

CITY OF BERKELEY
COUNCIL MEETING
MINUTES

JANUARY 14, 2014

PRESENT: Mayor Stacy Pascoe
Council Members: Earl Beattie, Jeff Kelley, Kim Westergard, and Adam French
Police Chief: Rod Mohler
Public Wks Dir: Chuck Lloyd
Recreation Dir.: Dawn Lloyd
City Clerk/Treasurer: Sandy Gaydusek
City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Chuck Lloyd

PRAYER: Kurt Russell

Mayor Christensen and Councilman Kurt Russell were in attendance to conduct old business prior to the new Mayor and Council members being sworn in.

Stacy moved, Jeff seconded to approve the following consent agenda:

- Minutes of December 10, 2013 Council Meeting
- Approval of November 2013 Expenditures
- Approval of December 2013 Expenditures
- Approval of November Overall Budget and Treasurer's Rpt.
- Approval of December Overall Budget and Treasurer's Rpt.
- Building Permits:
none

Roll Call Vote: Jeff – aye, Stacy – aye, Earl – aye, and Kurt aye. Approved unanimously.

Sandy swore in the following newly elected/re-elected City Officials:

Mayor Stacy Pascoe – Four year term

Councilman Earl Beattie – Four year term

Councilwoman Kim Westergard – Four year term

Mayor Pascoe called for a brief recess so the new city officials could take their seats.

Mayor Pascoe recommended the appointment of Adam French to Council Seat #2 which was left vacant after he was successful in the Mayoral election. Earl moved, Jeff seconded to approve Adam French as Councilman for Seat #2. Approved three in favor, motion carries.

Sandy swore in Adam French as Councilman. He will hold Seat #2 until the election in November 2015 at which time he may submit his declaration of candidacy.

Amy Goc came before the council to discuss an amendment to the ordinance 5-3-10 regarding the allowance of up to six laying hens in a residential zone. Mayor Pascoe gave her five minutes to state her case. This matter has been before the council twice before in the past few months. Mrs. Goc said she submitted her proposal a few weeks ago for the Mayor and Council's review. She said she also has reviewed the proposal that Sid Page had submitted at an earlier council

meeting. Mrs. Goc said her hens were well cared for and she has a coop. She said her neighbors have no issues regarding her chickens being a nuisance. Mrs. Goc said she reviewed the past city meeting minutes, and felt she has addressed all of the past issues regarding having laying hens. She said she visited the Idaho Falls animal control office and there were no chickens there, and very few complaints had been received. Mrs. Goc said in regards to noise and nuisance, her hens are fairly quiet however, they do make a little noise when they are laying eggs. She said she does not want roosters. Mrs. Goc said in regards to natural predators, she started looking around and talked to several veterinarians who said dogs are usually the predators that are attracted. She said in regards to odor and waste, she uses cedar shavings, and then uses the manure she cleans up to compost into her garden. Mrs. Goc said she also looked into any diseases that may have been caused by chickens. She said there was no salmonella, however her resource said they do not research some of the causes of disease, but do research the illness. Mrs. Goc said she spoke with some Realtors and was told they have not seen any devaluation of property due to chickens. She said the Food Bank in Shelley gives sixty five boxes per week to families in the community. She said the food stamp program in Idaho has risen 123% since 2007. She said basically the economy is bad. She said it is truly in the best interest to be able to grow food to feed your family. Mrs. Goc discussed personal property rights and the "takings" act. She said she feels it is the right of property owners to use their property as they see fit. Mrs. Goc said she feels through all of her research, each concern the city has had, has been addressed. Mayor Pascoe said as elected officials it is their due diligence to find out what the residents of the city want. He said the city took a survey on the utility billing cards and the majority that responded did not want chickens in the city. Earl said when he went door to door when he was campaigning, 90% of the residents he spoke with did not want chickens in the city. Stacey Hall said she was raised on a ranch and it costs a lot to raise chickens. She said people who are on food stamps may not be able to afford to raise chickens. Mrs. Carlson said she lives right next to the river, and they do have predators that could look for chickens. Kim said she understands Mrs. Goc is very passionate about this issue, however she has a business, and a lot of her clients have talked to her and stated they do not want chickens. She said one of her clients actually moved from the County into the City to avoid animals such as chickens, being around her. Kim said she also has a client that pushed in 1962 to get rid of chickens in residential zones because of her bad experiences with her neighbors who had chickens. Kim said she understands we all have property rights, but she will stick with the other council members based on what the majority of the citizens want. Earl moved, to table this issue indefinitely. Mrs. Goc said before they vote she would like to present one more document as a last ditch effort to the Mayor and Council. She submitted a proposal for a permit that she could purchase that would allow her to keep her chickens. She said there have been three complaints in the last 365 calendar days regarding chickens. Mrs. Goc explained the details of the permit, and said this would be a way for the city to generate revenue. Jeff said he wanted to discuss the motion that is on the floor. He said he personally does not care if there are chickens in the city, but he is against it because the majority of the residents do not want it. Jeff said he has researched this matter and talked to a lot of people about it. Jeff said he disagrees with this being tabled indefinitely unless the Council keeps an open mind; such as this could be brought to the table again by the Mayor or a Council member. He said he wants to make sure everyone has an opportunity to re-address this.

