

CITY OF SHELLY
COUNCIL MEETING
MINUTES

SEPTEMBER 11, 2007

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Steve Cederberg, John Lent, Charlotte
Fredrickson
Police Chief: Alan Dial (Absent)
Public Wks Dir: Rick Anderson
Recreation Dir.: Dawn Lloyd (Absent)
City Clerk: Sandy Gaydusek
City Attorney: B.J. Driscoll

PLEDGE OF ALLEGIANCE: Rick Anderson

PRAYER: Mayor Christensen

Lorin moved, John seconded to approve the following consent agenda:

Minutes of August 28, 2007 Council Meeting
Minutes of September 4, 2007 Budget Hearing
Building Permits:
Stacey Pascoe - new storage building
Troy Clayton - demolition
Charlotte Fredrickson - deck and new door

A roll call vote was called for: Steve – aye, Charlotte – abstained, Lorin – aye. Motion carried.

Kong Khamone, 190 E. Pine Street was not in attendance to discuss his property appearance. Sandy said she notified Mr. Khamone regarding the appearance of his property on August 21, 2007, and that he would need to comply with city ordinances within twenty days. Sandy said there are a lot of large rocks stacked around the fire hydrant which may make it difficult for the fire department to use the hydrant if necessary. The council directed Sandy to issue a citation to Mr. Khamone.

Troy Hastings said he owns four 4-plexes in the North Shelley Business Park, and he is very anxious to obtain certificate of occupancies so he can rent them. He said he has been waiting about five months, and he needs to close on his construction loan and get the apartments rented. Mr. Hastings said he would also like to be able to possibly sell the apartments as condominiums. Sandy said the developer has not completed all of the improvements in the development. Rick said the paving has not been completed, there is curbing missing on a portion of the road due to a power pole that needs to be moved, signing is not installed, the topsoil, sprinkler system and seeding has not been done on the storm sewer drainage lot. Rick said the subdivision looks good, but there are still a few items that need to be finished. Mayor Christensen said the developer has promised for a long time that this project is progressing, and this is the city's only leverage to make sure the improvements are complete and accepted by the city. Brent Christensen, the developer said the street name signs have been ordered and will not be available until next week, however he will have the stop signs installed by Thursday. He said the curbing will be finished by Jim Cotterell on Friday. Mr. Christensen said the paving will be finished, and the sprinkler system will be done by Thursday. He said the topsoil was placed on the drainage

pond tonight. The Mayor and Council discussed this matter and agreed that if all the improvements were done by Friday, with the exception of the street name signs being installed and the asphalt were the power pole needs to be moved, and if Rick approved the work, then Sandy could phone poll the council for acceptance and a certificate of occupancy would be issued.

Sandy said Mr. Hastings would possibly like to sell his apartments as condominiums. She said the city ordinance classifies condos as multiple family housing and there are no other regulations. Sandy said her concern is that there is only one water and sewer tap into each four-plex, and it would be impossible to turn each tenants or owners water off. She said Mr. Hastings said a home owners association would be formed that would pay for all maintenance, utilities, etc. Sandy said she is concerned that the homeowners association could be dissolved. Mr. Hastings said when there are condominiums each owner is responsible to sign a homeowners association agreement when purchased. He said everyone shares in the cost of the maintenance of the lawn, roof, utilities, etc. Mr. Hastings said if the home owners association does not pay the utilities, then the city would shut off the water to the building. He said a homeowners association cannot be dissolved. Sandy said the worst case scenario would be to order separate taps be installed to each unit. The council agreed.

Sandy presented a development agreement for Gables Management for River Pointe Subdivision. She asked the Mayor and Council if they would like a section added to the agreement stating that the developer must install a backflow prevention device which is certified annually since potable and non-potable water will be used for irrigation purposes. The council agreed this should be added to the agreement. Sandy said she was also asked to write a will serve letter for city utilities, and stating that the plans meet regulations. Nick Montana, Gables Management stated that they would like to be able to get a certificate of occupancy for the Assisted Living Center after all of the improvements have been done with the exception of the paving. He said the weather may not permit asphalt to be laid. Mr. Montana said they would be willing to get a bond to guarantee the work gets finished. The council directed Mr. Montana to re-approach the council with the request if the weather does not allow all of the improvements to be done in thirty days. At that time the council may make an addendum to the development agreement.

