

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

SEPTEMBER 14, 2004

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

PLEDGE OF ALLEGIANCE: Scout David Butler

PRAYER: Scott Hansen

Chad moved, Steve seconded to approve the consent agenda as follows:

Approval of the minutes of August 24, 2004 Council meeting
Approval of the minutes of August 31, 2004 Informational meeting
Approval of the minutes of September 7, 2004 Budget Hearing
Approval of August 2004 Expenditures
Approval of August 2004 Overall Budget & Treasurer's Rpt.
Approval of the following building permits:

Richard Whiting	- porch
Lorin Croft	- sign
Beverly Lent	- fence
Refugio Olmos	- re-roof
Denna Poole	- home
Lisa Ferguson	- fence

Approved three in favor, Lorin abstained from voting due to a personal building permit.

Mayor Christensen conducted a public hearing to consider annexing and rezoning a parcel of property owned by Marvin Keele which he intends on developing into a subdivision. Kim Leavitt of Harper Leavitt Engineering, said Mr. Keele is requesting the property that is currently zoned as RA (Residential Agricultural) be rezoned to R1 (single family dwelling). He said the proposed development will consist of 45 residential lots. Mr. Leavitt said currently water and sewer is available, and there are two accesses into the development. He said one access is only 60 feet which fall short of the required 66 feet, however, Shannon Albright has given a 6 foot easement along his property. Mr. Leavitt said this will be the only variance they will need to meet all of the city requirements. The access that will require the variance is 274 feet long. Mr. Leavitt discussed the benefits of having this parcel of property annexed into the city so it can be developed. He also discussed other aspects of the proposed subdivision which will be addressed further when the preliminary plat is being considered. John asked if all of the issues had been resolved with the surrounding property owners. Mr. Leavitt said yes. Scott asked if Mr. Keele is requesting that the 6 foot easement be annexed into the city and rezoned. Mr. Leavitt said they did not include the 6 foot easement in the legal description that was published in the paper as being considered for annexation, but they would provide the legal easement document to the city once it is obtained. Lorin asked if Mr. Leavitt intended on including street lights on the final

plat. Mr. Leavitt said yes, all city standards will be met. Lorin asked who will own the retention pond. Mr. Keele said he intends on donating the one acre piece of property to the city after the retention pond has been constructed. Scott read Ordinance #482 in full that he drafted regarding the annexation and rezoning of Mr. Keele's property. Steve 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. Steve moved, Lorin seconded to adopt Ordinance #482 annexing and rezoning a parcel of property owned by Marvin Keele as R1 as read by Scott. Approved unanimously. Shannon Albright arrived and confirmed with the developer that he would not lose any of the use of his property by giving a 6 foot easement to Mr. Keele for this development.

Sue Betty, the Planning and Zoning Administrator for Bingham County addressed the Council to discuss the re-negotiation of the impact area surrounding the city. Sandy said the last correspondence she received from Scott including the first draft of the agreement had been sent to Sue Betty so she could discuss it with the County Commissioners. Sue presented the proposed map for the new boundaries of the impact area. She said since the city is involved in a sewer bond issue to construct a new treatment facility, she felt it would be appropriate to include that area in the new boundaries. Sue said in the original proposal she submitted to the County Commissioners, they had concerns regarding the city's code requiring the construction of garages, and the regulations manufactured homes must follow. Sandy said animals are also allowed in an R1 (residential) zone in Bingham County, and they are not allowed in the city. Sue said typically the county has adopted city's subdivision ordinances to be used in the impact area, but the city could add other items to the agreement if they felt it was necessary such as the animal issue, keeping of junk, etc. She suggested then this matter be placed back on the agenda before the County's Planning and Zoning Commission. Sue felt the biggest issues are the manufactured home and garage requirements. Scott suggested the agreement be redrafted by the county to include the items that were discussed tonight. Sue suggested we give her the changes we would like to see in the agreement so it can be redrafted. The Mayor and Council would like to review the changes at the next meeting and then send them to Sue. Scott and Sandy will follow up on this matter.

Donald Luce, 392 S. Holmes appeared before the council to discuss the appearance of his property. Sandy said she has sent several letters to Mr. Luce regarding the appearance of his property because of some complaints she has received. She said that this problem has been continual over the summer, just when Mr. Luce seems to be making progress on his property more debris appears. She said he has several vehicles on his premises that need work or are non-operable. Sandy presented pictures that were taken two weeks ago, and pictures that were taken today. She said the pictures that were taken today show some improvement on the property, but there are still several vehicles on the lot. Mr. Luce said the Dodge that is on the front of his property is going in for repair tomorrow. He said the vehicles that are on the street are all legally registered. Mr. Luce said there are always going to be cars torn apart on his property because his son and he like to work on vehicles. He said the Jeep will be removed, and the Volkswagen will be repaired soon. Mayor Christensen said this same issue regarding the appearance of Mr.

