

**City of Rigby
City Council Meeting
June 1, 2010
7:00 p.m.**

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

Mayor Smith reminded the audience of the public hearing and referred to the sign up sheets on the table for anyone that wished to give testimony.

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

Non-Commercial Kennel License-

Mayor Smith stated the next item on the agenda was for a non-commercial kennel license and turned the time over to the applicant for her presentation.

Linda Simonson, 386 W. 3rd North, stated she was present this evening to ask for a non-commercial kennel license because city code requires it if you have more than two dogs. Mrs. Simonson stated she currently owned two dogs but explained that her daughter was going to be living with her temporarily and owned two dogs as well. Mayor Smith stated that he believed the requirement was to have signatures of so many neighbors and asked if those had been received. Mr. Swager stated they had and Mrs. Simonson explained she had included that information with her application. Mayor Smith referred to the application and stated it showed there were five dogs total. Mrs. Simonson stated that her sister-in-law currently lives with her and has an elderly dog that she believed was being put down. Councilman Blackburn referred to the temporary comment and asked what timeframe she was expecting and Mrs. Simonson stated that she was hopeful that it would only be for the duration of the summer. Councilwoman Hinckley moved to approve the non-commercial kennel license. Councilman Maloney seconded. Councilman Simonson recused himself from the vote. All others were in favor.

ECIPDA-The Development Company-

Mayor Smith stated the next item on the agenda was regarding the Development Company and turned the time over to the representative for their presentation.

Ted Hendricks stated he was there this evening to present their professional services contract to the council. Mr. Hendricks stated he had only brought four copies and distributed them to members of the council for review. Mr. Hendricks stated this was a standard contract they did for the State and explained they were proposing a fixed fee not to exceed \$128,000. Mr. Hendricks stated he believed this fee to be the one previously discussed when they were putting all the documents in place for the city. Mr. Hendricks explained this was a standard contract with identified scopes of service and termination clauses and explained this contract includes the plan to attempt a block

grant later in the fall. Mr. Hendricks gave a brief explanation of what the contract entailed and what both parties could expect from the contract. Robin Dunn, City Attorney, asked if the cost incurred by the Development Company would change if the amount of money the city received changed and Mr. Hendricks stated it would not and explained the processes they go through are the same regardless of the amount of money. Mr. Hendricks went over the construction period and reports that are required and how this affects the Development Company. Mayor Smith asked if the council could have until the next meeting to review and discuss this contract and Mr. Hendricks stated that was acceptable.

Public Hearing-Amended Plat-Hailey Creek-

Mayor Smith stated the next item on the agenda was a public hearing for an Amended Plat for Hailey Creek and asked for a staff report from Paula Sessions, Planning and Zoning Administrator. The public hearing started at 7:28 p.m.

Mrs. Sessions stated this item went in front of Planning and Zoning on May 13, 2010 and explained there had been no one there to give testimony for, against or even neutral. Mrs. Sessions stated that she had given Mr. Swager copies of what went to Planning and Zoning and stated she hoped the council had received that information. Mrs. Sessions stated that Jaramie Magera, Developer of Hailey Creek, had given some property to the school district and then intended the rest to be part of his subdivision. Mrs. Sessions went on to explain the school district was in need of more parking and so they had approached Mr. Magera regarding purchasing some additional property. Mrs. Sessions explained that Mr. Magera had already recorded his plat with certain lines and in order to sell a piece to the school he would need to come in and request an amended plat. Mrs. Sessions stated this amended plat would take a portion of the R-2 section and make it a non-buildable lot and then he can sell or transfer that portion to the school district. Mrs. Sessions stated the remaining 2.5 acres will remain the R-2 portion of the subdivision. Mrs. Sessions stated the Planning and Zoning commission voted unanimously to approve and Commissioner Johnson had made the comment that any time there is the option for more parking that he is in favor. Councilman Blackburn stated there was some discussion previously about the city purchasing some property and asked where that fits in and Mr. Magera explained it would be directly across the street. Mike McCowin, Public Works Director, stated the city was looking at property directly adjacent to the well lot. Councilman Blackburn asked if this parking area would interfere with access to the city well and Mr. McCowin stated there is a road that would divide the two pieces of property.

