

**City of Rigby
City Council Meeting
January 4, 2011
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 turned the time over to Councilman Zimmermann who gave the prayer.

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

Rocky Mountain Power Foundation-

Mayor Smith stated the next item on the agenda was the Rocky Mountain Power Foundation and turned the time over to a representative for their presentation.

Glen Pond from Rocky Mountain Power stated that he visited with Mayor Smith and Mr. Swager a short time ago to discuss grants being available for projects within the community. Mr. Pond stated that Mr. Swager got busy and submitted an application. Mr. Pond explained that it had gone through the approval process and explained the city has received \$4,500 for the Veteran's Memorial that was completed under the direction of Gary Williams. Mr. Pond stated he was proud to partner with the city and the community with this project. Mr. Pond stated the honoring of Veteran's who have given their lives and their service for our country and our freedoms. Mayor Smith expressed his appreciation to Mr. Pond for working with the city to obtain this grant. Mr. Pond presented the grant check for \$4,500 to Gary Williams for the Veteran's Memorial.

Broker Listing – Recreation Building-

Mayor Smith stated the next item on the agenda is the recreation building and reminded the council that some time ago they declared the building to be surplus property.

Mayor Smith stated the building had been listed in the surplus auction but that it did not sell and Councilwoman Hinckley stated that was correct. Mayor Smith asked the council if they would like to contact a broker and have it listed in an attempt to sell it. Mayor Smith asked if it was legal for the city do so this and Robin Dunn, City Attorney, indicated that was correct. Councilwoman Hinckley asked if now was a good time and Mr. Dunn stated it could wait or be done now depending on the wish of the council. Councilman Blackburn stated this would at least get the information out and Mr. Dunn stated the city did not have to accept an offer if they didn't want to. Mr. Dunn stated the market is a little slow and felt it would be a good idea to get it out there. Mayor Smith asked how they would go about this and Mr. Dunn stated to just select someone but suggested it be a local person. Mayor Smith asked if they needed a motion to place the building with a broker or since the other steps had been done if they could just do it. Mr. Dunn stated they had the authority but felt it would be a good thing to have a motion on record. Councilman Zimmermann asked if they had decided an amount to ask for the building and Mr. Dunn stated there had been a minimum bid at one point. There was a brief discussion regarding obtaining a realtor's estimate on the building

prior to making a listing. Councilman Zimmermann moved to approve contacting a realtor to list this property. Councilwoman Hinckley seconded. Mayor Smith referred back to the pricing and asked if the council would like him to report back regarding a price before the actual listing took place. Councilman Blackburn stated he did not believe it mattered at this point. On a roll call vote:

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

Approve Water Study Report-

Mayor Smith stated the next item on the agenda was the water study report.

Mayor Smith explained this was the water report that Jim Mullen of Keller Associates talked about at the last council meeting. Mayor Smith stated the council needed to approve the study but explained that it did not mean they approved their priorities. Mayor Smith stated this was more of a formal thing the city needed to do as a requirement for the grant money that was used to pay for this study. Mayor Smith stated they needed to formally accept their findings but explained they did not have to accept their priorities. Mayor Smith stated this was a guideline to follow but was not written in stone. Mr. Swager stated that since some of the money was Federal the city needs to acknowledge the report and accept the study as being complete. Councilman Blackburn moved to approve the water study completed by Keller Associates. Councilman Maloney seconded. Councilman Day stated that as this progress along in the future he thought it would be a good idea for the city to address the priorities they think are important. Mayor Smith stated that he didn't believe this needed to be part of this motion. Mayor Smith stated he has been thinking about the plans for the future and explained this would be something they would address in a future meeting. Councilman Day referred to the Comprehensive Plan and explained there has been a lot of debate over how things would be developed according to this. Councilman Day stated that due to his issues with that plan he wondered whether it was appropriate to put together a plan of action for the city. Councilman Blackburn stated that when the city develops a priority list and submits that would serve as priority for future councils. Councilman Blackburn stated that it is hard to determine what the priorities would be 20 years from now. Mayor Smith stated that Mr. Swager had stated this does not approve the listing or the order of the priorities but only accepts the study. Mr. Swager suggested amending the motion to include the acceptance of the study but not the priority listing. Mr. Dunn stated they are only accepting the study and did not feel the study binds the city to any particular obligation. Councilman Blackburn stated the study identifies the problems and Mr. Dunn stated that was correct. There was a brief discussion regarding the priorities, future councils and determinations that could be made. Councilman Day suggested having the minutes from this meeting attached to this study so that future councils were aware of the conversations held this evening. Mr. Swager stated he would do this. Councilman Blackburn amended his motion to say they approved the study but not the priority listing and that an amendment be attached to the study to assist future councils. Councilman Maloney seconded the amended motion. There was a brief discussion regarding the priority listing and how this would be addressed at a later date. On a roll call vote:

