

**City of Rigby
City Council Meeting
March 1, 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 Kurt Hibbert 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. Those absent: Councilman Simonson (excused).

Mayor Smith stated that he would like to make a change on the agenda and explained that after public comment he would like to add executive session. Mayor Smith explained this would be pursuant to Idaho Code 67-2345 subsection E.

Nominee—Planning and Zoning-

Mayor Smith stated the next item on the agenda was regarding nominations for Planning and Zoning.

Mayor Smith explained the Planning and Zoning Commission were short two members. Mayor Smith stated he has two names to present this evening to the council for their consideration and approval. Mayor Smith stated the first would be Roger Warner and explained he was present this evening. Mayor Smith stated that Mr. Warner was a lifelong member of the community and explained that he resides within the impact area. Mayor Smith stated that city code allows for one member of the commission to be from the impact area. Mayor Smith stated he feels Mr. Warner would add valuable input from a county perspective and explained he would be a great asset to the commission. Councilman Zimmermann moved to approve the appointment of Roger Warner to the Planning and Zoning Commission. Councilman Maloney seconded. All were in favor.

Mayor Smith stated the next nominee is not present this evening but explained he has talked to him several times regarding this appointment. Mayor Smith stated he would like to nominate Glen Bennett and explained that Mr. Bennett works at Eckersell's Funeral Home and lives on Tall Avenue here in town. Mayor Smith stated that if appointed he would swear him in later in the week. Councilman Zimmermann asked if Mr. Bennett had accepted the position and Mayor Smith stated he had informally. Councilman Maloney moved to approve the appointment of Glen Bennett to the Planning and Zoning Commission. Councilman Blackburn seconded. All were in favor.

Nominee—Urban Renewal Agency-

Mayor Smith stated the next item on the agenda was regarding nominations for the Urban Renewal Agency.

Mayor Smith explained that Urban Renewal were also short two members. Mayor Smith stated that he had two names to present this evening to the council for their consideration and approval.

Mayor Smith stated the first was Clark Lemmon and explained that he was present this evening. Councilman Day moved to approve the appointment of Clark Lemmon to the Rigby Urban Renewal. Councilman Zimmermann seconded. All were in favor.

Mayor Smith stated the second was Mike Taysom and explained that he was present this evening. Councilman Blackburn moved to approve the appointment of Mike Taysom to the Rigby Urban Renewal. Councilwoman Hinckley seconded. All were in favor.

Mayor Smith expressed his appreciation to these two men for their consideration in accepting this position. Mayor Smith stated it was great to have members of the community step forward and help in their community. Mayor Smith called Mr. Warner, Mr. Lemmon and Mr. Taysom forward so they could each be sworn into their respective offices and asked Council President Blackburn to perform the swearing in.

Wastewater Treatment Plant-

Mayor Smith stated the next item on the agenda was regarding the wastewater treatment plant and turned the time over to Nick Charles of Keller Associates, for his presentation.

Mr. Charles reminded the council about the filter presentation that was given at the last council meeting and explained they had discussed a proposal received from a company called Enteck about upgrading the filters to their product. Mr. Charles stated that after that meeting there had been other conversations with Mayor Smith, Enteck and Scott Barry, regarding where to proceed from here. Mr. Charles stated there had been some discussions regarding going out to an actual Enteck installation area. Mr. Charles stated that Enteck currently has two sites and explained that one is operational and the other is in the final stages of construction and is near Jacksonville, Florida. Councilman Blackburn asked if this was the company that was going to modify the filters and a determination into their success could be made within two weeks and Mr. Charles stated that was correct. Councilman Blackburn asked about the installation that is not operational and Mr. Charles stated the filter portion is installed and operational but explained the remainder of the plant was being completed. Mr. Charles stated this means they are able to run water through the system but no actual treatment is being performed. Councilman Blackburn asked if they would be able to see the vacuuming system and Mr. Charles stated that was his understanding. Mr. Charles stated they would be able to see how it works and how it is set up but not see it actually treating wastewater. Mr. Charles stated there are other options available and explained there were products built prior to Enteck receiving their license to construct. Mr. Charles stated the manufacturer claims it is the same system but looks different due to the modifications in appearance. Councilman Zimmermann referred to a flyer submitted to them at a previous meeting where it states this is an after back-wash system and asked for clarification on this. Mr. Charles stated it is an after back-wash system and explained it holds a vacuum on the surface of the filter cloth and pulls clean water through the fabric from the backside. There was a brief discussion regarding the vacuum system and how it pertains to the filter system.

