

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

SEPTEMBER 12, 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: Chad Purser

PRAYER: BJ Driscoll

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

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

- Approval of the Minutes of Council Meeting on August 22, 2023
- Approval of the Minutes of the Special Meeting on August 29, 2023
- Approval of the Budget Meeting Minutes on September 5, 2023
- Approval of July Expenditures
- Approval of July Overall Budget & Treasurer's Rpt.
- Building Permits:
 - Derrick Dye - Single Family Residence
 - Derrick Dye - Single Family Residence
 - Derrick Dye - Single Family Residence
 - Derrick Dye - Single Family Residence
 - Pro-Tech - Fence
 - Eric James - Single Family Residence
 - Pro-Tech - Fence
 - Roof Rescue - Re-roof

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

Scott Smith/Bingham County Crisis Center

Mr. Smith introduced himself to the Council. He said he is the Director of the Bingham County Crisis Center and they have been using one of the rooms in the basement of the city building for a while. Mr. Smith said they are based in Blackfoot, but they serve all of Bingham County. He said they would like to request to be able to use the former building inspector office in the basement because it is smaller and more private than the area they have been using. They would like to bring in some furnishings and make it comfortable for their clients. Mr. Smith said this would benefit some of the residents because they don't have the means to travel. Mr. Smith said an advocate would be here in the city about two days a week. Kim said she doesn't have any problems with this request and the rest of the Board agreed. Kim moved, Jeff seconded to approve the use of the former building inspector room in the basement by the Bingham County Crisis Center, and to furnish it as they need to. Approved unanimously. Mr. Smith also

reported that October is Domestic Violence Awareness month, and they usually do a vigil in the city. This year he wants to promote a “Paint the Town Purple Program”. He said they will be placing purple pinwheels and bouquets in the parks, city building or any public populated area.

Consideration of Adoption of Resolution 23-08/Water Improvement Project

Ted Hendricks presented Resolution 23-08 regarding the authorization of filing of the petition for judicial confirmation for the water improvement project in the city. The judicial confirmation is needed to begin seeking grant funding. Kim said she has reviewed the minutes and testimony of the public hearing. Dave said this is giving authorization to submit for judicial confirmation to give authority to continue to move forward with the funding for the project. He said this does not give the city any money but gives the authority to go out to obtain funding. Dave said this is a critical step to be eligible to receive funding. He said there are a lot of roadblocks if you get the funding but at each roadblock you can still say no regarding the acceptance of the funding. Dave said this funding is for any portion of the project, not just water meters. He said the city must either go through the bonding process or judicial confirmation before any money can be borrowed. He said Judicial Confirmation means that a judge will decide if the project is ordinary and necessary. Dave said funds can only be spent for the water improvement project as stated in the petition for judicial confirmation. He said the city can only borrow money for that scope of work. He said even future Boards can only seek funding under that scope of work as well. Adam said he feels there are other avenues that should be looked at before water meters are implemented. Mayor Pascoe said last year was a drought and people were asked to conserve water, however by looking at the pumping logs there was no reduction in water usage by the citizens. He said maybe the citizens should be given more tools to see if they are cutting back on water usage. He said he feels the line on West Fir Street is very important to construct, and also to fix the water tank on the Butte. Dave said the scope of work has to be defined when you ask the agencies for funding. Kim moved, Adam seconded to approve the adoption of Resolution 23-08 to file a petition for judicial confirmation to allow the city to seeking funding for a water improvement project. A roll call vote was taken: Kim – aye, Adam -aye, Leif – nay, and Jeff – nay. Mayor Pascoe broke the tie vote by voting in favor of filing the petition. Approved, Motion Carried.

