

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

JULY 26, 2022

PRESENT: Mayor Stacy Pascoe

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

Police Chief:	Chad Purser
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: Mikel Anderson

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 July 12, 2022
- Approval of the Minutes of the Work Meeting on July 14, 2022
- Building Permits: Debra Fairbourne - deck

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

The Planning and Zoning Commission rescinded their recommendation of approval to Heavy Commercial zoning for the Kent Carlson property and recommended approval of Central Business zoning. Leif moved, Jeff seconded to annex and rezone the Carlson property on the north side of West Fir just east of the Fire Station to Central Business. Three voted in favor, Kim recused herself from this issue. Motion carried.

Mike Robbins has requested that property he owns on the east side of South Milton be rezoned to Single Family Dwelling so he may build a home on it. The Planning and Zoning Commission have recommended approval of the rezone. Kim moved, Leif seconded to rezone the parcel of property on South Milton as Single-Family Dwelling owned by Mike Robbins. Approved unanimously.

There were several items in Title Ten that needed housekeeping on them as the code as been changed in other sections and Title Ten needs to be corrected to reflect the correct information. The following was considered:  
Title 10-17-2 (D) and 10-17-2 (C) (5) Regarding Lot Size and Garage Size Requirement for Manufactured Homes. This will be amended to 10,000 square feet and 24x24 foot dimensional garage.  
Title 10-16-4 (A) Amend Lot Size Definition of an R1 zone in Subdivision. This will be amended to 10,000 square feet, and to add a definition for an RE zone.  
Title 10-8-2 Amend RE for Setback on Street Side and Street Side with Garage. This will be amended to 25 feet on the street side and 35 feet with a garage on the street side.

Title 10-9-2 (5) Amend Wording to Include Garage and Garage Side Setback. This will include the garage shall be 24x24 dimensional and the setback for a side with a garage shall be 35 feet in an RE zone.

Title 10-16-7 (F) (2) Amend Wording Regarding Placement of Street Lights. This will be amended too more than instead of less than.

Jeff moved, Leif seconded to approve the recommendation from the Planning and Zoning to amend Title Ten as reflected above. Three in favor, Adam opposed. Motion carried.

BJ has been working on the Development Agreement for the Fox Crossing Subdivision with Steve Taggert, the attorney for Anderson, Hicks. BJ discussed a couple of items regarding the building code at the time of the application of the development. The DA states all ordinances at the time of the application will be followed. However, the application was for the subdivision, which relies on the city code for subdivisions but not the building code. BJ said the applicable zoning ordinances are fine, however not the building code. Mr. Hicks felt over time the building code will change and also other ordinances at the time of the plat application. Sandy said it would almost be impossible to go back for every building that may be constructed on a lot that was established in the 1950's or 60's. She said the code such as the fire code is changing all of the time. Leif moved, Adam seconded to table this matter until the standards are looked at further. Approved unanimously. Sandy was instructed to contact the attorney at AIC and BJ will also review this matter further.

Blake Jensen, the Maintenance and Technology Director of the Shelley School District addressed the Council to discuss changing the irrigation at the Hobbs Middle School. He said they have about two acres to water and have had problems with their current surface water irrigation system continuously. He said they have thousands of dollars invested and they would like to access the city water system to irrigate the grass at the school. He said they have a pump system, filtration system, etc. but it is very low end due to the lot size at Hobbs. Mr. Jensen said he understands there is a fee of \$5000 for a new connection and was asking if that fee could be waived for the school. He said they have an existing connection, but it is too far to connect to. Mayor Pascoe said Mr. Jensen needs to contact the Snake River Valley Irrigation District and see what their stance is regarding culinary water to irrigate since they have been requiring new subdivision to have a secondary irrigation system. Mr. Jensen said they currently have a two-inch line at Hobbs. He said some schools already use city water to irrigation when there is a small amount of grass to water. Mr. Jensen was directed to talk to the Irrigation District first and see if this is possible.

Eric Wittwer said he tries to take a walk every evening. He said there are dogs that come out at you and it is a big problem. He said a dog attacked their daughters therapy dog and killed it. He said his son has a walking stick he uses because dogs come out at him if its after dark. Mr. Wittwer said as the city grows it will become even more of problem. He said the city should look at hiring an animal control officer. Kim suggested that his son calls the police if dogs come out at them while they're walking. Chad said the police can help but it may require the complainant to sign a citation. Mayor said as we work the budget each year, we are trying our best to accommodate the needs of the city.

