

CITY OF HELLETT
COUNCIL MEETING
MINUTES

MAY 11, 2004

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Chad Landon, Steve Cederberg, John Lent
Police Chief: Alan Dial
Public Wks Dir.: Rick Anderson
Recreation Dir.: Dawn Lloyd
City Clerk: Sandy Gaydusek
City Attorney: Scott Hansen

PLEDGE OF ALLEGIANCE: Jacob Bush

PRAYER: Chad Landon

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

Approval of the April 27, 2004 Council Meeting Minutes
Approval of April 2004 Expenditures
Approval of April 2004 Overall Budget & Treasurer's Rpt.

Approved unanimously.

Tom Mannschreck of Thomas Development addressed the Mayor and Council to discuss the second and third phase of the Carnoustie Apartment development. Mr. Mannschreck said funding has been approved by Idaho Housing for the second phase of the project. He said the first phase was done as a Planned Unit Development (PUD) which included the entire seven acre parcel of property. Mr. Mannschreck said approximately three and a half acres were used for the first thirty six units which consisted of six buildings. He said phase two of the project will include thirty two units in four buildings, and the third phase will be sixteen units in two buildings. Mr. Mannschreck introduced Carrie Payne, the Carnoustie Apartments Manager, and Kristy Skoy, a resident of Carnoustie Apartments. Mr. Mannschreck said it appears one of the requirements for a PUD is a minimum of three acres of land. He said the first phase of the project has never been recorded which was an oversight on their part, and phase two and three were never detailed. Mr. Mannschreck said he would like to start construction in mid-July and rather than submit a new PUD, he would like to amend the original PUD application and put phase two of the plan in place. He said he would also include the details for phase three that will be constructed at a future date. Mr. Mannschreck said each phase of the project would be listed under three different partnerships, but he would own the entire project. He said a PUD specifies that the owner retains the ownership of the streets and underground utilities. Mr. Mannschreck stated he would like to present the preliminary and the final plan at the same time if all requirements have been met. Scott discussed the requirements of a PUD. He said a pre-application meeting which is being held tonight should discuss the plans of the next phases and any negative feedback that was generated from the first phase. Scott said the ordinance calls for detailed plans and a public hearing, and if there are no objections the next step would be to approve phase two and possibly discuss the future phase three. There were no objections or negative feedback from Rick, Alan, the Mayor or the Council members. Chad said the city

encouraged growth and felt Mr. Mannschreck should precede with the project but all city procedures will need to be followed. Scott said Mr. Mannschreck should present his plans, provide input at a public hearing and provide due diligence. Scott said it may be possible to include phase two and three in this amendment. Mr. Mannschreck said he would see what needed to be done to list his property under three different partnerships. The Mayor and Council called for a public hearing to be held by the City Council on June 8, 2004, at 7:30 p.m. to amend the original PUD for the Carnoustie Apartments.

Roxie Cooper addressed the Mayor and Council to discuss sewer services in the Shelley Trailer Court. She said she has owned the trailer court for forty one years, and is having a hard time with her current sewer system. Mrs. Cooper said she had read that the city is putting up \$100,000 for Melaleuca to connect to the city sewer system, and she felt her property is closer to the city than Melaleuca. She said new homes are going in on Baseline Road, and the city should be concerned about all of the septic tanks that are being installed. Mayor Christensen said the city tried to pass a bond to lay sewer line completely around the city that would encompass her property, however the bond was defeated. He said the \$100,000 the city is paying is not specifically for the Melaleuca project, but to upgrade our current sewer lagoon. Mayor Christensen said the city is not paying for any of the construction for the Melaleuca project. Chad explained why a regional wastewater facility is needed. He said Melaleuca and the Andrus brothers came to the city and asked how they might be able to utilize the city's sewer system. They were told they would need to pay for construction and maintenance of the line. Chad said the city has been putting money away to upgrade our lagoon and take care of our citizens needs. He said since there were funds presented by Melaleuca, the Andrus Brothers and the City of Shelley, it made it possible to obtain a \$500,000 grant from the Idaho Department of Commerce. Chad said ultimately developers are responsible for all costs to access city sewer or water systems. Mrs. Cooper stated that she has been told that the sewer system has not been installed deep enough to accommodate her trailer court. She asked why it was not done to be able to accommodate growth. Rick said the sewer line flows by gravity, and in the area where her trailer court is located it would take a lift station to pump the sewage to the sewer lagoon. Rick said a lift station was installed in the West River Acres Subdivision to handle their sewage, and another one would be needed for the trailer court. Chad said the developers are expected to pay for all of these costs because it is not fair to make the citizens pay for it.