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

Surplus Property-

Mayor Smith stated the next item on the agenda was regarding some surplus property.

a. Police Cars

Mayor Smith stated there were four police cars that needed to be declared as surplus property. Mayor Smith explained the city would be keeping the fifth one for future use within the city.

b. Lagoon Aerators

Mayor Smith stated there were also some lagoon aerators that are not needed anymore. Mayor Smith asked if they were still usable and Scott Barry, Water/Wastewater Supervisor, stated that four of them were for sure. Mayor Smith stated the City of Menan has approached the city and has asked to take these. Councilman Zimmermann asked if there was a price that could be placed on these and Mr. Barry stated they were worth approximately \$2,000 each. Councilman Day referred to the surplus property that had been at the Recreation Center and explained that he had worked with the schools to negotiate prices on the equipment that bought and suggested having Mr. Barry do the same thing with the City of Menan.

c. Computer Monitors/CPU-

Mayor Smith referred to the computers and asked Mr. Swager if the hard drives had been removed from these computers. Mr. Swager stated they have not but explained they would need to be removed and destroyed prior to leaving city hall. Mr. Swager suggested taking them to a recycle center and someone may be able to do something with them. Mr. Swager stated they were of no value to anyone.

Mayor Smith stated these were the three categories the city had items to declare as surplus property. Councilman Maloney moved to declare surplus property and prepare for sale or disposal the items a) police cars, b) lagoon aerators and c) computer monitors/CPU units. Councilman Simonson seconded. On a roll call vote:

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

Ray Bowen, from the audience, asked what the council had just voted on and Mayor Smith stated they had some extra items they were declaring as surplus items. Mr. Bowen asked what would happen to them and Mayor Smith stated there were four police cars that would be placed for public

auction, some sewer lagoon aerators that would be negotiated with the City of Menan to purchase and some computers and monitors that would probably be taken to the landfill.

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.

a. Water Tower Lease Space-

Mayor Smith stated the first item was the water tower lease space and turned the time over to Mr. Swager for his presentation. Mr. Swager explained a representative from AT&T had called to see if the water tower was being used for anything to which Mr. Swager informed them it was not. Mr. Swager stated that AT&T wanted to upgrade their wireless service in this area and asked if the city would entertain the idea of leasing a space on the tower. Mr. Swager stated that he had told them it would depend on what they were asking and explained this representative came over and looked at the tower. Mr. Swager stated that shortly after that this proposed lease agreement came in the mail and explained that he included it in the council packets. Mr. Swager stated that he has had no further communication with AT&T as to their requirements or anything. Mr. Swager stated he was unsure of the structural integrity of the tank and explained it has been sitting there empty and rusting since it was abandoned approximately thirteen (13) years ago. Councilman Blackburn referred to the tower and asked if it was covered under the city's insurance and Mr. Swager stated that it was. Councilman Blackburn asked if there was a breakdown on how much the city pays and Mr. Swager stated there was not and explained the insurance groups the city's assets and then bases the insurance off the total valuation. Councilman Blackburn referred to the lease agreement and indicated that it asks for a 50x50 foot space they were requiring and asked if this would cause a problem with the equipment that is presently stored by the tower. Mr. Swager stated that presently the only thing by the tower was the surplus police cars and explained that AT&T would just need to have access to the tower. Mr. Swager suggested having a representative come before the council and having the council put together a list of questions that could be submitted to them. Rick Lamoreaux, Park/Street/Sanitation Supervisor, asked if the cable TV still had something on the tower and Mr. Swager explained they had some equipment on the tower but explained it was abandoned when they upgraded their equipment several years ago. Mr. Lamoreaux asked if there was still a dispatch repeater on the water tower and Mr. Swager stated there is an antenna and explained that he believes it goes to the two-way communications located in the front office. Councilman Blackburn referred to the lease agreement and asked if they chose to approve this and later found the tank to be rusting and asked if someone may require the city to implement some safety precautions at a cost to the city. Mr. Swager stated he was sure there would have to be something and explained AT&T wanted to have five-five-year intervals for a total of a 25 year lease period. Mr. Swager stated that if the tank is too expensive to maintain the city has the right to pull-out of that agreement. Mr. Swager stated this agreement would need to be reviewed and approved by Mr. Dunn. Councilman Simonson asked if the city could sign a lease agreement for five years and Mr. Dunn stated they could because it was not a purchase. Mr. Swager explained this would be to receive money not to pay money out. Councilman Zimmermann stated that his concern was the structural integrity of the structure itself and asked how old the tower was and Mr. Swager stated that it was built in 1954 or 1955. Councilman Zimmermann asked how often this has been maintained and whether all the bolts were still there. Mr. Lamoreaux stated the tower was built in 1951 and explained that it has been painted approximately every 10 years. Mr. Lamoreaux stated the tank was drained and checked each time and explained the last time this was done was in

