

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

OCTOBER 25, 2016

PRESENT: Mayor Stacy Pascoe

Council Members: Earl Beattie, Jeff Kelley, Kim Westergard, and Adam French

Police Chief: Rod Mohler

Public Wks Dir.: Justin Johnson

Recreation Dir.: Scott Williams (Absent)

City Clerk/Treasurer: Sandy Gaydusek

City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Mayor Pascoe

PRAYER: BJ Driscoll

Mayor Pascoe opened the meeting at 7:31 p.m.

Kim moved, Earl seconded to approve the following consent agenda:

Minutes of October 11, 2016

Approval of September 2016 Expenditures

Approval of September 2016 Overall Budget & Treasurer's Rpt.

Building Permits:

Jose Gonzalez - re-roof

Mark Garriott - re-roof

Brady Barnett - re-roof

Lisa Ibarra - re-roof

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

Phoenix Rowley was not in attendance.

Karen Eldredge requested to renew her land lease for her cattle upon the Butte on city owned property. Her current lease expires at the end of the year. Mrs. Eldredge said she has used this property for about four months, and harrowed it after moving her cattle off of it last year. She said their hay fields and corrals are still toxic, and they need a place for their cattle in the winter. Mrs. Eldredge said ISDA and USDA are working with them on the problem. She said they would like to be able to bring their cattle back this year. She said the fence on the east will need to be rebuilt before they can bring the cattle back. She said they have fenced off the water tanks with an electric fence so the cows are not near the tanks. Mrs. Eldredge said when Mr. Searle removed his cattle last year before the Eldredge's placed their cattle on the property he removed the fence he had installed. She said they have talked to the Rio's, the neighbors abutting the property where the missing fence is. She said they are okay with the installation of a new fence. Mrs. Eldredge said if she could get a multi-year lease, she could put up a permanent fence instead of a temporary one. The council felt we could

negotiate a five year lease with a termination clause. Mrs. Eldredge said she will work with the city and Mr. Rios when she installs the fence. Adam moved, Jeff seconded to approve an extension of the property lease with the Eldredge's for a five year period with an early termination clause. The Eldredges' will install approximately 134 feet of permanent fencing between the city property and the Rio's property. Approved unanimously.

Ted Hendricks, ECIPDA introduced himself and Sharon Deal from the Idaho Department of Commerce. He said he has previously worked with grants for the city on the regional sewer line. Mr. Hendricks said they can help fund communities with projects that improve the quality of life. He said the city contracted with him to conduct a survey to modify the census status in regards to income. Mr. Hendricks said the city qualified with the survey to apply for grants through the Idaho Department of Commerce. He said the application has to be submitted by November 18, 2016. He asked if the council would like to proceed with the applications and if so, a public hearing must be held. Mr. Hendricks said the Department of Commerce does not require water meters to qualify for a grant, however they do recommend it and like to see water meters being used. He said this is so it will fairly charge for use, and conserve our resources. Mr. Hendricks said our water is a valuable commodity. He said this is a choice of the Mayor and Council, however it could be a strike against the city for not having meters. He said another strike against us may be due to how low the city's water rates are. He said this will be looked at by the Department of Commerce. Mayor Pascoe said he is not willing to raise the rates. Jeff said metering is not currently a possibility either. Jeff moved, Earl seconded to move forward with funding the first and second phase of a water project to replace our existing tank and submit a grant application to the Idaho Department of Commerce. Approved unanimously.

Kevin Murray, representing a Developer for property on West Oak was in attendance for consideration of a rezone of this property to R2A. The Planning and Zoning held a public hearing on October 18, 2016, and recommend approval of the rezone request, and they also approved a Special Use Permit for storage units to be built on the premises. Sandy said the Planning and Zoning held the pre-application meeting for the development of a Planned Unit Development (PUD) on the same property. Sandy said the proposed PUD would have three to eight attached single family dwellings proposed for retirement aged residents. Further in the development land is proposed for apartments such as duplexes, and tri-plexes, then storage units would be behind the apartments. Mayor Pascoe said when Mr. Murray first presented this development it was going to be for retirement aged residents with twin homes and attached single family dwellings. He said now it is being presented to have apartments behind the attached single family dwellings. He said he talked to some of the residents of Thayer Bridge where they attached single family dwelling currently exist, and the residents loved their community, but would not live there if there were apartments there also. Mayor Pascoe reminded everyone that apartments now require two parking spaces per unit also. He said it would be nice to have this property developed however. Kevin Murray, 3525 Merlin Drive, Idaho Falls, Idaho presented a proposed plat where the R2A dwelling will be located as well as the apartments and storage units. He said they would like to do this PUD and they would not have any on street parking. He said they will have a Home Owners Association to

