

CITY OF CHELSEY  
COUNCIL MEETING  
MINUTES

---

NOVEMBER 13, 2007

PRESENT: Mayor Eric Christensen  
Council Members: Lorin Croft, Steve Cederberg, John Lent, Charlotte  
Fredrickson  
Police Chief: Alan Dial  
Public Wks Dir: Rick Anderson (absent)  
Recreation Dir.: Dawn Lloyd  
City Clerk: Sandy Gaydusek  
City Attorney: B.J. Driscoll  
Public Works Foreman: Chuck Lloyd

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Mayor Christensen

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

Minutes of October 23, 2007 Council Meeting

Building Permits:

Jeanine Anderson - shed  
Taylorview Apts. - apartment buildings  
Max Ririe - commercial building  
DBA Apartments - community center

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin – aye, John - aye. Approved unanimously.

Mayor Christensen stated the city election was held November 6, 2007. The votes need to be canvassed to meet Idaho Code. Sandy said there were 1708 registered voters and there were 319 votes cast. The votes were tallied as follows: Seat #2 John Lent – 283 votes, Seat #3 Earl Beattie – 91 votes, Seat #3 Charlotte Fredrickson – 226 votes. Sandy presented an abstract of the votes cast at the election with the above information. Steve moved, Lorin seconded to approve the canvas of the votes as presented on the abstract, which is attached to these minutes. Approved unanimously.

Kathleen Lewis, Southeast Idaho Council of Governments presented an amendment to the Urban Renewal Plan. She said the boundaries were officially changed at the meeting held October 23, 2007, which facilitates a change to the plan, and include new projects. Kathleen said the Urban Renewal Board voted to establish Phase 3 of the Façade Project, and to allocate \$100,000 for this purpose. She said each business which has not utilized Urban Renewal Façade Funds, which lies within the new boundaries, will be eligible to receive 75% of costs to update their facades on their businesses. Kathleen said the maximum a business could receive is \$5,000. Kathleen presented Resolution #07-13 to the council. John moved, Charlotte seconded to adopt Resolution #07-13 to amend the urban renewal boundaries and to include new projects such as Phase 3 Façade Project in the Urban Renewal Plan. Approved unanimously.

George Donnahue from the American Legion Post #93 presented a map showing a parcel of property that his Post is proposing to construct a building. However, there is a problem since the

proposed property has no access to a public street. Mr. Donnahue asked the city if they would be willing to deed David B. Bleak Memorial Park to the American Legion. He said they need a thirty-foot easement into the property, and in exchange for the park they will improve and maintain it. Mr. Donnahue said they realize a city well sits on the property, and that portion would remain deeded to the city. He said he has plan for a twenty by forty foot building to be built. Mr. Donnahue said the property they have will eventually need a zone change to build the American Legion building. He said they are in the process of getting some concrete bids for some improvements to the park. Husk reminded the council that there cannot be any structures within a fifty-foot radius of the well. Lorin asked what will happen to the park when the post becomes inactive, and it is not being taken care of. Mr. Donnahue said the Post did not intend on becoming inactive. However, a provision could be added to the deed that the property would revert back to city ownership if the Post became inactive. He said there is \$600 annually available to the Post from the county to maintain the park, but they have to have it deeded to them. Mr. Donnahue projected that the building will be constructed within the next five years. He said they have pending grant applications for funds to help construct the building. Mr. Donnahue said the playground equipment on the park will be left as is, and any parking for the Post will be done on the property where the building will be located. BJ suggested before any decision is made that a title company be consulted for any conditions that might have been listed on the original deed to the city. Mr. Donnahue said if it appears the city cannot deed the entire park to the American Legion Post #93, then at least seventeen feet would be sufficient for an access easement. Steve suggested that this matter be tabled until more information can be received.

