

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

MARCH 23, 2004

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Chad Landon, Steve Cederberg, John Lent
Police Chief: Alan Dial
Public Wks Dir.: Rick Anderson
Recreation Dir.: Dawn Lloyd
City Clerk: Sandy Gaydusek
City Attorney: Scott Hansen

PLEDGE OF ALLEGIANCE: Cory Wilde

PRAYER: John Lent

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

Approval of the March 09, 2004 Council Meeting Minutes
Approval of the Following Building Permits:
Nathan Kohler - new home
Paul Elswood - re-roof

Approved unanimously.

Grant from Butler Engineering appeared before the Council to discuss the North Shelley Business Park that Brent Christensen is involved with. He submitted a plat to Sandy for her to review to see if all of the requirements have been met for a preliminary plat. Sandy said she reviewed the plat and found four items that would need to be addressed before it could be accepted as a preliminary plat. She presented a letter to grant stating the items that are needed. Grant discussed the widening of the connector road, however this issue was tabled until Brent Christensen was in attendance.

Rich Eaton was not in attendance. Alan said Rich talked to him and is concerned about the way the rotational list is being handled for towing services. He said Sunkist has been added to the rotational list as discussed at a previous council meeting. Alan said Rich felt any towing business that wanted to be on the rotational list should be required to have a business lot in the city limits. He said Rich stated he owns a lot in Idaho Falls so he could be added to their rotational list. He said Rich felt the business should be kept in the city. Alan said usually the people who are having their cars towed are given a choice of whom they want to use for a towing service. He said if there is no preference, the rotational list is used. Alan said the city set a policy several years ago regarding the guidelines that would be used when a towing business wanted to be added to the rotational list. He said the business must have a lot within five miles from the city limits, the compound must be securely fenced, and the office must be open during operational hours. Alan said Sunkist meets all of the guidelines. Steve said he felt this matter should be fair for everyone. Chad suggested using a three to one ratio for towing rotations, which will give more preference to city businesses but will also allow other businesses to participate. Chad moved, John seconded to change the city policy so the towing rotation list will

give a three to one preference to city businesses over businesses outside of the city limits when the vehicle owner does not have a preference. Approved unanimously.

Grant, from Butler Engineering discussed the widening of the connector road for the business park that Brent Christensen is developing. He said the council asked what the costs to widen the road by one parking lane on each side would be. Grant said the approximate estimate is \$190,000 with a 15% contingency. He said the costs are estimated, but it is still not known who would be paying for the construction. Chad said the city couldn't spend the public's money to help developers. However, the city would like to help the community by adding economic growth to the city. Chad said he expected the costs to be presented by Mr. Christensen tonight while Mr. King and Mr. Jolley whose businesses may be affected by this project, are in attendance. Brent Christensen said it will need to be determined what size of water and sewer lines are needed, and who will be responsible for each portion. Steve felt a developer should pay for all of the costs of development, and it should not be a burden on other property owners. He said the Planning and Zoning Commission spend a lot of time working with zoning regulations, and he did not feel central business and residential should be adjacent to each other as Mr. Christensen's plat shows. Sandy said she had researched the code while reviewing the plat and discovered a section that stated two zones could not be combined on a plat, however in this case multi-family residential is allowed in a central business zone. She said it would not matter if the plat were totally central business, because apartments would still be allowed in the zone. Sandy said the code does state that a six-foot high sight-obscuring fence is to be installed by the later developer to separate a residential and a business use. Mr. Christensen said there is approximately four hundred feet of road running along King's property, and nine hundred feet running along the Jolley property. Mr. King said he purchased the Hank Neimier property to build a new King's store. He said when he purchased the property it already had water and sewer services connected to the property. Mr. King said he did not feel he should have to pay for any extension of services just to help Mr. Christensen out. Kirk Jolley felt the same way. He said they had water and sewer services brought in when they built their new store. Mr. Jolley said he did not have the money to help widen the road. He said if they ever intend to expand their business further, then they will pay for the services they need. Scott said the whole thing driving this issue is the economics with everyone involved. Steve felt the city might possibly pay for the upgrades in size to the water and sewer lines. He said the developer should proceed with building at his expense, because the other business owners already have what they need. Scott said historically the city helps purchase the water and sewer lines depending on the size of line needed. He said Mr. Christensen should present the cost estimates for the lines, and plan on developing the road. Mr. Christensen said he did not feel he should be responsible to widen the entire road. Sandy said the whole idea of widening the connector road was to reduce the traffic hazard that was going to be caused by the numerous accesses that Mr. Christensen has planned for his development. She said there are other options available, such as reducing the number of accesses or constructing an additional street within the subdivision. Chad asked Mr. Christensen to work on the cost estimates beginning at their property line to Highway 91. He said to include the cost for sewer and water lines. Chad said to then section off any property that does not belong to Mr. Christensen and figure the costs for water and sewer and to also include separate

