

**City of Rigby
City Council Meeting
April 20, 2010
7:00 p.m.**

Mayor Smith welcomed everyone to the meeting and turned the time over to Robin Dunn, City Attorney, who invited everyone to join him in the pledge of allegiance. Mayor Smith then turned the time over to Councilwoman Hinckley 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.

Idaho Capital Rededication-

Mayor Smith stated the next item on the agenda was regarding the rededication of the Capital Building and turned the time over to Representative JoAn Wood for her presentation.

Representative Wood displayed a picture and stated she brought it with her because there had just been the completion of the renovation to the Capital Building. Representative Wood stated that she would like to give a brief background about the capital and explained that in March of 1905 the first capital commission was formed to oversee the planning and construction of the new statehouse building. Representative Wood stated the new statehouse building was to replace the old territorial capital which could no longer meet the needs of the growing State functions. Representative Wood stated that nearly 100 years later in 1998 a second capital commission was established to address the needs of its 21st century government. Representative Wood stated that on January 9, 2010 the people of Idaho gathered to rededicate the Capital Statehouse Building and reopen the people's house. Representative Wood explained the rehabilitation and expansion of the capital building has been a project 12 years in the making ensures continued use of this building for decades to come and provides a legacy that connects all of Idaho to our past. Representative Wood stated the reopening of our historic gem inspires us to highlight it for Idaho Archeology and Historic Preservation month which happens to be the month of May. Representative Wood stated that she was here this evening to present the Mayor and City Council the key to the capital. Representative Wood explained this symbolic key was made from wood taken from the red oak tree that had been planted by President Benjamin Harrison on May 8, 1891. Representative Wood explained that during the remodeling they had to take down all the historic trees on the grounds and so many people felt bad about it so they preserved the wood and have made all kinds of things. Representative Wood stated that all Idaho Cities and towns are being given pieces of these trees. Representative Wood stated there had been two entirely new wings built onto the Capital Building that are underground with skylights built in to allow for light. Representative Wood stated the reason for this was the age of the electrical in the building did not allow for new connections and expansions to accommodate the new technology. Representative Wood gave a brief explanation of some of the other improvements and renovations that have been done to the new building. Representative Wood explained these renovations and improvements have cost the taxpayers in Idaho \$125 million and stated once again this has taken 12 years. Representative Wood gave a brief explanation on the budgetary issues they have faced during this time frame and what the

projections look like so far this year. Representative Wood formally presented the symbolic key to the Capital to Mayor Smith.

Special Event Permit-

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

Mr. Swager referred to documents contained in the council packets and explained these were the revisions with the wording changes requested previously by the council. Mr. Swager stated that he had highlighted those areas of question. Mr. Swager stated that he had also underlined the portion in paragraph 2 where it defines that a special event permit application is required for all events including but not limited to any event open to the public like parades, marches, fun runs and walks, concerts, carnivals, fairs, street closures, vendors and alcohol sales. Mr. Swager stated there was also the part stating any not-for-profit organizations including sporting events are exempt from the fee however proof of insurance is required. Mr. Swager referred to page 6 where there had previously been a fee schedule and explained everything was deleted but the \$25 application fee as per council request. Councilwoman Hinckley stated there was a typo on page 7 under the hold harmless agreement where release was spelled without the "e". Councilman Blackburn referred to the application where it talks about a security deposit and gave a brief explanation of some information he had received regarding this and asked Mr. Swager if he had looked into what other cities were doing. Mr. Swager stated that he has seen this all over and in different amounts and stated that if the council wanted to add that he would do so. There was a brief discussion regarding the benefits and drawbacks of a security deposit. Mr. Dunn suggested rather than having a deposit to add a clause stating the applicant would be responsible for any damages incurred. Mr. Dunn didn't feel the \$75-100 being discussed would cover any damages. There was a brief discussion regarding adding a responsibility clause into the application. Councilman Blackburn moved to approve the special event permit and to include a liability paragraph for the vendors prepared by the city attorney. Councilman Zimmermann seconded. All were in favor.