Consideration of Approval of Administrative Contract for Brinkman Park Improvement Project

Amanda Collins with SICOG presented an administration contract for the submittal of a CDBG grant for the Brinkman Park Improvements. She said there are additional points awarded when scoring the grant application for having administration already assigned. Kim moved, Adam seconded to approve the execution of an administration contact with SICOG to administer the grant if awarded for the Brinkman Park project. There will be no invoice from SICOG if the grant is not awarded, however they will resubmit the grant during the next grant cycle. A roll call vote was taken: Adam – aye, Kim – aye, Leif – aye, and Jeff – aye. Approved unanimously.

Consider Contribution for the Extension of the City Park Equipment Shed

Justin said Derrick Dye and Mike Balmforth was not available tonight, however they would like to tear down the existing equipment shed and build a new 24x40 building that would match the shelters. He said the approximate cost is \$30,000

and they would like the city to contribute half to the project. Sandy said the budget is tight in the General Fund, so if they approve the contribution it will need to be expended from the State Revenue Sharing Fund. Justin said they may be able to get some of the labor donated. The Mayor and Council asked for this matter to be placed back on the agenda and to invite Mike and Derrick back to the next meeting to discuss this further.

Lorin Croft – Request to Nullify Quit Claim Deed for Twilight Park

Mr. Croft said he would like the city to nullify the Quit Claim Deed that was issued by him to the city for the development of the Croft Twilight Park at 806 Twilight Drive. He said the land was bought with the intentions to build the park on their own, but then decided to donate the land to the city. Mr. Croft said since there is no funding available by the city, they would like the property back so they can build the park themselves. He presented a map showing a layout for the future park and playground. He said he even thought they could build the park while the city still owns it, but worried about the bidding process. BJ said the city cannot just give the property back; they must follow Idaho Statutes. Mr. Croft said his attorney, Allan Johnson said he doesn't know of such a statute. Mr. Croft said they have the money to build the park and would like to play pickle ball on it next year. BJ said he will check into this matter and see what options there are and will also check into the procurement statutes as well.

Shane Dial – Request Amendment of Liquor by the Drink Ordinance

Mr. Dial asked to amend the Liquor by the Drink Ordinance. He said he would like to amend the hours of sale. He said our ordinance only allows sale until 1:00 a.m. and the state has changed their regulations to 2:00 a.m. so he would like to match the State. He said they recently got their state license, and now need a city license, but when he reviewed the city ordinance he was concerned about the hours of sale as well as the interpretation of sales on Sunday. Mayor Pascoe said he is concerned about the bar being open until 2:00 a.m. with all of the residential living around them. Mr. Dial said 50% of their sales at their other bars occur between 12:30 and 1:45 a.m. but he said their biggest concern is the sales on Sunday. Leif felt our ordinance should mirror the State regulations. Jeff agreed that it should be written to State standard. The Council directed BJ to draft an amendment to reflect current and future State Statutes regarding Liquor by the Drink will be followed by city regulation as well. A roll call vote was taken: Adam – aye, Kim – aye, Leif – aye, and Jeff – aye. Approved unanimously.

Jeremy Siems – Discussion Regarding Sanitation Services and Rates

Jeremy Siems at 164 S. Emerson Avenue discussed several items with the city council. He said several years ago he was forced to get signatures regarding a non-conforming use at his home. He said he did not change anything on his property but received a letter that he read to the Council stating his grandfather clause would not exist if the ownership changed on his property and he would not be able to use his house as a residence. He said his brother and parents along with him had to pay \$109.30 to file for a Special Use Permit. Also, he said in March of 2020 he called the city because he had two dumpsters at his business and had them picked up however the city left a small can. He said he has the same size of dumpster at his home but is getting charged more for the business

can. He discussed how the bill has increased over the last three years. He said he was told the can was more because it was a business and the type of garbage a business disposes of. Kim said she is aware of Mr. Siems concern but she as a city resident falls under the same regulations and fees as he does. He said he wants his \$317 back for the difference in the bill. He said he pay \$8.54 more a month than his residential can and feels it's not right. He said the business is account #32.50 and he wants all services turned off. Mr. Siems said the business was for sale a few years ago and there was an interested party with the same type of business and the city denied it. Mr. Siems said he wants his sanitation can picked up and his water turned off.