Shawn Allen said the Taylorview Apartment Complex is under construction, however Rocky Mountain Power needs an easement to get electricity to his property by digging underneath the city property known as the former railroad spur. He said Rocky Mountain Power normally does not need an easement to cross under or over a city street, however the spur has not been dedicated as a street. BJ studied the drawing that Mr. Allen presented and stated there is no exact location of the easement given, such as a legal description. He said it also states work can be done on, across, or under the spur. BJ asked if there is any future plans that the city has that may be hampered if an easement such as this one is granted. He said the easement also states that anything flammable cannot be stored near the easement, nor any fire can be lit. BJ said another item to be considered is whether or not to charge for the easement. The Council determined that Rocky Mountain Power could have an easement, but it would be limited to an underground easement only. Steve moved to approve an underground easement under the former railroad spur at no cost to provide power to Shawn Allen's development. There was no second and further discussion was held. Alan suggested that a provision be added to the easement to designate responsibility for any damage to the wire that Rocky Mountain Power will install if and when a street is constructed. Steve moved, Lorin seconded to approve a ten foot wide easement to Rocky Mountain Power in which line will be buried underground only (no overhead, etc.) across the former railroad spur for the purpose of getting electricity to Shawn Allen's development. Approved unanimously. The Council did not feel it would be necessary to add a damage clause. Shawn Allen will provide a new easement that will be executed.

Shawn Allen said he intended to discuss the tap fees for his apartment complex, but he decided to withdraw the discussion. He said he understood that the tap fee was for the main tap into the complex, not per building too, however this matter has been resolved and he is willing to pay the entire fee.

John said he has no firm commitments from anyone willing to serve on the Planning and Zoning Commission, but it will keep working on this assignment.

Sandy presented Ordinance #515 that BJ drafted annexing and rezoning a parcel of property owned by Rich Eaton. Steve moved, Lorin seconded to suspend the reading of Ordinance #515 on three different days and read the title of Ordinance #515 once. Approved unanimously. Steve read the title of ordinance #515 annexing a parcel of property owned by Rich Eaton into the city limits with the zoning designation of R1 (single family dwelling). Steve moved, Lorin seconded to adopt Ordinance #515 annexing and rezoning a parcel of property into the city limits as R1 (single family dwelling). Approved unanimously.

Lorin moved, John seconded to approve a beer license for Madrigals Restaurant for 2008. Approved unanimously.

Chuck said the Public Works Department received their new bucket truck, and would now like to sell the old bucket truck at an auction. Steve moved, John seconded to declare the 1989 Chevrolet Truck Vin#1GBJV34W3KF302778 as surplus property to be sold at auction. Approved unanimously. Chuck said they also have a hydraulic lift gate that needs to be sold, however there is no make or serial number on the equipment. Steve moved, Charlotte seconded to declare the hydraulic lift gate as surplus property to be sold at auction. Approved unanimously.

Chuck said that Justin Johnson is due for his performance raise, and he would recommend that Justin be raised two levels instead of one, based on his great work performance. Steve moved, John seconded to approve a two level performance increase for Justin Johnson. Approved unanimously. He will not be eligible for another performance increase for two years.

BJ said he received the backhoe lease agreement and has made some changes to the wording. He said he is waiting for Scott's Machinery to make the changes and then it will be sent back to the council for approval.

Husk delivered the Transportation Study for the city. He said this document helps plan for future improvements and aids with acquiring grants for projects. Husk said this study was paid for totally by grant funds in the amount of \$50,000. The Mayor and Council kept copies of the study for their review.

Husk discussed the sewer regulations that were presented to each of the four entities that make up the Regional Authority Board. He said there has not been any district or association formed,

but there is a Joint Powers Agreement that the four entities have entered into. Husk said new customers are being added into the system frequently and we are moving closer to construction of a new treatment plant. He said there needs to be a document in place to allow the Regional Authority to enforce sewer regulations. BJ said his main concerns are enforcement and jurisdiction. He said the sewer regulations need to be added to amend into each entities existing code to make the regulations effective. Husk said he mainly presented a concept, and is still not sure the Regional Authority can actually have ordinances. He said the Regional Authority's attorney has briefly reviewed the regulations, but not in depth. Husk said this ordinance defines the service areas and some of the items that need to be addressed in each of the counties. He said this should come together more once the new plant is running. BJ said he will submit a summary of questions regarding the regulations to Husk.

Husk presented a draft for the water facility planning study. He explained the five-point analysis, and discussed the protest that was received when the city applied for a new water right. Husk said water rights, projected growth and infrastructure are discussed in the facility planning study. He said the current obligations for pending subdivisions have placed the city over their current water rights. Husk said the problems and deficiencies the city needs to anticipate due to growth are: insufficient water rights, multiple diversion points, water right discrepancy, insufficient pumping facilities, well lot maintenance, well discharge piping, excessive pumping capacity, diminished pumping capacity, insufficient storage capacity, water tank access, storage tank maintenance, insufficient line size, inadequate fire flow, hydrant color and ordinance, all "as built" drawing are not available, conformance to total coliform and groundwater rules, and backflow prevention devices. Husk said the engineer's recommendations to address these problems are listed in the facility planning study. He said they will be submitting the draft to DEQ for their comments. Husk said one more chapter will be added that will address an implementation plan.