Beer Sales on Sunday-

Mayor Smith stated the next item on the agenda was recurring business regarding the request for beer sales on Sunday and turned the time over to the council for discussion.

Mayor Smith stated there was a drafted ordinance for the approval of beer sales on Sunday and asked if there were any comments. Mr. Dunn reminded the council that cities like Roberts, Menan and possibly Ririe are all working on similar ordinances. Mr. Dunn explained that each one was a little different and stated the state legislature had changed everything this year to be a little more inclusive but did allow each city or county the opportunity to liberalize the state standards. Mr. Dunn stated the only day that alcohol sales are not allowed on would be Christmas Day. Mr. Dunn stated that some cities were more conservative while others were being more liberal. Councilman Day stated that he had a few issues with this request and explained that on March 2nd Ms. Jarvis came and made the request to allow her to sell beer on Sunday and felt she described her business more as a restaurant rather than a bar. Councilman Day stated this first request was just for beer sales but by the second meeting had changed to beer and liquor sales. Councilman Day stated that by the third meeting it was no longer a restaurant that sold beer and liquor but changed to all bars being allowed to be open on Sundays. Councilman Day stated that he was neither for or against this but wanted to point out the migration of the requests since this discussion began.

Councilman Day stated the newest request was to be open additional hours on Sundays. Councilman Day stated when this was first presented he thought it was for an established business more like a restaurant. Councilman Day referred to a comment made by Ms. Jarvis at a previous meeting regarding the City of Idaho Falls allowing beer sales on Sundays and stated this was inaccurate and provided a copy of the City of Idaho Falls Ordinance regarding this for the council's information. Councilman Day explained the City of Idaho Falls allows restaurants to sell beer but does not allow bars to be in operation on Sundays. Councilman Day stated there had been a comment from Councilwoman Hinckley at the last meeting suggesting that Ms. Jarvis open earlier to allow for breakfast and stated that Ms. Jarvis made the comment that she wasn't a restaurant and had no intention of becoming one. Councilman Day stated he visited the establishment and found that it is not a restaurant but is in fact a bar. Councilman Day stated Ms. Jarvis talked about the money the city would receive from the alcohol tax but that she also referred to revenue from parking tickets. Councilman Day stated he felt this meant Chief Anderson's officers would be out writing tickets for people that were drinking and driving and felt this wasn't the kind of revenue the city wanted or needed. Chief Anderson stated this was not revenue the city would be able to collect on. Councilman Day stated the council is now three meetings into this request and there have been more and more changes. Councilman Day stated he felt there would be a price to pay in allowing bars to be open one more day per week with accidents, officers writing tickets and things like that. Councilman Day stated that he didn't feel this was an ordinance the city should even entertain. Mayor Smith stated he felt it was up to each business owner whether they wanted to be open or not and felt supply and demand would dictate whether it continued or not. Mayor Smith felt there were already too much government involvement in operating a business and felt that sometimes less government control is enough. Councilman Day stated he respected that but felt the state statute has provided enough control and stated they shouldn't change it without good reason to do so. Councilwoman Hinckley stated that when Ms. Jarvis came in she was concerned about her business making it and wanted a way to generate more business. Councilwoman Hinckley stated that in current city ordinance it does allow for bars to be open for events or extra activities as long as its marked off as having beer or alcohol services and felt this was something already in effect that could help her. Councilman Blackburn asked Mr. Dunn how something like the ordinance in Idaho Falls would apply to a restaurant but not a bar and how that could not be viewed as discrimination. Mr. Dunn explained the legislature has distinguished between an eating establishment while having a drink as opposed to an establishment where the primary source of income is alcohol sales. Mr. Dunn stated they also had to consider beer, wine and liquor as there are differences. Councilman Blackburn stated he felt the city needs to be very careful when adopting ordinances but felt businesses should have the opportunity to be open if they wanted to. Councilman Blackburn asked who makes the determination between a bar, tavern, or eatery and Mr. Dunn stated that District Health would. Chief Anderson stated that District Health would go in and perform an inspection and give an evaluation and make that decision. Councilman Day stated that eating establishments that served alcohol had to have separation between the bar and where you just eat as per the ordinance. There was a brief discussion regarding area businesses and how they comply with this ordinance. Mike McCowin, Building Official/Public Works Director, stated as the Building Official a restaurant is something that requires food to be prepared on site and District 7 has to perform their inspections. Mr. McCowin stated that Ms. Jarvis is serving prepackaged food in her establishment. Mr. McCowin stated that she is a bar that serves sandwiches which would be no different than if she chose to sell potato chips. There was a brief discussion regarding the classification for other bars in the area. Mr. McCowin stated that Dolly's Subway would be considered a restaurant slash bar as the Health Department has gone in and because the owner

