

CITY OF CHELLEY
COUNCIL MEETING
MINUTES

JUNE 09, 2009

PRESENT: Mayor Eric Christensen
Council Members: Lorin Croft, Steve Cederberg, John Lent (absent) , 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 (absent)

PLEDGE OF ALLEGIANCE: Rick Anderson

PRAYER: Mayor Christensen

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

Minutes of May 26, 2009 Council Meeting
May 2009 Expenditures
Building Permits:
Stoneridge Dental - sign
Ronda Wickel - fence
Will Lambeth - demolition

A roll call vote was called for: Steve – aye, Charlotte – aye, Lorin - aye. Approved three in favor, one absent.

At the previous council meeting Kerri Payne submitted a written request for an appeal to the decision the Planning and Zoning Commission made to deny a variance to construct a sign at her place of business which extended 53” from the side of the building. The code only allows a two foot projection area. The council called for a hearing to review the record regarding this matter to consider the appeal. BJ was not in attendance, but drafted a memo to the council regarding this matter. Sandy explained the options BJ presented in the memo. She said the council could choose to amend the current ordinance to allow this size of sign in a Central Business zone, they could send Ms. Payne back to the P&Z Board to consider a special use permit, they could grant the appeal, or they could uphold the P&Z Board’s decision to deny the variance. Sandy presented copies of the file and the draft of the minutes of the May 20, 2009 Planning and Zoning Commission meeting to the Mayor and Council for review. Steve felt businesses should not be discouraged, and since the sign will be exactly the same size as the sign that existed at the former Nalder building, he did not see any problem of allowing the sign to extend 53”. Lorin felt the same, and added that he did not feel a 53” sign will create any problem by protruding that far. He felt the council should support the businesses of the city. Mrs. Payne stated that Sign Pro is the company that will construct the sign and they provide liability for the structure. Steve moved, Lorin seconded to reverse the Planning and Zoning decision of May 20, 2009, and grant the variance for Mrs. Payne to extend a sign 53” from the side of the building located at approximately 192 W. Pine since this would be a hardship for Mrs. Payne to promote her new business if the sign was not visible from State Street. Approved three in favor, one absent.

Shirley said she has heard that Basic American Foods is considering closing the Shelley plant in the next one to two years. She wondered if anyone else had heard this news. None of the Governing Board had heard any announcements of this. Steve said there have been several lay offs, but the company is back running seven days a week.

Kerri Payne asked why the ping pong ball drop was eliminated on Spud Day. Mayor Christensen said he was the pilot that flew the plane to make the drop, and he felt there were many FAA regulations being broken. He said another reason was the planes tank was used to hold the balls, and was cleaned out prior to placing the balls inside, however there was some concerns over the balls being placed inside of some of the children's mouths after coming out of the tank.

Sandy said she contacted Bingham County and there was a tax deed created for the county to take the Lefevre property on State Street. She said the County Commissioners approved the transfer to the city by resolution. BJ said he reviewed I.C. 31-808 and under that code the deed from Bingham County giving this property to the City of Shelley is free and clear of all liens and taxes, except special assessments. Sandy said she still believes that the property must be appraised before the city can sell it. She said she would research this matter further.

Lorin moved, Charlotte seconded to approve the following Business Licenses for 2009:

Accra Machine – 730 S. Milton

Elite Studios – 188 W. Pine

Double D Emu Ranch – 850 Kelley Dr.

Stacci Laches – Mobile Ice Cream Vendor

Approved three in favor, one absent.

Lorin moved, Charlotte seconded to approve the following Fireworks Permits for 2009:

TNT Fireworks – 570 S. State St.

Flowerworks – 290 S. State St.

Family Fun Fireworks – 510 S. State St.

Approved two in favor, Steve opposed, motion carried.

Sandy presented the ordinance to rezone Richard Ottley/Union Pacific Railroad property from Manufacturing (M) to Heavy Commercial (HC). All public hearings were held as required on this matter. Lorin moved, Steve seconded to suspend the reading of Ordinance # on three different days and read the title of Ordinance # once. Approved three in favor, one absent.

Lorin read Ordinance # by title. Lorin moved, Steve seconded to adopt Ordinance # rezoning a parcel of property from Manufacturing to Heavy Commercial on Spud Alley owned by Union Pacific Railroad and Richard Ottley. Approved three in favor, one absent.

Sandy said she received notice from Jefferson County that the tipping fee for the city's garbage will be increased from \$30.25 to \$30.55 per tons effective October 1, 2009. Sandy said this will

increase this line item on the budget by approximately \$3000 per year. There were no objections made by the Mayor or Council.

Sandy said the Pioneer is once again producing the North Bingham County Guide and wondered if the city would like another full page color advertisement. The cost is \$435. The Mayor and Council agreed and felt a different design from last year would be fine.

Sandy said Brian Bird lives on the New Sweden Highway and currently uses city water. She said he has requested annexation. Sandy said she sent him directly to the Planning and Zoning Commission to begin the process of annexation and rezoning. The Mayor and Council have no objections.

Sandy said BJ spoke to several developers about helping the city fund new water rights, Most people wanted to stay informed about the city's water situation, but nobody seemed interested in contributing to those funds. She said BJ still has not heard anything back from Ball Development, but he would still continue to look for funding.

Rick discussed a sewer problem on South Park. He said a line in the area was being flushed and the crew discovered approximately 200 feet of collapsed line. Rick said the line runs behind personal property between Seminary Avenue and South Park to service some of the property owners on South Park. He said now would be the appropriate time to move the line so the property owners on South Park are served from a line on South Park. Rick said this change would probably require some of the property owners to have individual lift stations. He said the cost for this project is approximately \$40,000. He said the city could do half this fiscal year and half next fiscal year. Sandy cautioned Rick to watch the construction costs because this project may need to be bid out if it exceeds \$50,000. Rick said if the city wants to proceed with this project, the homeowners should be involved. Sandy and Rick were asked to draft these homeowner's letters regarding this matter. Rick felt the city should be responsible for the cost of this project, since this is not the property owners fault. He said right now sewer is still flowing through the line, but it is not in good shape.

Alan said he, Lorin and Mike picked up the new police cars in Salt Lake City.

Alan said there is court tomorrow regarding the citation that the city issued to Linda Fitzpatrick for the number of dogs she has on her premises. He said court will begin at 1:15 p.m. Alan said Monday at 2:00 p.m. the Morris dog case will be heard.

Charlotte said the School District is moving along on schedule with the new school.

John said Arbor Day was held June 6, 2009. He said the Mayor and he attended. John said there was as good of turn out as could be expected based on the rainy and cold weather. He said four trees were planted at the City Park and two more trees are still going to be planted. John said

Brent Clark, the Tree Committee Chairman attended the event even though he just had back surgery. He said Gerry Bates awarded the city for their 8th year qualifying as a Tree City USA.

Steve said on July 17, 2009 he will be making a presentation to the Idaho Parks and Recreation Department to obtain a grant to place a restroom facility at the City Park.

Lorin stated the groundskeeper that was hired this year is doing a great job.

Lorin discussed the railroad right of way heading north from West Center Street. He said it would beautify the city if we could plant trees and clean up the area. Rick said the city will need permission from Union Pacific Railroad. Lorin said the city could apply for grants to help with the cost to beautify the area. The council felt the city should open dialogue with Union Pacific Railroad on this matter.

Rick said he is still designing a new dog pound.

Adjourned: 8:50 p.m.

ATTEST: Sandy Dardushek APPROVE: Eric R. Shutesen