Bob Butler, the developer of the Juniper Court Subdivision addressed the council to ask for acceptance of all infrastructures in the Juniper Court Subdivision. He said he transmitted the "as built" drawings to Sandy. Mr. Butler said a street light has not been installed yet. He said Rocky Mountain Power will not install the light unless the city places the work order. Mr. Butler said he would be willing to pay for any costs associated with the installation of the light. The Mayor and Council asked Sandy and Chuck to help Mr. Butler with the installation of the street light. John moved, Charlotte seconded to accept all infrastructures in the Juniper Court Subdivision as city infrastructure conditional upon a street light being installed at the developers (Mr. Butler) expense. Approved unanimously.

Bob Butler said Max Ririe would like city sewer installed to his proposed industrial subdivision. He said the city has stubbed a line in across Highway 91 at the connector road. Mr. Butler said if sewer is brought from that are north of Mr. Ririe's property several easements will be needed. He said he would like to proceed and request the easements that are needed be signed over to the city. John said there may be some Urban Renewal funds available to help with the costs of the sewer line extension. Mr. Butler said Mr. Ririe intends on installing a ten inch line that will help

with future developments also. He would like this to be considered when helping with the costs of the sewer line extension.

BJ said he has negotiated the lease contract with USDA for use of the transfer station. He said there are still some issues regarding the slurry seal that the city would like USDA to pay for when their lease is up. BJ said USDA is willing to pay for the repair and the maintenance of the asphalt during the lease period, and if they are there over four years they are willing to pay for half of the current estimated cost to seal the parking lot. The lease period would be considered as starting on October 1, 2007. Ian Davis estimates that the transfer station will be utilization by USDA will diminish since the quarantine boundaries have changed. BJ said he needs direction from the council on how much of the estimated reseal costs USDA should pay for. BJ suggested the city propose USDA pay \$7500 towards the estimated cost if they utilize the transfer station for a four year period. BJ was directed to proceed with the negotiations with USDA paying \$7500 for sealing costs if they continue to use the transfer station for four years.

BJ said he is still working on the water right issues associated with the water well at the sewer lagoon. He said there is a hearing scheduled in December.

BJ said individual letters were sent to the protestors of the city's application for a new water right. He said he would like to discuss this further in an executive session pursuant to Idaho Code 67-2345(f).

Sandy said she received a request from Qwest for permission to bore and lay cable for telephone service along Longhurst Lane. Chuck said he could see no problem with this request. Lorin moved, John seconded to approve Qwest's request to lay buried cable along Longhurst Lane. Approved unanimously.

Sandy asked if anyone is interested in attending the Legislative Luncheon Academy at the end of November. There was nobody interested.

Sandy presented copies of the Logite proposal for the city to dispose of city waste at the Mooreland Transfer Station. This is a concept proposal only since Logite will not be up and running for about 3 years. Logite is a company that manufactures vinyl fencing and fuel with certain type of waste.

Sandy said that Ball Development is going through the annexation and rezone process right now for two large parcels of property along the New Sweden Highway. She said they are proposing to develop a multi-family development and a single family development, as well as selling land to the School District to build a new elementary school. Sandy said the engineers for the developer would like to meet with the city engineers to discuss the platting of this project. She said she informed them that the city is charged for any time our engineers spend with developer's engineers. Sandy said they are willing to pay the additional cost for review and design of the plat, however she was not sure if a conflict of interest would be created. BJ said he would do

some research with other attorneys and Sandy can check with AIC. The council determined that if there is no conflict of interest, Ball Development Engineers can meet with Forsgren regarding their plat as long as the city is reimbursed for the additional time spent above the normal review process.

Chuck said the city crew has been busy installing Christmas lights and preparing for the holiday season.

Mayor Christensen reported on a broken water line that happened last Saturday. He said personnel was called out and the line was fixed by 11:00 a.m. Mayor Christensen expressed appreciation to the city workers that worked on the line in a timely manner.