actually prepares the food in the building. Councilman Simonson stated that it doesn't matter who made the request or how it got to this point because the decision needs to be based on are we going to regulate businesses on what they can or cannot do. Councilman Day stated there are regulations on industry every day because every business has to follow certain rules. Councilman Blackburn stated that he would like to see something in moving forward and adopting something that allows other businesses to come into Rigby. Mr. Dunn stated that what would be nice is having consistency between the cities and county for enforcement purposes. Councilman Day stated that he felt work should be stopped on this ordinance until there is a reason to change and stated that if a restaurant came in that wanted beer sales on Sunday then the council could act and enact something at that time. Councilman Blackburn asked Mr. Dunn if he was trying to standardize everything with the county and Mr. Dunn stated that his personal opinion was to go with the state because these were people that were elected to make decisions and they have done so. Mr. Dunn stated that his legal opinion is that he would do whatever the city wanted him to do and would make it work legally. Mr. Dunn explained how some of the area cities were forming their ordinances and whether they were liberal or conservative in nature. Mr. Dunn stated they needed to start with the state statute and then expand or not from there and stated that he would draft whatever the council decided. Councilman Maloney stated that he agreed with Councilman Day in that dropping this ordinance until something like Jaker's, Chili's, Garcia's or whatever wants to come into town. Councilman Maloney stated that he didn't feel having bars open on Sunday was something the city wanted to deal with right now. Councilman Day moved to stop work in this ordinance and stay with state statute. Councilman Maloney seconded. Councilman Blackburn stated he was guessing that if the ordinance stays the same and a restaurant was looking at coming in and saw how hard it was to change something they might not want to come here. Councilman Blackburn stated that if something was already in place that maybe a business would consider it more favorable to come into Rigby. Councilman Blackburn stated that he like that Idaho Falls has already implemented something and stated he was a bit apprehensive on just dropping this. Councilman Day stated that through the Planning and Zoning and building process they were looking at months of construction that would allow time for something to be changed. Paula Sessions, Planning and Zoning Administrator stated that when a business was looking at coming into a town it goes through the Building Department and explained that Planning and Zoning wouldn't even know about it. Mrs. Sessions stated that if a business like Applebee's was looking at coming in they would see there is no beer sales on Sunday and they would want that and so they would choose to go elsewhere and planning and Zoning would never even know they considered Rigby. Councilman Blackburn stated that was his concern in dropping this ordinance altogether because it would possibly impede future businesses. Chief Anderson stated that something like that would not stop Applebee's from coming to town and explained that when it went into Rexburg they were not approved for beer sales until after. Councilman Blackburn stated there was a population difference between Rigby and Rexburg and also stated that Rigby has always been a bedroom community and felt there needed to be more commercial to take the tax burden off the homeowners. Councilwoman Hinckley asked if Councilman Day could please restate his motion. Councilman Day stated that he moved to stop work on this ordinance and to stay with state statute. Councilman Simonson asked if the city was in compliance with state statute on this ordinance now and Mr. Dunn stated there were more things in the city code. Councilman Simonson stated he felt the motion should say to drop this and stay with what the code currently says. Councilman Day stated that he was rescinding his first motion and moved to stop work on this ordinance. Councilman Maloney seconded. Councilman Zimmermann stated he was concerned over how to turn this over to making businesses wanting to come into

