

City of Rigby
Council Meeting Minutes
April 2, 2013

Mayor Smith called the meeting to order at 7:00PM Tuesday, April 2, 2013. The pledge of allegiance was given by Councilman Day and Councilwoman Hinckley offered the prayer.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Present
Councilwoman Hinckley	Present
Councilman Maloney	Present
Councilman Zimmermann	Present
Councilman Simonson	Absent

Also present: Attorney Rob Dunn and Chief Hammon.

Planning Zoning Nominations:

The mayor placed in nomination the names of Reed Williams and Lorie Berrett as persons interested in serving on the planning and zoning commission.

Mr. Williams is a retired educator and has lived in Rigby for the last 13 plus years. His professional background fits in well with the planning zoning commission.

Councilman Maloney moved to approve the nomination of Reed Williams as member of the city's planning and zoning commission seconded by Councilwoman Hinckley.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

The Mayor explained Mrs. Berrett has lived in the city for the past 30 years. She has been active in community affairs. She lives on the corner of Annis Hwy and Dove Ave.

Councilman Zimmermann moved to approve the nomination of Lorie Berrett as member of the city's planning and zoning commission seconded by Councilman Maloney.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Vacant Council Position:

The mayor placed the name of Kirk Olsen before the council to fill the vacant council position. Mr. Olsen grew up on Ramona Ave and attended Rigby schools. He currently resides in Rigby and is employed with Valley Office Systems. The mayor feels Mr. Olsen knows the history of the city and with his professional experience would be an asset on the council.

Councilman Maloney moved to accept the nomination of Kirk Olsen to fill the vacant council position seconded by Councilman Day.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Elite Townhomes Subdivision:

The presenter was not in attendance.

LID Concept and Design:

Mike Jaglowski came forward and presented the council with a set of plans for Dove Ave. which he indicated were 75% complete. Jaglowski indicated his task was to present a concept of the water line along Dove Ave. He reviewed the plans so that all the assets that are possible would fit into the design, meaning sewer, water and storm drainage. After the plans are reviewed the next step would be to get with the public works people and conduct a critical review and which would consist of routing the water line from the east end of Dove out onto Farnsworth. The goal would be to be as minimally invasive on the hardscape as possible and with little to no bends in the line. The second step would be to physically walk the site to review the plan with the actual conditions that exist. After this is complete a second set of plans would be completed which would represent 90% complete. This would include the road specs ect. After council approves the plans the public would be invited in to provide their input and concerns with the proposed construction. Jaglowski is looking at having the second set of plans completed along with public works involvement at the next council meeting. And after the council meeting would meet with the public and obtain their input. He expects when all reviews and concurrence has been complete the plans could be let to bid around the first of May.

Commenting on the work along 1st North: He indicated they are in a somewhat holding pattern at this point in time.

Sewer Manholes Rehabilitation – Phase IV:

During the past summer the city along with Keller’s had identified twelve manholes that were deemed at a critical stage of needing maintenance. These twelve manholes during high water were allowing sub- water to infiltrate them. Jaglowski explained how the manholes are repairs or sealed using an epoxy injection system. To correct the infiltration the manholes need to be repaired during high water. The epoxy is inserted into the surrounding ground and seals the soil. If the system works the infiltration stops. If the injection does not work a second or third injection is performed until the manhole is physically sealed from infiltration. During the past summer the contractor was directed to proceed with obtaining a bid however when the bid came

back in the ground water had receded to a level where the injection system would not provide the needed proof that the manholes were sealed. DEQ has given their permission that the sealing of the manholes in Phase II. He will notify DEQ that the work never got completed in Phase II. Currently the bid offered is out of contract and the project must be re-bid.

Jaglowksi stated the purpose this evening was to be granted permission from the council to proceed with bids to correct the manholes. He estimated the project cost to run around \$60 - \$80,000. The design and spec have been completed in the Phase II. He will review current budget for moving forward for administration and preparing the bid documents, he will get back with the city on these costs if there any change. He indicated the work needs to begin during the upcoming high sub-water period. If permission was granted to proceed this evening he could have results of the bids back by next council meeting. He would like everything in place so work could begin in the middle of June.

