

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

JULY 14, 2020

PRESENT: Mayor Stacy Pascoe - Telephonic

Council Members: Earl Beattie (Mayor Pro-Tem), Kim Westergard, Adam French, and Leif Watson

Police Chief: Rod Mohler

Public Wks Dir.: Justin Johnson

Recreation Dir.: Mikel Anderson

City Clerk/Treasurer: Sandy Gaydusek

City Attorney: BJ Driscoll

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Leif Watson

Earl Beattie opened the meeting at 7:32 p.m. and welcomed all. The room was set up to practice social distancing as listed in the CDC guidelines.

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

Minutes of Council Meeting on June 23, 2020 with one correction to the minutes

Approval of June Expenditures

Approval of June Overall Budget & Treasurer's Rpt.

Building Permits:

MHD Developments - Twin Homes

MHD Developments - Twin Homes

MHD Developments - Twin Homes

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

Approved unanimously.

Dayle Searle, the Chairperson of the Tree Committee presented several awards. For Business of the Year, the Gables was chosen and awarded with doughnuts. For best Container Display, North Bingham County Library was chosen and awarded with doughnuts. For Yard of the Year Honorable Mention, Nadesa Bonstova was awarded a \$20 gift card to Town and Country Gardens and a certificate. For Yard of the Year, Jim and Marilyn Danielson was awarded a \$50 gift card and certificate. The Council applauded each of those awarded and Kim thanked Dayle for her work as a volunteer of the Tree Committee who always goes above and beyond expectation.

Jason Yorgensen addressed the Council to ask for an extension of time to complete the All Star Homes PUD on Oak Street. According to the approval by the Council on September 12, 2020, the Developer shall have all construction completed within three years. Mr. Yorgensen said his lender will only allow one project at a time and they are currently completing a project in Idaho Falls. He said due to current conditions they would like two additional years to complete the All Star Homes PUD. He said this development has 36 town homes that will beautify our city. Mr. Yorgensen said he will begin the PUD in late September. Sandy said for the past three years the city has had to notify Mr. Yorgensen that

he is in violation of the weed ordinance without much response from him. Mr. Yorgensen said he is aware of that and will have the weeds taken care of in the next two weeks. Kim moved, Adam seconded to extend the approval of the PUD on Oak Street known as All Star Homes until September 12, 2022. Approved unanimously. Sandy said she has not received the signed Development Agreement back from Bryce Jolley of Harper Leavitt Engineering. Mr. Yorgensen said that will be delivered soon.

Heath Mitchell addressed the council to discuss an exception to ordinance 10-5-8(D) requiring the later developer between a residential and commercial use to construct a five foot high view obscuring fence, wall or hedge between the properties. Mr. Mitchell said they agree to construct the fence between Park View Estates and the former Truss Plant. He said there is an existing chain link fence that runs along part of the boundary they could put obscuring slats through, but would like to make it nicer by installing vinyl fencing. He asked for permission to install each section of vinyl fencing along each lots property line after the construction is complete. He said that way they would not have the risk of damaging the fence during construction of the buildings. They would not be able to get the Certificate of Occupancy until the fence is completed. He said they have two buildings currently that they need to obtain C.O.'s for that are not on the lots the fence is to be constructed. Mayor Pascoe said the fence must match on each of the lots if they are constructed at different times. Mr. Mitchell agreed. BJ said he is concerned about safety. He asked if something temporary could be installed to keep people and children off the site, and then get the permanent fence installed before obtaining a C.O. Mr. Mitchell said yes, they could provide temporary fencing. Mayor Pascoe asked Justin if there is still a concern with the meter pits. Justin said no, the meter pits were moved this afternoon. Mr. Mitchell requested acceptance of the subdivision by the city also. He said all of the improvements have been done, and he has two deeds for the city for the parcels where the retention pond is and the entry way. He said all has been landscaped and the trees have been planted. He said there is a little extra rock on the entry way and they intend to remove some of it. Justin said the mailbox also has to be installed. Mr. Mitchell said two mailboxes have been ordered as the postmaster requested. Steve Nielsen of Snake River Valley Irrigation District (SRVID) said they are concerned with the growth that is happening so fast in the community. He said homes are approved and constructed and they are using city water to irrigate. He said then the home owners are assessed and mad because they have a bill from SRVID. Mr. Nielsen said they would like to the Developers to put in irrigation system to use surface water for irrigation. Mr. Nielsen discussed the mitigation agreement with Ball Ventures. Sandy said she has the subdivision application that Drew Jensen brought on behalf of SRVID and it was presented to the Mayor and Council. However, there were questions the council had and requested that Mr. Jensen be invited to a council meeting to discuss this further. Sandy said she tried contacting SRVID several times and left messages, but that was just before the shutdown. The Council asked for this matter to be placed on the agenda of the next council meeting to discuss this further with SRVID. Adam moved, Leif seconded to approve the exception for completion of the fence before acceptance by the city; the fence must be completed on each lot as building occurs on such lot before a C.O. will be issued. Approved unanimously. Adam moved, Kim seconded to accept Park View Estates Subdivision as completed and all infrastructure completed. Approved unanimously. Deeds will be presented to the city for the city owned lots.