Consider Adoption of Appropriation Ordinance for Fiscal Year 23-24

Sandy presented Appropriation Ordinance #650 appropriating funds for the 2023-2024 fiscal year. Leif moved, Kim seconded to suspend the reading of Ordinance 650 on three different days and read the title of Ordinance 650 once. Leif read the title of Ordinance 650. Leif moved, Kim seconded to adopt Ordinance 650 appropriating funds for fiscal year 23-24 in the amount of \$17,000,050. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Consider Adoption of Resolutions Regarding Fee Increase

Leif moved, Kim seconded to adopt Resolution 23-02 increasing the sanitation rates by \$1 or a percent thereof for fiscal year 23-24 effective October 1, 2023. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Kim moved, Jeff seconded to approve Resolution 23-03 increasing the sewer rates by \$1 or a percent thereof for fiscal year 23-24 effective October 1, 2023. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Adam moved, Jeff seconded to adopt Resolution 23-4 increasing the Park Shelter Reservation Fees by \$20 for the City Park and \$15 for all other parks for fiscal year 23-24 effective October 1, 2023. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Jeff moved, Leif seconded to adopt Resolution 23-05 increasing Park Registration Fees by \$10 per participant for fiscal year 23-24 effective October 1, 2023. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Kim moved, Adam seconded to adopt Resolution 23-06 increasing land use application fees for Variance applications as \$400, Special Use Permit applications as \$300, Rezone applications as \$500, and Rezone and Annexation applications as \$600 for fiscal year 23-24 effective October 1, 2024. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Jeff moved, Leif seconded to adopt Resolution 23-07 to establish a Liquor by the Drink license fee in the amount of \$562.50 for new licenses annually for fiscal year 23-24 effective October 1, 2023. A roll call vote was taken: Adam – aye, Leif – aye, Jeff – aye, and Kim – aye. Approved unanimously.

Consider Order of Sidewalk at 400 Walnut Street

Sandy said she has contacted Emily Hodson regarding her father's estate property on Walnut Street. There is no sidewalk on a portion adjacent to the property and a sidewalk should be constructed. Sandy said the next step was to call for a hearing to order construction of the sidewalk, and if not completed the city can

have the work done and assess the property owners through a tax lien. The council discussed this and did not want to pursue the order at this time. Kim and Leif said they will talk to Mrs. Hodson regarding this matter.

Acquisition of Bingham County Historical Park

Adam said the survey has been done and the markers set up on the property that the County intends to give to the city. He said there is also an easement agreement between the City and the County which is 80x100 feet. BJ said there may be a problem with the easement that will need to be corrected, however the County can record the deed.

Acquisition of Water Rights

Sandy said Del Kohtz said the glitch for the water rights he has for sale has been taken care of. The acquisition will move forward.

MOU with Bingham County for DMV Services

Sandy presented a MOU between the County and the City for the funds the city gets to retain for the DMV services we provide. This agreement will list what portion the city will keep for the transactions in our office. Adam moved, Leif seconded to approve the MOU and send it to the County for their review. Approved unanimously.

Department Head Reports

Sandy said there was an error in the publication for the Gonzales hearing, so it has been postponed until October 10, 2023.

Sandy said the legal descriptions for the 19-foot parking area on the east side of Kiwanis Park is incorrect. The council determined that the city would look at creating a parking strip when the water and sewer lines are located, and the alley is improved.

Jordon said everything is going well in the building department.

Justin said he has not received the parts yet to repair the Hawk Light. He said he talked to ITD about moving and protecting the light from future damage.

Justin said the materials have been ordered for the LTACH Pedestrian grant. He said the construction will begin sometime in October or November.

Justin said Forsgren will have the bid documents ready for the pedestrian walking path on Hanson Road soon.

Justin said the crew has been busy getting ready for Spud Day.

Justin complimented Jordon and Jason for receiving their Class 2 water collection licenses.

