Preston area and the longest he will be there is for two weeks, then it will just be a few days here and there. He said he would like to reside there until the weather will not permit any longer. Mr. Hobson said there will be a travel trailer and a tool trailer, and he and one other worker will be the only ones there. He said he spoke with the one existing neighbor and there was no problem with the travel trailer being there. John moved, Steve seconded to allow Mr. Hobson to park a travel trailer and reside in it at the Wind River Estates until October 1, 2009. Approved unanimously.

Stan Schuetz said his fourteen years old Shar Pei, "Babee" was shot by a Shelley Police Officer. He said he understands his dog cannot be brought back, but he does feels a policy should be established for this type of incident. Mr. Schuetz said Shelley has a bad reputation, and he feels one or two officers should be trained to handle animals. Steve asked Mr. Schuetz if his dog had a collar on with tags. Mr. Schuetz said no, he did not have a collar or tags because the dog usually stayed inside the house. He said a Shar Pei has a hard time wearing a collar because of its skin folds. An attendee in the audience asked about a state law requiring forty eight hours to pass before a dog is euthanized. Alan said this law does not apply if an animal is sick or injured. Many questions from the audience surfaced regarding who determines if the animal is sick or

injured. Mr. Scheutz said he understands other dogs have gotten out of their yards and were caught by the police, but they were not shot. He felt Officer Lewis was afraid to handle his dog because of prior dog injuries, so he shot the dog. Mr. Scheutz felt the city should set aside money to train officers to handle dogs. John said he did not realize there was as big of dog problem in the city until this summer. He said funds have been set aside for a new dog pound, and the city's dog ordinance is being amended. BJ said the dog control ordinance does not legislate this type of an issue. He said the Officer made a decision at his discretion. John asked Mr. Schuetz to help research training availability. John said he would also need to review funding possibilities. Lorin said he did not know if Mr. Schuetz had been offered an apology yet, but on behalf of the city he would like to apologize for this incident. Lorin said the city is trying to work with the county on getting a full time animal control officer. He asked Alan for an update. Alan said the city would have to fund half of the cost for an animal control officer.

Marsha Williams, who is the Vice President for the Bingham County Human Society said she answers the telephone for her organization, and over the past 4 months has received several calls regarding animals impounded as vicious dogs in Shelley. She said she understood the county would come pick up the dogs from Shelley, and that was the protocol. Ms. Williams said vicious dog owners were not even allowed to see their dogs when they were under impoundment.

Ms. Amy Goc said she spoke with an Officer earlier in the day. She said she touched the dog and there was no problem. She said the dog did not snarl or growl as the later officer indicated. Ms. Goc felt there should be better communication between the police officers. She said an officer was notified about the dog, and the officer who shot the dog knew nothing about it. Mrs. Goc asked why? Alan said none of his officers were contacted. Rory Schuetz said he stopped an officer on the street, and said he was looking for his dog. Ms. Goc said there needs to be communication between the police officers so there is an awareness of what's going on. She asked if there was going to be a change. She suggested maybe a fifteen minute break for officers to advise each other. Ms. Goc said she agrees that Shelley has a bad reputation. She said the community relies on its police officer. Ms. Goc said she loves her community and her neighbors, and everyone should work together to resolve problems.

Melissa Newell said she is a Shar Pei owner and agrees that this type of dog cannot wear a collar due to its skin folds. She said she uses a fabric collar when she takes her dog outside. Ms. Newell said Idaho has laws against animal cruelty, and she felt this act was very inhumane. She asked if there are actions being taken against the officer that shot the dog. Ms. Newell asked who decides if there should be any action taken.

Karyn Crow, 1928 Henritta Avenue, Idaho Falls said she felt the officers acted inappropriately. She said there were lies in the police report. Ms. Crow said the officers told Amy Goc to leave. She said there was a statement saying the citizens in the area were spoken with, and they stated they were happy with the action that was taken. Ms. Crow said those that were talked to never said that. She said the officers stated they did not have the equipment necessary to catch the dog, but Amy Goc said they did. Ms. Goc asked why one of the officers could not leave the scene

and go and get a catch pole. Ms. Crow said the report stated the dog did not suffer. She said the dog did suffer because he had to be shot four times.