Motion by Councilwoman Hinckley moved to allow Keller's to proceed to solicit bids for the rehabilitation of the sewer manholes to correct the water infiltration into the manholes seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Capital Improvement Plan:

Keller's have been requested to work up a capital improvement plan that will prioritize or rank the water, sewer, road, and storm water. As the rankings or critical areas are identified each of the systems could be overlaid upon each other focusing attention to those areas that have high utility needs and thus having a higher ranking of attention. The benefit of having a combined plan would be for the city to focus its attention on those areas showing multiply needs for utility services. The plan will assist funding agencies to show the city is not just focused on one area but may have multiply concerns.

The plan would entail Keller's working with public works and walking the city identifying and ranking each service as to critical needs. The city would receive four lists (water, sewer, roads and a master list of the three) with each consisting of location, cost and write up of site conditions. The program will be completed in AutoCAD which could be downloaded into the GIS system.

Jaglowksi presented to the council a contract that is called the *City Water, Sewer Collection, and Transportation Capital Improvement Plan*. The contract is for \$7,250.

Motion by Councilman Zimmermann moved to enter into contract with Keller's for the capital improvement plan seconded by Councilwoman Hinckley.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Water Rate Reduction – Idaho Trans Dept.

The clerk indicated ITD has written a letter which was included in the council packet that their water rates be reduced from outside city rates (\$3.80) to inside city rates (\$1.90). The council did grant a temporary rate reduction during the winter to assist ITD with the salt slurry used on the roads. ITD mentioned they installed the water line at a cost \$225,000 and would like to have rates equal to those charged by city residences.

Discussion on the effect of granting ITD lowered rates which may cause concern with those also paying out of city rates, i.e. school district. The clerk and the attorney both felt the rates should be set for all like users.

The mayor indicated the rate reduction could be applicable if ITD would use a metered fire hydrant for the slurry and be allowed a lower rate for that particular use.

Councilman Day indicated he would not be voting and abstained from the discussion.

Councilman Zimmermann moved to table the discussion until next council seconded by Councilman Maloney.

The mayor called for voice poll: All in favor with Councilman Day abstaining.

Update of City's Comp Plan:

The clerk presented before the council a proposal from All Idaho Land Consulting for the updating of the city's 2007 comp plan. All Idaho Land Consulting proposal is for \$9,500. He indicated he solicited bids from four vendors with All Idaho Lands and Harmony Design/Engineering submitting proposals. Harmony submitted a proposal for \$12,300. One vendor indicated he would not have time and the fourth vendor did not respond to the requests for proposal. The contracting of services is under \$25,000 so the protocol of obtaining services need not apply and the city could award based on best value.

Motion by Councilman Zimmermann moved to award the updating of the city's comp plan to All Idaho Land Consulting seconded by Councilman Day.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Amend R-2 Zoning Regulations:

The clerk presented the council with the amended R-2 zoning regulations. The planning zoning commission has worked on re-writing the R-2 zoning which increases off street parking, restrict parking to either parking on the side of the building or behind the building, increasing the green space; making right of ways 68 feet and road driving surface 48 feet.

Motion by Councilman Maloney moved to place the proposed R-2 Zone to public hearing seconded by Councilman Day.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Amended Summer Water Ordinance:

The ordinance that was discussed at last council meeting have been amended to reflect the change discussed. Those changes are watering on Mon-Wed-Fri for even number houses and Tues-Thur-Sat for odd number houses, with Sunday being a non-regulated day.

Councilwoman Hinckley commented on duplicate reference under emergency for vehicle washing and non-consumptive use being integrated into a single reference versus duplicate references.

Motion by Councilman Day moved to public hearing the water ordinance #2013-559 as corrected during discussion seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes

Police Vehicle:

Chief Hammon came forward with a proposal for the acquisition of a police vehicle from the federal surplus inventory. The vehicle he is looking at is located in Portugal. The cost would be the shipping from Portugal to Virginia Beach. And then from Virginia Beach back to Rigby. He estimated the freight from Portugal to Virginia to be around \$ 5,500. He felt the vehicle due to its low miles and cost of obtaining would be well worth the effort.