Sandy was presented a gift certificate to the Olive Garden as an appreciation award for her work on the budget.

Sandy presented Ordinance #510 regarding elections. She said new legislation changed some of the time periods to file for candidacy, advertisements, etc., so our ordinance needed to be amended to reflect those changes. John moved, Steve seconded to suspend the reading of Ordinance #510 on three different days and read the title of Ordinance #510 once. Approved unanimously. John read the title of Ordinance #510 amending election regulations. John moved, Steve seconded to adopt Ordinance #510 as read. Approved unanimously.

Sandy presented Ordinance #512 that BJ drafted regarding the prohibition of taking water from any fire hydrant or any other point of diversion. Any violation of this ordinance would be a misdemeanor. John moved, Steve seconded to suspend the reading of Ordinance #512 on three different days and read the title of Ordinance #512 once. John read the title of Ordinance #512. John moved, Steve seconded to adopt Ordinance #512 prohibiting unauthorized use of city water as read. Approved unanimously.

Sandy said she received two bids to remove five of the trees on the Alexander property at 307 West Center Street. She said one bid was for removal of the trees, stumps and clean up in the amount of \$3200, and the other bid was to remove five trees and the large pieces of wood in the amount of \$1500. The city crew would need to remove the small pieces of wood and the stumps would remain intact. Sandy said Ken Bateman looked at the project, but did not give Ms. Alexander a bid for the work. The Mayor and Council determined that the stumps do not need to be removed, since the city is trying to abate a dangerous situation only. The Mayor and Council ordered the clean up of the property at 307 W. Center Street to include removal of weeds and debris, and the removal of five trees. The trees would be removed only, and the stumps will be left. The city crew will clean up the branches and clear the weeds. After the work is done, Ms. Alexander will be assessed the cost for the work by going through the special assessment procedure.

BJ discussed the USDA lease agreement regarding their use of the transfer station. He said the term of the lease is five years, and he feels the area of lease should be identified better. BJ said the contract states the city will pick up the asphalt and lay it at the site, and the USDA will pay for the asphalt. He said the area to be paved is identified at 24,000 square feet or less, and the approximate cost for asphalt is \$17,000. Sandy asked if the contract mentioned anything about liability and running power and water to the temporary building location. BJ said he did not see anything specifically addressing that matter. Lorin felt since this is a five year lease and a lot of heavy traffic will be entering and leaving the parking area, that USDA should re-surface the parking lot after the five year lease is expired. BJ said he will contact Karen with USDA to discuss these matters and amend the lease.

Sandy said she received a comment sheet from Bingham County regarding a spray field for Idaho Supreme to be located in a NR/A zone (Natural Resource/Ag). This location is on the Preston Bench, and the hearing is September 26, 2007 at the County Courthouse. The Mayor and Council commented about the odors that may impact existing and potential home owners.

Sandy said she received a comment sheet from Bingham County regarding a special use permit for the installation of windmills by Ridgeline Energy LLC. The hearing on this matter will be September 26, 2007. The Mayor and Council commented that the County should review the past history and other dealings regarding the partnership and owners.

Sandy presented a form that Mark Cowley submitted requesting names of students that the Mayor and Council would like to see sit on the Youth Advisory Council. This list needs to be

turned in by September 26, 2007. The Mayor and Council asked that the form be given to Dawn to fill in and return to Mark Cowley.

Sandy discussed the acquisition of water rights. She said the city engineer researched the cost for water rights and found that they sell for \$750 up to \$2500 per acre foot. Sandy said Merlin Dial has a deep ground well with is permitted to operate eight months out of the year. This calculates to be 2.8 cfs. The engineers said this will cost anywhere from 1 million to 3 ½ million dollars for Mr. Dial's existing water rights, and would provide the city with 334 new connections. The engineers said the 334 connections are calculated by using the city's maximum current use. This would mean each connection would cost between \$3000 and \$12000.