Chad said there were 437 traffic stops made last month and 118 citations were issued.

Chad said Office Ballesteros received his Intermediate Patrol Certification, and also received his POST Certification as an Instructor.

Chad said he has received three applications for employment and will be testing on October 23rd. He said he will have two position to fill due to the grant for another officer being approved.

Mikel said Flag Football is going well.

Mikel said MYAC is going well also. He said there working at the Fair for one of the days.

Mikel said the pool is closed for the season.

Council Reports

Mayor Pascoe said he appreciates everyone for the work they do.

Executive Session

Kim moved, Leif seconded to adjourn into executive session pursuant to I.C. 74-206 (1) (f) regarding pending or potential litigation. A roll call vote was taken: Adam – aye, Leif – aye, Kim – aye, and Jeff – aye. Approved unanimously.

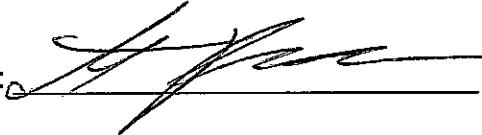

Kim moved Adam seconded to reconvene into regular session. A roll call vote was taken: Adam – aye, Leif – aye, Kim – aye, and Jeff – aye. Approved unanimously.

During executive session potential or pending litigation was discussed.

Bingham County Historical Park

BJ said he just received the corrected easement from the Bingham County Attorney. Leif moved, Jeff seconded to accept the easement regarding the North Bingham County Historical Park for the northerly fenced yard. Approved unanimously.

Adjourned: 9:53 p.m.

APPROVE:  ATTEST: 