Dallan Jolley said he doesn't feel its right that he is billed for water and sewer services when the connection is paid for. He said he is getting billed when the services are not available. He said he doesn't mind paying for the water connection but the sewer connection he cannot access. The Mayor said Dave explained the investment into the municipal systems. Mr. Jolley said Dave is not even a resident of the city and should not be giving information out and telling the council how to vote. Kim said Dave is paid to be the city's engineer. BJ said he understand that Mr. Jolley doesn't like this, but Dave has stated when a connection fee is paid, the owner needs to help maintain the system since the capacity has been saved for that owner. He said the city relies on Dave for technical and financial advice. Mayor Pascoe said this should probably be a topic that that they agreed to disagree. Mr. Jolley was directed to be placed on the agenda to discuss this as an action item as well as a discussion regarding the requirement of a 24x24 foot garage.

Blake Jolley said they city owns property in the Parks Subdivision which is a thirty-two-foot strip. He said BJ came up with three options on how to handle this matter, but at the previous council meeting the council approved the strip to be a utility easement. Mr. Jolley said the Developer doesn't feel this is the best option. Mr. Jolley gave a presentation on his project to show the layout of the property. Sandy had made an error and not placed this on the agenda as an action item. This will be added to the next agenda.

Blake Jolley said 1300 North or East Center Street is required to be upgraded as Fox Crossing begins developing. He said one of the plans show forty feet of asphalt on East Center. He said between the curb and the white line should a three-foot bike path be constructed. Mayor Pascoe clarified that he was asked by Anderson Hicks about the mow strip and what size it should be. He said he wanted to clarify that the asphalt should be forty feet and the mow strip should be sized accordingly. There was some discuss about a turning lane and bike paths on both sides of the street. This matter will be placed on the agenda to discuss further.

Kim moved, Leif seconded to approve a business license for High Desert Performance at 260 S. Spud Alley.  
Approved unanimously.

Adam moved, Jeff seconded to hire Landon Webb as a Level One Officer with a one-year probation. He will not be eligible for a six month increase but will be evaluated at one year. Approved unanimously.

Leif said he has received complaints that there is a sidewalk in need of repair at 292 E. Locust Street. Sandy said there is a process that is cited in the city code that is followed. She asked if a letter should be written to the homeowner first. Leif moved, Kim seconded to table this matter until a letter can be sent to the homeowner. Approved unanimously.

The Mayor and Council set the employee picnic as August 18, 2022, at 6:00 p.m. at the Pillsbury Park.

The Mayor and Council scheduled a work meeting to discuss the budget for August 4, 2022, at 6:00 p.m. at the City Hall.

Sandy presented the third quarter Finance Report.

Sandy said Mikel is concerned about the number of people who are requesting water and power at the city park to hook up bouncy houses and water slides. Sandy asked if the city should be charging for these services on top of the shelter rental. The Mayor and Council agreed that no extra should be charged, however during the budget process the shelter rental fee should be increased to \$50.

Jacqueline Wittwer asked if the city has the intentions of taking on the north side of the park. She said she would like to seek grants but doesn't want to go to all that work if the city doesn't want that side of the park.

Lucy Palmer discussed when the park was first opened, and she has put in a lot of time at the park. She said this park is a gem and is more than just a recreational area; it has history and honor the past.

Jeff said he agrees and feels a Recreational District will help. He said this will bring people together and help with the ability to bond.

Jackie Sullivan said she worked for the county several years ago. She said if there are any questions about how much it takes to maintain either the north or the south side of it, she might be able to help. The Mayor and Council will review the draft of the property transfer for the south side of the park that was drafted.

Sandy said she received a letter for ARPA funds for EIRWWA. She said the city needs to send a letter of intent to apply for the grants that have been allocated for us.

Sandy presented some comments sheets she received from Bingham County for City comments:

1. Conditional Use for a riding arena/stable at 1370 N. 1200 E. – No concerns or comments.
2. Rezone from Agriculture to Residential/Agriculture at south of 1550 N. West of 800 E. – no concerns or comments
3. Basalt Bar Estates/four lot subdivision. Comments regarding the infrastructure was listed.

Sandy said Lisa Ybarra is doing great as Deputy Clerk/Treasurer. She said she will begin looking for a part time employee for DMV.

Jordon said everything is going well.


Justin said the road improvements have been done. He said HK did a great job. Justin said the trail will be done in the next few weeks. Mayor Pascoe said the trail will be repaved to the end of the city limits only.

Chad said the task force for aggressive driving will begin soon. He said they are getting the second SRO trained and will begin another testing period for another officer. Chad said all of the officers have been certified on the gun range.

Justin said a grant was awarded to the city for \$230,000 with no match. He said the grant will be used on the walking path, flashing school lights, etc.

Mayor Pascoe said he and Adam, and the Chief met with a joint detective unit. He said there are detectives that specialize in different areas and meet as one body. He said it was quite educational.

Adjourned: 10:02 p.m.

APPROVE:  ATTEST: 