Mr. Charles referred to a comment from Councilman Zimmermann at the previous meeting and explained that he has been trying to make contact with a representative from Hyde Co. Mr. Charles referred to the trip to visit an Enteck site and asked if the council wanted him to pursue that option. Mayor Smith told Mr. Charles that no matter which option they went with Keller Associates needed to feel comfortable with and make recommendations for the option chosen. Mayor Smith stated he

felt it would be a nice trip to Florida but felt it was more important for Keller Associates to go than anyone else. Mr. Charles explained that he and Jim Mullen would accompany any member of the council that chose to go on this trip. Councilman Zimmermann asked for a timeframe on that trip and Mr. Charles stated Enteck indicated towards the end of March would be the best time. Councilman Day asked if there was any way Enteck could video tape the functioning filter and send the video back to the city for viewing by all council members. Mr. Charles stated that he could check with Enteck and see if this would be a possibility. Mayor Smith told Mr. Charles that he did not have to wait for another council meeting to give an update and explained that he could call him and give that information over the phone. There was a brief discussion regarding the Enteck sponsored site visit. Councilman Day asked if Enteck was going to pay all the expenses for this site visit and Mr. Charles stated that he would have to talk to them to find out exactly what they are willing to pay for.

Burgess Canal Division Bid/Contract-

Mayor Smith stated the next item on the agenda was regarding the Burgess Canal and turned the time over Mike Jaglowski of Keller Associates, City Engineer, for his presentation.

Mr. Jaglowski referred to the last council meeting where the contract to finish up the ground water diversion into the Burgess Canal. Mr. Jaglowski stated this was going to require a slight modification to the existing set-up. Mr. Jaglowski stated that presently the groundwater was being pumped out of the pit, through a twenty-four inch (24") pipe following S. 5th West and dumping into a privately owned ditch. Mr. Jaglowski stated there had been a few meetings with Jim Boulter and Lloyd Hicks and gave a brief explanation on the outcome of those meetings. Mr. Jaglowski stated the main issue they were up against presently was some members of the canal company wanted to divert the water to another location and explained that was against what the city had directed them to do. Mr. Jaglowski stated the plan was to go under the existing ditch straight to the canal by extending the existing pipe. Mr. Jaglowski stated there were some questions regarding the ditch and explained that due to this they were looking to make modifications or build the project from the canal and move backwards towards the pipe. Mr. Jaglowski stated that some of the concerns regarding the ditch should be resolved this week and explained that Mr. Boulter was close to having the entire canal company on board with this proposal. Mr. Jaglowski stated his goal was to have a design ready for the canal company to approve at their meeting next week. Mr. Jaglowski stated once they have approved it then it would come before council to approve and then go out for quotes and move on from there. Mr. Jaglowski explained how they had done their billing and how that corresponds with their current contract. Robin Dunn, City Attorney, asked if this line was meant to be pressurized and Mr. Jaglowski stated that it was not and explained it would break head and go to gravity somewhere within the parking lot. Mr. Dunn stated that it was his understanding that Mr. Boulter wanted the line to run straight while Mr. Hicks wants a little diversion somewhere in the line and explained this was the area of concern with the canal company and Mr. Jaglowski stated that was correct. Mr. Jaglowski stated that Mr. Hicks wanted a flow diversion in the line so that he could open and close and have some form of control over the amount of water being discharged into the private ditch. Mr. Jaglowski stated they were against this because the private ditch was becoming overgrown with roots and weeds which causes backwater. Mr. Jaglowski explained it was this backwater that causes the flooding and potential property damage which is what they are trying to avoid in the first place. Mr. Jaglowski explained that Mr. Boulter would like to take all the flow into the Burgess Canal and then reallocate it upstream of that point to gain more flow through out the entire reach. There was a brief discussion regarding the benefits of discharging this

