

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

APRIL 26, 2022

PRESENT: Mayor Stacy Pascoe

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

Police Chief:	Rod Mohler
Public Wks Dir.:	Justin Johnson (absent)
Recreation Dir.:	Mikel Anderson
City Clerk/Treasurer:	Sandy Gaydusek
City Attorney:	Ben Marsden

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Leif Watson

The meeting was opened at 7:30 p.m.

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

Approval of the Minutes of Council Meeting on April 12, 2022

Building Permits:

Cam Hulse - solar panels

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

Approved unanimously.

Rod introduced Joseph Pacheco who just graduated from the POST Academy. Joe said he graduated April 15, 2022, and is excited to be part of the community. He said he has lived in the city for two years and loves it. Joe said he brought a lot of new training and ideas back from the academy that he can share with the department. Adam said he is excited to have Joe as part of the department. The Mayor and other council members echoed the same.

Kasen Reno said he would like to obtain a Concessionaire License to run Kasen's Cotton Candy at the City Park during the different sporting activities. He said he has all the permits he needs to operate. Kim said to be sure and clean up around his stand each night. Sandy said there is an agreement that Kasen will need to sign for the Franchise Concessionaire License. Kim moved, Adam seconded to approve the Concessionaire License for Kasen Reno to operate at the City Park. Approved unanimously.

Jimmy Roberts introduced himself and said he is running for County Coroner. He said he is currently the Chief Deputy Coroner. Mr. Roberts said he has experience as a fireman, paramedic and served in the Marine Corp. He said he spent the last eighteen years studying death investigation. Mr. Roberts said he feels he is the most qualified for this position. He asked everyone to research the position and to vote for the most qualified as coroner.

The Planning and Zoning Commission held a public hearing to consider amending the front setbacks for an RE zone to a minimum of 45 feet and a maximum of 65 feet as requested by the Developer. The P&Z Commission recommended approval of the amendment. The Council was presented with notes highlighting

the public hearing held by the P&Z Board. Mayor Pascoe said this zone was created for the Developers because the Council felt it was needed in the community. However, it seems every month the Developers are coming back to the city for something to be changed in the regulations. Heath Mitchell said this is a brand new zone and feels the problems are being worked through. He said there was some confusion about where the setback is measured from. Kim read in the highlights of the hearing that the Council is basing this on personal opinion, however a lot of people living in a country setting have large front yards. Kim said this was set up to have larger driveways, etc. Derek Dye said during a zoom meeting it wasn't clear where the setback is measured from. He said Arlen Hendrick's notes said the setback was measured from the center road; not the edge of the right-of-way. The Council was presented with the same packet that Mr. Dye presented to the P&Z during the public hearing. Mr. Dye said currently the setback is 55 minimum and 65 maximum and the R1 zone is 30 feet. He said he would like the RE zone to be in between a RE and an R1 zone which is about 45 feet. Mr. Mitchell said he feels the property owners should be able to decide where to set their homes. He said as a Developer they really don't care but they are just getting feedback from the property owners. Jeff said he could only see four lots in their Development where there might be a problem with small back yards. He said there are already people constructing their homes at the 55 to 65 foot setback. Jeff said the purpose is to create a country setting and to have enough space for vehicles to park. Adam said the 45 to 65 foot setback makes sense to him, but he doesn't want to keep changing things. Kim said if this is changed again, and people don't want a twenty foot difference, do they intend to come back again to request an amendment to the setback. There is concern over having a twenty foot variance between the front setbacks of the homes. Leif said he understands Kim's point of going back and forth. He said he has received a lot of education this past year regarding setbacks and developments. Leif wondered how the CCR's will work with this. Mr. Dye said the property owner will look and see if the lot fits his needs. Heath said he doesn't see how this twenty foot variance is feasible. He thinks everyone is getting hung up on this. Mr. Dye said currently their CCR's follow the current ordinance. Blake Jolley said originally the RE zone was set up, but now they are seeing there are some things that don't work. He said there are not a lot of homes in the ground right now, so a change could be made. Adam moved, Kim seconded to approve an amendment to the front setbacks of the RE zone to a 45 foot minimum and a 65 maximum as recommended by the Planning and Zoning Commission. Three in favor, Jeff opposed. Motion carried.

