

**City of Rigby
City Council Meeting
April 6, 2010
7:00 p.m.**

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

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

USDA-RD and DEQ Loan Modification-

Mayor Smith stated the next item on the agenda was regarding the USDA-Rural Development and DEQ loans.

Mayor Smith explained to the audience that the city council had just received an explanation regarding these loans prior to the commencement of this meeting. Mayor Smith asked Rick Miller and Ted Hendricks if they had anything further to discuss. Both men indicated they did not. Mayor Smith then turned to the council and asked if they had any further questions or concerns to address. Robin Dunn, City Attorney, explained to the audience there had been a meeting prior to the council meeting this evening. Mr. Dunn stated that in this meeting the city council had been presented with the option of receiving State (DEQ) and Federal (USDA) money to help with the wastewater treatment plant and city collection system. Councilman Simonson moved to rescind the motion made at the Special Meeting held on March 18, 2010. Councilman Zimmermann seconded. All were in favor.

Mayor Smith stated the old motion had been rescinded and asked for a new motion at this time. Councilman Blackburn moved to approve the USDA-RD and DEQ loan modification as presented. Councilman Maloney seconded. All were in favor. On a roll call vote:

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

Ted Hendricks thanked the council for their time this evening and gave a brief explanation of the steps that would be taken now. Mr. Hendricks explained there had been some discussion with DEQ to halt the interim financing payments the city was currently paying and stated he would let the city know what he found out as soon as possible. Mr. Hendricks explained the city would still have to pay the \$350,000 that was previously obligated. Mayor Smith expressed his appreciation to Mr. Hendricks and Mr. Miller for all the hard work they have put in on this project.

Rigby Senior Citizen Center-

Mayor Smith stated the next item on the agenda was regarding the Rigby Senior Citizen Center and turned the time over to a representative for the presentation.

Bob Moon, Director of the Rigby Citizen Center, stated he has attended meetings with other centers in the area and explained the one thing that keeps coming up is getting Senior out of the name. Mr. Moon stated this seemed to have a way of keeping people away from the center regardless of their age. Mr. Moon stated they have been known as the Rigby Senior and Community Center for some time but would like to switch it to Rigby Community and Senior Center. Mr. Moon stated this would push the community part more than the actual senior part. Mr. Moon stated he was here this evening to ask if this would interfere with anything else that had community center in the name such as the library. Councilman Blackburn stated he had looked at the notes from a previous meeting and stated he agreed there was a growing trend of people coming to that age in their life. Councilman Blackburn felt there may be some confusion incorporating community in their name and suggested adding activity or some other word. Mr. Moon stated the main reason to change the name was so people would see community and want to go rather than see senior and feel they are not old enough to attend. Mayor Smith asked Marilyn Kamoe, Library Director, what her thoughts of this change would be. Mrs. Kamoe stated that over the years it has been known as the library and not as a community center but explained the name has been on the building for years. Mrs. Kamoe stated that when the Rec Center was open down the street there had been a lot of confusion with people coming in. Mrs. Kamoe stated she would like to see that wording come off the library because that's not what the building is used for. An unidentified woman explained the different classes being offered, the meals being served, the various political groups attending and some of the other options available for the building and expressed her desire to have the name changed to Community Center because it does serve the entire community.

Mayor Smith asked for any comments from the council. Councilman Maloney referred to the library and stated that he thinks the community center came about when there was the library, the museum and community room were all housed in the same building and wanted people comfortable with using the facility. Councilman Blackburn asked Mrs. Kamoe if she was still renting out that room and Mrs. Kamoe indicated that she was. Councilman Blackburn asked how much that contributed to her budget and Mrs. Kamoe stated about a couple thousand. Councilman Blackburn then asked if she thought this would continue and Mrs. Kamoe stated she felt it would. Mayor Smith stated he didn't feel the words on the outside of the building would make a difference with that and Mrs. Kamoe agreed. Councilman Simonson stated that he didn't feel it mattered whether the senior center had community in its name or not. Councilman Day stated he didn't realize the center did so much because he thought it was just for the seniors so he felt this name change would be beneficial. Councilwoman Hinckley referred to the information she had seen about events the center was planning and felt this would be a good time to get the name changed. Mayor Smith referred to the lettering on the library and asked the council if any of them saw a problem with having them removed to avoid any future confusion. Mr. Moon stated they were looking to upgrade the face of the building and add a marquee sign but wanted to have the same somewhat solidified before that took place. Mayor Smith stated that if Mr. Moon felt this would be a good thing and help the senior center then the city supported that and gave the blessing over the name change.