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maintain the development. Jeff moved, Kim seconded to approve the rezone request from Multiple Family Dwelling (RM) to Three to Eight Single Family Attached Dwellings (R2A) on the property presented tonight. A roll call vote was taken: Jeff – aye, Earl – aye, Kim – aye, and Adam – aye. Approved unanimously.

Bryce Jolley from Harper Leavitt Engineering met with the Mayor and Council to discuss the Sunset Vista Subdivision that Brent Christensen is developing. Sandy said the Planning and Zoning held a public hearing to accept comments on the preliminary plat on October 18, 2016. She said this is a 93 lot subdivision, and Bryce Jolley clarified that Ash Street has a 60' right of way and not a 50' right of way as originally thought. He said there would have to be a foot less on each side of the sidewalk for a maintenance easement, which would be a variance from the required 62' street. Mayor Pascoe said there are more than twenty items that need to be fixed to accept the preliminary plat. He said people have concerns that are if there are that many items that need to be fixed now, and some have not been fixed from ten years ago when the preliminary plat was first presented. Mr. Jolley said the first five items have nothing to do with the plat they are in regards to building on the properties. Sandy said these items are typically in the restrictive covenants which are to be turned in with the preliminary plat. Mr. Jolley said some subdivisions do not have restrictive covenants. He felt some of the items listed that need to be presented or corrected may not even be presented until the final plat. Jeff said he talked with the City of Ammon who does not require some of these items until the final plat, but Idaho Falls does require the items on the preliminary. Mr. Jolley said Idaho Falls has staff meetings with the developer prior to submitting the preliminary plat. Jeff thought that would be a good idea, but felt our ordinance should be left as it currently is. Mayor Pascoe said he felt the "bones" of the subdivision is here, but the city still needs to send the plat out for a thirty day comment period to various reviewing agencies. He said the city could possibly approve the plat conditional upon the thirty day comment period being discussed. Jeff said he would rather not do that since there are some items that need to be addressed still. Dave said there are items that need to be looked at that are not in the first phase of the development. He said in the next phase it appears the permanent retention pond is higher than the temporary ponds which would mean pumping stations are needed for the storm water drainage. Mr. Jolley disagreed, but after looking at the plat further said there may be a problem. Jeff said he is not comfortable in approval this now, and Kim agreed. Dave said it is more frustrating for an engineer to change the plat after acceptance than squaring it away to begin with. Mayor Pascoe and the Council determined that the city would send the plat out as we currently have it for the thirty day comment period, but Sandy was directed to plat this on the November 8th council meeting agenda also.

Paige Hall said she came into a council meeting in July to discuss possible training and issues she had with a Shelley Police Officer in regards to the death of her son in July of 2015. She asked if there had been any training provided for the officers yet. Mayor Pascoe said we have to find a training program that can provide proper training for our officers. He said we cannot just train randomly. Earl said the city has had a turnover in the department over the past year; he said we have an officer at POST, one brand new officer, and an officer that had been off for a

few months recovering from an injury. Mrs. Hall asked once we have a full staff will we then seek out training. Chief Mohler said he talked with the officer involved in the tragic incident in 2015, and they have discussed how to handle these types of situations in numerous staff meetings. He said Mrs. Hall will probably never see "eye to eye" with this officer. Chief Mohler said if the Idaho State Police Department have policies they follow that is fine, but Shelley does not have the manpower to follow the same protocol of bigger agencies. He said the Shelley Police Department currently has protocol that they follow. He said this is one incident that went awry. Chief Mohler said he has offered his time to Mrs. Hall anytime she has questions. Mrs. Hall said yesterday a citizen from Meadowpark Subdivision told her Mayor Pascoe had said she had listened to the dispatch recordings involving her son. She said she has not. Mayor Pascoe said he did not say she had listened to the recordings, however she was told by the police what was said. Mrs. Hall said she wants a time stamp recording of the dispatch officer and what was said. Earl cautioned her against this and felt it was time to move on. Mrs. Hall was instructed to meet with Rod and Earl to see if they could help her further with this matter.