Ronda Bahr was not in attendance.

Kim moved, Adam seconded to approve a mobile food vendor license for Jose Barboza for one year conditional that he pass a background check. Approved unanimously.

The Council determined that a background check will be needed for a mobile food vendor applicant. We will need to supply a waiver with the application for the vendor to sign.

Justin said he has reviewed the Sunset Vista Subdivision and all of the improvements have been completed satisfactorily. Leif moved, Kim seconded to accept Phase 1 of the Sunset Vista Subdivision. Approved unanimously.

Sandy said at the last council meeting she discussed a restaurant owner who asked if they would receive any discount for being closed to customers during the COVID shutdown. It was discussed that there could possibly be a discount from full service to unoccupied. The difference is from \$46.02 to \$38.88. Kim said she is concerned about the other businesses that may have been affected too. Also, businesses have the opportunity to apply for a loan through the government that does not require to be paid back if used for payroll, rent or utilities. After further discussion Leif moved, Kim seconded to deny the request for discounts for the sewer rates. Earl and Adam opposed. Mayor Pascoe broke the tie in favor of denying the request. Motion carried.

Kim moved, Adam seconded to approve the ADA Proclamation. Approved unanimously. The Mayor will sign the proclamation and pictures will be taken and sent to the organizer.

Chase Hendricks, the Bingham County Attorney was in attendance to discuss the Impact Area Agreement between the city and the county. BJ updated everyone on what has transpired so far in the negotiations between the city and the county. Emails between he and Chase were provided in the Council packets that outlined the details. The city was waiting for the county's response of the proposed boundaries and the request that all city standards be applied in the impact area from the County Commissioners. Chase presented the current map of the Impact Area, and said the county didn't have anything against extending the boundaries, but was concerned about what standards to apply throughout the entire area. He said if property is four miles from the city should all standards still apply when the likelihood of annexation is quite a few years away. Chase was asked about the proposed Crystal Lake Subdivision. Chase said the County approved the subdivision with the condition that is access municipal water and EIRWWA sewer. He said a majority of subdivisions are being built outside of impact areas because of the standards imposed and the cost. He said it's happening in Blackfoot, Shelley, Firth, etc. Developers are saying it is just too expensive to hook into water and sewer systems. Chase said we need something to incentivize Developers to access city utilities. He said it is becoming harder and harder to annex due to new legislation be passed. BJ said historically there may have been some codes that have made it easier to develop in the county such as lot size and the transfer of division rights. Chad said in 2008 there was some bad policy that allowed this, but the county has limited that and looking at changing

this policy. He said they have changed some of the policies in the past two months. Chase said they are looking at changing the minimum lot size to 2.5 acres, and allow smaller lots if they access municipal sewer. He said they have also amended their road standards to better match the city's. Chase said the issue is making it economical to access municipal utilities. He said he wants to create an agreement that works well for both of us. He felt the standards should be dependent on how close they are to the city. Leif asked if the county could have higher standards that might push development towards the city. Chase said that's what they are trying to do. Leif asked about have a joint meeting. Kim suggested including the City of Blackfoot as well. Sandy was asked to set up a meeting with the County, Blackfoot, and Shelley. BJ thanked Chase for coming tonight to discuss the Impact Area.

Sandy presented Ordinance 603 designating the official newspaper of the city. This was tabled at the last meeting so both neighboring newspapers could be considered. Leif moved, Kim seconded to suspend the three readings of Ordinance 603 on three separate days and read by the title once. Approved unanimously. Leif read the title of Ordinance 603. Kim moved, Adam seconded to adopt Ordinance 603 designating the Bingham News Chronicle as the official newspaper of the city. A roll call vote was taken: Earl – aye, Kim – aye, Adam – aye, and Leif – aye. Approved unanimously.

BJ said he emailed the information to the Mayor and Council he received from Rob Harris regarding the water mitigation concerning the Ball Development. The information basically stated the mitigation agreement is no longer valid.

