

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

FEBRUARY 23, 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

Pledge of Allegiance: Rod Mohler  
Prayer: Earl Beattie

Mayor Pascoe opened the meeting at 7:35 p.m.

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

Approval of Council Meeting Minutes – February 09, 2021  
Approval of January Expenditures  
Approval of January Overall Budget and Treasurer's Rpt.  
Approval of Building Permits:  
W. Richardson LLC - new home  
MHD Development - twin home  
MHD Development - twin home  
Shane Wooton - remodel

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

Sandy said the Planning and Zoning held a public hearing to consider rezoning several parcels of property along South Emerson Avenue. This is the second hearing since during the first hearing a material change was recommended. At the last hearing held on February 16, 2021, the Planning and Zoning recommended to rezone these parcels of property from Multi-Family to Single Family Dwelling. Sandy said some members of the P&Z felt Multi-Family Dwellings did not fit into the area since all of the lots have single family homes on them with the exception of one lot which is vacant. However, the vacant lot had a Single-Family Dwelling on it previously, but it had burnt down. Sandy said there were comments from one of the owners of the vacant lot who purchased it in 2005 or 2007. Troy Clayton said they intended to place Multi-Family Dwellings on the property and feel the rezone would hurt them financially. Sandy updated the Mayor and Council with the following information from the Planning and Zoning hearing per the memo she created:

*The Planning and Zoning Commission held a public hearing to consider rezoning several parcels of property on S. Emerson from Multi-family to Single Family*

*Dwelling. Shane, Jeff, Arlyn and Larry were in attendance. At the hearing Troy Clayton, one of the owners spoke and said it would be great financial loss to have this property rezoned. They purchased the property in 2005 or 2007 for about \$127,000 and then paid to have the burnt down home removed. They purchased at the value of multifamily property he stated. They intended on placing multi-family housing on the property. Several years ago they asked the city if they were allowed to place tow 11-plexes on the property and were told yes, it was zoned correctly. No plans were given to the city at that time. Sandy stated she have received several inquiries over the years regarding what was allowed on that property. Mr. Clayton gave two plans to the P&Z showing four four-plexes and one duplex on one plan and three townhomes with garages. I asked if he was selling these as individual ownership or renting. Mr. Clayton said renting but they could possibly sell them. However, Jeff said they could not be sold individually unless each one had access to a public street and there was not room for a public street in the development. Mr. Clayton asked about a PUD such as he discussed with the Mayor previously. Sandy said a residential PUD has to be at least three acres. Mr. Clayton asked about a variance and Sandy explained a variance wasn't typically used for this type of scenario, but was used for setbacks in hardship cases. Gary Grass who lives on 155 W. Fir asked if the rezone would affect him from purchasing land behind his home to place a shop on it. Sandy told him no, but he would have to have the two lots combined to put a shop on one of them. MR. Clayton said the rezoning of his property would be very hurtful to him. Arlyn asked why the property had not been built upon if they bought it in 2005 or 2007. Mr. Clayton said life happened and we all know what happened in 2008. Jeff said his mind was made up. He said there are single family dwellings all along that street with Basic American across the road, a church and the Bingham County Shop. Sandy said there are no Multi-family facilities that exist on the properties being considered. Shane said it should be rezoned because what it is currently zoned does not fit that area. Shane stated that the reason this matter come back to the P&Z was that they recommended to rezone all of the parcels with the exception of Mr. Clayton's property and you cannot do that; you have to hold an additional hearing if you change what was published. It was moved, and seconded by the P&Z to approve the rezone to Single Family Dwelling.*

Adam originally brought up this matter because the area is populated with Single Family Dwellings and Multi-Family zoning does not fit anymore. Earl said he agreed, and it does not fit. Leif agreed also. Kim said it doesn't fit but she hates creating a hardship for someone if it is rezoned. Adam moved, Earl seconded to rezone the parcels of property being considered as Single-Family Dwelling. Approved unanimously. The parcels are listed as the following addresses 185 W. Fir, 489 S. Emerson, 155 W. Fir, 449 S. Emerson, 471 S. Emerson, 435 S. Emerson, 190 W Elm, 178 W. Elm, 170 W. Elm, 158 W. Elm, 395 S. Emerson, 175 W. Elm and 155 W. Elm. An ordinance will be presented at the next council meeting.

Sandy said the Planning and Zoning Commission held a public hearing to consider the preliminary plats for the Parks Subdivision Residential and the Parks Subdivision Townhomes. The P&Z recommended to approve this preliminary plat. Sandy gave the comments from the various agencies to the Mayor and Council. John Richardson had given written comment regarding the emergency access the city granted to his property and the apartment complex running along the west side of the city owned former railroad spur. He said he depends on that access and did not want to lose it if a new subdivision was constructed. Also,

Rocky Mountain Power wanted 15 foot easement for the utilities, Snake River Valley Irrigation was to make sure there is an irrigation system in place to use surface water, and Bingham County wanted to make sure the property boundary closes with property owned by the Developers. The Mayor and Council felt since the subdivision street would not utilize the emergency access entirely to the north that some type of barrier should be installed, and the emergency access would remain as is. Heath Mitchell said where the emergency access and the subdivision street meet, he would hope that the same type of curb could be used for esthetic purposes. He said possibly a walkway could be created there rather than sidewalks. Sandy said Forsgren sent comments and was just needing the storm water calculations which had been sent to them in the past few days. The Mayor and Council felt each comment should be taken into consideration. Leif moved, Adam seconded to approve the preliminary plat for the Parks Subdivision Residential which is zone Residential Estate (RE). Approved unanimously. Leif moved, Adam seconded to approve the preliminary plat for the Park Subdivision Townhomes which is zoned as Twin Homes (R1A). Approved unanimously.

