

**City of Rigby
City Council Meeting
May 4, 2010
7:00 p.m.**

Mayor Smith welcomed everyone to the meeting and turned the time over to Councilman Day 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.

Loan Resolution-USDA-RD-\$1.25 Million-

Mayor Smith stated the next item on the agenda was a resolution for the Rural Development loan.

Mayor Smith reminded the council of the previous meeting when Mr. Sid Curnow and Mr. Rick Miller had done a presentation regarding this issue. Councilman Blackburn asked what happens after this resolution is passed and the loan agreement is accepted and Mr. Swager stated there would still be the judicial confirmation but explained this would obligate the government money for the City of Rigby. Councilman Zimmermann asked what caused this to come in front of the council again and Mr. Swager stated everything had been handled somewhat informally but now the accepting resolution document is in front of them this evening to approve and make official. Councilman Maloney moved to accept the loan resolution from the USDA and to proceed as planned. Councilman Zimmermann seconded. On a roll call vote:

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

Proclamation of Water Restrictions-

Mayor Smith stated the next item on the agenda is a proclamation on water restrictions. Mayor Smith stated this was something the city does every year to help not overuse the water. Mayor Smith read the proclamation into record as follows:

Due to the current drought condition the City of Rigby's water system is unable to furnish a sufficient supply of City water for all purposes;

Therefore: the Mayor is limiting the water use pursuant to City Ordinance 8-1-32: "RIGHT OF MAYOR TO LIMIT USE OF WATER" effective May 16, 2010 and ending October 2, 2010, a home whose house number ends in an odd number is to water their

yards on Monday, Wednesday, and Friday. A home whose house number ends in an even number is to water their yards on Tuesday, Thursday and Saturday.

Now, therefore, I, Keith Smith, Mayor of the City of Rigby, Idaho do hereby proclaim water conservation for the City of Rigby, Idaho shall begin the week beginning of May 16, 2010 through October 2, 2010.

Summer Water-Vacant Residences-

Mayor Smith stated the next item on the agenda is regarding summer water usage in vacant residences and turned the time over to Mr. Swager for his presentation.

Mr. Swager referred to the council packets and stated there was a copy of the current city code 8-1-11 regarding the sprinkling rates and explained the last update was performed in January of 2005. Mr. Swager stated this code called for an \$11 for summer water if under a half acre and \$26 if it was a half acre or more. Mr. Swager stated there have been several people ask about vacant homes where the water is kept on for yard maintenance purposes but they had to pay the full city rate. Mr. Swager stated he had a resolution that would bring the 2005 version current to the present water charge of the \$16.80. Mayor Smith asked about the water bond and Mr. Swager stated that would have to be charged. Amy Sheets, acting City Attorney, referred to Idaho Code 63-1311 and 63-1311(a) and stated that cities were required to publish notice and hold a public hearing prior to adopting and increase in fees of more than five percent (5%) or imposing a new fee. Mrs. Sheets stated that if this increase would be more than five percent (5%) then there needed to be a public hearing before it could be adopted. Councilman Blackburn asked if this meant that as a homeowner when he would water his yard he would be charged this fee as well or if this was just a vacant lot. Mayor Smith gave some examples of people that own various properties that no one lives in but the yards need to be watered and maintained and this would allow them to be charged just for the water and water bond. Councilman Day asked if this would also include those that have moved out of the home but haven't sold it yet and Mayor Smith stated that was correct. Councilman Simonson stated the \$11 was being raised to the \$16.80 that everyone else was paying and do away with the \$26 and it was decided that was correct. Councilman Simonson stated that he felt the increase to the \$16.80 was fair. Councilman Blackburn moved to proceed with the increase of summer irrigation and sprinkling rates. Councilman Simonson seconded. All were in favor.

Special Event Permit-

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

Mr. Swager stated there had been a change to the application and referred to page five in the second paragraph where it is italicized. Mr. Swager referred to the last council meeting when the council had asked Mr. Dunn to add the wording for the applicant to be responsible for any damages and explained he had inserted what Mr. Dunn had given him. Councilman Blackburn stated he had been approached by Connie Moore who had people come to her worried about the \$25 application fee. Councilman Blackburn stated that he felt the \$25 was not excessive but felt the council should be open to hearing their reasons for deviating from that fee. Councilwoman Hinckley stated that Steve Cook from the Rodeo Board had expressed his satisfaction with the fee structure.

Councilman Simonson stated the \$25 doesn't even cover the city expenses but was set to help. Councilman Day moved to adopt the Special Event Permit. Councilman Maloney seconded. On a roll call vote:

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

Old Towne Saloon-Beer Sales on Sunday-

Mayor Smith stated the next item on the agenda was regarding beer sales on Sunday and turned the time over to Kathy Jarvis for her presentation.