Brian Bird said he was in attendance to talk about Golden Valley Natural and the sewer project. He said there has been a humming from the equipment outside the plant that he can hear constantly. Mayor Pascoe said as of a week ago, Golden Valley Natural is sending their discharge water to a company they are contracting with offsite. He said the DAF unit outside their building is supposed to be removed also. Mr. Bird said there was an alarm going off all the time that has quit, but he can still hear a pump running. Jeff said he would visit Mr. Bird at his residence to see where the noise could be coming from.

Sandy said there have been two door to door salesman licenses applied for. She said both are selling from Vivant, and have passed the background check, and have paid their fees. Jeff moved, Kim seconded to approve door to door salesman licenses for Logan Shackett, and Rudy Goodwin for a one year period. Approved three in favor, Earl opposed. Motion carried.

Sandy said the only bid received for the sewer vac truck was from Metroquip in the amount of \$275,600. She said this truck is a 2011 truck and Justin has inspected it. Jeff moved, Adam seconded to award the bid to Metroquip in the amount of \$275,600. Approved unanimously.

Justin said we have purchased the new paint striper and sod cutter, and could declare the old equipment as surplus so it could be sold at auction. Jeff moved, Adam seconded to declare the following as surplus property:

Turfco Sod Cutter serial #69820

Line Lazer Paint Striper serial #231-140

Approved unanimously.

Jeff said as of November 1st Justin is up for a merit raise. He said he would like to request that Justin be moved two levels on the pay scale instead of just one. He said Justin has done a phenomenal job for the city. He said he has shown to be a good manager with the crew and a good Director for the city. The other council members agreed. Mayor Pascoe agreed that Justin has done a great job and has

changed procedures for the betterment of the city. Jeff moved, Earl seconded to approve a two level bump on the pay scale for Justin beginning November 1, 2016. Approved unanimously.

Jeff asked if BJ had time to review the statutes regarding LID's. BJ said yes, in a modified LID a boundary is set and the Council can included all the properties in the boundary that are benefiting from the improvement being done.

Sandy said a public hearing is scheduled for November 18, 2016 before the Planning and Zoning Commission regarding Title Ten changes to the District Regulations in regards to storage units in residential zones.

Justin said he talked to Rocky Mountain Power about the street lights for the crosswalks on West Fir. He said one light was there already so it was turned to provide light over one of the crosswalks, and the other two lights can be installed by Rocky Mountain Power. He said they will have to be owned and maintained by Rocky Mountain because of the clearance, which will cost about \$20 per month for power for each light. The Council directed Sandy to place this matter on the agenda so it could be considered for approval.

BJ said he has made Golden Valley Natural aware that if they do not physically disconnect from the sewer systems with their discharge water they will be charged an unoccupied base rate per ERU. He said he is waiting to hear back from them.

Justin asked about putting up signs in regards to snow removal. He said last year we briefly discussed this since new regulations were adopted. Justin said if we put up signs, where do we want to hand the signs and how many. Earl suggested that the city should just advertise, and educate people. The Council did not feel signs would be necessary.

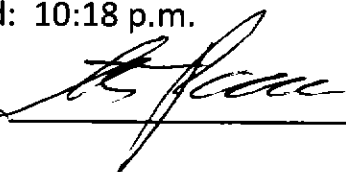
Justin said the pump was pulled at Well #1 and the motor is burnt up. He said the pump was installed and after five months is quit working. He said it appears the wires arced and the motor burnt up. Justin said it looks like the casing may go from twelve inches to eight inches because the pump will only go down 160 feet, and could go further. Dave suggested getting a 3600 hp pump. Justin suggested putting a camera down the line to look at the size of the casing first.

Justin said he appreciates the raise that the Mayor and Council have given him.

Rod said the prescription bin arrived from the "Meth Project". He said the department can begin taking old prescription medicines to be disposed of.

Adjourned: 10:18 p.m.

APPROVE: _____



ATTEST: _____