Rigby. Councilman Blackburn stated this motion was just to stop work in the request made by Ms. Jarvis but explained they could start something else for future restaurants. On a roll call vote:

Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye
Councilwoman Hinckley	--	abstained
Councilman Maloney	--	aye
Councilman Day	--	aye
Councilman Simonson	--	no

Planning and Zoning-

Mayor Smith stated the next item on the agenda was regarding Planning and Zoning and explained that while it was listed with his name he wanted to turn the time over to Paula Sessions, Planning and Zoning Administrator, for her presentation.

Mrs. Sessions explained to the council that a few months ago there had been some discussion regarding whether Commissioner Miriam Ogden had moved out of town or not. Mrs. Sessions stated that at the time this was being discussed she had not heard from Ms. Ogden and therefore could neither confirm nor deny the information. Mrs. Sessions stated that she had been able to speak with Ms. Ogden and found that she had received an Internship through the INL which required her to move to Rexburg in order to qualify. Mrs. Sessions stated that Ms. Ogden had indicated she would send a formal resignation as required via email that day. Mrs. Sessions stated that a few weeks passed and she had not received the email so she contacted Ms. Ogden again and that Ms. Ogden indicated she had previously sent the email, verified the address and stated she would resend. Mrs. Sessions stated that she had attempted to contact Ms. Ogden by phone and explained that both numbers had been transferred to someone else and so she sent letters to the Rigby address in hopes there would be a forward on file. Mrs. Sessions stated that she has not received any returned mail nor has she received the resignation. Mrs. Sessions stated that she had talked to Mr. Dunn about how to proceed due to the lack of resignation and inability to fill the vacancy and explained that Mr. Dunn had stated to present the request to council. Mr. Dunn stated that Ms. Ogden no longer met the qualifications for commissioner and without the formal resignation would need to be released by vote so the vacancy could be made and therefore filled. Mrs. Sessions stated that Ms. Ogden had moved to Rexburg in February but explained that she had not heard from Ms. Ogden until March and here it was April and still no resignation. Councilman Blackburn asked if there was just the one seat to be filled and Mrs. Sessions stated that according to City Code there should be eight (8) members but explained she has never had that many since she has been with the City of Rigby. Councilman Day moved to release Commissioner Ogden from her seat due to moving to another city. Councilman Simonson seconded. All were in favor.

Utility Bills Write-Off-

Mayor Smith stated the next item on the agenda was regarding some past due utility bills and turned the time over to Mr. Swager for his presentation.

Mr. Swager referred to a document included in the council packet and stated this was a listing of accounts that were homes that have been resold with no way of contacting the previous owner or were renters that have since moved out of the area. Mr. Swager stated there were a total of

eighteen (18) individuals totaling \$6,867 to be written off. Mr. Swager stated there was one that had a \$4,000 balance and explained this person has filed bankruptcy but explained he had been able to file a lien on the property so there should be some money recouped once the property has been sold. Mr. Swager stated he was requesting permission to write-off the balances on the other accounts. Councilman Simonson moved to approve the write-off of the account balances as presented. Councilman Zimmermann seconded. All were in favor.

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 as an update on the Wastewater Treatment Plant the State has done some very good things for the city with DEQ. Mr. Dunn stated the filtration system was progressing rather slowly but was being dealt with.