Earl said he has heard from a lot of people regarding this matter, and the majority does not want chickens in the city. Jeff said he feels this is an issue that can be discussed by the public among the public, and possibly later discussed by the council again. Jeff said he does not believe this has anything to do with personal property rights, He said cities have the authority to make laws of what can happen within the city. Jeff said his concern is that possibly some ideas could be raised in the future that might make a difference. Jeff seconded the motion to table this matter indefinitely. Approved unanimously.

Jeff moved, Kim seconded to elect Earl Beattie as the Council President. Approved unanimously.

Mayor Pascoe gave the following assignments to each Council member:

Earl – Police Department, City Attorney, Planning and Zoning, and SICOG

Jeff – Public Works Department, City Engineer, Bingham County Economic Development

Kim – Parks and Recreation Department, Pool, Tree Committee, Shelley School District

Adam – City Administration Department, Building Inspector, Urban Renewal Agency

Earl moved, Jeff seconded to appoint BJ Driscoll as the city Attorney for 2014. Approved unanimously.

Jeff moved, Earl seconded Forsgren and Associates as the City Engineer for 2014. Approved unanimously.

Mayor Pascoe said he would like to appoint himself on the EIRWWA Board. Jeff moved, Earl seconded to appoint Stacy Pascoe as the EIRWWA Board member. Approved unanimously.

Earl moved, Kim seconded to appoint Rod Mohler as Police Chief for 2014. Approved unanimously.

Jeff moved, Adam seconded to appoint Chuck Lloyd as Public Works Director for 2014. Approved unanimously.

Kim moved, Earl seconded to appoint Dawn Lloyd as Parks and Recreation Director for 2014. Approved unanimously.

Adam moved, Earl seconded to appoint Sandy Gaydusek as City Clerk/Treasurer for 2014. Approved unanimously.

Jeff moved, Kim seconded to approve the attached business licenses for 2014. Approved unanimously.

Sandy presented a comment sheet she received from Bingham County regarding an amendment to the Cedar Point Subdivision. Due to the location of this subdivision the Mayor and Council have no comments or concerns.