Kathy Jarvis, 172 E. Main, Old Towne Saloon and Café, stated she was feeling a little blindsided by the council because she was told at the one meeting there was a procedure that needed to be followed with Sunday sales. Mrs. Jarvis stated that she was informed by the weekly newspaper that it had been decided to not go any further on this issue. Mrs. Jarvis stated she has been unable to obtain a copy of the minutes so she can only go by what was written in the paper. Mayor Smith explained the minutes needed to be approved for accuracy prior to becoming public record. Mrs. Jarvis stated that she was trying to run a business and wanted the ability to do that. Mayor Smith stated it had been the decision of the council to consider the Sunday beer sales if the establishment was a restaurant and explained her business did not meet that consideration. Mayor Smith referred to an email he had received from Raymond Keating over at the District Public Health Office and stated that according to him the only ones that met the requirements of a restaurant was Dolly's Subway in Rigby and Watson's in Menan. Councilman Blackburn stated that restaurants did not allow smoking and asked Mrs. Jarvis if her business did and she stated that was correct. There was a brief discussion regarding when this could be heard again or whether the public could hold an election on this issue. Councilman Blackburn stated his concern was over what was originally presented was not how things had transpired so the council had decided to not continue with this request. Councilman Blackburn stated the council was looking at what other cities were doing and were working toward implementing something later on. Councilman Day stated he agreed with Councilman Blackburn because the original request had been changed four times and turned into something totally different and stated he did not feel comfortable approving it. Mrs. Jarvis asked when the minutes would be approved and Mayor Smith told her later in this meeting.

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.

Councilwoman Hinckley stated that she had hoped Larry Anderson, Chief of Police, would be present to discuss the recent dog biting incident that occurred in the city. Councilwoman Hinckley asked if anyone had heard about that and no councilmember indicated they had.

Councilman Zimmermann referred to the previous council meetings where the council talks about the men and women who serve this country and stated there had been a bombing in Afghanistan that was hitting close to home. Councilman Zimmermann explained that a woman who works at Broulim's has a son serving and he was a victim of this bombing and explained that he had been life-flighted to a hospital in Germany and is critical.

Councilman Day referred to the construction on Highway 48 and State Street and stated it was nearing completion and asked if there was anyway something could be put in the paper thanking Scotty's for the donation of the property. Councilman Day stated that he also wanted to thank Rick Lamoreaux, Park/Street/Sanitation Supervisor, for his involvement and work with Scotty's. Mayor Smith stated that Councilman Day could have the assignment of writing a letter and submitting it to the paper.

Councilman Maloney stated he had a question for Mr. Lamoreaux regarding the burn pit and asked what the days and hours that it was open. Mr. Lamoreaux stated Thursdays from 8 a.m. to 6 p.m., Fridays from 8 a.m. to 6 p.m. and Saturdays from 8 a.m. to 6 p.m. There was a brief discussion regarding a recent article in the paper.

Approval of Minutes-

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

Councilman Blackburn moved to approve the minutes as written. Councilman Zimmermann seconded. All were in favor.

Review and Approval of Bills-

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

Councilman Day referred to page 4 for a payment for Lott Construction for a water line and asked if the city was moving to do this work themselves. Mr. Lamoreaux referred to some work on Clark Street and Main Street and explained the work the city had done there. Councilwoman Hinckley referred to page 4 for a payment for the Idaho Transportation Department and asked what that was about. Councilman Day stated that while the state was working on the road the city found a water line that ran through another person's property and wanted to fix it while the trench was in the area so they added that to the work but agreed to pay for it. There was a brief discussion regarding the water line and what had happened in the past with that line. Councilman Simonson moved to approve payment of the bills. Councilwoman Hinckley seconded. All were in favor.

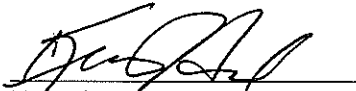
Public Comment-

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

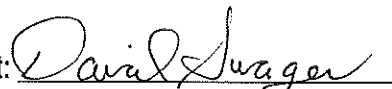
Mr. Lamoreaux stated that he just wanted to remind everyone the second clean-up day would be on Saturday, May 15th and explained the bins and city employees would be here that day. Councilman Maloney asked if the branches and limbs were still being picked up and Mr. Lamoreaux stated they were.

Councilman Day stated that he would like to see the city get some recycle bins and explained this would help alleviate some of the garbage being hauled away. Mr. Lamoreaux stated they had been bins before but they had been removed but would look into getting some again.

Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor. The meeting was adjourned at 7:40 p.m.



Keith Smith, Mayor

Attest: 

David Swager, City Clerk/Treasurer