

CITY OF SHELLEY  
COUNCIL MEETING  
MINUTES

SEPTEMBER 22, 2020

PRESENT: Mayor Stacy Pascoe

Council Members: Earl Beattie, 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: Rod Mohler

PRAYER: Mayor Pascoe

Mayor Pascoe opened the meeting at 7:30 p.m.

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

Minutes of Council Meeting on September 08, 2020

Building Permits:

Shane Matheson - remodel  
Lisa Hurt - fence

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

Mayor Pascoe awarded Sandy with a Certified City Clerk/Treasurer certification.  
Sandy completed the necessary training to be considered for this award.

Next on the agenda is a hearing to consider rezoning 307 N. Spud Alley as Central Business with a Special Use Permit to operate a storage unit facility. At the last council meeting the Board recommended another hearing be held to consider a rezone to Central Business instead of the original request of Manufacturing. The Planning and Zoning Commission held the first public hearing and recommended the request to rezone to Manufacturing be approved. The City Council determined a Central Business zone might be a better fit in that area. So, the Mayor and Council called for another public hearing be held tonight to consider the rezone to Central Business. All notifications and publications were completed as required. BJ updated those in attendance on what has happened regarding the prior hearing and where we are now. BJ discussed the order of the public hearing and suggested if there is a group of people feeling the same way, that they have a designated speaker for them. James Peron said he would be speaking in opposition on behalf of some of the neighbors. BJ opened the public hearing. Shane Wooton, the applicant, 455 N. Park Avenue said he purchased this property mainly for the shop that is on it. He said the home is very old and he feels it is unlivable. Mr. Wooton said he would like to use the property differently. Mr. Wooton said there are no sewer services, sidewalks, curb, and gutter, etc. He said he cannot divide the property into smaller lots either. He said Title Ten recommends that Single Family Dwelling should be able to get city services. He

said they cannot even get mail there; they have to have a mailbox on State Street. Mr. Wooton said Title Ten states lots should be uniform in size. He said his property is larger than the surrounding residential properties. He said he would like to put some storage units on the property. He said he originally asked for Manufacturing as the new zone, however, that may not be a good choice when looking at it for future use. He said financially this is the best choice he has.

Jeff Bird, 255 Anderson, said he feel this is a good idea to put storage units on. He said its good for the community, will help clean up some of the older areas of town, as well as this property too. He said this is a good direction to go economically too.

BJ asked if there were any questions on the application or any neutral comments. There were none.

BJ asked if there were any persons opposed to the application.

Sandy presented one written comment that she had received to BJ. Mary Hoskinson at 332 E. Oak had written in opposition.

Joe Peron, 336 E. Oak Street said he disputes the storage unit comments about being locked up. He said he submitted a petition at the first hearing held by P&Z and said all of the signers were within three hundred feet of the proposed property. He said he doesn't feel like someone should gain financially over their loss. He said there are property value issues, crime issues, etc. that the neighbors do not want. Mr. Person said he bought in this area for the view and location, he doesn't want to look at fourteen-foot walls. Kim said she wanted everyone to be aware that Mr. Wooton can build a large shop on his property for his personal use at any time. Mr. Peron said yes, but it would remain Single Family Dwelling. Kim said there are other storage sheds north of this property and also going in across the highway along Anderson Road. These areas are zoned for this type of use. Mr. Peron said Mr. Wooton is on the P&Z Board and this was approved. BJ said Mr. Wooton recused himself from this discussion due to a conflict of interest. Kim asked how many units Mr. Wooton planned on constructing on his property. Mr. Wooton said fifteen to twenty mainly for larger RVs and boats.

Brian Andreason, 308 D E. Oak Street asked about a plan being submitted. He said according to Title 10, the applicant must submit a plan when applying for a Special Use Permit. BJ said that is done when a building permit is applied for. Mr. Andreason said he is concerning about Commercial being put in the middle of Residential. He said he doesn't care if Mr. Wooton builds a large shop for his personal use. Mr. Andreason implied that Mr. Wooton bought the property and then got put on the P&Z Board and thought he could change it.

There were several people in attendance that stated they did not receive notification of the hearing but live within three hundred feet. Sandy reviewed the records and confirmed that the notifications were sent in the mail.

Mary Elizabeth Hoskinson, 332 E. Oak Street said she moved here in 2002 to build a house. She said this property and house is all she has. She said she doesn't want lights shining in her house or areas for people to hide with all of the unrest in the country. Ms. Hoskinson said she does not want the property rezoned. She

submitted the letter that Sandy had received. Sandy said this would be marked as Exhibit A. Ms. Hoskinson said she felt even though Mr. Wooton recused himself in the meeting, he still has an advantage. She said she also feels storage units will bring a lot of traffic. She said Kim Hansen feels the same way, but she could not be here tonight.