Sandy said she had been contacted by Charlene Tomchak stating she had heard that the landlords are going to be required to be responsible for their tenant's city utility billing. She said Mrs. Tomchak was concerned that they would not be able to collect the utility billing from the tenant because their lease did not specify it. Sandy asked if the council wanted to make an exception in the case of a landlord lease, and allow the tenant to continue paying the city for their utilities until the lease expires or the tenant changes. She said a guarantee of payment could be executed between the landlord and the city. Mrs. Tomchak said they have several homes in the area that are rented out and have leases. She said she is concerned about charging a higher rent since utilities would be charged with the rental fee. Mrs. Tomchak said she understands the total amount the tenant is paying would be the same, but for competition purposes it may hurt their

business. Chad said the utility fees are being pushed onto the landlord because of all of the uncollectible accounts the city has experienced with rental units. He said Mrs. Tomchak would need to talk to her own legal counsel about changing her lease. The Council determined to follow the ordinance as is. Therefore no grandfather clause would be in effect for those tenants having lease even with a guarantee of payment. Sandy said they would notify the landlords and begin changing the billing by July 1, 2004.

Sandy said she received a document from the Division of Motor Vehicles regarding the use of motor scooters. She said ITD has taken the position that to drive any motorized vehicle on a public road a valid driver's license is needed. However, with regards to the city right-of-ways including sidewalks, it would be left up to the local jurisdiction. Alan felt motorized scooters should not be allowed on city streets or sidewalks. He said some of those scooters will travel up to 20 mph and would be a danger to pedestrians. The Mayor and Council determined that we would abide by the current State and City codes. Therefore, scooters will not be allowed to be ridden on the public street without the operator having a valid driver's license with a motorcycle endorsement and wearing a helmet. Also, scooters are not allowed on any sidewalk within the city limits. Alan said private parking lots are not covered by State or City code.

Chad moved, John seconded to approve a fireworks license for TNT Fireworks that will be located in the Albertson's parking lot. A liability certificate has been provided. Three in favor, Steve opposed, motion passed. Steve felt we should eliminate the sale of fireworks due to the problems that arose last year regarding fires and noise complaints.

Sandy said a developer approached her regarding water access to a development on the west and south sides of the city sewer lagoon. She said the developer is willing to pay for all expenses to install a water main line meeting all city requirements to his property. Sandy said she telephone polled the council for approval to draft a letter to the developer approving the concept of his plan, but more details would be needed before final approval could be given. Chad moved, Steve seconded to ratify approval of the concept to allow a developer to access the city water system if all regulations are met and all expense is paid by the developer. Approved unanimously.

Sandy said the third phase of the West River Acres Subdivision has been completed. She said Rick has completed inspections of the street improvements and water and sewer line improvements. Sandy said Mr. Grover needs a letter from the city accepting all of the improvements for phase 3. Chad moved, John seconded to accept the street, water and sewer improvements for the third phase of the West River Acres Subdivision as of May 11 2004 based on Rick's recommendation. Approved unanimously.