groundwater into the Burgess Canal. Mayor Smith stated that he has talked with Dennis Virgin regarding the easement through his property for this line and explained the only concern was to keep the line as close to the edge of the property as possible. Mr. Jaglowski stated that was their plan from the beginning and referred to the road on the South side of the property and explained they would stay within that area. Mr. Jaglowski referred to a document and stated he would like to have the council consider this contract and explained that he and Mr. Mullen have already signed the document. Mr. Jaglowski stated the survey process has already started on the property for the easement. Councilman Day asked if the water line ran along 5th West or if it ran behind the building and Mr. Jaglowski stated it runs on the east side of the property or parking lot. Councilman Day asked where the ditch currently sits and Mayor Smith explained it runs parallel to Highway 48 on the South side of the building. Councilman Blackburn asked if the current line was adequate to carry the water flow if both the pumps happened to be running and Mr. Jaglowski indicated that it was. There was a brief discussion regarding the pipe, the pumps the amount of water being pumped and how this all relates to this project. Councilwoman Hinckley referred to the efficiency of the water flow and asked if this project would help make the wastewater treatment plant more efficient and Mayor Smith stated that it would not as the subwater going to the plant is different from the water going to this pit. Mayor Smith stated the pit would likely become more active as the collection lines in town are repaired. Mr. Jaglowski stated there are several steps to this project and explained the next step would be to work on water rights and see if they could start pulling more water out of the pit. Mr. Jaglowski gave a brief explanation on dropping the pump down and the effects of lowering that water level. Mr. Jaglowski stated that as the lines in the city are repaired the sub-water is going to come higher trying to find an equalization point and explained they want to make this pit more effective and potentially deeper so the groundwater can go towards the pit. Councilman Day referred to the pumps and asked if there were any studies that showed how far they could reach out and lower ground water elevations. Mr. Jaglowski stated he was sure there were studies out there that he could access but explained there was not something he personally had done. There was a brief discussion regarding some of the variables that would be considered for a study such as this. Mr. Jaglowski stated they were going to have a great opportunity to study the effects as they proceed with the sewer rehabilitation project because they will be dewatering rather aggressively. Mr. Jaglowski stated that presently the water dumps into a private ditch and goes to the west and then curves slightly to the south and joins the Burgess Canal at that point. Mr. Jaglowski stated the problem comes from the poor condition of this private ditch which impedes the water flow and causes damages. Mr. Jaglowski stated the plan was to take the water straight to the Burgess Canal and let them allocate the water and leave the ditch alone altogether. Mr. Swager referred to the unattended ditch and asked if there could be potential problems with the new school being built so close to that area and Mr. Jaglowski indicated that was correct.

Mayor Smith asked Mr. Jaglowski if he was asking for approval on this contract this evening and Mr. Jaglowski stated that was correct. Mayor Smith referred to the contract contained in the council packets and asked if there were any questions or concerns regarding the document. Councilman Blackburn moved to approve the Burgess Canal Bid Contract with Keller Associates as presented. Councilman Maloney seconded. On a roll call vote:

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

Mayor Smith stated that he was signing the contract right now so that Mr. Jaglowski could take it with him this evening.

Planning and Zoning Member:

Mayor Smith stated that Glen Bennett had just arrived at the meeting and explained he had previously been approved to be on the Planning and Zoning Commission. Mayor Smith stated that he would like to take a few minutes and have Council President Blackburn officially swear him into office. Mayor Smith expressed his appreciation to Mr. Bennett for agreeing to offer his time to help develop this community. Mayor Smith stated there would be a Planning and Zoning meeting on Thursday, March 10, 2010 and explained that Paula Sessions, Planning and Zoning, would be in contact with him. Mr. Swager stated that Mr. Bennett could come into City Hall and pick up a code book and any other additional information from Mrs. Sessions.

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 any items they needed to disclose or discuss.

TRPTA Services:

Councilwoman Hinckley referred to an email she had received from a city resident regarding TRPTA services. Councilwoman Hinckley explained that TRPTA was looking to cancel the intercity services. Councilwoman Hinckley explained this person is visually impaired and uses TRPTA quite regularly. Councilwoman Hinckley asked if they each needed to write a letter and send to the chairman or if there was something else they could do. Mayor Smith stated that he would be willing to sign a letter on behalf of the city council for this resident. There was a brief discussion on whether this resident also sent this email to the members of TRPTA. Councilwoman Hinckley stated that she would like to follow through on this because TRPTA services are very important to this resident. Councilwoman Hinckley asked if the council needed to do this individually or as one and Mayor Smith stated that he would be more than willing to sign a letter if that was the wishes of the council. There was a brief discussion regarding this letter and TRPTA services. Mayor Smith directed Councilwoman Hinckley to write the letter and explained that he would have it placed on city letterhead and he would sign it and forward it to the appropriate people.

Farmer's Merchant Banquet

Councilwoman Hinckley stated the Chamber of Commerce would be holding their Farmer's Merchant Appreciation Banquet on March 10, 2011. Councilwoman Hinckley stated the silent auction starts at 6:15 p.m. with the dinner to begin at 6:45 p.m. Mayor Smith asked if this was being held at the high school and Councilwoman Hinckley indicated that was correct. Councilwoman Hinckley stated she felt this was a good thing and explained that it recognizes people in the community. Councilwoman Hinckley suggested that everyone try to attend.

Recreation Center

Mayor Smith stated there are still some items in the Recreation Center. Mayor Smith stated there is a pool table with a Police Department employee's name on it and Councilwoman Hinckley stated that she had explained to this employee that it needed to be removed and he indicated that he is working on it. Mayor Smith asked about the status of the rest of the items being stored in the gym and Councilwoman Hinckley stated that at this point they are not sold but awaiting decision.

Councilman Zimmermann asked about the status of placing the building with a broker and Mayor Smith stated this would be part of the Executive Session held later this evening.