Rory Schuetz, 261 Hummingbird said an officer should be able to tell the truth. If he lies, he is covering something up.

Brian Anderson said he resides outside of city limits at 1226 N. 825 E. He asked what normal protocol is. Mr. Anderson asked what is expected to happen when a firearm is discharged. Alan said an investigation was done, and in his opinion the officers did nothing wrong. Mr. Anderson asked for a copy of the report. Alan said no, because it was an internal investigation. BJ said anyone could submit a written request for public records, however there are exceptions to what can be disclosed per the Freedom of Information Act, and Idaho's Public Records Law. Mr. Anderson discussed the vicious dogs that were taken into custody several months ago. He asked why this dog was not taken into custody. Mr. Anderson asked if police officers are trained to determine the health of a dog. Alan said the dog was injured, the police officer used his discretion, and he supports his officers one hundred percent. Mr. Anderson asked why other dogs are taken into custody. Steve said other previous incidents are not relevant. Mr. Anderson said yes they are. He said the police are acting in a reckless manner. Mr. Anderson said it sounds like there is not a clear policy in place, and he feels an appropriate policy should be established, and the officers should be properly trained. He asked the City Council to investigate to see if action should be taken against the officer.

Amy Goc, 273 N. Byron said she was just looking at the police report, and there are some discrepancies. She said she was on the scene. Ms. Goc said she asked the officers to assist her and take the animal to the vet. She was told there were no funds available for this through the city. Officer Swansen informed her that the dog was old, harmless, and lost. Ms. Goc said the officer told her to go home. She said the report stated the dog was growling and not letting anyone approach. She said the report is blatant lies. Ms. Goc said she understands Alan supports his officers. Alan said Officer Swansen was not there when the animal was euthanized. He said Officer Swansen talked to Ms. Goc at 4:00 p.m., and the dog was shot at 7:00 p.m. Alan said it was Officer Lewis and a reserve officer, Karl Bowcutt who was on the scene when the animal was shot.

Melissa Newell said she considered it cruelty to animals to shoot the dog, so if Chief Dial supports his officers, then he condones cruelty to animals.

Jon Tomchak, 415 Robin Way said he is Mr. Schuetz's landlord. He said he knew the dog very well. Mr. Tomchak said he has never encountered growling, biting, etc. with this dog. He said there was another incident in another county where an officer shot a dog and he was let go. Mr. Tomchak said the dog never usually left the yard, but he did not have a collar on. He said he loves this community, and feels the police are honest. Mr. Tomchak said there are a lot of discrepancies in this matter. He said there was an incident in his neighborhood where two dogs tore apart a cat, and those dogs are still alive. Mr. Tomchak said there is a problem here. He

said he understands the Chief supports his officers, but there are many discrepancies. He said the dog cannot be replaced. Mr. Tomchak said he is very disappointed the way this incident was handled, and feels policies need to be established.

Jason Challis asked what the money that is paid to the city for dog tags go for. Sandy said the money supports the pound, food, electricity, etc. She said the \$300 to \$500 the city collects each year doesn't support a \$3000 budget. Mr. Challis said his Rottweiler got out one time and was returned by the police department because it was tagged. He felt this dog should have been euthanized nicely. He asked if a scanner for chips could be bought. John said this option could be reviewed.

Marsha Williams from the Bingham County Humane Society said the county used to euthanize by gas, but now do it by injection which is much more humane. She said there is training through the State. John said he would contact Ms. Williams to discuss this further.

Alan said different officers were spoken to at different times. He said Ms. Goc spoke to Officer Swansen at 4:00 p.m. Alan said Officer Lewis was contacted about a dog foaming at the mouth at approximately 7:00 p.m. Alan said the dog had no collar, no tags, and appeared to be ran over. He said there was no vet on call in the city, and the Bingham Animal Control Officer was not available since it was Saturday. Alan said Officer Lewis made the decision to shoot the dog.

Heather Vance, 528 S. Milton said there should be enough members in the community to be available to be on call for such situations. She said there are enough animal lovers that may want to be involved. Ms. Vance suggested the enough troops be rounded up for people to be on call and take over in this situation. She said maybe a campaign could be done for dog tags. Ms. Vance said if you can get close enough to a dog, then you should be able to read the dog tags. John suggested having a booth at Spud Day to recruit people for this cause. Ms. Vance discussed having "Welcome to the Neighborhood" packets to inform citizens about the laws in the city.

