

**City of Rigby
City Council Meeting
February 16, 2010
7:00 p.m.**

Mayor Smith welcomed everyone to the meeting and turned the time over to Robert McCowin who invited everyone to join him in the pledge of allegiance. Mayor Smith then turned the time over to Councilman Maloney who gave the prayer.

Dave Swager, City Clerk/Treasurer, performed roll call. Those present were: Mayor Smith, Councilman Blackburn, Councilwoman Hinckley, Councilman Simonson, Councilman Zimmermann, Councilman Maloney and Councilman Day.

Appointment of Planning and Zoning Member-

Mayor Smith stated the next item on the agenda was the appointment of a new Planning and Zoning member.

Mayor Smith stated that about a month ago there was a gentleman by the name of Shane Brown that was appointed to Urban Renewal and explained that tonight his wife Lindi Brown was looking to be part of Planning and Zoning. Mayor Smith stated that he felt it was a very admirable thing to have a couple with young kids come forward and want to be a part of making the quality of life better for the community. Mayor Smith stated that he would like to recommend Lindi Brown be appointed to the Planning and Zoning Commission. Councilman Blackburn moved to approve Lindi Brown be appointed to Planning and Zoning. Councilman Zimmermann seconded. All were in favor.

Mayor Smith called Lindi Brown forward and swore her into office.

Resolution #2010-146 -Support F-35-

Mayor Smith stated the next item on the agenda was regarding the adoption of Resolution No. 2010-146.

Mayor Smith stated that he was going to have Robin Dunn, City Attorney, read this one and possible explain its purpose. Mr. Dunn read Resolution No. 2010-146 into the record as follows:

To the Secretary of the Air Force, the Senate and House of Representatives of the United States in Congress assembled, and to the Congressional delegation representing the State of Idaho in the Congress of the United States.

WHEREAS, the U.S. Air Force has had a presence in Idaho for more than 56 years, with numerous facilities, including Mountain Home Air Force Base and Boise's Gowen Field; and

WHEREAS, the Secretary of the Air Force approved Joint Strike Fighter basing criteria for both training and for operational bases for the new F-35 mission; and

WHEREAS, Mountain Home Air Force Base was selected as a finalist as an operational base and Boise's Gowen Field was selected as a finalist as a training base; and

WHEREAS, Southern Idaho's climate is well-suited to these missions, with more than 321 flyable days per year, a key selection criteria; and

WHEREAS, Idaho's facilities provide ample and unhindered training airspace close to installations, which enable more training time and less fuel consumed; and

WHEREAS, Idaho's facilities are unencumbered by the encroachment of civilian land use, which lowers the environmental impact on surrounding communities; and

WHEREAS, Idaho facilities have the capacity to support at least three squadrons each, including runway space, ramp space, personnel housing, and maintenance and hanger bays necessary to accommodate these new missions; and

WHEREAS, the City of Rigby, Idaho, is a patriotic community, and supports members of our community in the military, and would welcome the new F-35 mission.

NOW, THEREFORE, BE IT RESOLVED by the members of the City Council and the Mayor of the City of Rigby, Idaho, that we urge the U.S. Air Force to select Idaho for its F-35 missions.

The above resolution was read into council minutes this 16th day of February, 2010. Passed by the city council and approved by the Mayor this 16th day of February, 2010.

Mayor Smith asked if there were any questions or comments. Councilman Zimmermann asked if there was going to be any financial impact on the citizens and Mr. Dunn explained there would be more military, more homes and things like that but would not be paid for by the city. There was a brief discussion regarding the purpose of the resolution. Councilman Day asked for clarification on the actual resolution number and Mr. Dunn explained. Mayor Smith asked for those in favor of passing this resolution. All were in favor.

Proclamation-National School Breakfast Week-

Mayor Smith stated the next item on the agenda was a Proclamation for National School Breakfast Week.

Mayor Smith read the proclamation into record as follows:

WHEREAS, the School Breakfast Program has served our nation admirably since it was permanently established in 1975; and

WHEREAS, the School Breakfast Program is dedicated to the health and well-being of our nation's children; and

WHEREAS, the School Breakfast Program joins and has been joined through the years by many other excellent child nutrition programs; and

WHEREAS, there is evidence of continued need for nutrition education and awareness of the value of school nutrition programs

NOW, THEREFORE, I Keith Smith, Mayor of the City of Rigby, Idaho, do hereby proclaim the week of March 8-12, 2010 as NATIONAL SCHOOL BREAKFAST WEEK and I encourage all residents to become aware and concerned about their children's and their own nutrition habits, in hop of achieving a more healthy citizenry for today and the future.