DATE	August	AMOUNT	CHECK #
8/1/2023	Comdata	\$ 83.04	549749
8/1/2023	Derrick Dye	\$ 2,039.86	549750
8/1/2023	Jonathan Vernon	\$ 1,387.50	549751
8/15/2023	Idaho Cerntal Credit Union	\$ 7,269.98	549752
8/15/2023	Rocky Mountain Power	\$ 427.40	549753
8/15/2023	A&B Transmission	\$ 998.15	549754
8/15/2023	AAA Giles	\$ 675.00	549755
8/15/2023	Accredited Securty	\$ 829.09	549756
8/15/2023	Alpine Heating & Air Conditioning	\$ 465.00	549757
8/15/2023	American Linen	\$ 343.72	549758
8/15/2023	Ana Gonzalez	\$ 50.00	549759
8/15/2023	Bingham County Road & Bridge	\$ 3,453.80	549760
8/15/2023	Brevic Landon Agency	\$ 120.00	549761
8/15/2023	Cammans MVP	\$ 337.80	549762
8/15/2023	Danae Reed	\$ 50.00	549763
8/15/2023	Digline Inc	\$ 59.84	549764
8/15/2023	Falls Plumbing Supply	\$ 139.00	549765
8/15/2023	Footwear Outfitters	\$ 406.93	549766
8/15/2023	Forsgren Associates	\$ 8,293.00	549767
8/15/2023	Freedom Mailing Services	\$ 837.39	549768
8/15/2023	Golden West Irrigation	\$ 30,046.00	549769
8/15/2023	H-K Contractors	\$ 75,339.79	549770
8/15/2023	Hammon Teton Delivery	\$ 16.00	549771
8/15/2023	Hard Times Sales	\$ 8,688.62	549772
8/15/2023	Harold Tanner	\$ 50.00	549773
8/15/2023	Weston Hayman	\$ 37.50	549774
8/15/2023	IAS Envirochem	\$ 825.00	549775
8/15/2023	Idaho Asphalt Supply	\$ 6,594.50	549776
8/15/2023	Ideacom ESCI	\$ 392.54	549777
8/15/2023	Intermountain Gas Co.	\$ 437.25	549778
8/15/2023	Jackson Group Peterbilt	\$ 742.13	549779
8/15/2023	Kongcrete Pool Solutions	\$ 1,997.83	549780
8/15/2023	Lucy Russell	\$ 65.00	549781
8/15/2023	Manwaring Web Solutions	\$ 22.00	549782
8/15/2023	Modern Printing	\$ 225.30	549783
8/15/2023	Number One Printing and Sign	\$ 114.66	549784
8/15/2023	O'Reilly Automotive	\$ 179.10	549785
8/15/2023	Pacific Steel	\$ 70.58	549786
8/15/2023	Petty Cash	\$ 101.74	549787
8/15/2023	PSI Environmental Services	\$ 17,934.51	549788
8/15/2023	Sams Club	\$ 1,815.80	549789
8/15/2023	Shelley Ace Hardware	\$ 2,694.12	549790
8/15/2023	Shelley Auto Care	\$ 17.50	549791
8/15/2023	Sherwin Williams	\$ 113.01	549792
8/15/2023	Smith Driscoll & Associates	\$ 4,731.50	549793
8/15/2023	Southeast Idaho Council Gov.	\$ 5,000.00	549794
8/15/2023	Tacoma Screw Products	\$ 26.82	549795
8/15/2023	Valley Office System	\$ 312.30	549796
8/15/2023	Western States Equipment	\$ 1,182.50	549797
8/15/2023	H-K Contractors	\$ 2,104.66	549798
8/15/2023	Rocky Mountain Power	\$ 23,043.51	549799
8/31/2023	Dept. of Environmental Quality	\$ 243,675.00	549800
8/31/2023	Farrell Austin	\$ 3,450.00	549801
8/31/2023	Div. of Occupatinal & Professional	\$ 25.00	549802
8/31/2023	Div. of Occupatinal & Professional	\$ 25.00	549803
8/31/2023	Airgas	\$ 52.81	549804
8/31/2023	Allied Biss. Soutlutions	\$ 36.57	549805
8/31/2023	Cammans MVP	\$ 472.92	549806
8/31/2023	Centurylink	\$ 273.81	549807
8/31/2023	Domino's Pizza	\$ 102.47	549808
8/31/2023	Eastern Idaho Reg. Swer Dist.	\$ 31,068.45	549809
8/31/2023	Eriks	\$ 445.83	549810
8/31/2023	Ferguson Waterworks	\$ 243.99	549811
8/31/2023	Garrett H Sandow	\$ 1,650.00	549812
8/31/2023	Google	\$ 86.40	549813
8/31/2023	Home Depot	\$ 34.63	549814
8/31/2023	IAS- Envirochem	\$ 275.00	549815
8/31/2023	Idaho Traffic Safety	\$ 9,884.00	549816
8/31/2023	Intermountain Bobcat	\$ 140.83	549817
8/31/2023	Javelin Arms	\$ 204.00	549818
8/31/2023	Knife River	\$ 145,684.45	549819
8/31/2023	Lumen Centry	\$ 2.81	549820
8/31/2023	Matt Ball	\$ 1,185.00	549821
8/31/2023	MetroQuip	\$ 223.58	549822
8/31/2023	Point S	\$ 1,332.20	549823
8/31/2023	Post Reg.	\$ 77.55	549824
8/31/2023	Proforce Law Enforcement	\$ 749.89	549825
8/31/2023	R & S Dist.	\$ 219.12	549826
8/31/2023	Shelley Ace Hardware	\$ 1,452.23	549827
8/31/2023	Sparklight	\$ 268.19	549828
8/31/2023	Stephenson Computer	\$ 120.00	549829
8/31/2023	Uniforms 2 Gear	\$ 29.00	549830
8/31/2023	Valley Office System	\$ 351.80	549831
8/31/2023	Verizon Wireless	\$ 297.67	549832
8/31/2023	Wolverine Rubber	\$ 2,300.00	549833
8/4/2023	Payroll	\$ 81,245.70	
8/18/2023	Payroll	\$ 99,577.39	
	Total	\$ 840,451.56	