estimates for the same property to widen the road. Chad said the city would continue reviewing the plat for the subdivision when the necessary changes that were listed in the letter Sandy presented to Mr. Christensen had been addressed. He asked Sandy to email the costs that Mr. Christensen was asked to present as soon as she has received them. Chad said if the city pays for all of the development costs next to Kings and Jolleys, they would see benefits from the development. Mr. Jolley and Mr. King agreed. However, Mr. Jolley said when the connector road was being proposed, Jolley's gave approximately one-half acre of land for the needed right-of-way. He felt any upgrades to the connector road should not be his responsibility because he felt the land he gave the city was worth \$56,000. Mayor Christensen said Jolley's and King's have been a viable part of the community for many years and the city would like to insure that they would be around for many more years.

Jeff Mosbrucker introduced himself to the Mayor and Council. He said he is currently running for the office of Bingham County Sheriff. Mr. Mosbrucker said he has been a police officer for the past twenty-four years, and held many different positions in law enforcement. He said he is very devoted to the community.

Ted Hendricks, a representative of ECIPDA discussed the progress of the Regional Waste Water Facility (RWWF). He said an application has been submitted for a grant through the State of Idaho to help fund the first phase of the project. Mr. Hendricks said the first phase would be called the Melaleuca project. He said Melaleuca has purchased some property on the other side of the interstate, and would like to access a wastewater treatment facility. Mr. Hendricks said the plans are to construct a transmission line from their property down the New Sweden Highway to the city. He said the project would also include upgrading the city's existing sewer lagoon to have the capacity to hold the additional waste plus provide the citizens more capacity until a new facility is built. Mr. Hendricks said this is a 2 million dollar project. He said Melaleuca has committed 1.3 million dollars, Heber and Doug Andrus have committed \$100,000, the city has committed \$100,000, and the other \$500,000 will come from the grant that is being sought from the State of Idaho Department of Commerce. Mr. Hendricks said they would be presenting this project to the Governor's Advisory Council on April 23, 2004, in Boise. He said he has asked the Mayor to attend this meeting. Mr. Hendricks said the next Regional Waste Water Steering Committee meeting would be Monday, March 29, 2004. He said they should know if the project would be awarded the grant by the end of April. Mr. Hendricks said Melaleuca wants to connect to the system by this fall, so this project will have some quick deadlines to meet. He said a development agreement would need to be drawn up for Melaleuca so they can recoup some of their 1.3 million dollar investment as other individuals access the sewer transmission line. Husk Crowler said the line would be approximately 15" to 18". He said a lift station would be needed to move the wastewater across the bridge. Mr. Crowler said the reality of the RWWC is beginning to happen, and the Steering Committee's work is coming to fruition. Mr. Crowler discussed a Section 595 Grant. He said this grant is being offered only in Idaho and Illinois at this time. Mr. Crowler said Congressional Delegates determine what projects are going to receive the grants, and this will be the first year it is being offered in Idaho. He said the implementation of this grant in Idaho came at the right time, and he felt the RWWF is a great

candidate for the grant funds over the course of several different phases. He said this grant is a 25% match. Mr. Crowler said a letter was drafted for the Mayor requesting a compliance schedule from DEQ for the newly established NPDES permit. He said this would help the city during the interim of the RWWF project. Mr. Crowler said they would like the NPDES compliance schedule tied to the construction of a new wastewater treatment plant. Ted said the original grant from DEQ for the Feasibility Study would need to be amended to include an archeological review. Mayor Christensen said he would need to sign an authorization to request this amendment to the grant. Chad moved, John seconded to draft a letter to DEQ requesting an amendment to the original grant to include funds for an archeological review. Approved unanimously. Ted said he would present the contract to Scott for the Melaleuca project as soon as it is available due to the time constraints. He said the contract would have a clause that states it is only in effect if the grant through the Department of Commerce is awarded to this project.