Hailey Creek Subdivision-Acceptance-

Mayor Smith stated the next item on the agenda was the acceptance of Hailey Creek Subdivision and turned the time over to a representative for their presentation.

Mike McCowin, Building Official/Public Works Director, stated he was present tonight to discuss the substantial completion of the Hailey Creek Subdivision. Mr. McCowin stated the water and sewer extensions have been completed for Division 1, Phase 1 and explained this was a residential area. Mr. McCowin turned the time over to Brandon Thompson of Thompson Engineering.

Brandon Thompson, Thompson Engineering, 215 Farnsworth Way, stated they had reached substantial completion and have received approval of the infrastructure from DEQ. Mr. Thompson explained that DEQ had also approved the well and the water poly testing. Mr. Thompson stated they were asking to turn over and have the city accept the infrastructure. Mr. Thompson stated they had some property as well that they would like to turn over the city and explained these were the well and lift station lots. Mr. Thompson stated that Chuck Homer, their legal representation, had prepared some paperwork to be presented to the city. Mr. Thompson turned the time over to Mr. Homer.

Chuck Homer, attorney for developer of Hailey Creek, stated that when this development began they entered into a formal development agreement with the city. Mr. Homer explained this agreement had several provisions in it but the one they were concerned about this evening was the developer being required to complete a sewer system with a lift station plus lot and a water system with a well plus lot. Mr. Homer stated this also included the water and sewer lines that went down the state highway. Mr. Homer stated it was his understanding that proof of completion documentation had been submitted to Planning and Zoning. Mr. Homer stated that he had documentation from DEQ certifying the completion of the public water system to their satisfaction and also documentation from Thompson Engineering certifying that it has been completed. Mt. Homer referred to the documentation he has prepared and explained there were a couple of quit claim deeds to the city for the lots containing the lift station and well are located and also an easement agreement overseeing the easement where the water and sewer lines are located. Mr. Homer stated he also has prepared an assignment document that states the developer is assigning those facilities to the city and explained there is a provision for the city to sign accepting ownership and control of those facilities. Mr. Homer stated the development agreement provides the developer with a process to transfer them to the city and explained he has prepared documents accordingly. Mr. Homer suggested having the city draw up a resolution subject to legal counsel

approval to accept the transfer of the improvements and to allow the Mayor to sign. Mr. Homer stated that he would submit the documents to Mr. Dunn and asked how they would like to proceed. Mr. Dunn stated that Mr. Swager had indicated the final payment in the annexation agreement would be made tomorrow and suggested the motion or resolution also is subject to this payment being received. Mayor Smith referred to the water rights for the entire subdivision and asked if they have been turned over to the city. Mr. Homer stated there was an application filed by the city over a year ago that added the well as a diversion for city water. Mayor Smith stated that he was referring to the surface water rights and Jaramie Magera, developer of Hailey Creek Subdivision, stated the city has those already. Councilman Blackburn referred to the completion of both the well and sewer line and asked what type of warranty was in place for the city. Mr. Homer referred to the development agreement and stated the contractor is required to warranty the facilities for one year after the transfer has been completed. Councilman Day referred to the well and stated there had been some discussion regarding the city water rights and asked if that has been addressed and Jason Hjelm from Thompson Engineering explained the process surrounding the water rights in relation to the well. Councilman Day referred to the mutual obligation on the cost of the water and sewer lines and wanted to set a price for the connection fees paid back to Mr. Magera. Mr. Homer referred to the development agreement and the costs set in that document and explained there had not been actual numbers submitted or agreed upon yet and suggested doing so as quickly as possible. There was a brief discussion regarding the formula set up in the development agreement. Mr. Dunn asked if the well was functional and was told that it was. Mr. Dunn asked if the testing had been completed and passed and was told that it had. Councilman Day asked about some of the concerns over the turbidity of the well and Mr. McCowin stated there wasn't enough to cause DEQ concern and stated it would not be used as a primary well. Mr. McCowin explained some of the maintenance requirements the well would need such as routine flushing. Councilman Blackburn referred to this well not being primary and asked if it would be working in conjunction with the other city wells and Mr. McCowin indicated that was correct.