Mayor Smith stated there was no one signed up to give testimony on the public hearing. Mayor Smith asked Mr. Magera if there was anything he would like to add and Mr. Magera stated he felt Mrs. Sessions covered it adequately. Mayor Smith asked the audience if anyone wanted to give any comments but none were given. Mayor Smith closed the public hearing at 7:33 p.m. and turned the time over to the council for deliberation. Councilman Blackburn stated that where this was for additional parking it made sense and where it didn't interfere with the access to the well there would be no conflict. Councilman Blackburn moved to approve the Amended Plat for Hailey Creek. Councilman Zimmermann seconded. On a roll call vote:

Councilman Blackburn	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye

Councilman Simonson -- aye
Councilman Zimmermann -- aye

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.

Jaramie Magera, Developer of Hailey Creek, 332 N 4440 E, stated that he had a question regarding Hailey Creek. Mr. Magera stated they had submitted final numbers for approval some time ago and have not heard back and asked whether there had been a decision or not. Mr. Dunn stated that he had just talked with Mr. Homer about this and stated legally everything looked fine but explained the actual formula didn't mean anything to him and felt that would need to be approved by Mr. McCowin. Mr. Dunn stated that Mayor Smith had the document ready for signature as long as formula was approved. Mr. McCowin stated he had just received that information today and would look at it and make a decision soon.

Mr. McCowin stated that Mayor Smith had asked him to bring up some things this evening and explained the first involved the wastewater treatment plant. Mr. McCowin stated there would soon be infiltration from the sub-water coming into the lines and explained the sump pumps would start coming on and pushing water into the drains. Mr. McCowin explained this would send clean water to the treatment plant. Mr. McCowin asked if the Jefferson Star could put an article in the paper asking the city residents to help with this issue. Mr. McCowin stated another problem at the treatment plant is grease and explained they had gone around to the area restaurants to make sure they were handling their grease appropriately and so they feel this is domestic grease. Mr. McCowin asked if the Jefferson Star could make mention of this in the paper as well. Mr. McCowin stated that Scott Barry, Wastewater Treatment Plant Operator, was currently working on an ordinance and program for pre-treatment that would cover some of these issues. Councilman Blackburn asked what they were proposing for the homeowners and Mr. McCowin stated they wanted to ask that they not put grease into the drainage system. Councilman Blackburn referred to other communities with this type of system that had this issue and asked if they had implemented what is being worked on and Mr. Barry stated that was correct. Mr. McCowin explained they had obtained information from surrounding cities and would combine the best of each that would work for the City of Rigby. Councilman Simonson referred to the septic dumps being received at the treatment plant and asked how they could be sure the problems weren't coming from that. Mr. Barry stated they are presently only taking domestic waste and explained this meant only what is in their septic system.

Councilwoman Hinckley stated that she would like the department heads to look once again at the remaining items in the Recreation Center to see if there is something they could use. Mayor Smith stated that he would bring that up in the department head meeting in the morning.

Mayor Smith stated the parade was going to be prior to the next council meeting and asked Councilwoman Hinckley if she had that all organized. Councilwoman Hinckley stated it was mostly organized and would report to him within the next few days of what she had put together.

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

Approval of Minutes-

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

Councilman Zimmermann stated that he had an issue with the minutes and stated under the roll call he is listed as here and also as absent. Councilman Zimmermann stated that he was excused along with Councilman Blackburn and explained that he had talked with Mayor Smith prior to the meeting. Mayor Smith confirmed this and stated that he had not talked with Mr. Swager about that. Councilwoman Hinckley referred to the bottom of page 4 and stated there was the letter "e" missing from the last line. Councilman Maloney moved to accept the minutes as amended. Councilwoman Hinckley seconded. Councilman Zimmermann and Councilman Blackburn abstained. All others 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.

Mr. Swager stated there was an amendment to the bills and explained this is for \$105.00 for some travel for the Police Department that starts tomorrow. Councilman Simonson 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.

No public comment was given.

Executive Session-Pursuant to Idaho Code 67-2345, subsection 1(a)-Change in Staffing-

Mayor Smith stated the next item on the agenda was a short executive session and asked for the motion.


Councilman Zimmermann moved to enter into executive session pursuant to Idaho Code 67-2345, subsection 1(a). Councilman Simonson seconded. All were in favor.

Council meeting was recessed and executive session entered into at 7:48 p.m.

Executive session ended and council meeting reconvened at 8:31 p.m.

Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor. The meeting was adjourned at 8:32 p.m.


Keith Smith, Mayor


Attest: David Swager, Clerk