Rick said he met with the Idaho Transportation Department on Monday to discuss the design of the new traffic light. He said he expressed disappointment on the construction of the area crossing the tracks at the intersection of Highway 91 and Center Street. Rick said they came up with some ideas to make the intersection more adaptable. He said the State will allow the City to remove some of the island to straighten the intersection up. However, it will be at the city's expense and labor. Rick said the stop bar will also be moved back about thirty feet. He said ITD will move the bar and remark it, if the city removes the island.

Rick said the crew is busy getting ready for Spud Day.

Charlotte invited everyone to participate in the Spud Day activities.

John asked if the city is going to man a booth at Spud Day. He said he contacted the members of the Tree Committee and the Urban Renewal Board to see if anyone was interested in helping but received no response. John said he is willing to man the booth for a few hours to show how the walk path could be extended and the plans for future Urban Renewal projects.

John said he has a vacancy on the Planning and Zoning Commission. He said the member needs to reside within the city limits, and he will present a potential candidate at a later date.

Steve said there are some major changes and growth that will be occurring in Shelley in the future. He said there are a lot of people looking at the city for economical gains.

Dawn said Mr. Winston held a boat regatta at the pool. She said while he was there he discussed alternate energy devices that may be used to heat the pool. Mr. Winston will follow up on this matter with Dawn.

Lorin asked about the development on Lincoln Street. Sandy explained that Tammy Golder has three parcel of property that had division rights and she did not have to subdivide and plat the development. She said there are four homes going onto the lots and they will share a private driveway. Sandy said the city will need ingress and egress easements to be able to turn off water and pick up the garbage. She said the city has no obligation to repair the drive or remove snow.

Lorin said the Idaho Transportation Department had a booth at the Eastern Idaho State Fair. He said it appear the ^{WIDENING OF THE HIGHWAY FROM SHALLEY TO} York Road project has been pulled off the list of upcoming projects.

Mayor Christensen said he will be attending the Water Coalition meeting next Thursday at 7:00 p.m. at the Idaho Falls city annex building.

Adjourned: 9:27 p.m.