Luce's property has been ongoing for many years, and we need him to keep working on his property to resolve this problem. Mr. Luce said he will be picking up the car parts that are lying around, but there are some vehicles there that are being repaired. He said he intends to side his home, build a new front porch and replace all the doors and windows. Mr. Luce felt this would improve the appearance of his property greatly. Lorin asked Mr. Luce to complete this work by the end of this year. Mr. Luce said he would try to have it done.

There was no one in attendance to discuss the sidewalk, curb, and gutter project that is being done on South Park Avenue. The city crew is working on the project, and it is looking great. Sandy said Mr. Fillmore and Mr. Browning have paid for their portion of the work. Scott said Terry Taylor called him and said he does not feel he can get a loan to pay for his portion. Scott said the city may need to place a lien on the property to collect.

Kim Grover complimented the city on the way they have been handling growth in the area. He said he is in attendance tonight to request approval on the sewer lift vault in the West River Acres Subdivision. He said he also submitted a letter to the Mayor and Council regarding the six foot vinyl fence that will be installed around the sewer lift station. Mr. Grover said the letter states that the fence will be installed by May 30, 2005. He said the only other problem is the telemetry system that Rick is working on with Qwest. Mr. Grover said the vault was overbuilt to make it easier for the city to service it. He said he would also like approval for the streets that have been constructed to date. Chad asked if the vault has been inspected by our engineers. It was unknown. Scott suggested that this matter be placed on the next agenda when Rick could be present to give comments. He said Mr. Grover would not need to be present at that meeting, but this would give us time to also converse with our engineers and obtain their comments. Mr. Grover said they were also working on the quit claim deeds from the neighbors adjoining the sewer lift station.

Mr. Katri was not present to discuss his property at 296 N. Byron. Sandy said Alan has been working with Mr. Katri regarding the horses that are on his rental premises and the appearance of the pasture. Sandy said she spoke with Alan, and he said it appeared as if some of the pasture has been cleaned up, but there is still some work that needs to be done. Chad said he was concerned about the number of horses being kept in such a small area. The council instructed Sandy to notify Mr. Katri to appear at the next council meeting to discuss this matter, or he would be cited.

Ray Carlson met with the council to discuss the inaccessibility to a sanitation can that his renter has at 173 W. Pine. He said the building that is being rented does not have access to a sanitation can because there is no back door to the building. This means the tenant has to walk half way around the block to be able to use the can. Mr. Carlson said Bryan Davis, the owner of Imperial Cleaners, uses the building for pick up and drop off purposes for his clothes cleaning business. He said there is no water and sewer services in the building either. Sandy said Mr. Carlson is not being charged for water and sewer services, but pursuant to city code every person or business must pay for sanitation services. Mr. Carlson asked that this requirement be waived for his

tenant because he generates no garbage with his business, and he does not have adequate accessibility to a sanitation can. Chad moved, Steve seconded to make an exception to the city code and waive the requirement that the business at 173 W. Pine utilize the city sanitation service, and also, that any past due fees be waived since there is no reasonable access to the sanitation can. Also included in the motion was that if any business that is at that address begins to generate garbage that this issue will be re-addressed. Approved unanimously.

Neil addressed the council on behalf of his nephew and he regarding the ordinance that states any existing grandfather clause is lost once the property ownership changes. He said he is selling his home on North Milton which is zoned R2 (two family dwelling), however there are two apartments and his home along with another rental unit. Neil said he was told he could request a special use permit to retain his current use, but he feels this may impact him from a financial point of view. He said a special use permit requires a public hearing, and if he cannot consider any offers he may receive, it may cost him financially. Neil said he is appearing before the Planning and Zoning Commission tomorrow night to ask for a public hearing which will be scheduled for October 20, 2004. He said if he has a buyer he wants to be able to sell, and not be held up. Neil quoted several standards regarding grandfather clauses and non-conforming uses. Scott said he has reviewed the city's current code regarding non-conforming uses, and the city has no choice but to require Neil to obtain a special use permit to continue on with his multiple family dwelling use.

Scott presented a draft of an ordinance regarding the transference of water rights by developers. Lorin read Ordinance #483 in full. There was a brief discussion regarding the ordinance. Lorin 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. John moved, Steve seconded to adopt Ordinance #483 requiring developers to transfer their ground water or surface water rights or both upon developing in the city of Shelley. Approved unanimously.

Sandy said the School District purchased building permits for the construction of the new elementary, and the additions to the Hobbs Middle School and the High School. She said these were purchased at full price, and since the State would be doing some of the inspections the city agreed to reimburse the school for a portion of the permits based on the amount of time the city building inspector put in on the jobs. She said they have already been reimbursed \$1036 for the Hobbs addition. Sandy said based on the number of inspections our building inspector performed, she recommends to keep \$75 per inspection and reimburse the School District a total of \$8189. She said the School District paid \$12,877 for the construction of the Elementary and \$7,762 for the High School Addition. Chad suggested that the reimbursement check be given to the School District when the modular trailer unit at the former Goodsell Elementary site is removed. Chad moved, Steve seconded to reimburse the School District \$8189 for a portion of the building permit fee for the addition to the Shelley High School and the construction of the elementary school. Approved unanimously. The school will be notified that the reimbursement check will be given to them once the modular unit is removed from the Goodsell Elementary site.