Beer Sales on Sunday-

Mayor Smith stated the next item on the agenda was some continuing business regarding beer sales on Sundays.

Mayor Smith reminded the council that this item had been tabled from a previous meeting and asked if there were any further questions or comments. Councilwoman Hinckley stated that while speaking with another council member she had indicated how she might vote and wanted everyone made aware of that. Mr. Dunn suggested that she abstain herself from voting on this issue but stated she could participate in discussion if she chose. Mayor Smith stated this was a business decision and needed to be separated from the beliefs of individuals. Mayor Smith stated that as a city he didn't believe they should interfere with businesses. Mayor Smith reminded the council that the state allows this and referred the time to Mr. Dunn. Mr. Dunn stated that he has dealt with this recently with Menan, Roberts and Ririe and explained they have chosen to take the State's standards which allow beer sales on everyday but Christmas. Mr. Dunn gave a brief explanation of what other areas in the county have done. Councilman Simonson explained that he wasn't present at the last meeting but did read through the minutes and stated he agreed with the idea of not allowing government to tell businesses how to operate. Councilman Day stated the request was for beer only originally and now that has changed.

Kathy Jarvis, owner of Old Town Saloon and Café, stated the reason for that was she hadn't realized there was the option for alcohol too until she had attended the meeting to discuss this issue. Mrs. Jarvis explained she had gone to outlying areas and obtained some information and therefore changed her request to include the alcohol. Mrs. Jarvis stated that she had also obtained some information regarding revenue and asked if she could share that and Mayor Smith stated she could. Mrs. Jarvis stated there were 52 Sundays in which they are not open which could mean a 17% increase or about \$10,000 to the city. Mrs. Jarvis stated there would be more people coming and going through the city. Mr. Dunn stated that if the city chose to allow this he would circulate a draft ordinance and explained this wouldn't be very difficult as he has recently done one for another city. Councilman Blackburn stated that if they approved this they would want to set guidelines or hours and whether to include beer, wine and liquor and stated he was more inclined to limit this to just beer and wine sales. Councilman Blackburn stated that while he personally does not drink he felt it was important to take the emotions out of the decision and look at future possibilities for the community. Councilman Simonson stated that it was just as easy to get drunk on beer as it was liquor and felt that if they wanted a business like Applebee's then they would want more than just beer. Councilman Day asked if this was restricted to bars that only served food or open it to all bars in Rigby and Mayor Smith stated this would be for all bars in Rigby that chose to participate.

Kirk Scott stated he is a business owner in town and explained that he has the option of being open on Sundays but chooses not to. Mr. Scott asked why this would be any different for any other business owner. Mr. Scott stated there is several laws in Rigby that need to be updated and reviewed because they are causing a loss of revenue for the town. Mr. Scott referred to an instance last summer when he had seen someone in an RV that was willing to spend a great deal of money at a local business and when he was denied beer sales he refused to purchase anything and left. Mr. Scott stated this rule was restricting local business owners from making a living. Mr. Scott stated that whether this was beer or wine or whatever he felt the business owner had the right to make that decision for themselves. Mr. Scott stated that if a business came in and wanted to offer more services he didn't feel the city had the right to stand in their way.