The Council is considering amending Ordinance 8-4-31 and 8-6-17 regarding the billing for water and sanitation when the premises is unoccupied. Ben Marsden said in 8-4-31 it will now state that the regular billing period is on a monthly basis and 8-6-17 removed the wording unoccupied. Ben said there is a question that BJ had regarding the definition of a snow bird and what the exception should be. The Mayor and Council defined a snowbird as someone who is gone from their home 60 days or more and must give a 48 hour notice on Monday through Thursday to get their water turned back on. Also a fee of \$50 per disconnection should be charged for each snowbird to turn the water off at the street and to remove the garbage can. Leif moved to call for a hearing to establish the \$50 fee, Kim seconded. Approved unanimously.

Ben presented Ordinance 633 regarding a beer license to sell to consumed or to carry out on the premises. Ben said the amendment was drafted to match the state regulations to allow a city to approve the locations of the beer license applicant if they are within three hundred feet of a church or school. Kim moved, Jeff seconded to suspend the reading of Ordinance 633 on three different days and read the title once. A roll call vote was taken: Kim – aye, Leif – aye, Jeff – aye and Adam – aye. Approved unanimously. Kim read the title of Ordinance 633. Kim moved, Leif seconded to adopt Ordinance 633 amending the requirement of obtaining a beer license to consumed on premises or carry out to match the state regulations and allow the city to review each license on a case by case basis and consider a license even if they are located within three hundred feet. A roll call vote was taken: Leif – aye, Adam – aye, Kim – aye, and Jeff – aye. Approved unanimously.

Scott Jolley, with MDS Home Group wanted to discuss the minimum size requirement the city has for two car garages. The requirement states a two car garage is to be at least 24 x 24. Mr. Jolley said he wasn't aware of the statute 7-1-6 when a couple of his plans were submitted. He said he purchased some lots in the Parks and could not fit the homes on the lots. He said this is not done by square footage, this is just a box. Mr. Jolley said the biggest problem he has ran into, is the design elements. He said an average car size is 14.7 feet and can fit into a smaller garage. He said he called a lot of cities from here to Malad and no cities or counties have an ordinance like this. He said he doesn't think as a council they should be telling people what size their garage should be. Mr. Jolley said he feels it should be governed by setbacks only or turn it into a square footage requirement not a dimensional size. He said another option is to only apply a minimum size to a two car garage but if it's a three car garage it should not have to meet those requirements. Mayor Pascoe said he measured some homes that were not finished and feels if you have a four foot landing and three steps coming down from the house, a minivan will not fit in the garage. Kim said she agrees with Scott and understood at the last meeting the requirements were for a two car garage and not a three car garage. The Council felt it is their job to get the cars off of the street. Adam moved, Kim seconded to table this for further research and information. Approved unanimously. Jordon said he has a lot of plans waiting on this decision tonight. He said he spoke with BJ about this and BJ said he could defend the city either way if it is a dimensional requirement or a surface requirement. Jordon said most of the plans he has are three car garages and can meet the current standards if it is surface requirements. Jeff moved, Kim seconded to allow the square footage of a 24x24 garage to be calculated as surface area so the plans Jordon has can move forward. This will be for a three car garage and will be used during the interim. Approved unanimously.

Kim moved, Adam seconded to hire Pam Killpack as pool manager this season. Approved unanimously.

Adam moved, Leif seconded to approve a business license for:  
The Fringeapinapple Boutique LLC – 140 S. State Street  
Pinnacle Real Estate - 455 N. State Street.  
Approved unanimously.

Sandy said the URA Board held a hearing to consider amending the Country Club Road Urban Renewal Plan to extend the TIF to include upgrades to address

environmental concerns at Golden Valley Natural. The amendment would add a TIF for another six years to finish out the remainder of the original plan. The URA Board voted to approve the amendment. The Planning and Zoning Board also voted to approve the amendment. Jeff moved, Leif seconded to approve the presented amendment to the Country Club Road Urban Renewal Plan as presented. Approved unanimously.