Sandy said she has an uncollectible account that is over seven years old. The amount of \$37.25 is owed by Marianne Goodwin. Chad moved, Steve seconded to write off the amount of \$37.25 as uncollectible from Marianne Goodwin. Approved unanimously.

The Mayor and Council discussed when the next Sewer Bond Informational Meeting should be scheduled. They scheduled a meeting for September 29, 2004, at 7:30 p.m. Sandy was instructed to contact Hobbs Middle School to see if the city could use the gym for the meeting. Chad said he would not be in attendance at that meeting. Sandy asked if the city should send flyers out to all the city residents informing them of the meeting. The Mayor and Council decided that flyers would not be sent this time, but pamphlets should be made to hand out during Spud Day with some of the information regarding the bond issue. Sandy was also instructed to publish the meeting in the Pioneer.

Scott said he has just been appointed to a Judgeship in Bingham County. He said he will be starting this new position on November 1, 2004. Scott said he will no longer be providing attorney services, so the city will need to appoint a new city attorney. Scott said he has several colleagues that are interested in the position. He said he will discuss this further with his colleagues. Scott said the city may be able to save some money by asking the new city attorney to provide civil and criminal services.

Scott said the City of Kooskia has sent the city a letter asking us to support the opposition regarding a settlement with the Nez Perce Tribe. The Mayor and Council discussed this matter and instructed Sandy to contact the Mayor of Kooskia and see if it would help his case if the city drafted the resolution.

Sandy said there will be an America Promise Forum being held in Boise October 4-6, 2004. She asked if anyone would like to attend. Steve asked Sandy to contact the organization sponsoring the meeting, and ask if an attendee could attend just one day of the three day conference.

Mayor Christensen said the Northern Interceptor Line Plans have been approved, and now the project is being put out to bid. He said he attended a construction meeting and was informed the new asphalt could probably not be laid until next spring.

Sandy said Alva Harris contacted her regarding the appearance of his property on North Holmes. He said he was aware that there is still some debris and weeds on the property, but it would be cleaned up shortly. Mr. Harris indicated he was waiting for the new tresses to be installed by Jolley Building and then the property would be cleaned up completely.

Sandy said Jackie Helms from the Local Highway Technical Assistance Council contacted her today and said there was a \$50,000 grant available for the city to complete a transportation plan. She said Forsgren submitted the grant and requested \$100,000, however Ms. Helms said the maximum being given for a transportation plan is \$50,000. Sandy said she contacted Forsgren

and they can tailor the plan to any budget the city chooses. She said she budget our match which is 7.34% or \$4000. The Mayor and Council determined that the city should accept the grant and instructed Sandy to notify the Local Highway Technical Assistance Council.

Sandy said she will not be in attendance at the next meeting.

Neil thanked Scott for the great service he has provided the City of Shelley.

Neil said it was suggested by a Republican Committee member to hold Spud Day at the North Bingham County Park.

Neil said he will continue working with Lisa Geary on the Auditorium District.

Mayor Christensen said it was being considered to close the RV Dump at the Food Plaza. He said there have been past backups in the city sewer system because of what is being put down the RV dump. After discussing this matter further with Boyd Jolley it was decided to create a vault at the RV dump to eliminate any city sewer back ups. Mayor Christensen said Steve Johnson from Food Plaza will work with the city to create the vault and the project will be at Boyd Jolley's expense.

Dawn said she is now beginning Flag Football.

John said the Centennial Committee is working on a closing ceremony for our Centennial Year. He said there may be something put together for the day after Thanksgiving such as a Birthday party for the city. John thanked Scott for his service to the city.

Steve said there will be a dedication on Spud Day at 1:00 p.m. for the naming of the baseball fields at the City Park. He asked the Mayor to dedicate the monument.

Steve said he would be able to get the cars that will be used in the parade for the Mayor and Councilmen. Steve thanked Scott for his service to the city.

Lorin said he has noticed that Monte Fowler has an increasing large number of vehicles in front of his business on Locust Street again. He said he will discuss this further with Alan.

Lorin asked about the street traffic light that was suppose to be installed at the intersection of Center Street and Highway 91. Mayor Christensen said the city drafted a letter to the Idaho Public Utilities Commission requesting their help since Union Pacific Railroad would not approve the project. Sandy said she heard from a gentleman from the Public Utilities Commission, and he said he would investigate this matter further with the Idaho Transportation Department. Lorin thanked Scott for his service to the city.

Chad said he will be gone at the next meeting and thanked Scott for his service to the city.

Mayor Christensen thanked Scott for the great job he has done for the city.

Adjourned at 10:40 p.m.

ATTEST: *M.B. Williams* APPROVE: *Eric Christensen*