Motion by Councilman Zimmermann moved to authorize the police department to acquire the 2006 Chev pickup seconded by Councilman Maloney.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes

Councilman Maloney Yes
Councilman Zimmermann Yes

Other Council Business:

- Rigby Airport Board Meeting: The clerk informed the council the airport board would like to meet with the council during the airport board meeting – April 17, at 6:30PM. They would like to discuss with the council the recommendation that the auditor made of incorporating the airport funds into the city accounting system.
- Update on Community Review: Councilwoman Hinckley indicated she has received confirmation that Rigby was accepted for the 2014 Community Review. The review will be done either in May or June of 2014. She mentioned that they will be looking for local sponsors. She indicated Broulims Inc. will assist in the sponsorship.
- Abatement of Dangerous/Vacant Buildings: Councilwoman Hinckley received a complaint from a neighbor of a vacant house located on South 3rd West. The house has been vacant for 12 years, the windows have been broken out and the back yard is an accumulation of weeds and trash. The clerk responded that the city has adopted the International Building Code which has a section for dangerous and vacant buildings. The clerk felt that the city would need to draft an ordinance that follows the IBC section 116 that provides for abatement against the property owner and provide the owner an appeal process. In addition to the building mentioned, there is a second building on North 3rd West that the city attempted to demolish several years ago and because the city did not have an ordinance for vacant and abandoned buildings there was little the city could do. The clerk indicated the city should pursue drafting an ordinance that will assist the city with vacant and abandoned buildings.
- Recent School Incident: The attorney commented that the police department averted a potentially dangerous situation at the junior high school last week. Comments have been seen posted in Great Britain and national news organizations have called regarding the incident. The attorney complimented the chief and his department for their professionalism and quick response.
- Parking Lots: Councilman Zimmermann commented that during the last meeting of the Urban Renewal board they discussed the need for additional parking lots in the city. The Mayor indicated he didn't want the city to get into the parking lot business. It was suggested the Urban Renewal has the authority to upgrade parking using either the vacant lot west of Me N'Stan and the vacant lot east of Abbots. The mayor will make inquires.
- City Clean Up: Councilman Maloney inquired when curbside pickup will resume and the opening of the burn pit. Curbside pickup has begun and the burn pit is open Thur-Fri and Saturday. City cleanup is scheduled for April 27.
- Delinquent Utility Accounts: The clerk indicated that last Friday he had received several telephone calls from the newspaper regarding a certain individual in the city.

He would not and will not discuss an individual person's account either to the press or in open session feeling it is unethical and illegal to do so. He reviewed a memo he drafted in response to a letter the mayor had asked him to respond to. He commented the code #8-1-16 – Delinquent Account – as shown in the code was amended in May 2009 with ordinance #543. Ordinance #543 specified when accounts should be shut off for delinquency the same of in 8-1-16. However it added the phase... or until arrangements for payment satisfactory to the city clerk have been made. Under this policy when the clerk became clerk (Sept 2009) he initiated the delivery of door hangers. Prior to this a delinquent account would receive a notice of past due in the mail. No other contact was done. Currently the past due notice is mailed out around the 10th of the month for the previous month bill. On the second to last Thursday of the month (around the 20th) a list is prepared of accounts 60 days past due. From this list door hangers are delivered to those accounts who are still past due. Between the date the door hangers are delivered until the following Tues/Wed people will call and either make payment, make partial payment or arrange for payment at a later date. This action is allowed under Ordinance #543. Over the past three years the past due notices has not varied from one year to the next. The initiation of door hangers has seen a decrease from 62 per month in 2010 to 46 for the last month. Actual shut offs in 2010 were 12 per month; for 2011 – 7.5; for 2012 – 10.

Actual bad debts write offs in 2012 totaled \$5,630 with 81% of the actual write offs coming from two accounts. 90-day past due has averaged 13% per year. There are 16 homes in foreclosures and 29 others in the past 90-days.