1986. Mr. Lamoreaux explained they epoxyed the inside of the tank and painted the outside. Mr. Lamoreuex stated that in 1996 the city built the new water tank and abandoned this one. Councilman Zimmermann stated that a structural engineer could come and check the tank to see if it would last another ten years or break next week. Councilman Simonson stated that whether it is leased or not the city needs to have the tower checked to make sure that it is not going to fall down. Mayor Smith stated his concern is the government will at some point in time come back and say there is something in the tower that will cost the city a fortune to take it down. Mayor Smith stated that at one time Laverl Noreen had stated he would take it down for the salvage rights and stated he would not mind seeing this happen rather than the city face the liability of disposal. Councilman Simonson stated that with this lease the city could make \$60,000 in ten years. Councilman Blackburn stated that if there was the possibility of AT&T coming in he would like the opportunity to at least ask them some questions. Councilman Zimmermann stated they may even pick up the tab of an engineer looking at it to determine longevity. Councilman Simonson stated that he would like to have Mr. Dunn review the lease agreement. There was a brief discussion regarding the city having an escape clause in the agreement. There was a brief discussion on what the proposed antennae would look like and whether there would be a flashing beacon or not. Mr. Swager suggested compiling a list of questions to submit to AT&T and then the meeting could be more productive. Councilman Day asked if there was a way the city could contact a structural engineer and get a bid on what it would cost to check out the tower. Mr. Lamoreaux stated the original blueprints and plans for the water tower are located in city hall if anyone wanted to look them over. Councilwoman Hinckley asked where the money would come from if AT&T chose not to pay for the structural engineer and Mr. Swager stated it would come from the Capital Improvement Fund. Councilman Zimmermann stated that he would like an opportunity for them to come before the council. Mayor Smith stated he would like the council to take a week and compile a list of questions and give them to Mr. Swager so that he can submit them to AT&T. Mayor Smith stated this would allow AT&T to be prepared with answers and this issue can be handled with one meeting rather than multiple. Councilman Zimmermann stated that if the city wanted to take it down then there was no need to talk with AT&T. Mayor Smith referred to a comment earlier from Councilman Simonson regarding consideration for the \$6,000 per year in revenue from this antennae. Councilman Simonson asked if it would be worth it financially to enter into this lease agreement or reduce liability. Councilman Blackburn stated it would not be very good if in ten years the city made this \$60,000 only to find that it will cost \$60-80,000 to tear down the water tower. Councilman Day stated if there was lead paint on the tower then it created a new list of problems. Mayor Smith stated that he would call Mike Jaglowski tomorrow to see if he could recommend someone to look at this. Mayor Smith suggested starting with checking to see what kind of condition the water tower is in before they pursue this lease agreement. Councilman Simonson suggested checking to see if there was anyone interested in taking it down for salvage purposes as well so this option is available if that was the way they chose to go. Mayor Smith stated they would put this item on hold until they could obtain information from the engineers.

b. Circuit Breaker-

Mayor Smith stated the next item to discuss was regarding the circuit breaker.

Mayor Smith referred to a document in the council packets and stated that Mr. Swager had included some information regarding the circuit breaker and explained the city had set aside \$10,000 to assist with funding this. Mayor Smith asked when the county does their circuit breaker and Mr. Swager stated the county circuit breaker papers are due April 15th of each year. Mr.