Sandy said an incident had come up regarding the city policy manual and funeral leave. She said the manual currently lists that up to three days of funeral leave will be paid for an employee's spouse, child, mother, father, mother-in-law, father-in-law, grandparent, brother, sister or any domiciled in the employee's household. She asked if the city wanted to expand the paid leave for the employee spouse's grandparent, brother, and sister since the employee would be supporting their spouse during this time. She said if the policy is not amended, the employee could still be with their spouse by using personal leave. Scott said if the policy is expanded it may come back to bite us due to the Family Medical Leave Act. The Mayor and Council determined the policy manual would be left as it is at the present, and if there were any special need, it would be determined on a case-by-case basis.

Sandy said there was a discrepancy found in our sewer ordinance regarding the fee for outside users. She said a user that resides outside the city limits has always been charged a higher rate, however our code currently states that all users whether they reside inside or outside the city limits will be charged uniformly. Scott read the ordinance he drafted to correct this matter in full. Chad moved, Steve seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved unanimously. Chad moved, John seconded to adopt the amendment to the sewer ordinances stating all fees will be established by resolution of the City Council as read by Scott. Approved unanimously.

Sandy said at the previous council meeting she had presented an ordinance that Scott drafted regarding the responsibility for water fees for rental units. This ordinance will require all landlords to list their rental units in their names and be charged for the monthly fees. Scott read this ordinance in full. Chad moved, Steve seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved unanimously. Chad moved, Steve seconded to adopt the ordinance requiring all landlords to be responsible for the city water fees on their rental units. Approved unanimously. Sandy said she will publish this ordinance in the paper and once the amendments to the sewer and sanitation ordinances have been adopted the city will send out letters to each known landlord stating that all rental units must be placed in their names for billing purposes.

Scott said approximately 30 days ago the city received a petition from Cableone requesting their regulations be removed due to the competition that exists in our area. Scott asked is anyone had any comments or wished to file action regarding this petition. There were no comments or action taken.

Sandy said at the previous council meeting the council discussed defining an ordinance regarding the extension of water and sewer lines in a development. She said they discussed requiring the developer to run water and sewer lines to the end of their property lines for future development. This matter was tabled until the next meeting.

Mike and Lisa Hillman were not in attendance to discuss their LID assessment. Sandy said she has not had any correspondence with the Hillman's regarding their delinquency certificate and their intention to redeem it before a tax deed is filed. The Council felt the Hillman's should be drafted a letter giving them fifteen days to pay and redeem their delinquency certificate for 2001. If no payment is received, then the city will proceed with filing a tax deed to their property. Scott was instructed to draft the letter. Sandy said Bingham County has taken over the matter of the Barnett property. She said once the county sells the home, the city would be paid for the entire LID Assessment.

Dawn said the library has requested pool passes for their reading program this summer. She said the passes have been provided at no cost for the past several years. The Council gave permission for the pool passes. Dawn said the new bathroom stall dividers have been installed at the pool and look very good. She said the city obtained the dividers at a minimal cost from Architectural Building Supply.

Dawn said there would be a blood drive at City Hall on April 1, 2004.

Dawn said there is quite a bit of graffiti on the handball court at Brinkman Park. She said James Simpson has asked permission to draw a mural on the court and cover the graffiti. Dawn said she will get a proposal of what type of mural he would like to draw and bring it back to the council for review. The council suggested that Dawn see if there is any coating that could be placed over the mural that graffiti won't stick to.

Dawn said the Jazz game in Salt Lake City is March 27, 2004. She said she would not be taking a bus to the game because of lack of people wanting to ride the bus. She said only six people signed up to ride the bus.