It was determined that when the last two Planning and Zoning members were appointed it was not an agenda item. To correct this item it is now on the agenda. Mayor Pascoe appointed Kurt Edwards and Devan Dye to the Planning and Zoning Board. Leif moved, Adam seconded to approve the appointment of Devan Dye and Kurt Edwards to the Planning and Zoning Board. Approved unanimously.

Arbor Day was set for May 21, 2022 at 3:00 p.m. A location will be determined at a later date.

Jordon said the bids were received for the street improvement projects for this summer, however one of the contractors did not break down the projects. Leif moved, Adam seconded to obtain new bids. Approved unanimously.

Adam moved, Leif seconded to approve Resolution 22-03 removing the rates for unoccupied with the exception of the snowbird rate. Approved unanimously.

Bingham County contacted Justin regarding the speed limit on 900 East and East Center Street. The County is changing 900 East/Butte Road to 35 mph and wondered if the city would like to match it on the section of the road that is in city limits. Also, on East Center Street whereas the new subdivision is being constructed. Leif moved, Kim seconded to match the county speed limit on 900 East and on East Center from Glacier Street to the intersection of 900 East. Approved unanimously.

Jeff said EIRWWA would like the surplus funds in the bond fund to be transferred to EIRWWA from the cities since they are trying to become a District. Ammon has 1.6 million and Shelley has \$834,000. Jeff moved, Kim seconded to allow these funds to be transferred to EIRWWA once the District is created. Approved unanimously.

Jeff discussed the Sr. Citizen Building and wondered if they should rent the building and charge to individuals or just to organizations to use the building. It was determined they can rent to both and the renters will need to have signed liability waivers.

Kim thanked all for helping with Spring Into Service. She said there were 100 more volunteers than last year. She said the breakfast raise \$1380 for the Firth Fire Station. She commented that we live in such a great community.

Adam moved, Leif seconded to adjourn into executive session pursuant to I.C. 74-206-1A regarding personnel hiring, dismissal and evaluations. A roll call vote was taken: Leif – aye, Adam – aye, Kim – aye, and Jeff – aye. Approved unanimously.

Kim moved, Adam seconded to reconvene into regular session. A roll call vote was taken: Leif – aye, Adam – aye, Kim – aye, and Jeff – aye. Approved unanimously.

During executive session personnel issues including hiring, dismissal and evaluations were discussed.

Adjourned: 10:27 p.m.

APPROVE:  ATTEST: 

