

CITY OF SHELLEY  
COUNCIL MEETING

JUNE 27, 2023

PRESENT: Mayor Stacy Pascoe

Council Members: Jeff Kelley, Kim Westergard, Adam French, and Leif Watson

Police Chief: Chad Purser(absent)

Public Wks Dir.: Justin Johnson

Recreation Dir.: Mikel Anderson

City Clerk/Treasurer: Sandy Gaydusek

City Attorney: BJ Driscoll

City Building Insp/Plann.: Jordon Johnson

PLEDGE OF ALLEGIANCE: Justin Johnson

PRAYER: Jeff Kelley

The meeting was opened at 7:35: p.m.

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

Approval of the Minutes of Council Meeting on June 13, 2023

Approval of May Expenditures

Approval of May Overall Budget & Treasurer's Rpt.

Building Permits:

Dan Wood - Accessory Building

Harrison Silzly - Accessory Building

Beehive Buildings - Accessory Building

A roll call vote was taken: Jeff – aye, Leif – aye, Adam – aye, and Kim – aye.

Approved unanimously.

**Title Ten Amendment**

The Planning and Zoning Commission held a public hearing to consider amending Title 10 to change the setbacks for interior fencing in an RE zoned subdivision.

The P&Z recommended approval of added an exception to 10-8-5 (c) to state the street side setback can be reduced to two feet from the right of way. However this will only apply to the residential lots within the subdivision and the vision triangle must be adhered to as well. Leif moved, Jeff seconded to approve and create an ordinance making this amendment to RE zone fencing. Approved unanimously.

**Nikki Hudman and Hillary Hill – Tennis Courts**

Hillary Hill presented some potential diagrams to be used for the construction of four proposed tennis courts at Brinkman Park. Kim said the whole scope of the work is over \$50,000 but some of the labor and well as monetary contributions will be donated. Sandy said she contacted AIC regarding the procurement regulations whereas we will have some substantial donations. They indicated that the city attorney should write an opinion letter on this matter. BJ said he will work with AIC to write an opinion letter regarding the competitive procurement process for this project. Kim said there may be a grant available and ICCU has indicated it may donate up to \$40,000 for this project. BJ said if this project is put out for bid the vendor donating their time would be so much less than other. He said he will work with AIC.

**Rhabir – Refund of Orange Tag**

Rhabir Roy was not in attendance.

**Kimberly Davidson – Concessionaire License**

Mrs. Davidson said she would like to obtain a renewal for a Concessionaire License to be able to sell food items at the City Park during sporting events. She owns 208 Egg Eats which is a mobile food trailer. Adam moved, Kim seconded to approve a Concessionaire License for 208 Egg Eats/Kimberly Davidson for 2023. Approved unanimously.

**Ordinance Designating an Official Newspaper**

Sandy presented Ordinance 647 designating the Post Register/Idaho State Journal as the official newspaper of the city. Kim moved, Leif seconded to suspend the reading of Ordinance 647 on three different days and read the title of Ordinance 647 once. Kim read the title of Ordinance 647. Kim moved, Leif seconded to adopt Ordinance 647 designating the Post Register/Idaho State Journal as the official newspaper of the city. A roll call vote was taken: Adam – aye, Kim – aye, Leif – aye, and Jeff – aye. Approved unanimously.

**Fireworks Permit**

Kim moved, Adam seconded to approve a fireworks sale permit to Broulims for 2023. Approved unanimously.

**Street Improvement Projects**

Justin said he has two street improvement projects he would like to do this year. The first project would be from on Anderson from the canal to Highway 91 and the second from Highway 91 down Fir running west to the canal.

The first project from Anderson to Highway 91 the bids were received as follows:

- 3H Construction - \$177,070.00
- H-K Contractors - \$143,809.00
- Knife River - \$139,998.00

Leif moved, Adam seconded to award the bid in the amount of \$139,998.00 to Knife River. Approved unanimously.

The second project on West Fir to Highway 91 the bids were received as follows:

- H-K Contractors - \$74,075.00
- Knife River - \$87,128.00
- 3H Construction - \$105,242.00

Leif moved, Adam seconded to award the bid in the amount of \$74,075.00 to H-K Contractors. Approved unanimously.

**Reimbursement to Shelco/Parks Development for Upsize/Sewer Line**

Sandy said per the Development Agreement for the Parks Subdivision the city agreed to pay for the upsize to the sewer line in the Parks Subdivision. The amount for the invoices presented is \$87,036.83. Adam moved, Jeff seconded to reimburse Shelco Development/Park Subdivision \$87,036.83 for the upsize to the sewer line from an eight inch to a fifteen inch. Approved unanimously. Also approved to reimburse Shelco Development \$1380 for the Kimberly Pines Subdivision capacity replacement for the East Fir Sewer Line Project as specified in the Development Agreement as well.