Dawn said the landscaping at the new grade school is being done. She said the school has given the scoreboard at the former Junior High to the city. Dawn said she would speak to Utah Power and Light about moving the scoreboard to the City Park.

Neil said there are three grants pending for the city. He said there are two grants that have been submitted for a water fountain and a flagpole at Centennial Park, and one grant has been submitted to construct a bathroom at Brinkman Park.

Alan said Tammy Golder was cited for having horses on her property on the corner of Fir and Lincoln. He said Dan Acevedo, our prosecuting attorney contacted us and said this matter will be going to court sometime in May.

Rick said a bridge is being constructed in the West River Acres Subdivision. He said the city did not receive any plans or specifications regarding this bridge. Rick said by the time he found out that the bridge was being built, the footings had already been poured. He said Forsgren sent an engineer down to look at the bridge, however the contractor constructing the bridge had done no compaction tests or field tests. Rick said he talked to Mr. Grover about this matter, and the contractor said he would guarantee the bridge for two years instead of one year as normal. Scott said once the bridge is done, the developer would try and dedicate it to the city. He said the city is not required to accept the bridge until all matters of construction have been resolved. Scott suggested Rick notify Mr. Grover of this, and state the city will not accept the bridge until we are sure the construction is okay. Chad suggested the city look at our code and see if a building permit is required for this type of construction. Sandy said the West River Acres Subdivision was platted through Bingham County, and the bridge should have been addressed on the plat. She said she contacted Bingham County, and they had no plans for a bridge.

Rick said the new sanitation truck has been received by the city, and it appears to be running great.

Rick said the bump of wind blown soil and sand was removed from the baseball field at the city park. Dawn said topsoil and pumice still needs to be added to the fields to make it safe for the players.

John said he would be attending the Planning and Zoning workshop in Pocatello on March 27, 2004. He said the P&Z Board have been experiencing a problem with having enough members come to the meetings to make a quorum. John said next month there is a public hearing scheduled, and it will be very important to have a quorum present. He said there are a few vacancies on the Board that should be filled, and he will try and bring some name to the Council for their review.

John said he was made aware that the city has budgeted for welcome signs at each entrance to the city. He said Rick is currently working on this matter.

John said there would be a centennial committee meeting tomorrow night. He reminded everyone that the Centennial Ball is April 12, 2004.

John said Austin Bird has been nominated for Channel 8's "Eight Who Make a Difference".

Steve said he was in Boise last week working on grants. He said the city should know in about thirty days if we are awarded the grant for restrooms at Brinkman Park.

Steve said we are currently waiting for the county regarding the re-negotiation of the impact area. He said he would continue talking to the County Commissioners to try and get this matter resolved before the new Commissioners are installed in January.

Chad moved, John seconded to adjourn into executive session. Approved unanimously.

Chad moved, John seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen said personnel matters were discussed during executive session.

Adjourned 10:05 p.m.