Sandy said she drafted a letter to Boyd Grover regarding the installation and expense of the street lights in the West River Acres Subdivision. She said she asked for reimbursement of the cost of the first four lights that the city paid for and for the expense to install the last eight lights totaling \$11,955.00. Rick said Mr. Grover talked to him, and they intend to come in and speak to the city

further about this matter. He did not think Mr. Grover would be willing to pay for any of the expense since the plat was grandfathered into the city with Bingham County approval. Rick said if the lights are not installed while Utah Power and Light have the trenches open it will be more costly. He asked if the city could pay for the lights, have them installed and then work with Mr. Grover and try and re-coup some of the expense. Chad said he felt the city could proceed with the light installation, and then ask Grover's to reimburse the city. John felt if the city pays for the light installation, we will not be able to re-coup any of the expense. He said the city has no leverage if the lights have been paid for. Sandy asked if the lights could be installed with an LID. Scott said yes, any improvement could be done by an LID. Sandy said the city has waived the developer costs for installing the water and sewer lines in the subdivision, have taken a reduced rate for the inspections of the improvements, etc. Steve felt the city should talk to the Grovers about this matter before Utah Power and Light installs the lights. He felt if the Grover's did not want to pay for the lights, then the city should not install them. Lorin said the city needs to be up front about initializing an LID.

Scott presented a renewal for the lien on the Lefevre property in the amount of \$19,850.00. He said the city began the lien approximately two years ago, but Gary Ratzlaff requested that the city not implement the lien for three years because they wanted to purchase the property from Mr. Lefevre. Mr. Ratzlaff wanted to improve the property, and then would be responsible to pay the city for the lien amount. Scott said Mr. Ratzlaff did not purchase the Lefevre property, and has now sold the adjacent property (Virginia Theater) to Robert Bratt. Sandy said Mr. Bratt intends to restore the Theater. Scott felt the lien needed to be renewed so the city did not lose any rights to collect on the lien. John moved, Chad seconded to renew the lien in the amount of \$19,850 against the Lefevre property, and to authorize the Mayor to execute the document. Approved unanimously.

Scott said he attended a court hearing regarding the platting of the Shelley Butte. He said Alva Harris filed a lawsuit against the county clerk to force her to plat the area since the original property owner, Tom Christensen had not been forced to plat the subdivision. Scott said he wanted to make the council aware of what was taking place, because if the plat is approved it could increase the density in the area which may be annexed into the city one day. He said two plats have been presented to the court, one provided by Butler Engineering and one provide by Harper Leavitt Engineering. Scott said this information is mainly an update in case the city needs any easements or has any water issues for the future.

Sandy said Steve Antone with the Idaho State Tax Commission visited with her to discuss what items the city should be collecting sales tax on. She said Mr. Antone said the city should be collecting tax for the rental of the sanitation cans, admission fees, etc. The Council discussed our present policy and felt the sanitation cans were not being rented to the citizens, they were provided by the city and the fee was for trash pick up service only. The Council instructed Sandy to abide by our current policy.

Rick said Justin Johnson has been with the city for one year. He received his six month wage increase and is now due for his annual increase. Rick said Justin is a great employee. He said Justin works beyond expectation, and is not afraid to learn new jobs. Rick asked for permission to raise Justin to level two instead of level one on the pay scale which is approximately \$.50 per hour more. Steve moved, John seconded to increase Justin Johnson to a level two on the pay scale instead of level one which will be retroactive back to his anniversary date. Approved unanimously.

Chad asked the other members of the council if they had reviewed the corrals and horses at the corner of Oak and Byron. He said he has received complaints from the surrounding neighbors. Chad said the appearance of the property is very shabby where the pasture and corrals are, there are insects, and there is an odor. Chad said Sandy spoke with the property owner, John Katri and he said there have been animals on the property for many years, and that use has not been abandoned for over a year. Chad said he felt there is a discrepancy, because there have not been animals there on occasions for more than a year. He said there are also a lot of horses in the pasture, and he felt the area was too small compared to the number of animals. Scott said the ordinance allows approximately four horses per acre or one animal per ten thousand square feet. Alan said this could be considered a public nuisance if there are residents that object to the appearance, odor, and number of animals. The Mayor and Council directed Sandy to draft a letter to the property owner stating there are three different violations of city code; 1. There have been multiple testimonies that animals have been off of the property for more than one year and the grandfather clause has been lost. 2. There are too many animals on the premises for the size of the parcel of property. 3. There is a public nuisance being created by the dust, odor, and appearance of the property. There has been scrap wood used to build the corral instead of the proper planks and posts. The letter should also state if the property owner disputes any of these allegations he could appear before the Mayor and Council.