Dawn said the Mayor's Youth Advisory Council met last week. She said there was a large response from youth that were interested in serving on the council. Dawn said 25 youth attended the meeting, and another 27 contacted her and were interested in serving.

Dawn said the Jazz Basketball program is drafting teams at this time.

Charlotte said she attended the Kiwanis meeting today. She said the Kiwanis intend on furnishing the candy canes for the day after Thanksgiving festivities. John asked Charlotte to coordinate with Diane Mickelson on the event. Charlotte said she also was informed at the meeting that another Lions Club will be forming in Shelley.

John said on November 23, 2007, there will be a Tree Lighting Ceremony held at Dawn Lloyd Fields at 4:00 p.m. There will be the 3<sup>rd</sup> Annual Chili Cook-Off and a parade of light in conjunction with the tree lighting.

Lorin said he attended a hearing at the Bingham County courthouse regarding the Ridgeline Windmills. He said the hearing had to be rescheduled because all of the property owners within 300 feet of the intended location for the windmills were not notified.

Lorin discussed BYU college and his visions of future developments in Shelley.

Lorin said he spoke with the Bingham County Commissioners and the County is willing to help extend the connector road from Anderson Road to Center Street.

Lorin moved, Steve seconded to adjourn into executive session pursuant to Idaho Code 67-2345(f) to discuss possible litigation. A roll call vote was called for. Steve – aye, Lorin – aye, John – aye, and Charlotte – aye. Approved unanimously.

Lorin moved, Steve seconded to reconvene into regular session. Approved unanimously.

Mayor Christensen said possible litigation was discussed during executive session.

Adjourned: 10:55 p.m.

ATTEST: Sandy Daydua APPROVE: Eric R. Chute

**OCTOBER CLAIMS**

<u>DATE</u>		<u>AMOUNT</u>	<u>CHECK #</u>
11-Oct-07	Robert G Tincher	85.32	31235
17-Oct-07	Jed Lewis	87.72	31236
17-Oct-07	Stanley J. Peterson	276.73	31237
17-Oct-07	Sams Club	877.04	31238
17-Oct-07	Top Notch	713.00	31239
31-Oct-07	A-Z Antiques & Sports	10.95	31240
31-Oct-07	Advanced Diagnostics Inc	65.00	31241
31-Oct-07	Alltel	345.27	31242
<b>31-Oct-07</b>	<b>Association of Idaho Cities</b>	<b>1,723.00</b>	<b>31243</b>
31-Oct-07	Becky Vasas	5.87	31244
31-Oct-07	Blackfoot/Bingham County Youth Coalition	950.00	31245
31-Oct-07	Business Phone Specialists Inc	66.50	31246
31-Oct-07	Cable One	164.95	31247
31-Oct-07	Cedar Hills Gun Club	245.00	31248
31-Oct-07	Computers Arts Inc	820.00	31249
<b>31-Oct-07</b>	<b>Dell Marketing LP</b>	<b>1,544.31</b>	<b>31250</b>
<b>31-Oct-07</b>	<b>Eagle Rock Sanitation</b>	<b>3,546.66</b>	<b>31251</b>
31-Oct-07	Ellis Automotive	108.36	31252
31-Oct-07	Exxonmobil Fleet/Gecc	226.00	31253
31-Oct-07	First Responders	67.98	31254
<b>31-Oct-07</b>	<b>Forsgren Associates/P.A.</b>	<b>5,890.00</b>	<b>31255</b>
<b>31-Oct-07</b>	<b>H-K Contractors Inc.</b>	<b>1,112.40</b>	<b>31256</b>
31-Oct-07	IAS - Envirochem	312.00	31257
31-Oct-07	Idaho Rural Water Association	310.00	31258
<b>31-Oct-07</b>	<b>IDHW/DEQ Drinking Water</b>	<b>4,800.00</b>	<b>31259</b>
31-Oct-07	Intermountain Gas Co.	115.30	31260
31-Oct-07	Intoximeters Inc.	153.60	31261
31-Oct-07	Kimball Midwest	43.74	31262
31-Oct-07	Kirkham Auto Parts Service Co. #8	232.29	31263
31-Oct-07	Lexisnexis Matthew Bender	359.48	31264
31-Oct-07	Lynk3 Technmologies	326.67	31265
<b>31-Oct-07</b>	<b>McGrath Meacham and Smith PLLC</b>	<b>1,497.28</b>	<b>31266</b>
31-Oct-07	McLeodusa	522.40	31267
31-Oct-07	Mountain View Sales	15,117.00	31268
31-Oct-07	Petty Cash	85.55	31269
<b>31-Oct-07</b>	<b>Phillips 66 Co.</b>	<b>1,329.85</b>	<b>31270</b>
31-Oct-07	Post Academy	30.00	31271
31-Oct-07	Public Transportation Dept	700.00	31272
31-Oct-07	Qwest	176.86	31273
31-Oct-07	R&S Distributing	113.40	31274
31-Oct-07	Reliable	113.32	31275
31-Oct-07	Rossiter Electric Motor	95.05	31276
31-Oct-07	Scott Machinery Co.	4,939.38	31277
<b>31-Oct-07</b>	<b>Shelley Pioneer</b>	<b>516.00</b>	<b>31278</b>
31-Oct-07	Shelley/Firth Rural Fire District	4,886.00	31279
31-Oct-07	Cheryl Simmons	350.00	31280
31-Oct-07	Smith Chevrolet Co. Inc.	19,479.00	31281
<b>31-Oct-07</b>	<b>Southeast Idaho Council Governments</b>	<b>676.34</b>	<b>31282</b>
31-Oct-07	State Insurance Fund	6,275.00	31283
31-Oct-07	State of Idaho Bureau of Occupational LI	90.00	31284
<b>31-Oct-07</b>	<b>Territorial Supplies</b>	<b>2,142.68</b>	<b>31285</b>
31-Oct-07	Teton Water Works LLC	360.00	31286
31-Oct-07	Traffic Safety Supply Co.	490.80	31287
31-Oct-07	US Post Office	328.90	31288
31-Oct-07	United States Welding Inc	77.00	31289
31-Oct-07	Watson Roto Rooter/Thayne Watson	1,385.00	31290
31-Oct-07	Wilbur-Ellis Company	450.00	31291
<b>5-Oct-07</b>	<b>City of Shelley Payroll</b>	<b>49,746.64</b>	
<b>19-Oct-07</b>	<b>City of Shelley Payroll</b>	<b>46,946.21</b>	
<b>8-Oct-07</b>	<b>Kane Auctions</b>	<b>50,000.00</b>	
	<b>Total</b>	<b>234,504.80</b>	