ATTEST: Sandy Laydusik APPROVE: Erin R. Christensen

MARCH CLAIMS

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
1-Mar-04	US Post Office	267.03	27347
3-Mar-04	Rod Mohler	350.00	27376
12-Mar-04	Rick Anderson	105.00	27378
12-Mar-04	Chuck Lloyd	105.00	27379
12-Mar-04	David Hanson	105.00	27380
16-Mar-04	Airgas Intermountain Inc.	76.80	27381
16-Mar-04	Albertson's #188	22.76	27382
16-Mar-04	American Linen	431.15	27383
16-Mar-04	Auto Body Paint and Supply	157.59	27384
16-Mar-04	Bingham County Sheriffs Office	290.00	27385
16-Mar-04	BISCO	63.48	27386
16-Mar-04	Sorensen & Hansen Chartered Blaser	1,110.00	27387
16-Mar-04	Cable One	149.90	27388
16-Mar-04	Computer Arts Inc.	170.80	27389
16-Mar-04	Eagle Rock Hydraulic Service	102.30	27390
16-Mar-04	Eagle Rock Sanitation	2,236.23	27391
16-Mar-04	Electrical Equipment Co Inc.	375.06	27392
16-Mar-04	Fastenal	64.92	27393
16-Mar-04	Forsgren Associates/P.A.	75.00	27394
16-Mar-04	Frontier Cleaning Inc.	205.00	27395
16-Mar-04	H-K Contractors Inc.	40.50	27396
16-Mar-04	IAS-Envirochem	44.00	27397
16-Mar-04	Jolley-Building Supply Inc.	598.64	27398
16-Mar-04	K & K Balcksmith	83.85	27399
16-Mar-04	Karl Noah	15.00	27400
16-Mar-04	Mel's Lock and Key	295.43	27401
16-Mar-04	Michael Curnutt	22.50	27402
16-Mar-04	Rod Mohler	22.50	27403
16-Mar-04	Mountain States Cabinet & Millwork Inc.	1,380.00	27404
16-Mar-04	Mountainland Communications Inc.	204.00	27405
16-Mar-04	Musselman Equipment and Drive Line	57.30	27406
16-Mar-04	Napa Auto Parts	52.95	27407
16-Mar-04	Pacific Steel	302.25	27408
16-Mar-04	Phillips 66 Co.	826.15	27409
16-Mar-04	Pioneer Publications	59.00	27410
16-Mar-04	Reliacle	107.16	27411
16-Mar-04	Rossiter Electric Motor	5.02	27412
16-Mar-04	Sams Club	156.08	27413
16-Mar-04	Shelley/Firth Rural Fire Dist.	3,975.00	27414
16-Mar-04	Siems Enterprises	243.65	27415
16-Mar-04	Signarts	3,075.00	27416
16-Mar-04	State Insurance Fund	1,901.00	27417
16-Mar-04	Untied States Cellular	244.65	27418
16-Mar-04	Unites States Welding Inc.	137.49	27419
16-Mar-04	Utah Power	5,666.29	27420
16-Mar-04	Western Tool Supply	74.99	27421
16-Mar-04	20th Century Ford	142.65	27422
23-Mar-04	Metroquip	25,000.00	27423
31-Mar-04	A & B Transmission & Service Center	61.44	27426
31-Mar-04	A Core	192.00	27427
31-Mar-04	Advanced Business Systems	19.99	27428
31-Mar-04	Amcor Inc.	159.87	27429
31-Mar-04	Ben Franklin	63.96	27430
31-Mar-04	Bisco	63.48	27431
31-Mar-04	Blackfoot News-Morning News	101.25	27432
31-Mar-04	Business Phone Specialists Inc.	60.00	27433
31-Mar-04	Circular Butte Landfill	4,102.56	27434
31-Mar-04	Daniel Acevedo	1,500.00	27435
31-Mar-04	David Mallard	3.50	37436
31-Mar-04	First Responders	956.00	27437
31-Mar-04	IAS-Envirochem	92.00	27438
31-Mar-04	ICRMP	480.58	27439
31-Mar-04	Imperial Asphalt	10,572.47	27440
31-Mar-04	Intermountain Gas Co.	1,025.77	27441
31-Mar-04	J & J Chemical Inc.	97.80	27442

31-Mar-04	John Prestridge	52.27	27443
31-Mar-04	Kirkham Auto Parts Service Co. #8	23.41	27444
31-Mar-04	Mathews Plumbing & Heating	57.00	27445
31-Mar-04	McLeod USA	379.93	27446
31-Mar-04	Metroquip Inc.	288.08	27447
31-Mar-04	Pioneer Publications	19.35	27448
31-Mar-04	Post Academy	75.00	27449
31-Mar-04	Rossiter Electric Motor	44.56	27450
31-Mar-04	Jay Rowley	111.96	27451
31-Mar-04	Shelley Police Officers Association	30.00	27452
31-Mar-04	Staples Credit Plan	81.61	27453
31-Mar-04	Superior Lamp Inc.	364.05	27454
31-Mar-04	United States Cellular	221.52	27455
31-Mar-04	United States Welding Inc.	101.34	27456
31-Mar-04	Utah Jazz Youth Basketball	2,241.00	27457
31-Mar-04	Wayne Richards	275.00	27458
31-Mar-04	20th Century Ford	146.20	27459
12-Mar-04	City of Shelley Payroll	35,454.05	27377
26-Mar-04	City of Shelley Payroll	36,801.75	27424
	Total	147,516.82	