Chad said he is concerned about his neighbor's dogs. He said they have two American Pit bulls that appear to be vicious. Chad said there were two small girls traveling down the alley and the dogs charged the fence and scared the girls quite badly. He said his wife, Jennie called the police and informed them of the incident. Chad felt he has limited use of his back yard because of the dogs. He said the next time there is a problem he will call the police and asked that the neighbors be cited.

Scott presented ordinance #474 regarding the relocation of a speed limit sign on Highway 91. He read ordinance #474 in full which stated the speed limit sign at Oak Street and Highway 91 will be moved 1200 feet to the north by the Idaho Transportation Department. Chad moved, John seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved unanimously. Chad moved, John seconded to adopt ordinance #474 regarding the relocation of the speed limit sign at Oak Street and Highway 91 be relocated 1200 feet to the north. Approved unanimously.

Scott presented ordinance #475 regarding the placement of “no parking” signs at the corner of Oak Street and Highway 91. He read ordinance #475 in full stating “no parking” signs will be placed along the west side of Highway 91 from Oak Street approximately 160 feet. Chad moved, Steve seconded that the provisions of Idaho Code 50-902 requiring all ordinances to be fully read on three separate days be dispensed with. Approved unanimously. Chad moved, Steve seconded to adopt ordinance #475 regarding the posting of “no parking” signs for approximately 160 feet along Highway 91 from Oak Street by the Idaho Transportation Department. Approved unanimously.

Sandy asked who will be appointed as voting delegates at the AIC Conference in Boise. Chad moved, Lorin seconded to appoint Steve as the voting delegate for the City of Shelley and John as the alternate voting delegate. Approved unanimously.

Dawn said the pool has been filled with water, and will be opened as soon as the weather permits.

Dawn said Belva’s son, as well as many other young men is being sent to Iraq. She asked permission to place some type of board honoring these young men in city hall. Dawn said she would like to include not only the young men from the city, but the surrounding area residents also. The Council granted permission. It was determined that if someone came in and gave a name to be added to the board it would be added no matter where the residency is.

Neil said there is a meeting he will be attending in Soda Springs tomorrow that is sponsored by the Idaho Department of Commerce. He said the meeting is being held to discuss rural community problems and successes. Neil said he intends to give out some of the city’s centennial pins. Chad instructed Neil to turn in his mileage and meals for reimbursement.

Rick said the Kiwanis Club donated \$1000 towards the trees that will be planted on Arbor Day.

Rick said last Thursday he attended an Idaho Transportation Department Coalition meeting in Bingham County. He said the traffic light that is scheduled to be placed at the intersection of Highway 91 and Center Street is on hold due to the paperwork being held up by Union Pacific Railroad in Omaha.

Rick said he spoke with Commissioner Jolley regarding help that the city needs from the county on several projects. He told Commissioner Jolley that the city would like help with the construction of the second half of the connector road which will go from Highway 91 to Baseline Road. Rick said Commissioner Jolley said he would look into the matter.

Rick said he will be meeting with Ed Bala from the Idaho Transportation Department to discuss the possibility of widening Highway 91 from the traffic light at the intersection of Fir Street to Baseline Road.

Rick said he received a letter from DEQ regarding some violations that were found at the transfer station a few months ago. He said DEQ has requested that a fence be erected around the transfer station with a lockable gate, the transfer station be kept locked at all times when not occupied, and no open burning would take place on the premises. Rick said they will need to find another place to burn the wood debris that is brought to the transfer station. He said they received one complaint from a business owner that has asthma and the burning was bothering him. Rick said he intends to talk to Carlos Nielsen about using his pit to burn. Rick said he will be installing the fence in the near future. He said DEQ is requiring the fence be done by July 1, 2004.

John said the Centennial Committee met last week. He said Arbor Day will be held May 22, 2004, at Brinkman Park. John said trees will be planted prior to May 22 by school children, and the remaining trees will be planted at 8:00 a.m. on Arbor Day. He said the Centennial Picnic will be held June 26, 2004 at the City Park. John said we are expecting approximately 2500 people to attend, and we will be serving hamburgers and hot dogs. He said the Chamber of Commerce intends to purchase Spud Day banners and would like to hang them prior to Spud Day each year. John asked that since this year we have the Centennial banners hanging, if we could alternate the Spud Day banners with the Centennial banners just prior to Spud Day.