Swager stated if the city uses the same pre-qualifications the county does and just has the residents submit the same paperwork to the city. Councilman Blackburn referred to this program and asked if maybe some of the residents who would qualify for it might not even know about it. Mr. Swager stated he had hoped the paper would be present so they could advertise this information in the Jefferson Star. Mr. Swager stated that when he had talked to Sherry Lufkin about this she had indicated there were seventy-five (75) applicants last year that were qualified city residents. Mr. Swager stated the information needed to get out to the media, placed on the website and perhaps mentioned in the billing. Councilwoman Hinckley asked if anyone had inquired about this program this winter and Mr. Swager stated there had been three residents. Mr. Swager stated that Joyce Chapple had asked if the city would consider having a helping hand type set-up that would allow some people to give a \$1 or something towards the assistance with someone else's utility bill. Councilman Blackburn asked if there was a way of adding a helping hand donation spot on the utility bills and Mr. Swager stated that was correct. Councilman Blackburn asked how this could be started and Mr. Swager stated that it would need to be an agenda item and the proceeds to be placed in a dedicated fund with restrictive use.

c. Multi-Business Ordinance-

Mayor Smith stated the next item to discuss was the multi-business ordinance.

Mayor Smith explained that a draft ordinance was included in the council packets but explained that he did not have one. Mr. Swager went to get a copy and stated that it was locked in another employee's office and would have to wait until the next meeting.

Mayor Honored-

Councilman Blackburn stated that he had an item that he wished to bring up this evening. Councilman Blackburn explained that as a council they wanted to honor an individual here with the city. Councilman Blackburn stated that some of them had put their money together to purchase something in order to recognize Mayor Smith. Councilman Blackburn explained that Councilman Zimmermann had spear-headed this plan and expressed his appreciation for that initiative. Councilman Blackburn expressed appreciation on behalf of the council for the timeless effort Mayor Smith has given to the city over the past five years and especially this past year as Mayor. Councilman Blackburn stated there were many people that don't realize how much of a sacrifice that Mayor Smith has given whether it's wedding ceremonies, ribbon cuttings, plaque making and other such things. Councilman Blackburn stated that it was with great honor that he not only present this gift but also recognize Mayor Smith's wife, First Lady of Rigby, and her sacrifice of her husband's time for the city. Councilman Blackburn stated that often the members of the council could not do what they do without the help and support of their spouses. Mayor Smith stated that he was at a loss for words but explained that he was appreciative of this. Mayor Smith stated that he enjoyed working with everyone and really enjoyed what he does for the city.

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.

Mayor Smith referred to the dispatch fees for the sheriff's office and asked if this was for one quarter and Mr. Swager stated that was correct. There was a brief discussion regarding the changing of those fees per the negotiations that were held between the county and city.

Councilman Zimmermann referred to page 2 under building department expenditures and asked what those were and Mr. Swager stated they were invoices from Mike McCowin and explained that he had finished out some inspection in town. Councilman Zimmermann moved to approve payment of the bills. Councilman Simonson seconded. On a roll call vote:

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

Public Comment-

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

Ray Bowen addressed the council and said that he works with the kids out at the fair grounds for 4-H and asked if there was a chance if during fair week they could get a carnival on the grassy area. Mr. Lamoreaux stated there used to be a company that used to come but for some reason they quit coming. Mr. Bowen asked if it was something the council would be interested in doing this again. This male stated these kids work hard working with these animals and then no one looks at them and explained they get disappointed. Mr. Swager stated that Mr. Lamoreaux is on the Parks and Rodeo Commission but explained he could take his name and number to the next meeting and present it to them since it is a county fair. Mr. Bowen stated that he was willing to do some work of his own to see about getting a carnival or something else during this time. Mr. Dunn explained the main concern would be the liability and explained that ICRMP would not cover this type of event.

Gary Williams stated that he would like to thank the council and everyone else associated with the city for their help with the Veteran's Memorial. Mayor Smith stated they appreciated all Mr. Williams' work and stated he felt it would not have been completed without these efforts. Mr. Williams explained that he had received an anonymous donation in the amount of \$5,000 and expressed appreciation for that.


Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor. The meeting was adjourned at 8:10 p.m.

City of Rigby



Keith Smith, Mayor

ATTEST:



David Swager, Clerk