Councilman Simonson explained there had been a similar issue at the golf course some years ago when people would leave to go somewhere else so they could purchase items that weren't available to them and felt this was a loss of revenue for the city. Councilman Zimmermann referred to the original request being for beer only and now wanting it to be expanded and asked if they could just change beer to alcoholic beverage on the request. Mayor Smith stated that would be something for the attorney to draft. Mrs. Jarvis stated this request merely gave the business owners the choice to be open or not but did not require it and explained she felt businesses should be able to choose. Councilwoman Hinckley stated that when they were sworn in they agreed to abide by state statutes and believed those statutes allowed for the city to choose whether to allow the beer sales but was concerned over what the community might want. Mayor Smith stated that was a good point but felt the city didn't have the right to restrict a business. Mayor Smith stated that if the citizens didn't want to support a business that was open on Sunday then they didn't need to go into that business and explained that if the business didn't have the customers on Sundays then they probably wouldn't remain open on Sundays. Councilman Maloney stated he had talked to various people to try and get some feedback and found that people felt an attractive feature for the community was it being a quiet peaceful town on Sundays. Councilman Maloney stated he felt considering this is important because allowing this would change things for the people here. Mrs. Jarvis stated that it was also one day of the week that people went elsewhere to purchase things because there just isn't anything open in Rigby. Mr. Dunn stated an objective question to consider would be will the cost of the infrastructure increase if this is allowed. Councilman Blackburn stated that people moved into Rigby because it's a quiet community but explained the reality of the situation is Rigby is changing. Councilman Blackburn stated the city's infrastructure is being used and explained there isn't the commercial tax base to help offset the costs and felt the community needed to open to more business. Councilwoman Hinckley asked Mrs. Jarvis if she had considered opening in the morning and serving breakfast as a way to generate revenue and Mrs. Jarvis stated there is a coffee crowd that comes in at ten o'clock. Mrs. Jarvis explained that she doesn't want to be another Me 'n Stan's but rather something geared for her. Mrs. Jarvis suggested the council members go into a business before they make a judgment because her place does not look like a bar and gave a brief explanation of what her building looked like and what it offered. Councilman Day stated he has been to the facility and stated he was concerned about the impact on police staffing. Mayor Smith stated this country was founded on free enterprise and felt that demand would indicate the supply. Councilman Zimmermann made the motion to have the city attorney draft an ordinance to allow beer sales on Sundays. Mr. Dunn stated that he would plagiarize what he has already done and then present it to the council for them to adjust according to their wishes. There was a brief discussion regarding the procedures for drafting and advertising an ordinance. Councilman Simonson seconded. Councilman Maloney asked if they passed this tonight and approved Mr. Dunn to draft an ordinance would there still have to be a public hearing and Mr. Dunn stated that was correct. Councilman Maloney voted against. Councilwoman Hinckley abstained herself from voting. All others were in favor.

Special Event Permit-

Mayor Smith stated the next item on the agenda was more continuing business regarding the special event permit and turned the time over to Mr. Swager for his presentation.

Mr. Swager stated the last time this was presented there had been a question on when a special event permit is to be required. Mr. Swager stated it comes down to whether the event is open to