ATTEST: M. Williams APPROVE: Erin R. Chute

AUGUST CLAIMS

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
7-Aug-07	Comdata	1,611.67	30160
8-Aug-07	John Lent	800.00	30161
10-Aug-07	Merlin Stoddard	320.00	30162
16-Aug-07	A & B Transmission & Service Ctr	377.88	31024
16-Aug-07	All American Sport	405.00	31025
16-Aug-07	Alltel	166.93	31026
16-Aug-07	Amcor Inc	482.80	31027
16-Aug-07	Bateman Brothers	885.00	31028
16-Aug-07	Bearing & Ind. Sales Inc.	111.83	31029
16-Aug-07	BMC West	342.94	31030
16-Aug-07	Broulim's	56.57	31031
16-Aug-07	Central Transfer Station	15.00	31032
16-Aug-07	Circular Butte Landfill	6,316.23	31033
16-Aug-07	Davies Aqua Chem Supply Co	766.25	31034
16-Aug-07	DBS Inc	2,925.10	31035
16-Aug-07	Eagle Rock Sanitation	3,752.86	31036
16-Aug-07	Eastern Idaho Water Rights Coalition	250.00	31037
16-Aug-07	Electrical Equipment Co Inc	270.88	31038
16-Aug-07	Ferguson Enterprises Inc	2,735.94	31039
16-Aug-07	First Responders	1,220.55	31040
16-Aug-07	Forsgren Associates/P.A.	3,875.00	31041
16-Aug-07	Great Northern Bark Co	118.10	31042
16-Aug-07	H-K Contractors Inc	1,453.53	31043
16-Aug-07	Hammon Teton Delivery	45.00	31044
16-Aug-07	HD Supply Waterworks LTD	336.00	31045
16-Aug-07	Hunter Upholstering	201.91	31046
16-Aug-07	IAS - Envirochem	672.00	31047
16-Aug-07	Idaho Business Systems	39.08	31048
16-Aug-07	Idaho Traffic Safety Inc	384.00	31049
16-Aug-07	Impressions T Shirt and More	240.00	31050
16-Aug-07	Inventroy Trading Company	109.00	31051
16-Aug-07	Les Schwab Tire Center	712.28	31052
16-Aug-07	Jed Lewis	130.86	31053
16-Aug-07	LYNK3 Technologies	48.00	31054
16-Aug-07	McGrath Meacham and Smith PLLC	1,587.50	31055
16-Aug-07	Mountainland Communications Inc	12.00	31056
16-Aug-07	Northgate Transmission	1,705.10	31057
16-Aug-07	Pacific Steel	114.65	31058
16-Aug-07	Qwest	44.23	31059
16-Aug-07	R&S Distributing	53.64	31060
16-Aug-07	Rocky Mountain Power	13,711.32	31061
16-Aug-07	Sams Club	1,009.49	31062
16-Aug-07	Shelley Pioneer	120.00	31063
16-Aug-07	Shelley Police Officers Association	100.00	31064
16-Aug-07	Shelley/Firth Rural Fire District	4,347.00	31065
16-Aug-07	State Insurance Fund	2,956.00	31066
16-Aug-07	Steam Store Rocky Mt. Inc	4.00	31067
16-Aug-07	United States Welding Inc	79.30	31068
16-Aug-07	Valley Ready Mix	40.00	31069
16-Aug-07	2M Company Inc	175.14	31070
31-Aug-07	Advanced Diagnostics Inc	145.00	31071
31-Aug-07	Alltel	203.15	31072
31-Aug-07	Arizona Refuse Sales LLC	646.80	31073
31-Aug-07	Business Phone Specialists Inc	66.50	31074
31-Aug-07	Cable One	161.90	31075
31-Aug-07	Chris Orme	5.73	31076
31-Aug-07	Circular Butte Landfill	4,921.87	31077
31-Aug-07	Civil Air Patrol Magazine	100.00	31078
31-Aug-07	Columbis Paint Co	58.25	31079
31-Aug-07	Daniel Acevedo	1,500.00	31080
31-Aug-07	Exxonmobil Fleet/Gecc	227.25	31081
31-Aug-07	Farrs Jewelry	207.50	31082
31-Aug-07	First Responders	62.00	31083
31-Aug-07	Sandra Gaydusek	695.70	31084
31-Aug-07	IAS - Envirochem	312.00	31085
31-Aug-07	Idaho Traffic Safety Inc	318.00	31086
31-Aug-07	Intermountain Gas Co	2,597.76	31087

31-Aug-07	Jim's Trophy Room	19.80	31088
31-Aug-07	Kirkham Auto Parts Service Co. #8	70.85	31089
31-Aug-07	McGrath Meacham and Smith PLLC	1,224.05	31090
31-Aug-07	Mcleodusa	529.02	31091
31-Aug-07	Phillips 66 Co	1,509.57	31092
31-Aug-07	Qwest	44.63	31093
31-Aug-07	Russ's Overhead Doors	356.50	31094
31-Aug-07	Shelley Pioneer	703.20	31095
31-Aug-07	Cheryl Simmons	350.00	31096
31-Aug-07	Skaggs Uniforms and Equipment	119.95	31097
31-Aug-07	Stacy S Showalter	20.38	31098
31-Aug-07	Steel Systems	261.93	31099
31-Aug-07	Stephenson Computer Consulting	37.50	31100
31-Aug-07	Steven Wyrick	26.24	31101
31-Aug-07	US Post Office	328.90	31102
31-Aug-07	Watson Roto Rooter/Thayne Watson	225.00	31103
10-Aug-07	City of Shelley Payroll	53,562.33	
24-Aug-07	City of Shelley Payroll	48,460.50	
	Total	178,317.32	