

CITY OF SHELLEY
COUNCIL MEETING
MINUTES

APRIL 28, 2009

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

PLEDGE OF ALLEGIANCE: Alan Dial

PRAYER: Charlotte Fredrickson

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

Minutes of April 14, 2009 Council Meeting
Approval of March 2009 Expenditures
Approval of March 2009 Overall Budget & Treasurer's Rpt.
Building Permits:
Hidden Treasures - roof
Doris Sermon - fence
Michele Dransfield - fence

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

Wes Cook, a representative of Forsgren said the construction of the wastewater treatment plant is moving along nicely. He said most of the buildings are up and things are looking good. Wes said Rocky Mountain Power needs a utility easement to access the site for maintenance of their line. BJ said he has reviewed the easement document and has some questions. He said he tried to contact Jim Knight of Rocky Mountain Power, but he was out of the office. BJ said Exhibit A not identified in the document and is unclear. He said some of the language is also unclear. BJ said he will continue to try and contact Jim Knight, and present the easement at the next council meeting. The matter was tabled until the next council meeting.

Roger Wood addressed the Mayor and Council to discuss cats running at large in the city. He said they are a nuisance and have become a real problem. Mr. Wood said his neighbor has trapped twenty-one cats in the past month. He feels the city needs an ordinance to address this problem, and have residents with cats to control them. Mr. Wood feels many of the cats are feral and maybe the city should establish a feral program. He said that way the cats could be trapped, spayed and clip their ears. This way the cats cannot reproduce. Mr. Wood said he had been taking the trapped cats to Bonneville County, but since he does not reside in Bonneville County they will no longer accept them free of charge. He said he contact Bingham County and an animal control officer is only available between noon and 1:00 p.m. to take the animals. Mr. Wood said he works and cannot drop the animals off during that hour. He said he understands if he traps the cats, Bingham County will come to his property and remove the cats, but he does not want to create an issue with his neighbors. Mayor Christensen said the problem in the city is

with irresponsible pet owners. Mr. Wood asked if the city could designate a place where he could drop off the trapped cats that he catches and have Bingham County pick up the trap. Alan said the city doesn't have a facility to contain cats, he said we would have to build a structure. He thought the city could build something fairly inexpensive. Alan said we could not build a structure by the pound for people to drop off cats, because the pound is at the city shop where the compound is locked during non-operational hours. He said the drop off point needs to be accessible during all hours of the day. The Council said they would review this matter. Mr. Wood said he would check back at a later date.

Sandy said Richard Ottley has requested a rezone of his property at 270 Spud Alley to Central Business (CB) from Manufacturing (M). The Planning and Zoning Commission have held a public hearing and recommend approval to the Council. Lorin moved, Steve seconded to call for a public hearing on May 26, 2009, at 7:30 p.m. Approved unanimously.

Willard Price discussed growth, development and long term plans for the City of Shelley. He said he has done some research on property taxes, and the residential property taxes in the City of Shelley are double the City of Ammon's. He said however, the commercial property taxes in the city are only ¼ as much as Ammon's. Sandy said tax levies cannot be set differently for commercial and residential properties, but the City of Ammon does have more commercial property than the City of Shelley, which in turn raises the total valuation of their city thus lowering their tax levy. Mr. Price asked at what point is growth a good thing. He felt if the city would make a decision to go forward with drilling a well and invite development into the city, he would work with Bingham County to help them understand the tax difference. BJ said the city has filed for water rights, but the application was protested. He said a hearing has been held with the Idaho Department of Water Resources, but no decision has been made yet. BJ said is not that the city does not want to drill a well, but we cannot get the water rights to do so. He said the council has taken the position that if a city is not growing it is dying. BJ disclosed that he has worked with Mr. Price several years ago. Mr. Price said he knows of approximately nine acres of retail development that he would like to work towards bringing on line. He said there is also a multi-family development looking at the Shelley area. Mr. Price said the multi-family housing is not meant to be low-income housing, but to provide housing for median income families and older families. Steve said if someone wants to build in Shelley and also live here, they are getting the best of both ends. Mr. Price said the city needs to have planned growth and vision for the future. He said we need to have more organized growth.

Lorin moved, John seconded to ratify approval of an archery competition to be held at the Shelley High School on May 1st and 2nd by the Boy Scouts and supervised by Joe Tucker. Approved unanimously.

John said Mr. Price has been serving on the Comprehensive Planning Committee but never appointed. John moved, Lorin seconded to appoint Willard Price to the Shelley Comprehensive Planning Committee. Approved unanimously.

Steve moved, Charlotte seconded to set the City of Shelley Budget Hearing for the 2009 – 2010 fiscal year for September 8, 2009, at 7:30 p.m. Approved unanimously.

Lorin moved, Steve seconded to approved a General Business License for DahlHouse Communications at 241 S. Park Avenue for 2009. Approved unanimously.

Sandy said she would need to register and make reservations for those who wish to attend the AIC Conference in Boise June 17th through the 19th. Mayor Christensen, John, and Alan plan to attend.

Lorin discussed the annexation of the new elementary school on New Sweden Highway. He said we have promised the school water and they should be annexed into the city. Lorin suggested annexing the Ball property including the school by going down Highway 91. John said the school has signed a water service agreement, agreeing to be annexed whenever they may become contiguous. Lorin said he is really opposed to have this school in the county.