the public and if they expect to draw a certain amount of people which would be determined by the council. Mr. Swager stated the fee schedule would also be an amount determined by the council. Mr. Swager stated the main reason behind a special event permit would be so that Rick Lamoreaux, Park/Street/Sanitation Supervisor, could have the information on whom and what was coming in so they could be prepared. Mr. Swager stated that legal counsel has also indicated there needed to be a release of liability for the city in the event that someone was injured during an event. Councilman Blackburn asked if there had been any input from the various organizations and Mr. Swager stated he had not received any. Councilman Blackburn stated that he had talked with Rebecca Squires and regarding some of the issues around the rodeo grounds and participation there and would like to know how they felt about this. Councilman Blackburn referred to the Boise limitation of 500 people and asked if the suggestion was that amount and Mr. Swager stated he didn't have a suggestion as that was up to the council to decide. There was a brief discussion regarding how having this fee would deter people from bringing events into the city. Councilwoman Hinckley asked Mr. Lamoreaux what kind of city help required after Stampede Days and Mr. Lamoreaux explained they need to set up the barricades and supply someone in the street sweeper. Councilman Maloney referred to his notes from the prior meeting and asked if the purpose of this permit was to cover the added expense or to communicate an event in the community and Mayor Smith stated more for communication. There was a brief discussion regarding the fee schedule and information obtaining procedure. Mike McCowin, Building Official/Public Works Director, suggested having the application for the information and then assign a minimal fee just to cover administration costs for processing that application. Mr. McCowin stated that he agreed with Councilman Maloney in the fact that a high fee will deter people from coming to Rigby. Councilman Day asked Mr. McCowin if he would like to see reimbursement for Mr. Lamoreaux's crew and Mr. McCowin stated that in a special situation which is outside the normal work routine that he would. Councilman Simonson stated that he didn't like the idea of setting the fee after the application came in and felt a standard fee should be applied to each one. Mr. Lamoreaux stated the main thing was to remove liability away from the city and stated he didn't feel that long time events like the Easter Egg Hunt, the parade or even Stampede Days should have to pay a permit fee. Mr. Lamoreaux stated these events bring people to the area and it all benefits the community and would hate to see this permit deter from that. Councilman Day stated that he agreed with Mr. McCowin in the fact that this is administrative to insure the paperwork is in order and felt they should stick with a \$25 fee. Councilman Blackburn referred to the car show last year and the damages done to the sprinkler and felt there needed to be something in the application that would require them to reimburse the city for any damages. Mr. Dunn suggested having a deposit requirement for events like that because it allows for the money to be in hand. Mayor Smith stated he felt it was important to have these applications in order to notify the city and staff of these events. Councilman Blackburn stated he agreed with the \$25 application fee, to set the limit at 500 people but wanted to have sporting events fill out the application but felt they needed to be exempt from any fees. There was a brief discussion regarding protecting the city from the liability of property damages. Councilman Blackburn stated they could have every public event fill out the application and pay the \$25 fee and provide the certificate of insurance. There was a brief discussion regarding the insurance coverage and how that benefits the city. Councilwoman Hinckley suggested the wording be changed to include the police for the parades at least. Councilman Simonson suggested making it easier by saying that if there is a public event on city property then an application needed to be filed. Councilman Blackburn moved to proceed with the special event permit and the city require this application process for any public event and pay the

\$25 fee and provide proof of insurance but that any non-profit organization be exempt from the fee such as sporting events. Councilman Simonson seconded. All were in favor.

Quarterly Interfund Transfers-

Mayor Smith stated the next item on the agenda was the quarterly interfund transfers and turned the time over to Mr. Swager for his presentation.

Mr. Swager referred to some documents submitted to the council in their packets and explained that it was set up for the enterprise funds of water, sewer and sanitation to reimburse the general fund for the administrative services. Mr. Swager explained the quarterly transfer amount due on March 31, 2010 is \$5,251 per fund for a total of \$15,753. Mr. Swager stated that Police Chief Larry Anderson has it is his police budget a line item for capital improvement for a police car and explained there needed to be a transfer of \$2,500 of that over to capital improvement to help in the accumulation of funds for the future purchase of a police car. Mr. Swager stated that he was looking for approval to make those four transfers. Councilman Simonson moved to approve the transfers as presented by the city clerk. Councilman Maloney seconded. All were in favor.