Sandy discussed the delinquency policy that the city has had in the past requiring anyone past due to pay at least half of their balance to keep their services on. She said the city has been carry over approximately \$45,000 each month, and she would like to make a proposal to change the policy so anyone delinquent would be required to pay all past due amounts and could carry no more than the current billing on their account. Sandy said each resident receives a bill each month, then everyone who is 45 or more days delinquent receive a letter stating they will be shut off if the bill is not paid or arrangement have not been made to pay. She said after that if there is no response there is a door hanger giving the resident 24 hours to pay the city or the services will be shut off. Sandy said there is adequate notice given before services are actually shut off. She said currently the orange tag fee is \$25 and a turn off fee is \$50. Mayor Pascoe said it is crazy that we are carrying so much over each month. The other Council members agreed. Jeff moved, Earl seconded to change the policy as outlined by Sandy. Approved unanimously. Sandy said it may take a few months to educate the public and get everyone on board.

Jeff said he will get the plans regarding the loop in the city water line to Dave Noel tomorrow. This loop will run from State Street west to the New Sweden Highway. Dave sent a previous diagram regarding the loop to the Council for review.

Dave Noel discussed an unpaid invoice Forsgren had submitted approximately a year and a half ago regarding the review of the Transportation Study. He said the invoice was for \$1280 and was for work done to come up with the best project for the city to improve their streets according to the study. He said he had three of his staff look over the project, and then he drove the streets with Chuck to see what the best street was to improve. Dave said he also sent the language to Sandy to be able to send the project out to bid. Dave said the billing did not itemize what was actually done, and that is why he is explaining it tonight. Dave said the invoice does not show the project is 100% complete, but that is due to their billing program. He said \$1280 is the final bill and no other additional work will be done on this project. Jeff moved, Earl seconded to pay \$1280 for the work on the street improvements/transportation study, however in the future the council would like Forsgren to be more specific and itemize on their billings. Approved unanimously.

BJ thanked the Mayor and Council for his appointment.

Sandy thanked everyone for her appointment, and said she was excited to say the city received a dividend check from the State Insurance Fund in the amount of \$2710. She said this is divided among the State Pool based on percentage and safety records two years past.

Sandy provided contact information to the Council and said she would update it with the new assignments and get new copies to everyone.

Chuck thanked the Mayor and Council for the appointment. He said the new well is 85% complete. He said in about thirty days the VFD will be delivered and installed. Chuck said after that the water can be sampled and tested.

Rod said thank you for his appointment, and he looks forward to working with everyone.

Dawn said thank you for her appointment. She said the new playground toy has arrived and the crew will work on the installation when the weather allows it. She said she also will begin looking for new floor coverings for the pool. Dawn said she researched items that may draw people to the pool and she is looking at a climbing wall.

Kim said she is excited to serve the city and work with all of the other council members and the staff. She thanked her family members and friends for their support.

Jeff said he wanted to thank everyone and give his appreciation to all.

Earl said he is honored and humbled to be here serving on the council again. He said he is excited to work with everyone. Earl said Mayor Christensen was a great man and his shoes will be hard to fill.

Mayor Pascoe said he is excited to be here. He said he talked to a lot of people about the appointment to fill his council seat, and felt Adam is phenomenal to work with. Mayor Pascoe said he looks forward to also working with Kim, and knows she has a great interest in the community. He said he has heard this is the "Good Ole Boys Club" but for the record the longest council member has served four years so that should put that stigma to rest. He said he is excited to work with everyone. Mayor Pascoe said he has had a lot of people contact him with ideas and he is excited about doing new things as long as we have the ability to do so financially. Mayor Pascoe said he agreed with Earl regarding Mayor Christensen. He said he has done an exceptional job serving the city. Mayor Pascoe said he wants everyone to rationalize the money that we spend. He said to ask yourself if the city really needs it before spending. He said he is excited the city is where it's at and feels we have potential to grow. Mayor Pascoe said one thing we need to do is support our local businesses and community. He said Shelley is a great place to live and he appreciates everyone's support. Mayor Pascoe said he will do the best job he can.

Adjourned: 8:48 p.m.