The policy to treats all consumers the same without favoritism. If a person ignores the past due notice, ignores the door hanger and makes no attempt to contact the office their account may be shut off. Those that call and make a request for partial payment will generally be honored, unless they fail to honor the commitment they made. During the winter months, consumers struggle with high heating costs, etc. An account may increase during the winter but during the spring/summer months the account that may be delinquent decreases. The clerk stated he felt the policy he has been following is in compliance with city code.

- Attorney Response: The attorney indicated the mayor had asked him to clarify the action of the quiet title on 1st North. He handed the council minutes of three council meetings: July 3, 2012; August 21, 2012 and Jan 2, 2013. On the July 3 minutes he reviewed the clerks comment with the title company obtaining a record of the easements on two sections of 1st North. The clerk stated this needed to be corrected and recorded whether the LID continues or not. From the discussion, Dioptra was hired to complete the survey. From the process of the survey and title search the east end of 1st North referred to as the Hill Addition deed was located with a 60 foot right of way. The west end of 1st North in the Lake Subdivision had a 60 foot right of way. The questionable section where title was uncertain was between the two sections. He felt it was to “tie” the middle sections, consistent with that existing on the east and west end, with a 60 feet right of way.

In the August 21 minutes Dioptra appeared before the council and explained the Hill Addition had not been located but it showed a right of way at 60 feet. Justin Steffler also discussed a 50 foot right of way, and he also discussed the existing 60 foot right of ways that did exist at both ends of 1st North.

In the Jan 2, 2013 minutes Dioptra would provide the attorney with the legal description for the missing sections. He emphasized that Dioptra would be contacting the homeowners about the easement.

The mayor asked him to address two items that have arisen. He was concerned with conversation held during executive sessions. It appeared information has been released to the newspaper prior to the newspaper requesting information.

First item the mayor wanted him to discuss: During an executive session he made the comment that he had hoped the quiet title is not opposed. The clerk commented that “you know it will be”. The attorney felt his comment – not opposed – was similar to other actions such as judicial reviews, annexation and zoning matters.

He went on and stated he filed the quiet title assuming Dioptra would meet with the property owners as stated in the Jan 2 minutes. The meeting that he thought Dioptra would be holding did not occur.

Second item the mayor asked him to address: During a meeting in Dioptra office a council person stated that by filing a quiet title the attorney was forcing the landowners to hire an attorney. Dunn responded to the statement that that was “their right to hire an attorney”. It was stated once more to which Dunn responded that it was “their right”. It was not his intent to force them to hire an attorney. The councilperson stated he wanted to protect the homeowners from having to hire an attorney. He felt it was a difference in opinion versus the intent and he was relying on Dioptra meeting with the homeowners and explaining the situation as stated in the minutes. He hoped the news media would move on and put this difference behind them. He has since been instructed to amend the quiet title to the 50 foot right of way which he will do. And at a later date, the homeowners will be asked for their input regarding sidewalks and lighting.

The attorney concluded his remarks as asked by the mayor.

Approval of Bills:

The council reviewed the bill approval list. Councilwoman Hinckley questioned the sludge hauling invoice if it was higher than in past years. (Yes, there was more to haul this spring.)

Councilwoman Hinckley moved to approve the bills seconded by Councilman Maloney.

Mayor Smith asked the clerk to call the roll.

Councilman Day	Yes
Councilwoman Hinckley	Yes

Councilman Maloney Yes
Councilman Zimmermann Yes

Approval of Minutes:

Council reviewed the minutes of March 19, 2013 and after making corrections moved to approve the minutes as corrected.

The mayor called for a voice poll: All in favor none opposed.

Public Comment:

None

Adjournment:

Councilman Zimmermann moved to adjourn seconded by Councilman Day.

The mayor called for a voice poll: All in favor none opposed.

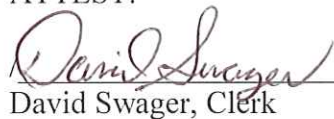
Meeting adjourned 9:05PM.

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:



David Swager, Clerk