Councilwoman Hinckley stated that with the help of Janna Barry and some workers they spent a couple afternoons going through the Recreation Center cleaning it up and getting it ready for sale. Councilwoman Hinckley stated that Councilman Blackburn had come over and found some uses in other areas for some of the equipment in the Rec Center. Councilwoman Hinckley suggested having a public auction on the remaining equipment and supplies prior to placing the building up for sale. Mayor Smith stated that Charlie Barber, Principal at Ririe High School, had contacted him yesterday and would like an opportunity similar to that arranged with Rigby High School. Mayor Smith suggested getting a list of all the equipment still at the Rec Center to provide to Mr. Barber so they might utilize some of it. Councilman Blackburn stated that Councilwoman Hinckley and her husband had spent a lot of time over at the Rec Center taking inventory and found there are a lot of items like lights and other things that really have no value but needed to be cleaned out of the building before it could be sold. Councilwoman Hinckley stated she needed to know how detailed this inventory needed to be for the city auditor. There was a brief discussion regarding the dollar amount requirements placed by state statute. Mayor Smith asked if they could at least invite Mr. Barber down to take a look at the remaining items to see if there is anything he could use. Councilman Day stated that he would like to see as much equipment go to the kids as possible. There was a brief discussion regarding the lists and getting the information put together.

Councilman Blackburn stated that Scout Troop #114 had approached him about doing a project and explained they would like to plant some trees. Councilman Blackburn stated that planting trees in the community was a great thing and would like to see this done. Mayor Smith suggested getting with Rick Lamoreaux, Park/Street/Sanitation Supervisor, and working out areas where trees could be beneficial.

Councilman Day asked if there could be a chance of getting recycle bins similar to those in Idaho Falls placed somewhere in Rigby. Councilman Day felt other cities have done this and feels it would be a good thing. Mayor Smith stated the city had done that a few years ago but then the company that was supposed to pick up those bins and they didn't. Councilman Maloney stated there were bins for newspaper recycling in the city. There was a brief discussion on the benefits of recycling.

Councilman Maloney asked if there was going to be a clean up day again this year. Mayor Smith stated the first one was scheduled for Saturday, April 24, 2010. Councilman Maloney stated that someone had approached him about the burn pit and asked if it was open yet. Mr. McCowin stated that it is not yet but will be opened soon. Councilman Maloney asked if there was going to be a place for bigger items and Mr. McCowin stated there would be two bins and places for refrigerators and things like that with city employees available to help sort items.

Approval of Minutes-

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

Councilwoman Hinckley referred to page 3, second paragraph where it talks about documents being distributed to the council and stated she did not do this but merely mentioned that she had them available. Councilman Maloney moved to approve the minutes. Councilman Blackburn seconded. All were in favor.

Councilman Zimmermann referred to the part in public comment where Mr. Lamb had come in and asked if that had been taken care of. Scott Barry, Wastewater Treatment Plant Operator, stated the supplies were dropped off yesterday but explained that nothing had been done with them yet.

Review and 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 comments.

Councilwoman Hinckley stated she had a question for Chief Anderson and asked what the guidelines were for animals that were picked up. Chief Anderson stated they had three (3) days at the Vet office. There was a brief discussion regarding animal control and the issues pertaining to it in the city. Councilwoman Hinckley asked about the elevator services that were performed in the Library and also the east side of the Rec Center and Mr. Swager stated that was strictly done in the library only. Councilman Simonson approved payment of the bills. Councilwoman Hinckley 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.

Rebecca Squires from the Jefferson Star referred to an article coming out in tomorrow's paper about the alcohol sales in different communities and found out that in 2007 there was a council meeting held regarding approving this and explained the council had voted against the approval. Mrs. Squires stated the current City Clerk stated this was not an issue at present but expected to start hearing requests again in the future.

Kevin Thompson of Thompson Engineering stated he was present this evening to introduce himself again and knew the city would be undergoing a sewer restoration project here soon and stated they were very interested in being a part of that. Mr. Thompson stated there had been discussion this evening about bringing more businesses to the city and stated that was important but also felt that supporting businesses that were already here was just as important. Mr. Thompson stated he

understood the city already had an engineer and urged the council to consider obtaining an engineer that is closer. Mr. Thompson explained there were three other engineering firms in Jefferson County other than Thompson Engineering and expressed his opinion in keeping that money close to home.