ATTEST: Sandy Haglund APPROVE: [Signature]

CITY OF SHELLEY
 BUSINESS LICENSE
 APPLICATIONS
 SUBMITTED JANUARY 14, 2014
 FOR 2014

<u>NAME</u>	<u>ADDRESS</u>	<u>TYPE OF BUSINESS</u>
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SPECIALIZED LICENSES:

RENEW:

SIEMS ENTERPRISES, LLC	178 S EMERSON AVE	SECOND HAND SALES
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GENERAL LICENSES:

NEW: \$25 EACH

NONE

RENEW: \$5

ACTION MECHANICAL	608 N STATE ST	HVAC & PLUMBING CONTRACTOR
B.E.S.T.	414 S PARK AVE	EDUCATIONAL SERVICE & TECHNOLOGY
BARON PHOTOGRAPHY	124 S STATE ST	PHOTOGRAPHY STUDIO
BEVANDA	169 W PINE ST	CAFÉ/COFFEE SHOP
CHRISTA BALL	386 QUIGG ST	HOLISTIC SERVICE
CONNIE HANSON	206 N EMERSON AVE	PIANO INSTRUCTOR
COUMERILH MANAGEMENT SERVICES	141 S HOLMES AVE	INSURANCE & TAX ACCOUNTING
CUSTOM CANVAS	650 N STATE ST #2	CANVAS FABRICATION/MANUFACTURING
EAGLE ROCK FLOORING	132 E MAPLE ST	FLOOR COVERING AND SALES
EL JALICIENSE #3	374 S STATE ST	RESTAURANT
FDX AUTO SALES, LLC	458 N STATE ST	AUTO SALES
GABLES OF SHELLEY ASSISTED LIVING	530 RIVER POINTE LN	ASSISTED LIVING CENTER
GUERRERO LAWN MOVING SERVICE	185 W FIR ST	LAWN CARE SERVICES
HIDDEN TREASURES III	487 N STATE ST	WAREHOUSE/SALES
HOBO BUSTERS	370 W LOCUST ST	PEST CONTROL
HYDRO-PRO'S, LLC	580 CARDINAL DR	CYLINDER REQUALIFICATION SERVICE
INTERMOUNTAIN DIVING	127 KIRKHAM CIR	SCUBA INSTRUCTION/CERTIFICATION & EQUIPMENT SALES
JENCO76, LLC	216 BIRCH ST	INTERNET SALES
KONG KHAMONE CERTIFIED FAMILY H	190 E PINE ST	ELDERLY & HANDICAPPED CARE PROVIDER
LANDONS CUSTOM CABINETS, LLC	346 N STATE ST	CABINET SHOP
NOTFORGOTTEN GIFTS & COLLECTAB	404 S BYRON AVE	CRAFT & GIFT SALES
OH-MAN MOTOR SPORTS	404 S STATE ST	AUTO SALES
THE PARTY ROOM	326 N STATE ST	PARTY ROOM RENTAL
PORTER HOUSE, INC	670 N STATE ST #3	TECHNICAL & ENGINEERING SERVICES
S & S STORAGE PLUS	401 BLUEBIRD AVE	STORAGE UNITS & TRAILER PARKING
SNAKE RIVER PROSPECTING	252 S HOLMES AVE	GOLD PROSPECTING EQUIPMENT SALES
STRATEGIC ARMS	590 BLUEBIRD AVE	INTERNET & GUN SHOW SALES
SUSAN ALBERTSON SALON	510 JUNIPER CT	HAIR SALON
SWEET LIFE NUTRITION	152 S STATE ST	NUTRITION & WEIGHT MANAGEMENT

T & C STORAGE	128 E MAPLE ST	STORAGE UNITS
TATER TOTS ACADEMY DAYCARE & PR	668 N STATE ST	DAYCARE & PRESCHOOL
UNITED SERVICES, INC	518-A N STATE ST	FLOORING
VALLEY COLLISION AND TOWING, LLC	335 1/2 S EMERSON AVE	AUTO REPAIR & TOWING
VICKI JOHNSON REAL ESTATE	132 S STATE ST	REAL ESTATE AGENCY

35 TOTAL LICENSES