Mr. Homer stated the things they were looking to transfer to the city were the lift station lot, the lift station, the well lot, the well facilities, the sewer mainline and water mainline that runs down the highway and in addition the improvements for the sewer and water for the phase 1 of Hailey Creek Subdivision. Mr. Thompson stated there were basically two projects and explained the first was the water and sewer extensions to the school which included the well and lift station which are complete and the second was phase 1 of division 1 which is the residential portion of the subdivision and has been completed including the street. There was a brief discussion regarding the testing and flushing of the lines prior to city acceptance. Mr. McCowin stated the one thing they needed to do was double check the valves. Councilman Day referred to the roads and asked if there was a provision in the development agreement for the chip sealing and Mr. McCowin stated he believed there was something for typical surfacing but said he would check the development agreement to make certain. There was a brief discussion regarding whether or not street surfacing was even mentioned in the development agreement. There was a brief discussion regarding the approval and acceptance of the completed improvements. Councilman Day asked about the testing and compaction and results and Mr. McCowin stated the city had all of those documents. Councilman Blackburn moved to make a resolution to approve phase 1, division 1 of Hailey Creek and allow the Mayor to sign under the conditions the final annexation payment is received tomorrow and the attorney will have time to review the transfer documents. Councilman Blackburn stated this was being done on the reliance of the Public Works Director for his professionalism. Councilman Day seconded. Councilman Day asked if this resolution needed to include the

acceptance of the water and sewer lines and Mr. Dunn stated those were part of the transfer documents. On a roll call vote:

Councilman Blackburn	--	aye
Councilman Day	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye

Change Utility Deposit Regulations-Discussion-

Mayor Smith stated the next item on the agenda was regarding the change of utility deposit regulations and turned the time over to the City Clerk for the presentation.

Mr. Swager reminded the council this had been brought up at the previous council meeting. Mr. Swager stated he had submitted a copy of the changes he would like to adopt as well as a copy of how the current city code reads. Mr. Swager gave a brief explanation of the terms of the code and explained some of the problems they were facing regarding utility accounts. Mr. Swager explained how his proposal would be beneficial to preventing delinquent accounts. There was a brief discussion on what procedures would need to be followed. The council agreed to proceed with the proposed change and arrange for a public hearing.

Other Council Business-

Mayor Smith stated the next item on the agenda was other council business and turned the time over to the council for anything they needed to discuss or disclose.

Mr. Dunn stated that since there really wasn't anything else on the agenda and it was still early it might be a good idea to hear from Public Works and get an update on the Wastewater Treatment Plant. Mr. Dunn stated that while he, Mayor Smith and the employees working out there may be aware of the problems perhaps the council may not be and this would be a good opportunity. The floor was yielded to Mr. McCowin.

Mr. McCowin stated things were moving along but felt every time one thing was corrected there was another one to come up. Mr. McCowin explained there had been a lot of freeze-ups and problems in the UV/Filter room, breaker blowing and shortages. Mr. McCowin stated the main freeze-ups were in the headworks but felt those were improving. Mr. McCowin stated there were cracks in the retaining wall and explained that has been addressed. Councilman Simonson asked if these problems were still under warranty and Mr. McCowin explained that most of these issues haven't made it far enough to start on warranty. Scott Barry, Operator in Charge, stated some of the issues in the headwork's he has modified himself but explained that something needs to be done to correct it permanently. Mr. Dunn stated that if there are any modifications the engineer needs to approve those so that there are no problems later and Mr. Barry stated he had received engineer approval. Mr. Dunn stated for the record that he and Mayor Smith did not want to go down as the administration that put a faulty wastewater treatment plant into operation without doing everything they could. Mr. Barry stated there are return lines that are only 8 inches underground and explained he hasn't heard anything to repair those. Mr. McCowin stated he had talked to the engineer and explained to him how those lines need to be placed where they show on the prints.

Mr. McCowin stated that any alterations at this point would need to have a change order in place. Councilman Blackburn referred to the UV and retaining wall issues and asked if these were things that needed to wait until the weather improved and Mr. McCowin stated he didn't think so other than on the retaining wall. Mr. McCowin stated he had talked to Nick Charles of Keller Associates and had explained to him what he wanted. Mr. McCowin explained how vibration and noise issues that can affect the weak spot in concrete and actually make it worse than it was before. Mr. McCowin stated the UV needs to be fixed immediately. Mr. Barry interjected saying the UV problem has already caused the plant to go out of compliance once and explained this is an ongoing concern until those are fixed and operating properly. Councilman Blackburn asked if there were more particulates or contaminants than allowed by DEQ and Mr. Barry stated the plant is doing a great job. Mr. McCowin stated Rigby's plant is doing much better than plants in other cities. Councilman Blackburn referred to an issue to the filter and asked if that has been resolved and Mr. McCowin stated they were put in but there are parts they are still waiting for. Mr. Barry explained there is a person coming in to work on the filter system again. Councilman Blackburn referred to the freeze ups and asked how they could be avoided in a year or so from now and Mr. McCowin stated the majority of the problems have been the design of the buildings regarding insulation and lack of heat tape and explained some of those to the council.