BJ said at the last council meeting we discussed the ordinance that allows exceptions to be made for non-conforming uses grandfather clauses, but the existing ordinance states a hearing should be held. However, it does not reference what kind of hearing. BJ asked if the council would like to move forward to amend the ordinances to remove the statement regarding a hearing should be held. The Council agreed and it will be placed on the next agenda.

Sandy reported she received a comment sheet from Bingham County regarding a public hearing for the tower that Safelink has proposed to place on city property to provide internet services. The hearing will be August 12, 2020. Sandy said she will place this on the agenda for the next meeting so the city can provide comments.

Mikel said the pool is running well and football registration has begun.

Mikel said Grid Kid inquired if they should have the city waivers for COVID for their program. BJ said where there program is not a city program they should use their own waivers.

Justin said the pump for Well #4 has been put back down in the hole. He said they are working on other components of the project now.

Justin said Asphalt Maintenance and H-K should be here in the next few weeks to work on the annual street improvements.

Justin said Jayden Gonzales resigned a few weeks ago from the Public Works Department. He said since his hiring has been less than six months ago, he chose another applicant to fill the position. Justin said he would like to hire Wade Mohler who will begin at entry level. The Council concurred.

Kim asked about the letter of intent the State will need if the city is going to participate in the personnel safety program. Sandy said this program is part of the CFAC program to aid in COVID relief. She said the program will fund safety personnel wages in exchange for the city not increasing property taxes by the allowed 3%. Sandy said the city typically increases property taxes by 3% each year to stay on top of street improvements. She said this money is dedicated to the street fund and not the general fund where the police funding is drawn from. The Mayor and Council determined the City of Shelley will not participate in this.

Kim thanked everyone for their compassion towards her during her COVID illness.

Adjourned 9:32 p.m.

APPROVE:  ATTEST: 