Water Tower:

Councilwoman Hinckley referred to the last council meeting where they had discussed the status of the water tower and asked what had been determined since that meeting. Mayor Smith stated he had contacted Pacific Recycling and explained they had been on site taking pictures. Mayor Smith stated that Rick Lamoreaux, had found the original blueprints so copies of those have been given out. Mayor Smith stated that Pittsburg Tank and Tower out of Kentucky had been contacted as well and they have been sent paint samples to analyze for lead content and explained he is waiting to hear back from them. Mayor Smith stated that if these two companies submit bids showing the removal of the water tower being more than \$25,000 then there would need to be a third bid obtained. Mayor Smith stated he contacted Vernon Steel and they indicated they do not do this type of work. Mayor Smith stated it is rather difficult to find someone local who performs this type of work. Mayor Smith stated that he had received an email from AT&T earlier today just wondering what the city was doing regarding the tower. Mayor Smith stated that until they received information back from these companies before an answer can be given to AT&T. Mayor Smith stated there would hopefully be additional information in time for the next council meeting. Councilman Maloney asked if both companies would be performing their own testing and Mayor Smith stated that Pacific did not. Mayor Smith stated he had talked to Rob from Pacific and he had explained the issue with lead paint comes from when a torch is taken to it because it gives off fumes. Mayor Smith stated that because of this they would be using shears to take apart the tower rather than a torch. Mayor Smith stated that from there the metal would be sent to a mill just inside Utah where they have scrubbers that will go over the metal prior to recycling. Mayor Smith stated that he should have hard numbers later this week and explained that if they chose to dismantle the tower he would like to have it done this summer.

Urban Renewal Member:

Councilman Zimmermann asked if the city would be interested in sending Connie Moore a get well card or something. Councilman Zimmermann stated that Mrs. Moore was on the Urban Renewal Agency. Mr. Swager stated that he would have it taken care of in the morning.

Approve Minutes-

Mayor Smith stated the next item on the agenda was the approval of minutes from the February 15, 2011 meeting and asked if there were any corrections or additions.

Councilwoman Hinckley referred to page 3, one-third of the way down and stated that she was unsure the intent of the sentence was where it reads the system was designed to Aqua Aerobics design. Councilman Blackburn and Councilman Day gave a brief explanation of the discussion regarding the filter system. Councilwoman Hinckley referred to page 4, just over half way down where it reads Mayor Smith asked of timeline and stated it should be the word if instead. Councilwoman Hinckley referred to page 7, about halfway down where it reads Mr. Swager how long and felt it needed to read asked how long. Councilwoman Hinckley referred to page 6, about eight lines from the bottom where it reads "Mr. Swager would stated" and feels the word "would" just needs taken out. Councilman Maloney moved to approve the minutes as corrected. Councilman Zimmermann seconded. All were in favor.

Review and Approve Bills-

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

Councilman Day referred to page 2 and stated it looks like a lot of communication equipment was purchased for the cars. Mr. Swager stated this was from taking all of the existing equipment from the old police cars and transferring it into the new police cars. Mr. Swager explained that most of it was the cost of changing but explained the mobile printer was a new charge. Councilman Zimmermann referred to page 1 for the charge of approximately \$10,000 for Blue Shield Insurance and asked if this was per month and Mr. Swager stated this was the total amount but explained there were some employee deductions to consider. Councilman Day moved to approve payment of the bills. Councilwoman Hinckley seconded. On a roll call vote:

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

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 E-Subsection B

Mayor Smith stated the next item on the agenda was executive session.

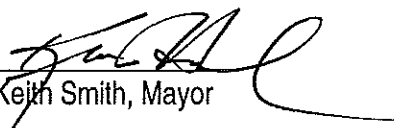
Councilman Blackburn moved to enter into executive session pursuant to Idaho Code 67-2345 subsection E. Councilwoman Hinckley asked what this subsection was and it was explained that it was to consider preliminary negotiations involving matters of trade and commerce. Councilwoman Hinckley asked if personnel could be added to that and Mayor Smith stated there would need to be another subsection added to that which would be subsection B. Councilman Blackburn stated he would amend his motion to include subsection B. Councilman Maloney seconded. All were in favor.

Meeting went to executive session 8:05PM

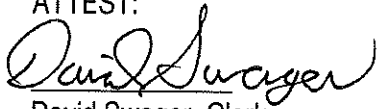
Meeting came back into regular session 8:33PM

Motion to Adjourn – Made by Ryan Day Seconded by Gerd Zimmermann. Meeting adjourned 8:35PM

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:

A handwritten signature in cursive script that reads "David Swager". The signature is written in black ink and is positioned above the printed name.

David Swager, Clerk