John said he met with Tony Hill regarding the construction of Centennial Park. He said pavers, bricks, walls, benches, and large flower pots will be sold for engravings to raise funds for the park construction. John suggested a plaque be set up to honor Tony Hill for his hard work and time spent on this project. He said he will follow up on this matter.

Steve said the city applied for a grant to construct restroom facilities at Brinkman Park through the Idaho Parks and Recreation Department. He said the grant was not awarded to the city because of a lack of funds available. Steve suggested the city reapply after July for another grant for the restrooms and he will introduce it to the Grant Committee.

Steve said there is a numerous amount of graffiti at the Skate park and handball court that needs to be removed. He said this behavior needs to be stopped. Alan said they have tried different types of chemicals on the graffiti and none will remove it. He said the graffiti will need to be sandblasted off. Steve said he will talk to Tray Obendorf about a chemical that will strip the concrete down so it can be painted, and then the next time graffiti needs to be removed it will come off easier. Alan said the only way to stop this behavior, is to figure out a way to close the Skate Park for a period of time. He said then the children who use the park will help police it and notify the police when any vandalism is occurring. Alan said this is the way the City of Blackfoot takes care of this problem. He said the city needs a way to lock up the facility and the only way to do so is to install a fence.

Lorin discussed the sale of the Virginia Theater to Robert Bratt. He said Mr. Bratt intends to restore the building and possibly show some family films. Lorin felt the city should try and support him and help him in any way possible.

Lorin said the SICOG meeting was cancelled this month.

Mayor Christensen said a Regional Wastewater meeting was held yesterday which Chad attended. He said it was a very productive meeting, and the first phase of the project is going very well. Mayor Christensen said this development will be great for our citizens as well as the surrounding areas.

Chad said he will not be in attendance at the next council meeting on May 25, 2004.

Sandy said Utah Power and Light awarded a grant in the amount of \$2000 to the Tree Committee for trees to be planted on Arbor Day.

Adjourned: 9:50 p.m.