| Date | June | Amount | Check # |
|-----------|-----------------------------------|----------------------|--------------|
| 6/15/2020 | Comdata | \$ 1,370.88 | 53464 |
| 6/15/2020 | IDABO | \$ 150.00 | 53465 |
| 6/15/2020 | AIRGAS | \$ 122.28 | 53466 |
| 6/15/2020 | AMERICAN LINEN | \$ 127.11 | 53467 |
| 6/15/2020 | BROULIM'S | \$ 56.89 | 53468 |
| 6/15/2020 | CAMMANS MVP | \$ 200.00 | 53469 |
| 6/15/2020 | CORE & MAIN | \$ 40.32 | 53470 |
| 6/15/2020 | DIAMOND B SPECIALTIES | \$ 159.00 | 53471 |
| 6/15/2020 | DISCOUNT DOORS | \$ 117.00 | 53472 |
| 6/15/2020 | FREEDOM MAILING | \$ 518.66 | 53473 |
| 6/15/2020 | H-K CONTRACTORS | \$ 993.97 | 53474 |
| 6/15/2020 | HARDTIMES | \$ 3,921.28 | 53475 |
| 6/15/2020 | HD FOWLER | \$ 379.99 | 53476 |
| 6/15/2020 | IDAHO FALLS PETERBILT | \$ 741.34 | 53477 |
| 6/15/2020 | INTERMOUNTAIN GAS | \$ 737.33 | 53478 |
| 6/15/2020 | JOHN MECHAM | \$ 8.71 | 53479 |
| 6/15/2020 | JONAK WITTWER | \$ 297.90 | 53480 |
| 6/15/2020 | KRISTAN SPARKS | \$ 35.00 | 53481 |
| 6/15/2020 | MASTERCRAFT POOL | \$ 1,784.32 | 53482 |
| 6/15/2020 | MATHEWS PLUMBING | \$ 3,500.00 | 53483 |
| 6/15/2020 | MODERN PRINTING | \$ 194.51 | 53484 |
| 6/15/2020 | NYLE ANDREWS | \$ 35.00 | 53485 |
| 6/15/2020 | O'REILLY | \$ 341.14 | 53486 |
| 6/15/2020 | PSI ENVIRONMENTAL | \$ 13,589.74 | 83487 |
| 6/15/2020 | ROCKY MOUNTAIN BOILER | \$ 313.70 | 53488 |
| 6/15/2020 | ROCKY MOUNTAIN POWER | \$ 9,694.45 | 53489 |
| 6/15/2020 | SAMS CLUB | \$ 875.72 | 53490 |
| 6/15/2020 | SHELLEY ACE | \$ 763.97 | 53491 |
| 6/15/2020 | SMITH DRISCOLL | \$ 1,462.50 | 53492 |
| 6/15/2020 | SPECIALTY CONSRUCTION | \$ 140.98 | 53493 |
| 6/15/2020 | TRI-STATE HYDROULICS | \$ 151.05 | 53494 |
| 6/15/2020 | U & I KIWANIAN | \$ 45.00 | 53495 |
| 6/15/2020 | UTAH JAZZ YOUTH BASKETBALL | \$ 125.00 | 53496 |
| 6/15/2020 | WILBUR-ELLIS | \$ 916.40 | 53497 |
| 6/15/2020 | 2M COMPANY | \$ 60.96 | 53498 |
| 6/30/2020 | ECHOES OF EDEN | \$ 2,140.85 | 53499 |
| 6/30/2020 | A & B TRANS | \$ 644.64 | 53500 |
| 6/30/2020 | AIRGAS USA | \$ 40.83 | 53501 |
| 6/30/2020 | ALLIDED BUSINESS SOLUTIONS | \$ 24.04 | 53502 |
| 6/30/2020 | BIGHAM NEWS CHRONICLE | \$ 682.19 | 53503 |
| 6/30/2020 | BONNEVILLE BLUE PRINT | \$ 53.80 | 53504 |
| 6/30/2020 | CENTER FOR EDUCATION & EMPLOYMENT | \$ 124.95 | 53505 |
| 6/30/2020 | CENTURY LINK | \$ 2.64 | 53506 |
| 6/30/2020 | CENTURYLINK | \$ 289.82 | 53507 |
| 6/30/2020 | COMMERCIAL TIRE | \$ 56.75 | 53508 |
| 6/30/2020 | CORE&MAIN | \$ 291.00 | 53509 |
| 6/30/2020 | EIRWWA | \$ 23,329.89 | 53510 |
| 6/30/2020 | ELECTRICAL EQUIPMENT | \$ 17,869.00 | 53511 |
| 6/30/2020 | FERGUSON WATERWORKS | \$ 712.44 | 53512 |
| 6/30/2020 | FORSGREN ASSOCIATES | \$ 3,330.00 | 53513 |
| 6/30/2020 | H-K CONTRACTORS | \$ 1,002.87 | 53514 |
| 6/30/2020 | IAS-EVIROCHEM | \$ 100.00 | 53515 |
| 6/30/2020 | IBM CORPORATION | \$ 578.08 | 53516 |
| 6/30/2020 | IDAHO FALLS PETERBILT | \$ 203.85 | 53517 |
| 6/30/2020 | IDAHO RURAL WATER ASSOCIATION | \$ 252.00 | 53518 |
| 6/30/2020 | IDEACOM ESCI | \$ 189.54 | 53519 |
| 6/30/2020 | JIM COTTERELL | \$ 2,700.00 | 53520 |
| 6/30/2020 | MASTERCRAFT POOL | \$ 1,148.40 | 53521 |
| 6/30/2020 | PETTY CASH | \$ 46.45 | 53522 |
| 6/30/2020 | POINT S | \$ 128.12 | 53523 |
| 6/30/2020 | POST REGISTER | \$ 195.00 | 53524 |
| 6/30/2020 | PRO EQUIPMENT SALES | \$ 1,056.10 | 53525 |
| 6/30/2020 | R & S SISTRIBUTING | \$ 301.18 | 53526 |
| 6/30/2020 | SCHAEFFERS | \$ 105.00 | 53527 |
| 6/30/2020 | SHERWIN WILLIAMS | \$ 1,156.99 | 53528 |
| 6/30/2020 | SIRCHIE FINGERPRINT LABORTORIES | \$ 53.60 | 53529 |
| 6/30/2020 | SPARKLIGHT | \$ 219.51 | 53530 |
| 6/30/2020 | STATE INSURACE FUND | \$ 6,150.00 | 53530 |
| 6/30/2020 | VALLEY OFFICE SYSTEM | \$ 86.00 | 53532 |
| 6/30/2020 | VERIZON WIRELESS | \$ 430.90 | 53533 |
| 6/30/2020 | WATCH GUARD VIDEO | \$ 34.60 | 53534 |
| 6/30/2020 | WINDOW WELDER | \$ 25.00 | 53535 |
| 6/30/2020 | 2M COMPANY | \$ 387.05 | 53536 |
| | | | |
| | Payroll 6-12-20 | \$ 70,421.94 | |
| | Payroll 6-26-20 | \$ 68,804.81 | |
| | | | |
| | TOTA | \$ 249,341.93 | |