Mr. McCowin stated that he would like to acknowledge some of the good things going on out at the plant. Mr. McCowin explained the septic dumps procedure and how this was made possible. Mr. McCowin explained they have received about \$5,000 in revenue from these dumps to date.

Mr. McCowin stated the intention of the plant was to have one person operate it and have a 20 hour per week maintenance person. Mr. McCowin explained there has been a lab started out there and explained that in doing some of the city's own lab work they are able to save the city approximately \$26,000 per year. Councilman Simonson asked for clarification on the dumps and Mr. McCowin explained this was coming from commercial haulers and stated they would be able to take on RV and portable public restrooms when there was enough infiltration in the system to dilute that kind of waste. Councilman Day asked if there had been a determination on the solid waste and Mr. Barry stated that he had talked to Willie Teuscher from DEQ and Mr. Teuscher had stated he would like that dry sludge moved by spring. Mr. Barry went on to say that he had talked to Pocatello and they will not accept it even though that is what the engineer said could be done. Mr. Barry explained the closest place that would take the sludge is in Boise or the city would need to consider purchasing a farm. Councilman Day stated he thought the city could give it to farmers and Mr. Barry explained that every time they choose a farmer that farmer has to have a metal test and stated the heavy metal testing costs about \$2,000. Mr. Barry explained if the city takes the sludge to one field they pay for that test once but if the city has ten (10) fields then they have to pay that ten times. Councilman Day asked how much land they would need and Mr. Barry stated there would need to be 40 or 50 acres. Mr. McCowin explained there was a problem in Idaho Falls where the land they had just wasn't enough and their solids were too much. Mr. McCowin stated he felt the best deal was to work with the County and then haul it out like originally planned. Mr. Barry stated they had permission for temporary storage but that ended in the spring and so something else needed to be done. Councilman Blackburn asked how much sludge they were talking about in acres to feet and Mr. Barry stated they were filling two or three dump trucks per week. Mr. Dunn explained that he was supposed to talk to Willie Teuscher to change this to a commercial use and has found this to be more difficult than expected but explained he was still working on it. Mr. Barry stated he felt there were three options and explained these to be: 1) easiest is the dump, 2) next

would be having their own field and 3) having someone else's field. Mr. Barry reminded the council of the heavy metal testing cost as well as the cost to have it hauled to whatever area was determined. Mr. McCowin stated there was also the option of incineration but explained the cost of an incinerator was quite high. Councilwoman Hinckley asked if these were mere quirks of a new facility or actual concerns. Mayor Smith stated that was a matter of opinion but felt there were too many issues for them to be quirks and Mr. McCowin agreed. Mr. Barry stated there was another concern over the valves and explained the problems they were having every time they turned a valve and explained some valves have been broken. Mr. Barry explained that he had contacted Keller and Associates of this concern and had been told this was all the city could afford and offered no other solution. Mr. McCowin stated in these situations you rely on your engineer for guidance and that just wasn't happening. Mr. Barry explained that some of these repairs they have done themselves because they couldn't wait for the contractor or engineer to get around to doing it. Councilman Zimmermann asked if this was being tracked and Mr. McCowin explained that everything they do at the plant is monitored and a written record is kept. Councilman Simonson asked if this could be billed to Keller and Associates and Councilman Zimmermann stated that it should be. Mr. Dunn explained that Keller Associates were supposed to be keeping track of their time as well. Mayor Smith stated there are going to be some issues with the plant and stated that one was the interim financing and the payout of \$20,000 a month until the plant is final and the city can start paying on the principal. Mayor Smith expressed his concern that city council be strong when this comes about and make sure that Peck Ormsby pay for the interim financing costs due to all the problems currently happening. Mayor Smith explained the liquidated damage issue and stated this comes to more than \$100,000. Mr. McCowin stated the hardest part on all of this is the people who are supposed to be helping us are the ones that are hurting us the most.

