

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JANUARY 26, 2021

PRESENT: Mayor Stacy Pascoe
Council Members: Earl Beattie, Kim Westergard, Adam French, and Leif Watson
Public Works Director: Justin Johnson
Police Chief: Rod Mohler
Recreation Director: Mikel Anderson
City Clerk/Treasurer: Sandy Gaydusek
City Attorney: BJ Driscoll (absent)

Pledge of Allegiance: Justin Johnson
Prayer: Leif Watson

This meeting was held virtually through Zoom Software.

Mayor Pascoe opened the meeting at 7:34 p.m.

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

- Approval of Council Meeting Minutes – January 12, 2021
- Approval of Work Meeting Minutes – January 19, 2021
- Approval of December Expenditures
- Approval of December Overall Budget and Treasurer's Rpt.
- Approval of Building Permits: none

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

Luke Bloxham requested that the city sign an indemnification agreement regarding the liability of an accident that may occur due to the chain link fence that the Developer must install per the condition of their Special Use Permit. Mayor Pascoe explained that storage units were not allowed in a Central Business zone without a Special Use Permit. A Special Use Permit was given with conditions set forth; one being the installation of a chain link fence to control traffic entering the storage units. If the conditions of a Special Use Permit are not met, it can be revoked. Earl said one of the stipulations was to install the chain link fence and without it, the Special Use Permit should be revoked. Kim said the city cannot take responsibility or liability for the fence. She said esthetically she thinks the boulders will look better than a fence and doesn't feel that children would be prone to play on them. Adam said as a city we do not take liability for conditions of an SUP. Leif said he feels due diligence was done on this SUP. He agreed a fence should be installed and the city will not take liability. He said Mr. Bloxham has been given the opportunity to build storage units. Luke said he understands the decision was to install a fence as a condition of the SUP, however he feels nobody looked at and really researched what a fence would do. He

would like it on the record that he feels a fence would cause a vision obstruction. He presented a rendering that he put together to show what the view would be with the boulders versus a fence. He said safety is a big concern, and the SUP could be amended. Mr. Bloxham said this fence is not something they want to do because of the way it will look and safety concerns. Mayor Pascoe said he is not disagreeing, but concerned about the corner this is on. He said this will be one of the busiest corners in the city. Kim said in her opinion, it is safer to do the landscaping boulders. Luke said the boulders will straddle the property line just like the fence would. Rod said he doesn't see any issues with the fence and felt it should be installed. Justin said cosmetically he thinks the boulders and shrubbery would be the best way to go. Earl felt the fence is a better way to go, and he still feels children would be attracted to play on the rocks. He suggested possibly making the fence lower. Adam said he thinks if they could put up a three-foot fence it would not be site obscuring but would keep traffic from entering the facility on the wrong side. Justin said he feels a three-foot fence would be a safety issue due to the kids trying to jump the fence with bikes, skateboards, etc. He said he is still leaning towards green space. Leif said it would have been nice to have the renderings at the last meeting. He feels maybe the boulders would be a better way to go for safety reasons. Adam asked about the development across the street. Mr. Bloxham said the Durtschi apartments is located on a straight away not a corner. He said he is concerned about the circumstances down the road. Mayor Pascoe said he is concerned about the children playing on the boulders when their parents are at their storage unit. Mr. Bloxham felt he could do a better job than last time showing the safety concerns. He felt the council could make an educated decision based on the information he has provided. Adam moved, Earl seconded to deny the request for the owner indemnification by Luke Bloxham. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously. Leif moved Kim seconded to table the discussion regarding the fence versus installation of landscaping boulders. This issue will be discussed at the next council meeting. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously.

Sandy said the Planning and Zoning Commission held a hearing to consider creating Residential Estate (RE) zoning. Here recommendations were to approve the zone with the following regulations:

The size of the lot must be ½ acre or larger

Streets are a 62 foot right of way with 32 feet of asphalt, 2 ½ feet of ribbon, 7 foot planter strips, 5 foot sidewalk with ½ foot extra on each side. There should be a 3 inch rolled curb and the street should be built according to city standards.

Catch basins and retention ponds will be needed for storm water. The city will take over and maintain the retention pond once grass is plant and a sprinkler system is installed.

Fire Hydrants shall be installed every 300 feet and follow the international Fire Code.

Streetlights shall be installed every 600 feet and in the intersections.

Setbacks: Front – minimum of 65 feet and maximum of 75 feet from the right of way. Side – 20 feet from the property line, rear 25 feet and street side 15 feet.

The lot should be at least 115 feet wide.

An irrigation system must meet Irrigation District standards. The city will not maintain the system, however it should be placed in an easement.

The city engineer will need to review any roads accessing a development to provide a traffic study to see what improvement if any must be done.

We should also refer to the subdivision ordinance to cover the intersections, curves, topography, etc. Leif asked about the official schedule of District Regulations that states which zoning this use should be allowed in. Sandy said this was not discussed at the hearing it will need to go back to the P&Z. She said it is obvious that Single Family Dwellings would be allowed in this zone and this portion of the ordinance could be adopted tonight so the Searle hearing could move forward. Adam moved, Kim seconded to create a Residential Estate (RE) zone as stated. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously. An ordinance will be presented at the next council meeting.