BJ said the residents of Kelley Acres have appealed Judge Simpson's decision to dismiss their first appeal to the Idaho Supreme Court. He said this typically takes approximately twelve to eighteen months for a decision.

Sandy presented a draft for an Identity Theft Prevention Program and a Resolution to adopt it as required federally by May 1, 2009. She said this program will require the city to check and verify identity of a person prior to signing them up for city utility services. Sandy said at first it appeared this program was going to be fairly complicated, however after speaking with AIC it would be pretty simple. She said the main changed will be that people signing up for city services will have to come into the office in person instead of calling on the telephone. Sandy said an application will be prepared for city services and we will mark how their identity was verified. She said the rules do not specify what particular documents must be checked and if copies of the verification documents must be kept. Sandy said the office staff will need to be trained on this matter. BJ said he reviewed the program and has no major objections. He said by imposing new duties upon personnel, it could cause liabilities, but he recommended to move forward. Steve moved, John seconded to adopt Resolution 08-12 implementing an Identity Theft Prevention Program for the City of Shelley. Approved unanimously.

BJ said previously he discussed a small amount of water right son the north side of Idaho Falls that may be available for the City of Shelley to purchase. He said we will lose about one third of the rights upon transfer. BJ asked if the city is interested. He said the cost is unknown yet, but would probably constitute two hook ups. BJ was instructed by the council to follow up with this matter.

BJ said Lorin talked to Dave Noel about the water rights offered for sale by Del Kohtz. He said the acre-feet available would constitute about 200 to 250 hook ups. Dave thought the price of \$322,000 was a fair price. BJ said the transfer of the water rights could be protested, and we

should possibly talk to Mr. Kohtz about this further. The council said they need to look at funding sources and possibly approach some of the developers about help. There was discussion of waiting to drill the new well we currently have funding for, and buy the water rights now. Wes said the design of Well #5 is currently underway and is being designed as a firm capacity well. Rick felt the city is doing the right thing by drilling now. John said we should make the well a priority and talk to Ball Development and other interested developers about helping fund additional water rights.

Alan said the trial before the District Judge regarding Linda Fitzpatrick and her four dogs will be held sometime in June. He said she is stating there is more than one household at her premises. Alan said he has sent the city's definition of dwelling units and apartments to David Cannon who will be representing the city. Sandy said she received a comment from Valerie Harker who lives at 14499 S. 1st E., Idaho Falls that she supports the City of Shelley's ordinance regarding dogs.

Sandy said as a follow up to the insurance presentation made by Olin Barkdull for Assurant and Nexstep she contacted Ken Anderson our appointed insurance agent. She said the soft quote for Assurant and Nexstep was an estimate only, but a hard quote could not be obtained until every employee fills out health statements. Sandy said Ken sent her a soft quote for Blue Shield, the same insurance we currently have and the soft quote was \$5796 and less than the quote for Assurant and Nexstep by approximately \$2000 per month. She said our premium we pay is \$13657 per month, so there is a vast difference when comparing soft quotes and hard quotes. The Mayor and Council determined the city would remain with Blue Shield for the time being.

Sandy said Ball Development has asked for a letter from the city giving permission to work in the city right-of-way along the New Sweden Road where the new water transmission line will be laid for the new elementary school. She said she is not sure if there is a city right-of-way or easement along that road. Sandy said when the city laid the two-inch line many years ago, it appears no easement was recorded. She said when the city needed to annex half of the road to have jurisdiction to patrol and maintain the road, the county told her that there is no dedicated right-of-way, and the property owners own to the middle of the road. Sandy said Wayne Crow, the engineer for Ball Development said all but two, possibly three property deeds list the county road. She said Mr. Crow said he would get permission from those property owners for the construction of the transmission line. The Council agreed that the city would give permission to construct the line in the right-of-way if permission was obtained from those property owners.

Charlotte commended the city crew on the appearance of the city. She said she spoke with the School District and they received a \$20,000 grant and one teacher received a \$20,000 grant for superior achievement.

Charlotte said the Tree Committee and the Youth Coalition was going to do some work around some of the trees as part of the Youth Service Day project.

Charlotte suggested instead of the city choosing a candidate for Idaho's Brightest Star program, to choose a Citizen of the Year, and honor them in the community. She recommended to start the program at the same time of year that the State honors the Brightest Star. John suggested honoring a Citizen of the Year during the Spud Day celebration so they can ride in the parade. Charlotte said she will work on this matter.

John said the Urban Renewal Board is considering extending the sewer line to the east side of the city near the proposed Industrial Park. He asked Rick to research the cost associated with boring underneath the railroad tracks.

John said the Comprehensive Planning Committee meeting has been moved to May 20, 2009, from April 29, 2009. He said the Committee is having problems getting public participation. John said he would like to try and mass email city businesses for their comments on this matter. He said he will work with Sandy to accomplish this.

Mayor Christensen said last week he had the opportunity to speak at Mr. Jensen's Government class. He said the class had many questions, and he had a great time.

Mayor Christensen said on Thursday, April 30, 2009 there will be a Regional Wastewater meeting at City Hall at 10:00 a.m.

Adjourned: 9:25 p.m.

ATTEST: Sandy Bagdikian APPROVE: Eric R. Christensen