### **Liquor by the Drink Ordinance**

Ordinance 648 regarding Liquor by the Drink was submitted to the Mayor and Council to consider for approval. This ordinance will allow establishments to obtain a license to sell liquor by the drink. Leif moved, Adam seconded to suspend the reading of Ordinance 648 on three different days and read the title of Ordinance 648 once. Leif read the title of Ordinance 648. Leif moved, Jeff seconded to adopt Ordinance 648 regulating the sale of liquor by the drink in the city. A roll call vote was taken: Adam – aye, Kim – aye, Leif – aye, and Jeff – aye. Approved unanimously.

### **Cat Control Program**

Jeff moved, Leif seconded to table the matter of a cat control program indefinitely. Approved three in favor, Kim opposed. Motion carried.

### **Public Comments**

Sandy said she received an email from the Frongners regarding repairs that had to be done to their property resulting from the irrigation ditch project. They said there are still some items that need to be fixed such as the asphalt in front of their driveway, and they would like reimbursed for the work that they've already done. Mayor Pascoe said Brent Christensen has been trying to contact the Shaws to take care of those repairs as well as the Frongners. Mayor Pascoe asked Justin to fix the asphalt in the driveway, and he will set up a meeting with Mr. Christensen and the property owners so this can be corrected. The matter of the reimbursement will be placed on the next agenda.

### **Department Head Reports**

Sandy said she received two comment sheets from Bingham County regarding a riding arena in the Woodsy Estates and a CUP for a 100 foot tall communications tower which is across the river. There were no concerns or comments from the Council.

Sandy said there are some items that need to be corrected or added to Title 10. She said certifications blocks need to be added to the plats for the Snake River Valley Irrigation District and the East Idaho Regional Sewer District. Sandy said there should also be a correction to 10-17-2(5) to strike the requirement of a 24x24 garage for a manufactured home. The Council agreed to send this to Planning and Zoning to move forward.

William Anderson, the MYAC President thanked the Council on behalf of the MYAC members to allow them to attend the Youth AIC Program in Boise.

Mikel said flag football registration is ongoing. He said everything is going well at the pool also.

Jordon said last week EIRSD had a ground breaking for the Phase 1 upgrade.

Jordon said DEQ and EIRSD are only issuing a commitment to serve for subdivisions until the upgrade has been completed at the plant. This will allow the Developer to work on their infrastructure, but no building permits will be issued until the expansion has been done by EIRSD. Therefore, we will not be

able to follow the Development Agreement to allow them to pull building permits while they are constructing the infrastructure. Jordon said Division Two of the Parks is in the same boat as well.

Justin said the Hawk Light on State Street was damaged again by a vehicle. He will be ordering the parts for repair and get it running as soon as possible.

There is a grant that is available through ITD and they will be issuing 25 two million dollars grants for street projects. There must be engineered stamped plans as this project must be shovel ready. Sandy said the cost to submit the grant application is \$7,000 to \$10,000. Jeff moved, Leif seconded to tentatively approve the funding in the amount up to \$10,000 to submit the grant application. This will be placed on the next meeting agenda to ratify. Sandy will obtain the stamped engineering plans for the design on Fir Street from Harper Leavitt Engineering that was drawn up several years ago for another grant, but the city was not awarded that grant.

Justin said the crew has been busy painting the street lines and exercising water valves. He said the Movie in the Park went well and the next one will be July 13<sup>th</sup>. Justin said he will be gone on vacation next week.

### **Council Reports**

Jeff said when he attended AIC he learned that you can construct street lights with revenue bonds with judicial confirmation. Justin said the city will be adding some lights while working on the LTACH project that is being done this year.


Leif said he is concerned about all the litter at Brinkman Park. He said he will talk to Chad about enforcement, and Justin is trying to move more dumpsters into the Park. Cameras are being installed this summer.

Adam said there will be a DUI Task Force from July 1<sup>st</sup> through the 15<sup>th</sup>.

Adam said the water at the North Bingham County Park should be available this week.

Mayor Pascoe said he found out while at SIC that the City of Rexburg does LID's each year in different areas in their city. Also, he said also there are very few cities that do not have water meters in the State of Idaho. He said the ways some cities explained the need to water meters to citizens was to compare it to buying bottle water. He said education is the key.

Adjourned: 8:50 p.m.

APPROVE:  ATTEST: 