The Planning and Zoning Commission held a hearing to consider rezoning several parcels of property owned by Searles from Single Family Dwelling to Residential Estate. The P&Z recommended approval of this request pending the RE ordinance is adopted by the city council. Adam moved, Kim seconded to rezone the parcels of property requested by the Searles to Residential Estate. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously. An ordinance will be presented at the next council meeting.

Ordinance 608 was presented to annex and rezone parcel of property owned by Searle/Stonely Farms. The zoning will be Single Family Dwelling (R1) and Town homes (R1A) for this property located east of the city limits off of Center Street. Leif moved, Adam seconded to suspend the reading of Ordinance 608 on three different days and read the title of Ordinance 608 once. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously. Leif read the title of Ordinance 608 once. Earl moved, Leif seconded to adopt Ordinance 608 annexing and rezoning several parcels of Searle/Stonely property as read. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously

Adam moved, Kim seconded to approve the business license renewals for 2021 as presented on the attached list. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously.

BJ sent a draft for the Findings of Facts and Conclusions of Law regarding the public hearing to declare a moratorium on Multi-Family Dwellings and Commercial new construction. Adam moved, Leif seconded to adopt the Findings of Facts and Conclusions of Law declaring a moratorium as presented by BJ. A roll call vote was taken: Adam – aye, Kim – aye, Earl – aye, and Leif – aye. Approved unanimously.

Sandy said she received some comment sheets from Bingham County regarding a subdivision in Woodville called Century II Subdivision. Mayor Pascoe felt a study should be done regarding the traffic that will be generated from the subdivision on a main road. Sandy was instructed to send comments back to the County state to make sure the access point of the arterial roads should be capable of handling the additional traffic.

Sandy said the allocation balance of the COVID funding has been approved. She said she has contacted the contractor about the remodel work to be done at City Hall.

Mikel said the capacity for those attending the basketball program has changed to 40% and about 50% of those attending are wearing masks. Mikel said the Mayor's Youth Council has been approved to go to the Gables and celebrate Valentines Day.

Justin said all is going well and the crew has been doing a lot of shop work lately.

Rod said Officer Mann has finally been set up at the POST academy.

Kim said the new Chairman of the Tree Committee will be Robin Longhurst. She said Robin will work with the school to get on Board. Kim met with Superintendent Williams about the tennis courts. She said they will be looking for grant money for this project. Kim said the Mayors Scholarship Committee is beginning to meet. She said she would like to sit on the Board again this year. Leif will also sit on the Board.

Adam said he would like to give a shout out to the Police Department and the great job they are doing.

Leif said he talked to Jordon about the fencing at the Shelley Apartments and he will continue working on this matter.

Earl thanked everyone for doing a good job.

Mayor Pascoe said Sandy will be meeting with the contractor for the City Hall project soon. He asked Earl to attend this meeting.

Mayor Pascoe said the city needs to look at the setbacks in Central Business zoning. He said they are currently zero and he asked everyone to review this issue for the next meeting.

Mayor Pascoe said there are some concerned citizens regarding the walk path. Once the construction work is done on the irrigations ditch the city will but the sprinkler system and grass back in. Kim said she received a call about the lighting on the walk path. She said the concerned citizen will also contact the county. Kim said there may be some grants available for this purpose.

Mayor Pascoe said he appreciates all of the department and the work they do.

Sandy presented the Financial Report for the first quarter of this fiscal year.

Adjourned: 8:48 p.m.

APPROVE: _____ ATTEST: _____

**CITY OF SHELLEY
BUSINESS LICENSE
APPLICATIONS
SUBMITTED JANUARY 26, 2021
FOR 2021**

<u>NAME</u>	<u>ADDRESS</u>	<u>TYPE OF BUSINESS</u>
<u>SPECIALIZED LICENSES</u>		
<u>GENERAL LICENSES:</u>		
<u>NEW: \$25</u>		
KA&G WOODING LIMITED	1212 N 900 E B	CUSTOM WOODWORKING
VAN BURENS WOODWORKING	590 BLUEBIRD AVE	WOODWORKING
<u>RENEW: \$5</u>		
SNAKE RIVER PROSPECTING	357 W FIR ST	OPTOMETRIST
AGPARTS	485 N STATE ST	MANUFACTURING
BARON PHOTOGRAPHY	124 S STATE ST	PHOTO STUDIO
BINGHAM MEMORIAL FAMILY MEDICINE	275 W LOCUST	MEDICAL CLINIC
CUSTOM CANVAS	650 N STATE ST #2	DESIGNING/MANUFACTURING
COX HONEY FARMS	456 S STATE ST	RETAIL
TREATS	202 S STATE ST	CANDY RETAIL
SEW LETS PLAY	330 QUIGG AVE	ONLINE MERCHANT
ACE HARDWARE	572 S STATE ST	RETAIL
CHALET SERVICES AND INSPECTION	1391 N 950 E	HOME INSPECTION
PORTER HOUSE INCE	670 N STATE ST	SERVICES/EDUCATION
DOMINOS PIZZA	526 N STATE ST	RESTARANT
MTS PROPERTIES	640 S STATE ST	STORAGE UNITS
LOOK ELETRONIC	359 S MILTON AVE	DATA RECOVERY
EATON TOWING	335 S EMERSON AVE	TOWING
PHASE APPLICATION	255 E FIR ST	SERVICE
ELEVATED LIFE FAMILY	120 N EMERSON	CHIROPRACTIC OFFICE

TOTAL LICENSES:19