Rod Furniss, Chairman of the Education Foundation for Jefferson County, stated that he had been asked to come forward and explain what this is. Mr. Furniss stated he wanted to start by thanking the city for all the services they do offer. Mr. Furniss stated the Education Foundation is a non-profit organization that helps local schools. Mr. Furniss stated they take in grants and money that helps teachers buy supplies and helps low income students and classes like band or drama. Mr. Furniss explained they have approved exercise equipment, uniforms and books. Mr. Furniss stated they have an overall idea for the businesses in the area. Mr. Furniss stated that currently when someone needs a donation they walk into a local merchant and ask for it. Mr. Furniss stated that more often than not the businesses are getting approached several times a month with no way of knowing whether that money actually went towards what it was being asked for. Mr. Furniss stated the Foundation was proposing to have the local businesses donate the money they would have to these individuals to the Foundation instead. Mr. Furniss explained they would give stickers to these businesses that have donated along with grant papers to give to the requesting person and then that person would come to the Foundation to get their money. Mr. Furniss stated this would also benefit local businesses because there is an extra tax credit they can receive for doing this. Mr. Furniss stated they would be going to the local businesses to let them know about the Foundation and what they do. Mr. Foundation gave a brief explanation of the most recent donations they have received and what they have done with that money.

Councilman Day referred to comments made at a previous meeting regarding donations to the Chamber of Commerce for the fireworks presentation and asked how someone would go about making a donation. Mrs. Squires stated the Chamber of Commerce is not doing the Celebration of Liberty presentation and explained there is a group working on this under new leadership. Mrs. Squires suggested going to their website which is celebrationofliberty.org and give donations or obtain contact information through that.

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

USDA-RD-Loan Application-

Mayor Smith stated the next item on the agenda is regarding the loan application with Rural Development and turned the time over to their representative for the presentation.

Sid Curnow from the USDA stated he wanted to start out by introducing who was present with him this evening. Mr. Curnow explained that Ted Hendricks and Rick Miller from the Development Company and Dale Lish who is the Area Director for Rural Development. Mr. Curnow stated that he was going to start by turning the time over to Rick Miller.

Mr. Miller stated he wanted to start by refreshing the council memory on the budget of the new project that may help on this loan application. Mr. Miller stated he had brought a copy of the budget as a reminder and distributed those to the council. Mr. Miller referred to the papers and stated the single page was the current project summary budget which totals \$10,350,000 which is funds that have either been spent or is obligated for this project. Mr. Miller stated they have been working with

Mr. Swager on these numbers to gain a more accurate account of what the city has spent. Mr. Miller went over the different columns and what they meant for the city. Mr. Miller stated the next page is the project summary for the collection system/city reimbursement and explained this money was from two (2) different funding sources which are the \$5 million additional loan money from DEQ and the \$1.25 million grant from Rural Development. Mr. Miller went over some of the expenses indicated by the city in relation to this project like administration, construction and engineering. Mr. Miller stated the budget summary for both projects comes to \$16.6 million. Mr. Miller stated the one thing they wanted to discuss tonight was the fact that they had received concurrence from DEQ regarding the estimated \$355,000 in finance charges will be retroactive which means a reduction in interest for the current project. Mr. Miller stated this amount may be something the city wants to put into the collection system project. Mr. Miller stated that in overview the money available is the DEQ loan of \$7.75 million at zero percent interest, the Rural Development loans of \$3 million at 4.8% and of \$1.25 million at 3.25% and then Rural Development's grants which are the old \$1 million and the new \$1.25 million and then the block grant of \$500,000 bringing the total of loan and grant money to \$14,750,000. Mr. Miller explained the city would have to put in the other \$1,850,000. Mr. Miller turned the time over to Dale Lish.