Proclamation-

Mayor Smith stated the next item on the agenda was regarding a couple of proclamations and explained one was for Organ, Eye and Tissue Donation and the other was for Fair Housing.

a.) April as Organ, Eye and Tissue Donation Month-

Mayor Smith read the Organ, Eye and Tissue Donation proclamation into record as follows:

WHEREAS, spring is a season of promise and renewal, and nothing could be more fitting during this time that to reflect in the abundant miracles of life and growth; organ and tissue donation presents an opportunity to share in these miracles. Medical technology has made it possible for thousands of Americans to benefit from organ and tissue transplantation. Sometimes this means restored vision or help for severe burns; sometimes a heart, liver or bone marrow transplant; and

WHEREAS, more and more Americans are aware of organ and tissue donation, thanks to widespread education about this worthy cause; and

WHEREAS, it is each American family and each citizen that makes organ and tissue donation work. The generosity of organ and tissue donation can save nine lives and improve over fifty lives; and

WHEREAS, there is still a critical need: over 100,000 people are on the national waiting list; locally almost 400 people wait; nationally, about 18 people die every day while waiting; another name is added to the national waiting list every 12 minutes; please mark yes on your driver license and tell your family; and

WHEREAS, April is National Donate Life Month, a month dedicated to educating people about the need for donation;

NOW, THEREFORE, I, Keith Smith, Mayor of Rigby, Idaho, do hereby declare the Month of April as;

Organ, Eye and Tissue Donation Month

in Rigby, Idaho, and recognize the efforts and involvement of GFWC Rexburg Civic Club, Intermountain Donor Services, and our many donor families, and encourage all the citizens of Rigby to participate in this program by registering on the Idaho Donor Registry.

Councilman Zimmermann stated that those present and the council have heard this announcement but asked how they let the rest of the public know. Mayor Smith stated that it will be a part of the minutes as it was read into record and also Rebecca Squires is present from the Jefferson Star and stated he thought she would be happy to take a copy.

b.) Fair Housing Proclamation-

Mayor Smith read the Fair Housing Proclamation into record as follows:

WHEREAS, April 2010 marks the 42nd anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability; and

WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choices for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, I, Keith Smith, Mayor of City of Rigby, Jefferson County, do hereby proclaim April 2010 to be

FAIR HOUSING MONTH

In the City of Rigby, Jefferson County, State of Idaho

Financial Protocol-Maintenance Bill excess of \$3,000-

Mayor Smith stated the next item on the agenda was regarding financial protocol for the library and turned the time over to Marilyn Kamoe, Library Director, for her presentation.

Mrs. Kamoe stated she was present this evening because any expenditure over \$3,000 have to go before the council. Mrs. Kamoe explained this was an expense they knew was coming and the money has been set aside in her budget. Mayor Smith stated the council just needed to make a motion to approve this expenditure and Mrs. Kamoe stated that was correct. Councilman Day moved to approve the expenditure. Councilwoman Hinckley seconded. All were in favor.

Other Council Business-

Mayor Smith stated the next item on the agenda was other council business with some scheduled items being an award for Scott Barry and a presentation for Rigby Towne Square.

a. Scott Barry Award

Mayor Smith explained that Scott Barry, Wastewater Treatment Plant Supervisor, had recently been awarded the Wastewater Operator of the Year award through Idaho Rural Water Association. Mayor Smith stated that he would like to congratulate Mr. Barry and expressed his appreciation for the work he is doing for the city.

b. Rigby Towne Square-

Mike McCowin, Building Official/Public Works Director, distributed some documents on Rigby Towne Square to the council members and explained that after months of work he finally had signatures on the Reaffirmation/Ratification Agreement on the Development Agreement for Rigby Towne Square. Mr. McCowin referred to the documents previously submitted and explained the process he had gone through and payment information as per the agreement and completion of Courthouse Way. Mr. McCowin stated this road was part of Division 6 and explained the completion date for that division is July 2011. Mr. McCowin stated that with the signing of this agreement there is now deadlines for the work to be completed. Councilman Blackburn referred to Item F in the document regarding repairs to manholes and asked if this was on Stockham Boulevard. Mr. McCowin explained the repairs had been done on Pleasant Country Lane. There was a brief discussion regarding the amounts of these repairs and what work was completed. Mr. McCowin stated this document covered everything except the streetlights and explained there were no records or invoices or any other documents available to show what the city has spent on putting in and connecting these lights.

Mayor Smith asked if there was any other council business.