ATTEST: Sandy Gaydusek APPROVE: Eric R. Christensen

MAY CLAIMS

<u>DATE</u>	<u>CLAIMS</u>	<u>AMOUNT</u>	<u>CHECK #</u>
3-May-04	US Post Office	272.09	27520
4-May-04	Comdata	1,268.87	27552
7-May-04	Madsen's Ben Franklin	104.48	27554
7-May-04	Dwayne Swearingen	1,200.00	27555
14-May-04	Bingham County Drivers Lic	44.00	27556
18-May-04	Ace Boiler and Heating	160.00	27558
18-May-04	Advanced Business Systems	300.80	27559
18-May-04	Albert Moulton	30.56	27560
18-May-04	Alexander Clark Business Forms	309.13	27561
18-May-04	All American Sports	156.50	27562
18-May-03	Amcor Inc.	551.58	27563
18-May-04	American Linen	443.27	27564
18-May-04	Neil Andreason	74.80	27565
18-May-04	Big 5 Corp	162.00	27566
18-May-04	Sorensen & Hansen Chartered Blaser	1,255.00	27567
18-May-04	Boyd Jolley	1,611.26	27568
18-May-04	Bug Busters Inc.	86.00	27569
18-May-04	Burns Brothers Concrete	1,722.50	27570
18-May-04	Cable One	154.90	27571
18-May-04	Cate-Idaho Equipment Co.	138.64	27572
18-May-04	Eagle Rock Sanitation	3,569.09	27573
18-May-04	Electrical Equipment Co Inc	944.39	27574
18-May-04	Electrical Wholesale Supply Co Inc.	6.20	27575
18-May-04	Forsgren Associates/P.A.	302.50	27576
18-May-04	Sandra Gaydusek	600.00	27577
18-May-04	IAS-Envirochem	44.00	27578
18-May-04	Idaho Traffic Safety Inc.	116.00	27579
18-May-04	J & J Chemical Inc.	177.30	27580
18-May-04	Jim Cotterell	540.00	27581
18-May-04	Jolley Building Supply Inc.	157.71	27582
18-May-04	Just Sports	29.00	27583
18-May-04	K & K Blacksmith	88.09	27584
18-May-04	Kings No. 21	12.06	27585
18-May-04	Kris Novich	96.02	27586
18-May-04	Lake City International	69.72	27587
18-May-04	Dawn Lloyd	133.39	27588
18-May-04	Long Trees	1,500.00	27589
18-May-04	Mathews Plumbing & Heating	51.00	27590
18-May-04	Miles Quick Lube and Off Road Center	10.00	27591
18-May-04	Mountainland Communications Inc.	1,350.82	27592
18-May-04	Naomi Crandall	258.50	27593
18-May-04	Napa Auto Parts	54.01	27594
18-May-04	National Waterworks Inc.	3,273.65	27595
18-May-04	Pacific Steel	15,228.54	27596
18-May-04	Petty Cash	69.11	27597
18-May-04	Phillips 66 Co.	768.83	27598
18-May-04	Pioneer Publications	183.97	27599
18-May-04	Pipeco Inc.	762.50	27600
18-May-04	Pocatello Ready Mix Inc	875.00	27601
18-May-04	Post Register	133.02	27602
18-May-04	Belva Poulsen	37.78	27603
18-May-04	Pro Power	77.00	27604
18-May-04	Roker Materials Co Inc	136.29	27605
18-May-04	Jay Rowley	146.88	27606
18-May-04	Sams Club	197.74	27607
18-May-04	Shelley/Firth Rural Fire District	3,975.00	27608
18-May-04	State Insurance Fund	2,235.00	27609
18-May-04	Teton Structural Engineers	11.45	27610
18-May-04	Tractor Sales	19.00	27611
18-May-04	United States Welding Inc	79.85	27612
18-May-04	Utah Power and Light	5,825.99	27613
25-May-04	ACS	10,000.00	27614
25-May-04	Doug's Sales	1,121.25	27615
25-May-04	Krista Ball	163.19	27616
25-May-04	Compliance Services	450.00	27617

25-May-04	Stephanie Balmforth	25.00	27618
25-May-04	Shayna Black	178.00	27619
	Used in June		27620
28-May-04	AAA Sewer Service	85.00	27621
28-May-04	Advanced Diagnostics Inc.	135.00	27622
28-May-04	Bonita's	6.00	27623
28-May-04	Bott Yamaha	155.59	27624
28-May-04	Circular Butte Landfill	3,767.61	27625
28-May-04	Daniel Acevedo	1,500.00	27626
28-May-04	Davies Aqua Chem Supply co	1,873.77	27627
28-May-04	Eagle Rock Nursery	1,210.31	27628
28-May-04	Electrical Equipment Co. Inc	797.14	27629
28-May-04	Electrical Wholesale Supply Co Inc	7.63	27630
28-May-04	H-K Contractors Inc.	416.36	27631
28-May-04	IAS-Envirochem	92.00	27632
28-May-04	Idaho Traffic Safety Inc	471.00	27633
28-May-04	Intermountain Gas Co	630.28	27634
28-May-04	J Frank Schmidt and Son co	5,840.00	27635
28-May-04	Just Ask Rental	23.33	27636
28-May-04	L&S Metal Products LLC	30.00	27637
28-May-04	McLeod USA	397.90	27638
28-May-04	Metroquip Inc	357.74	27639
28-May-04	Miles Quick Lube and Off Road Center	16.00	27640
28-May-04	Pacific Steel	78.40	27641
28-May-04	Pioneer Publications	89.04	27642
28-May-04	Scott Machinery Co	64.25	27643
28-May-04	Solid Waste Systems Equipment	3,415.00	27644
28-May-04	Standard Plumbing	56.67	27645
28-May-04	United States Cellular	225.50	27646
28-May-04	ValleyWide Co-op	38.75	27647
7-May-04	City of Shelley Payroll	35,658.39	27553
25-May-04	City of Shelley Payroll	38,256.31	27557
	Total	161,825.19	