Tim Pulsipher 141 N. Milton said he is 100% behind the police officers. He said if the officers say the dog was growling, then he supports that officer. Mr. Pulsipher said Officer Lewis is an ex-marine and a highly trained officer. He said the dog was shot four times because he was afraid that once was not enough. Mr. Pulsipher said Officer Lewis should not lose his job for doing his duty. He said he did not know the health history of the dog, just its appearance that day. Other members of the audience began arguing with Mr. Pulsipher. BJ said there will be disagreements regarding this matter, however he feels the productivity of this meeting is gone. BJ said the council has received constructive ideas from Mr. Schuetz. Ms. Goc asked when the public will have some answers regarding shelter, policy, and Bingham County Animal Control be implemented into the city policy.

The council meeting was recessed for five minutes.

Olin Barkdull said he sent the Mayor and Council member's letters regarding employee health benefits, but he has not heard back from anyone. He said he was looking for a phone call or some other response. Mr. Barkdull said he read in the paper that the council decided to keep Blue Shield and raise the deductible to \$2000, but still "buy down" to \$500. Steve said the city decided to stay with our current insurance carrier, and who we have now. Mr. Barkdull said there was a statement in the paper that the city was being fiscally responsible, yet he could save the city money with his plan. Lorin thanked Mr. Barkdull for his statements.

Rick asked permission to hire Shaun Robinson to fill the vacancy in the Public Works Department. Steve moved, John seconded to hire Shaun Robinson at entry level with a probation period of six months. Approved unanimously. Rick said he has someone available to mow lawns in Shaun's place. Jason Johnson will finish as groundskeeper until he leaves for college.

Sandy asked if there should be a hiring policy established regarding in house hiring before advertising outside. The Council determined that full time openings will be offered in house to other employees for a period of two weeks. After two weeks if there is no interest the opening will be advertised. Chuck asked if it is mandatory to hire someone internally if the person is not qualified. The council determined that the Department Heads should recommend who they would like to hire to the council, whether it is inside or outside candidates.

Alan asked to have one of his fleet retired and declared as surplus property. He said there is a 2002 Ford Crown Victoria that was Bret's car and is in pretty good shape, but it is time to roll this car out of the fleet. Steve moved, Charlotte seconded to declare a 2002 Ford Crown Victoria Vin#2FAFP71W52X122123 as surplus property to be sold at auction. Approved unanimously.

Sandy said she has a bankruptcy that the city debt was discharged. Charlotte moved, John seconded to write off \$258.75 owed by Angela Nelson due to bankruptcy. Approved unanimously.

John said Stan Peterson and some of the other officers were having issues with noise complaints. Officer Tincher said there was no set time on noise limits, mufflers, stereo systems, etc. He said the state law is very vague. BJ said he briefly looked at Stan's proposal. Alan said he discussed the ordinance proposal with Officer Peterson, and felt we have a disturbing the peace ordinance that could be used, if neighbors are having a noise problem. The council determined the city ordinance would be left as is.

BJ said an amendment to the dog control ordinance has been made as discussed at the last council meeting. He said he added language for a non-commercial kennel license to be allowed in a residential zone, and also regulations for "visiting dogs". The Council discussed the details of the ordinance. It was determined that this matter will be advertised for public comments and read over the next three meetings.

Sandy discussed the budget, and said she would need a special meeting to adopt the tentative budget on August 17, 2009, in preparation for the Budget Hearing on September 8, 2009. Sandy said she was able to keep the levy rate for property taxes down. She said the city will not be increasing the ad valorem taxes by the allowed 3% this year due to the down turn in the economy. She said there was over 5 million dollars of new construction which helped the General Fund. Sandy said approximately \$34,000 was received from new construction, which was mostly commercial buildings, and approximately \$8600 from new annexations. She said the levy rate decreased slightly which means a property owner who has a home valued at \$100,000 after the home owner's exemption should see a savings of about \$10 annually. Sandy said she has figured no increase to any fees, but the sewer fee may need to be reviewed after the first of the year, when the Regional Authority decides who will be maintaining and administering the waste water treatment plant once it becomes operational. She said the employee's wages and all capital outlay except the new well and waste water treatment plant have been frozen. Sandy said she will continue to work on the budget further. Steve moved, Charlotte seconded to call for a special meeting on August 17, 2009 to consider adoption of the tentative budget for fiscal year 09-10 at 7:30 p.m. Approved unanimously.