Robin Dunn, City Attorney, stated the developer of Hailey Creek Subdivision had submitted an addendum to their original agreement. Mr. Dunn explained that he had looked at this document along with Mr. McCowin and the engineers and stated he was submitted that to the Mayor as an addendum. Mr. Dunn stated the purpose of this addendum was due to the development agreement being rather vague when it comes to the latecomer fee reimbursement. Mr. Dunn stated this addendum gives clarification to these amounts, terms and costs. Councilman Day stated he was concerned over the actual costs and the total amount being reimbursed by the city and to make sure there was a definite timeline where the contract expired and asked Mr. Dunn to look these over carefully. Mr. Dunn stated that he would forward the email with the information over to Councilman Day for him to review as well.

Councilwoman Hinckley stated she had an item she needed to discuss and explained the Chamber President had asked her to approach the city because they had been asked to head the July 3rd Celebration. Councilwoman Hinckley stated that Mr. Maughn would no longer be in charge of that. Councilwoman Hinckley stated the Chamber President had been approaching several entities about donations or support. Councilwoman Hinckley stated the gentleman that had done the fireworks last year indicated they had spent approximately \$8,000. Councilwoman Hinckley stated that she would like to see the city participate if they could and explained there needed to be a decision before April 30th so there would be sufficient time to order the fireworks. Councilman Blackburn asked if they were still planning to do this at the Lake and Councilwoman Hinckley stated that was correct. Councilman Blackburn stated that if that was the case then the County needed to be approached and Councilwoman Hinckley stated she would be that she also wanted to see what the response from the city would be. Mayor Smith stated this would have to be an agenda item if she was looking for a decision. Councilwoman Hinckley stated the Chamber President would come make a presentation for the council if necessary. Councilman Zimmermann asked what if the city even had any money to donate and Councilman Simonson asked which fund that would even come out of. Councilman Simonson stated that he has contributed to this personally every year but didn't feel the city could at this time since there hasn't been enough money to even pay the employees. Councilman Blackburn stated he felt they should approach the county or the school district or even run an ad in the paper and see what they can get from the community. Councilman Day stated that he would donate personally but stated he didn't feel he could approve any city participation.

Approval of Minutes-

Mayor Smith stated the next item on the agenda was the approval of minutes from both the city council meeting held on March 16, 2010 and the special meeting held on March 18, 2010 and asked if there were any comments or corrections.

Councilman Simonson stated he would abstain himself from voting on the council minutes as he was not present at that meeting. Councilwoman Hinckley stated she had a change on the special meeting and said that it was Councilman Maloney that called in on the vote and not Councilman Blackburn. Councilman Day explained that Councilman Maloney called in later but stated that during the meeting Councilman Blackburn had been called. Councilman Day moved to approve the minutes from the council meeting held on March 16, 2010 as presented. Councilman Zimmermann seconded. Councilman Simonson abstained from voting. All others were in favor. Councilman Day

moved to approve the minutes from the special meeting held on March 18, 2010. Councilman Simonson seconded. All were in favor.

Approval of Bills-

Mayor Smith stated the next item on the agenda was the approval of bills and asked if there were any questions or concerns.

Councilman Day referred to page 1 and asked what the charge for U-line tax adjustment was and Mr. Swager stated this was for the city's unemployment insurance and explained the payment and adjustment process. Councilwoman Hinckley referred to repairs on the police car on page 2 for \$800 and asked what this was for and Mr. Swager stated it was repair for the power steering and brakes on the Chevrolet. Councilman Day referred to page 2 for the line item for Jefferson County teletype and Mr. Swager stated this was a quarterly contribution for the county and explained when calls came in they went through the teletype program. Councilman Day referred to page 5 for HBH Consultant Engineers for \$516 and stated the city keeps paying for the retesting of lines and asked when would this turn over to the contracting company and Mr. McCowin stated this was the initial charge that needed to be paid but anything after this due to failed testing would go to the contractor. Councilwoman Hinckley referred to the Rocky Mountain Power bills and asked if the city had initiated any of the cost savings and Mr. Swager stated they have and explained there had been a credit back of almost \$1,200 and cost rates had been adjusted. Councilman Maloney moved to approve payment of the bills. Councilman Blackburn 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.