Councilman Simonson stated he would like to know where the city stands on changing ground water to surface water. Councilman Simonson stated this had been discussed in the past and after buying the extra surface water over a year ago. Councilman Day stated that Lloyd Hicks had been placed in charge of that. Mr. Dunn suggested talking with Mt. Hicks and getting him on the agenda so that topic could be discussed in detail at a future meeting.

Councilwoman Hinckley stated that since water issues were being discussed she felt it was important to start early in the spring to limit the water use. Councilwoman Hinckley referred to the alternating days and suggested having them start earlier in the year.

Councilman Zimmermann referred to the Urban Renewal and asked if the letter they had been waiting for had been done and stated they were having their meeting tomorrow night. Mayor Smith explained what had happened regarding the letter and stated he had talked with Blake from ITD and explained what he had found out. Mayor Smith referred to the reverse angle parking and explained he felt this was more problems than it was worth and explained this is the state's second choice. Mayor Smith stated that in answer to this question nothing has been resolved at this point.

Mayor Smith informed the council that he had met with Congressman Simpson yesterday and explained he had spent two hours with him and was able to discuss some concerns with him. Mayor Smith stated that the other day he had signed some papers to apply for a \$1.5 million grant through the Corps of Engineers known as the 595 Grant. Mayor Smith stated that he explained some of the problems the city has been facing in regards to the wastewater treatment plant. Mayor Smith explained the problem with the costs being higher than expected and now there was no

extra money for the collection system. Mayor Smith stated the purpose of this grant would be to cover the necessary improvements to the collections system. Mayor Smith explained this was a 75/25 match and so they were also applying for a \$500,000 block grant for the city's match but stated the city may have to come up with approximately \$100,000 for the match. Mayor Smith stated that he has invited Laurel Sawyer to come up and walk through the treatment plant in order to gain a better understanding of what the city was dealing with so that she may relay that back to Congressman Simpson. Mayor Smith explained this would be in the 2011 budget. Councilman Day asked about putting together some pictures of the collapses and problems the city is facing so they can actually see it and Mayor Smith stated he felt that would be fine.

Mayor Smith asked if there was any other council business. No other business was disclosed.

Approval of Bills-

Mayor Smith stated the next item on the agenda was the approval of bills and explained there was an addition in the council packets regarding the financial statement from the City Clerk. Mayor Smith asked if there were any questions comments or concerns.

Councilman Blackburn referred to page 1 on the police station materials, page 2 police expenses, departmental expenditures and page 4 under capital improvement and asked why they were not all together. Mr. Swager stated the \$2,794 under building materials was for the drywall and tape and under police expenses those were just office supplies and computers and then the carpet was part of the Urban Renewal grant and had to be added to and subtracted from capital outlay. Councilman Day referred to page 5 under Water Expenditures/Irrigation Shares for \$2,100.50 and asked if that was for the water rights and Mr. Swager stated that was correct. Councilman Day asked if the city uses their surface water rights and Mr. Swager stated that currently they did not. Councilman Day asked if there was a way to share those rights and Mr. Swager stated that would be a question for Mr. Hicks. Councilman Day referred to page 6 under the Intermountain Gas Utility \$2,271 for the treatment plant and asked if that was correct. Mr. Barry stated he could not answer that question as he had never seen a bill. Councilman Blackburn referred to page 3 on the boarding at the Vet Hospital and noticed in January the cost was \$800 and asked if the city had any way to recoup that money and Mr. Swager stated they did not. Councilman Blackburn stated that it had been his understanding that if a stray dog was taken to the clinic then the owner would pay the fees and Mr. Swager stated that only applies if they are claimed. Councilman Maloney moved to approve payment of the bills. Councilman Simonson seconded. All were in favor.

Approval of Minutes-

Mayor Smith stated the next item on the agenda was the approval of February 2, 2010 minutes and asked if there were any corrections or changes.

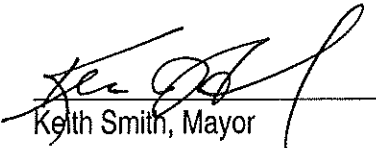
Councilwoman Hinckley moved to accept the minutes as presented. Councilman Zimmermann seconded. All were in favor.


Public Comment-

Mayor Smith stated the next item on the agenda was public comment and turned the time over to the audience.

No public comment was given.

Councilman Simonson moved to adjourn the meeting. Councilman Maloney seconded. All were in favor. The meeting was adjourned at 8:35 p.m.


Keith Smith, Mayor

Attest: 
David Swager, Clerk