Sandy said she received another invoice from Harper Leavitt for compiling the easement for the change in the city's prescriptive easement at the waste water treatment plant. Sandy said the owner of the Riverbend Estates ordered the work to be done by Harper Leavitt. Sandy said the invoice keeps accruing late fees and interest. Sandy was instructed to contact Harper Leavitt Engineering and inform them the city is having a problem paying the invoice since they did not order the work to be done.

Sandy said most of the residents in Kelley Acres are using city sanitation services, however there are a few that are not. She said the residents were told they would not be charged for city sanitation services until the contract with their current provider ran out. Sandy said a few of the residents have changed the date that their contract is due to expire. She said one resident even paid for an additional three months because they did not see the city billing them on a current invoice. Sandy was instructed to begin to bill everyone October 1, 2009 with no exceptions.

Dawn said the pool added an extra session this year, but was unsure of any additional revenue generated by the extra session due to the rainy spring we had this year. She said she will continue with the extra session next year, and review this matter again.

Dawn said a dance team wants to use the city pool for a fundraiser. She said they will pay for the pool rental fee. The Council determined they do not want to use the pool in this manner since the city has not participated in any other fundraisers.

Dawn said flag football will begin soon.

Charlotte said the Shelley School participated in the State Golf Tournament. She said Keifer Hyum won in his division, and Tyler Fredrickson won in his division.

Charlotte said she would like to pursue a "Citizen of the Year" award for Spud Day. She said this would take the place of an "Idaho Brightest Star" award.

John reminded everyone of the employee picnic to be held Thursday at 6:30 p.m.

John said Alan did a good job tonight regarding the dog incident. Alan said if we need to change the policy that would be fine, however we do not have a vet on call at all times, and the county animal control officer is not available at all times either.

Steve said the bathroom at Brinkman Park was vandalized. He said the toilet was ripped out of the concrete and placed over the handicap sign in the park. Steve said the facility is locked up at this time, and should be left locked up for the time being. The Council discussed placing a security camera at the site, or possibly moving the facility. Steve said he would contact the Idaho State Parks and Recreation Department to see if the facility could be moved since a grant help fund the construction.

Adjourned: 10:06 p.m.