Superintendent Chad Williams addressed the Mayor and Council to give them some information regarding the up coming School Bond Election to be held on March 09, 2021. Mr. Williams presented the information and stated the same is also available on the school website. He said he has looked at the facilities and the growth in the area. He wants to be financially prepared to build a new High School in about seven years, and the School has had a plant levy the last ten years and he would like to replace that. He said he also evaluated the facilities and there are a lot of repairs that are needing to be done. Mr. Williams said he appreciates the city and working with the staff.

Jeff Kelley said EIRWWA is moving forward with a Sewer District and needs a legal description of the city limits. He said it does not need to be done by "metes and bounds". Jeff said this has to be accurate and could use the roads as boundaries if necessary. Jeff said all of the other entities have completed theirs, so we need to expedite this. Mayor Pascoe's said he is concerned about how often the boundaries have had and will have changes. Jeff said they are ready to move on this and it needs to be done quickly. Adam moved, Earl seconded to pursue the acquisition of a legal boundary for the City of Shelley for the Sewer District with a cap of \$10,000 placed on this expense. Approved unanimously.

Kim said she and Earl has talked about the flowers pots on Main Street and would like them to be replaced. She said they need about twenty-five pots and she found some that are self-watering at \$350 each. She said the current pots are old and leak and take a lot of watering. This will save gas for the Kubota, and the new pots will not have to be moved in the winter. This avoids damage to the pots when moving them. Kim said Robyn Longhurst is the new Committee Chairman for the Tree Committee. Kim moved, Earl seconded to approve the purchase of new flower pots up to \$8750 utilizing the Covid money. Approved unanimously.

Adam moved, Kim seconded to adopt Resolution 2021-01 declaring the City of Shelley as a Second Amendment Sanctuary City. Approved unanimously.

Sandy presented some comment sheets from Bingham County for the Cedar Estates Subdivision Phases Two and Three. Mayor Pascoe commented that this will create more traffic and a traffic study may be needed to see if any

improvements such as turning lane needs to be done. Also, there were no comments for a proposed rezone from A to RA for future residential development on land owned by the Killpack Land Company.

Kim moved, Earl seconded to approve a business license renewal for 2021 for Blue Line Security/Keith Anderson at 757 S. Park Avenue. Approved unanimously.

Rod said he would like to use some of the Covid money to improve the evidence storage for the Police Department. He said they are running out of room upstairs in the Police Department. He said evidence processing would be where the prior interview room is. Rod said they also need some proper equipment and three body cams for taking and citizen's complaint control. Rod said there would like to create an evidence storage facility and impound area at the dog pound. He said it will cost about \$14,350. Adam moved, Earl seconded to approve the upgrades in the amount of \$14,350. Approved unanimously.

The Mayor and Council discussed the ongoing moratorium on Commercial Business and Multi-Family Housing. Sandy said she placed the Central Business setbacks and the Residential Estate District regulations on the Planning and Zoning Agenda and a public hearing will be held on March 16, 2021.

Sandy said she was contacted by the contractor that will be remodeling City Hall and he will be delayed by one week before he can start. She said she will notify the public and ITD. Construction will begin March 9, 2021.

Sandy said upon reviewing the ordinances there are two items that may need to be addressed. One is to require backgrounds checks for new businesses that need a General Business License and the other is in regard to Going out of Business or Fire Sales. Should these sales be limited to the stock the store has on hand. The Mayor and Council felt it would be beneficial to require background checks for new General Business licenses, but to leave Fire or Going Out of Business sales as is. Sandy will place the business license amendment on the next agenda.

Mikel said his last game is Saturday for this season's Jazz program. He said he is beginning soccer registration, and the Mayor's Youth Committee will be cleaning the dog pound this month.

Mikel said the Aquatic Center in Idaho Falls will not be open until August due to a remodel. He said he was contacted about swimming lessons and High School Swim teams using our pool. Kim said try to accommodate them if possible.

Rod said thanks for the approval to improve the police department, and he is very proud to be a Second Amendment Sanctuary City.

Leif said he has talked with several citizens and he is very impressed with the snow removal on the streets this year.

Adam said he looked at the Emergency Plan for the city and he said he feels with what is happening in other states, that the city should look at getting a generator. He said he feels we should have Justin pursue this matter. Earl agreed.

Mayor Pascoe said he appreciates all, and everything we have accomplished.

Adjourned: 9:38 p.m.

APPROVE:  ATTEST: 