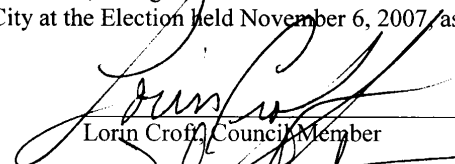
**ABSTRACT OF VOTES  
CITY OF SHELLEY  
MUNICIPAL ELECTION  
NOVEMBER 6, 2007**

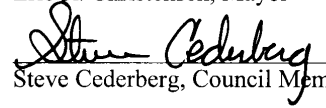
# of Registered Voters		1708
Votes Cast		18.7 %
<b>For SEAT #2</b>		
John Lent	283	88.7 %
		%
<b>For SEAT #3</b>		
Charlotte Fredrickson	226	70.8 %
Earl Beattie	91	28.5 %

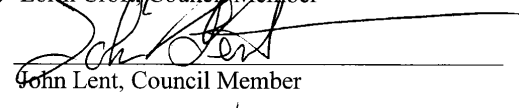
STATE OF IDAHO        )  
                                  ) ss.  
City of Shelley        )

We, the council-members of the City and State aforesaid, acting as a Board of Canvassers of election, do hereby state that the attached is a true and complete abstract of all votes cast within this City at the Election held November 6, 2007, as shown by the records now on file in the City Clerk's office.

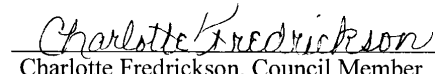
  
Eric R. Christensen, Mayor

  
Lorin Croff, Council Member

  
Steve Cederberg, Council Member

  
John Lent, Council Member

Attest:  
  
Sandy Gaydusek, City Clerk/Treasurer

  
Charlotte Fredrickson, Council Member

STATE OF IDAHO        )  
                                  ) ss.  
CITY OF SHELLEY     )

I, Sandy Gaydusek, City Clerk of said City & State, do hereby certify that the attached is a full, true and complete copy of the abstract of votes for the candidates therein named as shown by the record of the Board of Canvassers filed in my office this 13<sup>th</sup> day of November, 2007.

  
Sandy Gaydusek, City Clerk/Treasurer