ATTEST: Sandy Gagnier APPROVE: Eric R. Chitem

<u>DATE</u>	<u>JULY CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
6-Jul-09	Comdata	1,589.15	33074
6-Jul-09	Dougs Sales	489.00	33075
15-Jul-09	AAA Giles Cleaning and Restoration	675.00	33076
15-Jul-09	Alltel	148.21	33077
15-Jul-09	American Linen	496.51	33078
15-Jul-09	Auto Body Paint and Supply	66.81	33079
15-Jul-09	BISCO	7.69	33080
15-Jul-09	BMC West	343.53	33081
15-Jul-09	Broulims	36.77	33082
15-Jul-09	Business Phone Specialists Inc	66.50	33083
15-Jul-09	Cal Ranch	62.49	33084
15-Jul-09	Carlsons Custom Concrete Inc	1,277.00	33085
15-Jul-09	Cory Meyer	5.75	33086
15-Jul-09	Davies Aqua Chem Supply Co	577.40	33087
15-Jul-09	DBS Inc	2,933.74	33088
15-Jul-09	Eagle Rock Sanitation	4,515.22	33089
15-Jul-09	Electrical Wholesale Supply Co Inc	95.85	33090
15-Jul-09	Void		33091
15-Jul-09	Ferguson Enterprises Inc	93.04	33092
15-Jul-09	Forsgren Associates/P.A.	100.00	33093
15-Jul-09	H-K Contractors Inc	4,846.51	33094
15-Jul-09	Hammon Teton Delivery	54.00	33095
15-Jul-09	HD Supply Waterworks LTD	58.41	33096
15-Jul-09	Honnen Equipment Co of Utah	71.78	33097
15-Jul-09	IAS- Envirochem	440.00	33098
15-Jul-09	IBM Corporation	1,261.98	33099
15-Jul-09	Idaho Business Systems	32.00	33100
15-Jul-09	Idaho Dept Employment	369.96	33101
15-Jul-09	Industrial Hose and Fittings	32.83	33102
15-Jul-09	Intermountain Bobcat	465.00	33103
15-Jul-09	Jack jones	997.50	33104
15-Jul-09	JP Cooke Co	55.12	33105
15-Jul-09	Kings No. 21	23.46	33106
15-Jul-09	Lexisnexis matthew Bender	54.50	33107
15-Jul-09	Lorin Croft	26.47	33108
15-Jul-09	Metroquip Inc	1,421.57	33109
15-Jul-09	Mountain View Sales	104.05	33110
15-Jul-09	OK Trailer Sales	76.81	33111
15-Jul-09	Post Register	170.94	33112
15-Jul-09	Qwest	46.23	33113
15-Jul-09	Reliable	374.31	33114
15-Jul-09	Rocky Mountain Power	10,385.05	33115
15-Jul-09	Sams Club	966.67	33116
15-Jul-09	Shelley Pioneer	245.34	33117
15-Jul-09	Shelley Quick Lube & Auto Center	20.00	33118
15-Jul-09	Shelley/Firth Rural Fire District	5,033.00	33119
15-Jul-09	Smith Driscoll & Associates PLLC	3,508.20	33120
15-Jul-09	State Insurance Fund	3,053.00	33121
15-Jul-09	Town and Country Gardens	565.14	33122
15-Jul-09	Tractor Sales	58.08	33123
15-Jul-09	United Pipe and Supply	20.34	33124
15-Jul-09	United States Welding Inc	145.02	33125
15-Jul-09	Valley Wide Co-op	437.50	33126
15-Jul-09	2M Company Inc	385.09	33127
24-Jul-09	Jennifer Burton	237.65	33128
31-Jul-09	Advanced Industrial Supply	12.50	33129
31-Jul-09	Alltel	282.89	33130
31-Jul-09	Ann Christensen	20.00	33131
31-Jul-09	Cable One	164.95	33132
31-Jul-09	Cal Ranch	100.97	33133
31-Jul-09	Carlsons Custom Concrete Inc	2,557.00	33134
31-Jul-09	Circular Butte Landfill	5,629.24	33135
31-Jul-09	Daniel Acevedo	1,650.00	33136
31-Jul-09	Eagle Rock Hydraulic Service	917.59	33137
31-Jul-09	Exxonmobil Fleet/GECC	338.89	33138
31-Jul-09	Fastenal	546.31	33139
31-Jul-09	HD Supply Waterworks LTD	58.41	33140

31-Jul-09	Honnen Equipment Co of Utah	176.83	33141
31-Jul-09	IAS- Envirochem	344.00	33142
31-Jul-09	Idaho Business Systems	203.38	33143
31-Jul-09	Idaho Rural Water Association	440.00	33144
31-Jul-09	Intermountain Gas Co	2,821.13	33145
31-Jul-09	Kirkham Auto Parts Service Co. #8	128.98	33146
31-Jul-09	Lexisnexis matthew Bender	453.40	33147
31-Jul-09	Mountain View Sales	220.51	33148
31-Jul-09	Oldcastle Precast Inc	40.50	33149
31-Jul-09	PAETEC	478.08	33150
31-Jul-09	Petty Cash	37.49	33151
31-Jul-09	Phillips 66 Co	1,247.74	33152
31-Jul-09	Phyllis Taylor	18.33	33153
31-Jul-09	Pro Wrench	56.00	33154
31-Jul-09	Qwest	89.98	33155
31-Jul-09	R & S Distributing	157.88	33156
31-Jul-09	Roto-Rooter Sewer Service	175.00	33157
31-Jul-09	Staples Credit Plan	78.98	33158
31-Jul-09	Steve's Radiator Shop	120.00	33159
31-Jul-09	Tractor Sales	1,052.00	33160
31-Jul-09	US Post Office	355.88	33161
31-Jul-09	Wells Fargo Brokerage Service LLC	83,069.99	33162
10-Jul-09	City of Shelley Payroll	53,732.32	
24-Jul-09	City of Shelley Payroll	54,948.19	
	Total	262,348.51	