Jim Lamb, 527 N 3950 E, stated that he lives just to the North of the city's treatment plant. Mr. Lamb stated the treatment plant and gone into operation last July and explained that at the time he had noticed there was a considerable increase in noise. Mr. Lamb stated he has gone through the treatment plant on a tour to see the facility and at that time noticed the noise was coming from the blower room. Mr. Lamb stated he has talked with Mr. McCowin about things that could be done in order to reduce the amount of noise and explained that Mr. McCowin had told him the best chance would be to insulate the building at the gable ends. Mr. Lamb stated he would like to propose that he furnish the material and have the city install it. Mr. Lamb stated that if that wasn't acceptable then he could contract with Bob Shippen to install these materials. Mr. Lamb stated the reason for this is because he has heard the city has no funds and would like to have this completed as soon as possible. Mr. Dunn stated there is a concern over the liability of having an outside contractor but also wanted the city to be careful over any changes to the building. Councilman Blackburn asked Mr. McCowin if the addition of insulation would really lessen the amount of noise. Mr. McCowin stated that right now the treatment plant is within the tolerances for noise but stated soundboard or insulation would help alleviate some noise. There was a brief discussion regarding hiring the contractor and what he might have in mind. Mr. Lamb stated the standards used in performing the sound study needed to be addressed. Mr. Lamb stated that he is experiencing noise that he didn't have prior to the construction of the plant. Mayor Smith asked Mr. Lamb if he put for the expense of this and later found that it didn't change anything then what would happen and Mr. Lamb simply stated that he would have lost. Mayor Smith stated there would be no recourse against the city and Mr. Lamb indicated his understanding. Councilman Zimmermann asked Mr. Lamb what he was planning to do and Mr. Lamb gave a brief explanation of his discussions with Mr. Shippen. There

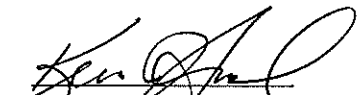
was a brief discussion regarding the types of materials that could be considered in this project. Mr. Lamb stated that he would like to meet with Mr. McCowin later in the week and come to a determination. Mayor Smith stated that would be fine and explained that whatever Mr. McCowin decided would be the decision of the city. Councilman Zimmermann asked about the spray in poly insulation and Mr. McCowin stated that would work but would be very expensive. Mr. Barry stated that when the days get warm there is a four by four ventilation vent that will open automatically in order to keep the room cooled and there is no way to stop that from happening. Councilman Day asked Mr. Barry if he thought the insulation would help and Mr. Barry stated right now probably but in the warmer days not really because of that vent. Councilman Day asked Mr. McCowin how long it would take to put this insulation in and Mr. McCowin stated approximately one day. Mr. Dunn stated he believed this to be a concern for public works and a decision needed to be reached with them.


Mayor Smith asked if there was any other public comment.

David Schiess stated he was a civil engineer and wanted to introduce himself and offer his assistance in any projects the city may need. Mr. Dunn asked where his office was located and Mr. Schiess stated it was in Idaho Falls. Mr. Dunn asked how many engineers he had working for him and Mr. Schiess stated there were five currently. Mr. Schiess stated they also had surveyors and draftsmen.

Mayor Smith asked if there was any other public comment. No further comments were given.

Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor. The meeting was adjourned at 9:15 p.m.


Keith Smith, Mayor


Attest: David Swager, City Clerk

Fair Housing Proclamation

WHEREAS, April 2010 marks the 42nd anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability and

WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, I, Keith Smith City of Rigby/Jefferson County, do hereby proclaim April 2010 to be


FAIR HOUSING MONTH

In the City of Rigby/Jefferson County, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Rigby/Jefferson County on this 6 day of April in the year of our Lord 2010.



Keith Smith
Mayor



David Swager
City Clerk