Mr. Andreason stated that Title 10 states a plan must be presented when applying for a Special Use Permit. It was determined that a Special Use Permit would be considered if the property is rezoned.

Mr. Peron discussed the first letter he sent to the city. BJ said this letter has been received and reviewed at the prior hearing, therefore it is already in the record. Mr. Peron said he doesn't believe any of the Board would like to be imprisoned in their own home.

Adam asked about the neighbor just north of Mr. Wooton's property. Mr. Wooton said the property belongs to Shirley Peterson and she does not care if his property is rezoned. He said Scott Sargent is now neutral also. Mr. Wooton said in regard to property values, his lot is five times bigger than the adjacent property. He said something needs to be done to bring up the values. He said the former owner of the property had an upholstery business on location as well as other businesses. He said city licenses were issued for the business. Mr. Wooton said the prior owner put money into the buildings he used for business purposes. He said this is private property and he feels he is doing what he thinks is best for the property. BJ closed the public hearing and turned the time to the Council for deliberation.

Leif said he looked at Zillow and confirmed what Mr. Wooton said regarding his property versus the surrounding properties regarding value. BJ said the Board should review Title 10 standards, the Comp Plan, and the evidence presented. Kim said she sees both sides of this. She said storage units are in demand; there is a need. She said she understands the love of Shelley, but storage units are usually kept very clean. Kim said there is a Comp Plan for organized growth.

Adam said he agrees with Kim and sees both sides. He said an appraiser feels it would bring the property value up based on what there is there now, however he does have issues with having a Commercial zone in a Residential area.

Earl said he has looked at the property from Mr. Peron's property and also the front of the property. He said he doesn't feel there will be anyone imprisoned on their property. He said based on the appearance of it now, there already is a chance that people could hide on the property. Also, there are rodents, etc. there. Earl said he feels it would look better if the property was cleaned up and storage units are constructed. Mayor Pascoe said with storage units there can be regulations placed on the Special Use Permit such as the lights, etc. He said normally anyone who owns the property goes in and keeps it clean. He said this property has been a business for over 45 years. He said while he was growing up, for as long as he can remember there was a business located there. He said where the Rowley Subdivision is, used to be farm ground. Mayor Pascoe said a Special Use Permit can control what is there and how it looks. Earl moved, Kim seconded to approve the request for rezoning the property to Central Business from Residential at 307 N. Spud Alley. Three in favor, Adam opposed. The

Council determined Mr. Wootan will need to submit a plan and another application for a Special Use Permit to operate storage units to the Planning and Zoning Commission for consideration.

Shelley Acoustics, Steven Hansen applied for a rezone at 170 S. Spud Alley with a Special Use Permit to operate a Tae Kwan Doe operation. He asked for the property to be zoned to Heavy Commercial from Manufacturing with a SUP contingent upon the rezone. The Planning and Zoning Commission recommended approval of the rezone request. Mr. Wootan said there was one stipulation the P&Z made; to pave and stripe a parking area for the business. Adam moved, Leif seconded to approve the rezone request at 170 S. Spud Alley to Heavy Commercial conditional upon a parking area be paved and striped and the outstanding invoice for the hearing be paid. Approved unanimously.

Brandon Wilde applied for a rezone at 309 S. Milton Avenue from Single Family Dwelling to Multiple Family Dwelling. Mr. Wilde purchase the home, and, in the past, there was an apartment utilized in the basement. The Planning and Zoning Board recommended approval of the rezone. Leif moved, Adam seconded to rezone the property at 309 S. Milton Avenue to Multiple Family Dwelling. Approved unanimously.

Ronnie Beaman was not in attendance.