DATE	March	AMOUNT	CHECK #
3/3/2022	<b>Comdata</b>	\$ 2,436.26	548370
3/15/2022	AAA Giels	\$ 675.00	548371
3/15/2022	Airgas	\$ 128.74	548372
3/15/2022	American Linen	\$ 289.78	548373
3/15/2022	Automotive Springs	\$ 487.80	548374
3/15/2022	Bingham Arts Council	\$ 100.00	548375
3/15/2022	Bingham News Chronicle	\$ 205.32	548376
3/15/2022	Broulim's	\$ 36.47	548377
3/15/2022	Cintas	\$ 44.71	548378
3/15/2022	D&S Electrical	\$ 47.84	548379
3/15/2022	Freedom Mailing Services	\$ 620.87	548380
3/15/2022	Hammon Teton	\$ 16.00	548381
3/15/2022	<b>Hard Times</b>	\$ 4,462.63	548382
3/15/2022	Helena Knighton	\$ 74.30	548383
3/15/2022	Henery Dennehl	\$ 102.00	548384
3/15/2022	IAS-Envirochem	\$ 125.00	548385
3/15/2022	<b>ICRMP</b>	\$ 21,872.00	548386
3/15/2022	Idaho Falls Peterbilt	\$ 856.29	548387
3/15/2022	Idaho Post	\$ 80.00	548388
3/15/2022	Industrial Hose	\$ 10.22	548389
3/15/2022	Intermountain Gas	\$ 928.06	548390
3/15/2022	Katherine Smith	\$ 20.00	548391
3/15/2022	Lawson	\$ 227.72	548392
3/15/2022	Lee's Service	\$ 286.50	548393
3/15/2022	Mel's Lock and Key	\$ 61.50	548394
3/15/2022	<b>O'Reilly</b>	\$ 2,057.55	548395
3/15/2022	Petty Cash	\$ 158.98	548396
3/15/2022	<b>PSI</b>	\$ 12,793.98	548397
3/15/2022	Purvis	\$ 492.80	548398
3/15/2022	R&S Distributing	\$ 446.32	548399
3/15/2022	Sams Club	\$ 124.34	548400
3/15/2022	Schaeffers	\$ 439.32	548401
3/15/2022	Schows Truck Center	\$ 83.78	548402
3/15/2022	<b>Shelley Ace</b>	\$ 1,262.33	548403
3/15/2022	<b>Smith Driscoll &amp; asso.</b>	\$ 2,278.74	548404
3/15/2022	Specialty Contruction	\$ 19.50	548405
3/15/2022	Symmetry Grace Doors	\$ 208.00	548406
3/15/2022	<b>Teton Communicatins</b>	\$ 1,582.23	548407
3/15/2022	Utility Trailer Sales	\$ 58.51	548408
3/15/2022	Valley Office	\$ 341.56	548409
3/15/2022	WOW 1st	\$ 101.73	548410
3/15/2022	2m Company	\$ 819.87	548411
3/31/2022	<b>A&amp;B Trans</b>	\$ 2,957.47	548412
3/31/2022	Airgas	\$ 100.00	548413
3/31/2022	Alert Magazine	\$ 205.00	548414
3/31/2022	Allied Business Solutions	\$ 91.25	548415
3/31/2022	Association Of Idaho Cities	\$ 50.00	548416
3/31/2022	Associtaion of Idaho Public Works	\$ 20.00	548417
3/31/2022	Bingham News Chronicle	\$ 196.58	548418
3/31/2022	<b>Blue Cross Of Idaho</b>	\$ 1,039.73	548419
3/31/2022	Centurylink	\$ 241.78	548420
3/31/2022	Diamond B Specialties	\$ 64.00	548421
3/31/2022	Digline	\$ 21.84	548422
3/31/2022	Eagle Rock Hyd.	\$ 136.55	548423
3/31/2022	Forsgen Asso.	\$ 408.00	548424
3/31/2022	<b>Garrett H Sandow</b>	\$ 1,650.00	548425
3/31/2022	<b>HD Fowler</b>	\$ 4,734.09	548426
3/31/2022	<b>Home Depot</b>	\$ 1,115.00	548427
3/31/2022	IAS-Envirochem	\$ 125.00	548428
3/31/2022	OICOPA	\$ 320.00	548429
3/31/2022	Idaho Falls Peterbilt	\$ 136.67	548430
3/31/2022	IDEACOM-ESCI	\$ 189.54	548431
3/31/2022	Katie Park	\$ 560.00	548432
3/31/2022	Lawson Products	\$ 578.17	548433
3/31/2022	Lumen Century link	\$ 2.88	548434
3/31/2022	NAPO	\$ 90.00	548435
3/31/2022	Paul Ellsworth	\$ 52.42	548436
3/31/2022	<b>Proforce Law Enforcement</b>	\$ 1,385.86	548437
3/31/2022	<b>Roberts &amp; Son's Tree</b>	\$ 1,800.00	548438
3/31/2022	<b>Rocky Mnt Power</b>	\$ 7,926.91	548439
3/31/2022	Solid Waste System Equipment	\$ 217.90	548440
3/31/2022	Sparklight	\$ 239.01	548441
3/31/2022	<b>State Insurance Fund</b>	\$ 8,305.00	548442
3/31/2022	Valley Office System	\$ 77.80	548443
3/31/2022	Verizon Wireless	\$ 163.97	548444
3/31/2022			
3/4/2022	<b>Payroll</b>	\$ 65,881.71	
3/18/2022	<b>Payroll</b>	\$ 61,559.77	
	<b>Total</b>	\$ 220,108.45	