Mr. Lish distributed copies of what he called the letter of loan and grants conditions and explained this was in regards to the supplemental \$1,250,000 they were offering to the city. Mr. Lish stated this was in addition to the loan and grant money that had already been obligated to the City of Rigby. Mr. Lish explained there was a tight window of opportunity for this money before they would be cooled and then offered at a first-come-first-served basis. Mr. Lish stated they wanted to make sure they were able to use all available funds given to them by the State. Mr. Lish explained that if this project was acceptable to the city they had seven (7) days in which to get this approved. Mr. Lish turned the time over to Sid Curnow.

Mr. Curnow stated he wanted to thank Mayor Smith and Mr. Swager for their time and explained they had been very instrumental in getting this project moving. Mr. Curnow referred to documents recently distributed to the council and referred to the letter of conditions dated July 12, 2006 and explained this was for informational purposes. Mr. Curnow referred to another paper dated October 12, 2006 and explained this was an amendment to the original letter of conditions. Mr. Curnow referred to another document dated April 20, 2010 and explained this was the newest amendment to the letter of conditions and went over the line items such as the automatic payment withdrawal, project budgets and camera study requirements and gave brief explanations of each one. There was a brief discussion regarding previous camera studies and whether those would meet the requirements or not. There was a brief discussion regarding the EDU count requirements and the penalty if the city drops before that number. Mr. Curnow stated that he had brought the letter of intent and the form to request the money formally for the city to sign if the fees and conditions are acceptable. Councilman Maloney moved to approve authorizing Mayor Smith to sign these documents on behalf of the City of Rigby. Councilman Simonson seconded. On a roll call vote:

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

Mayor Smith stated there has been a lot of work and people involved in this project such as The Development Company, Rural Development and DEQ and wanted to personally and on behalf of the City of Rigby thank them for all the hard work and efforts of those involved. Councilman Day expressed his appreciation to Mayor Smith for all the hard work that he has done on this project as well.

Executive Session-Pursuant to Idaho Code 67-2345, Subsection 1(c)-Labor Negotiations-

Mayor Smith stated the next item on the agenda was executive session and stated he would entertain a motion.

Councilman Zimmermann moved to enter into executive session pursuant to Idaho Code 67-2345 subsection 1(c) for labor negotiations. Councilman Simonson seconded. On a roll call vote:

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

Regular council meeting was recessed and executive session began.

Mayor Smith reconvened regular council meeting at 10:02 p.m.

Councilman Simonson moved to ask for the \$6 million in loan for the judicial review. Councilman Zimmermann seconded. On a roll call vote:

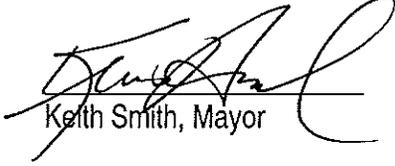
Councilman Zimmermann	--	aye
Councilman Simonson	--	aye
Councilman Day	--	aye
Councilman Blackburn	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye

Mayor Smith stated the next item that needed to be voted on was whether the city chose to stay with the engineering firm they have been with (Keller Associates) or to go through the procurement process and obtain someone else. Councilman Simonson stated that he would personally like to stay with the present engineer. Councilman Simonson moved to stay with the present engineer. Councilman Maloney seconded. Councilwoman Hinckley stated that she would like the local engineers to have an opportunity but could see the benefits of staying with one we have experience with. Councilman Day stated that he was going to abstain from voting due to his personal relationship with several engineers. On a roll call vote:

Councilman Simonson	--	aye
Councilman Day	--	abstained
Councilman Blackburn	--	aye
Councilwoman Hinckley	--	aye

Councilman Maloney -- aye
Councilman Zimmermann -- aye

Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor. The meeting was adjourned at 10:08 p.m.


Keith Smith, Mayor

Attest: 
David Swager, City Clerk