Jeff Hawkes, the Developer of the Shelley Apartments on Opal Court said they are pushing for a Certificate of Occupancy (CO) on the first bank of apartments. He said he has residents that would like to be moved in on Monday. He said they would like a temporary CO to allow the units to be occupied as they become available. He said the ordinance was looked at governing CO's and it appears it allows to do this. He said it is hard to wait to bring all the buildings on at once. Mr. Hawkes was told the policy was to wait until the entire project has been completed. Sandy said the ordinance said there must be no substantial hazard present and assurance that the project will be completed. Mayor Pascoe said he is concerned about the safety of the citizens if construction is still occurring in the building. Mr. Hawkes said HUD must approve the occupancy of a partial building and they also have a bond with HUD to guarantee completion of the project. BJ said this should be a decision made by the Building Inspector. Mayor Pascoe and the Council feel there is a hazard if the construction cannot be separated from the occupied units and the traffic. Mr. Hawkes said they will be able to give a plan to the Building Inspector to show how they are going to do this and make it safe. BJ said if there is a bonding in place and it is adequate is must be submitted to the Building Inspector as well as any plans. Mayor Pascoe said the city cannot even pick up garbage at the other apartments on Opal Court because of all the garbage and construction equipment that is in the way. Justin said he will not even be able to safely plow snow as it exists. Mr. Hawkes and his crew will work with Justin and the Building Inspector.

Shane Wooton, 455 N. Park Avenue said he would like to discuss the water issues in areas being developed. He said Snake River Irrigation discussed the regulations regarding irrigation water. Mr. Wooton thinks there are resources that could be utilized in the Impact Area. He also discussed aquifer recharge. Mr. Wooton feels this may be beneficial for our city. Mayor Pascoe said the city has been working on recharge for four years. DEQ regulations are holding it up.

Lauryn Driscoll, 1051 N. 575 E. is the Vice President of the Mayor's Youth Council. She said on behalf on the Council she would like to request a \$500 donation to the group to help with their service projects. Kim moved, Earl seconded to approve the donation request of \$500 for the Mayor's Youth Council to do service projects. Approved unanimously.

Kim moved, Leif seconded to approve a business license for the Lost Souls Theater for 2020. Approved unanimously.

The comment sheet from Bingham County for Wind Creek was presented. There were no comments or concerns from the city.

Sandy said there is a portion of land on the west end of the Rowley Subdivision that needs to have the public right of way vacated. She said originally when the plat was done there was a 33 foot right of way dedicated to the city for some reason. She said Alva Harris said the property was deeded to him as the property owner, but the right of way was never vacated. Sandy asked to permission to move forward on this to correct it. Leif moved, Kim seconded to move forward with a hearing to consider vacating this land. Approved unanimously.

Sandy presented a plan to change the operational hours of city hall. She said she felt changing the hours to work Monday through Thursday from 8:00 until 5:30 with a half hour lunch and on Friday from 8:00 to noon would be beneficial for the residents and the employees of the city. She said DMV would be open to the public an hour later in the evening and on Friday it would still be available to the public, just earlier hours. Leif moved, Kim seconded to change the operational hours of city hall to Monday through Thursday from 8:00 a.m. until 5:30 p.m. and on Saturday from 8:00 a.m. until noon with DMV closing ½ hour before closing. Approved unanimously.

BJ said he researched Bingham County's practice of allowing residents to transfer division rights and found the applicable state statute and Bingham County Ordinance. There have been no reported cases applying these laws. He also talked with the county attorney and the county attorney feels there are some discrepancies with the code also. BJ recommended that city pursue updating our Comprehensive Plan and map.

Sandy thanked the Mayor and Council for the recognition of her certification as an Idaho City Clerk/Treasurer.

Sandy said the census will be conducting business in the area and wanted to make the city's governing boards aware of it.

Sandy said AIC said their projections are a little low in State Revenue Sharing and we could receive a little more than expected.

Mikel said the football program is running well.

Justin said Well #4 has been online for the past week and a half. He said they will begin construction of the six-inch line off Fir Street and the booster station. He said fall cleanup will be the week of the 19<sup>th</sup> through the 23<sup>rd</sup>. Justin said Jordon

will be attending classes for certification in Salt Lake City next week. He said Jordon is doing a great job as Building Inspector.

Rod commended Jordon and Sandy for their work. He said the Kiwanis finished up with the Spud Day activities and all went well.

Kim said the food bank is still looking for a place to rent. Earl said there is some interest in taking over the food bank.

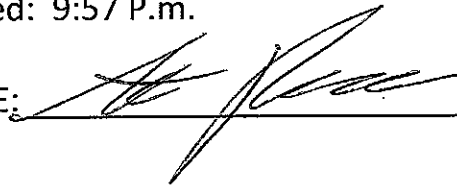
Adam commended all the Department Heads and Jordon as the Building Inspector.

Earl asked about Pizza Hut. Sandy said they have declared bankruptcy and she wasn't sure if they were going to remain in business.

Mayor Pascoe said he appreciates everyone's hard work.

Adjourned: 9:57 P.m.

APPROVE:



ATTEST:

