

City of Rigby
City Council Meeting
April 5, 2011
7:00 p.m.

Mayor Smith welcomed everyone to the meeting and turned the time over to Larry Anderson, Chief of Police, who invited everyone to join him in the pledge of allegiance. Mayor Smith turned the time over to Councilwoman Hinckley 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.

Robin Dunn, City Attorney, stated he had an update to give on Connie Moore of Urban Renewal. Mr. Dunn reminded the council that Mrs. Moore has been fighting for life against a heart issue and stated she has been transferred from Utah to the Rexburg Nursing Center. Mr. Dunn gave a brief explanation of her present status. Mr. Dunn stated this would be a good time to go visit her or send her a card. Mayor Smith asked Mr. Swager if he had sent flowers and Mr. Swager indicated that he had.

Nominee – Library Board – Lana Anderson-

Mayor Smith stated the next item on the agenda was a nominee for the library board and explained that he had been given a list of names for this position.

Mayor Smith stated that he would like to nominate Lana Anderson to fill the vacancy in the library board. Mayor Smith stated that Mrs. Anderson works at the Junior High as a Teachers Aide. Mayor Smith stated that one of Mrs. Anderson's daughters had worked at the library for a couple years and even patrons the library herself. Mayor Smith stated that right now the library is very important because of their decision to go to a library district. Mayor Smith stated that Mrs. Anderson is very patient and qualified for this position.

Councilman Simonson moved to accept Lana Anderson as a member of the library board. Councilman Maloney seconded. All were in favor.

Mayor Smith called Mrs. Anderson forward and swore her into the office of library board member.

Catering Permit-

Mayor Smith stated the next item on the agenda was a catering permit request and turned the time over to the representative for their presentation.

No one was present for this issue.

Renewal Cable One Franchise-

Mayor Smith stated the next item on the agenda was the renewal of the Cable One franchise and turned the time over to Mr. Swager for his presentation.

Mr. Swager stated this has been published and explained the next step would be a motion to approve.

Councilman Day raised a couple concerns on the language in the franchise itself that need to be addressed by Mr. Dunn. Councilman Day referred to page 5, part B, of the franchise and stated it talks about the installation of utilities within a city right-of-way and explained there should be something included saying prior to any excavation in roadways or alleys the company shall submit a plan for approval to Public Works. Councilman Day stated they would be digging up the city's asphalt and felt there needed to be approval prior to doing so and receive specifications on how they will repair it back to pre-cut conditions.

Councilman Day referred to page 5, part A, where it talks about placing a fixture between the road and right-of-way and stated he feels this needs to indicate at lot lines so there would not be a junction box in the center of someone's property.

Mayor Smith stated that in the permit process for part B they can address the deficiency in part A and Councilman Day indicated his agreement. Mayor Smith asked if there was a deadline on which to sign this franchise and Mr. Swager indicated there was not.

Councilman Day stated another concern he had was if the city starts replacing roadway and infrastructure and the franchise has older services the city should be able to tell them to upgrade in that area. Councilman Day felt this would help alleviate cuts or bores in the roadway later on. Mayor Smith asked if this could be included in the permit process and Councilman Day indicated that it could.

Councilman Zimmermann asked if maybe they should make Planning and Zoning aware of this so they know to make sure the utilities are placed in the grassy areas rather than in the roadway and Councilman Day stated that would be a good idea.

Councilman Blackburn referred to the life of the utilities and having something included regarding replacement of utilities if the city was replacing the roadway and asked if this was being considered because it would be cost effective for them. Councilman Day stated that if the franchise goes in and cuts up roadway to replace their utilities it would be 100% their cost but explained that if the city was cutting the roadway and the franchise chose to upgrade within that trench they would only be responsible for their utilities. Mayor Smith referred to the Digline requests and asked if this franchise was one of the parties notified and Councilman Day indicated they were.

Councilman Day stated that he was most concerned about part B and would like to see that changed and asked if it would need to be advertised again and Mr. Dunn stated if it was a material modification then yes it would but if it was just an amendment to clean it up then it would not. Mr. Dunn stated there wasn't anyone in the audience contesting the ordinance so it could be modified without republication. There was a brief discussion regarding the change in the franchise, the importance of dig notification and liability concerns. Mayor Smith asked if the changes could be approved and the ordinance passed or if they needed to wait until the next meeting and Mr. Dunn stated that if the council was in agreement over the motion with the proposed changes then it could be passed this evening.

Councilman Maloney moved to approve the ordinance with the proposed changes. Councilman Zimmermann seconded. All were in favor.

Adopt Multi-Business Ordinance – 2011-549-

Mayor Smith stated the next item on the agenda was regarding the multi-business ordinance and turned the time over to Mr. Swager for his presentation.

Mr. Swager stated the public hearing has already been held regarding this ordinance and explained that it has already been published. Mr. Swager stated the next step would be to notify the public this ordinance would be going into effect on the next billing cycle.

Ordinance – 2011-550 – H&S Development LLC-

Mayor Smith stated the next item on the agenda was the ordinance for H&S Development and explained that Paul Hepworth was not present this evening.

Councilman Blackburn asked if this new map had been reviewed by H&S Development and whether or not the council could proceed without them. Mr. Dunn stated the council could proceed but referred to the map and explained there may be some council discussion on this issue because they may have a different idea about what the corridor should be. Mayor Smith stated that he did not feel the corridor needed to extend North past the Rigby Canal and Councilman Day indicated he was in agreement.

Mayor Smith referred to Mr. Hepworth was not being present to discuss this matter and asked if they could omit the map and write the ordinance according to the agreement. Mr. Dunn explained the ordinance is written as per the settlement agreement and suggested attaching the map with modifications because the purpose of the map was to define the 5th West corridor.

Councilman Blackburn referred to the previous map and asked if the boundaries for it had extended North of the Rigby Canal as well and Councilman Day stated that it had.

Councilman Blackburn stated that he could see why this portion would be included because of the possibility of extending 5th West. Paula Sessions, Planning and Zoning, stated the concern comes in because this ordinance was supposed to be completed in 2007 but Darrin Sweeney of Cedar Meadows did not get his plat approved until 2008. Mrs. Sessions stated the property had been annexed and zoned when Pioneer Park was started in 2001 and asked Mr. Dunn if the zoning would stand due to that and Mr. Dunn indicated that it should.

Councilman Blackburn asked about the traffic concerns once a bridge is put in there at 5th West and Mrs. Sessions stated that once that happens then traffic from what is known as Cedar Meadows will definitely filter down 5th West. Councilman Day stated there are also three access points out of that subdivision namely Boulder, Aspen and 5th West and cannot say that 5th West would be the primary one.

Councilman Day stated that he would be willing to approve the map with the exclusion of Cedar Meadows. Mayor Smith stated he would accept a motion stating that and Mr. Dunn stated he would just have to add the new map to the ordinance. Councilman Blackburn asked if this was a concern

when they met previously on this issue and Councilman Day stated that he had brought up the fact that Cedar Meadows is already R-2 and needs to be excluded from the map when Mr. Hepworth was here before. Councilman Day stated that he had also brought up Kee Crank's property and Kenny Smith's property because there would be no access for either of these into 5th West. Councilman Blackburn stated he thought one of the areas of concern was the Stowell property and Councilman Day indicated that had been removed from this map. Mayor Smith referred to the map and showed where the county property and explained the Northern boundary needs to stop on the South side of Rigby Canal.

Councilman Day moved to approve the ordinance as written but to alter the map to not extend North past the Rigby Canal. Councilman Simonson seconded. On a roll call vote:

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

Water Restrictions Proclamation-

Mayor Smith stated the next item on the agenda was the water restrictions proclamation and explained this is the same thing they have done every year.

Councilman Maloney referred to the first sentence where it refers to the drought conditions and stated he did not feel that applied this year.

Councilman Maloney suggested changing it to something about the heavy demand on city water system which would be a little more accurate. There was a brief discussion on the choices of what could be used instead of drought conditions.

Mayor Smith asked if he needed to read this and Mr. Dunn stated that normally he would unless there is a motion to waive the reading.

Councilman Simonson moved to waive the reading of the proclamation. Councilman Maloney seconded. All were in favor.

Councilman Zimmermann moved to approve the proclamation subject to the recommended word changes. Councilwoman Hinckley seconded. All were in favor. (Copy Attached)

Summer Water Fees (Code 8.1.11(D))-

Mayor Smith stated the next item on the agenda is the summer water fees.

Mayor Smith stated there did not need to be a vote on this because it is already part of the ordinances but explained that he would like to have some discussion. Mayor Smith explained this is something that has been in place for a long time but had been put on hold when the water bond was initiated 15 years ago. Mayor Smith stated that water bond has been paid off and would like to

reinstate the summer water fees. Mayor Smith stated that part of the code allows for 2 separate charges based on the size of the lot and referred to the council to the notes submitted to them by Mr. Swager.

Mayor Smith stated that he felt the charges needed to be the same for everyone this year and could be reevaluated next year if that was the decision of the council. There was a brief discussion regarding the fee, the difference in lot size and the months this fee would be in effect. Mayor Smith stated this does bring in a little more revenue for the city and Mr. Swager stated it would help offset the increased pumping costs during the higher usage months. Mayor Smith reminded the council of the irrigation services being discontinued and explained they were recouping the cost for the time Rick Lamoreaux, Co-Public Works Director, was spending on the irrigation. Councilman Day asked if there needed to be a motion on this and Mayor Smith stated it is already part of the ordinance. Mr. Swager stated he would like a motion to approve the single rate for the number of months it will be enforced.

Councilman Blackburn moved to approve the single water rate for the three summer months. Councilman Simonson seconded. Councilman Day asked if this was a one set rate and Mayor Smith stated that was correct. Mr. Swager asked if this was for June, July and August and Councilman Blackburn stated that was correct. Councilman Day asked if this changed the water bill and Mayor Smith stated that was correct and Mr. Swager stated that for those 3 months the residents would pay \$106 instead of the \$95. Councilwoman Hinckley asked if this was really needed and Mayor Smith stated it was already an ordinance and would be kept at the lower rate. Mayor Smith stated he understood the rates have been increased a lot over the past ten (10) years and that adding another fee was going to be difficult. There was a brief discussion of how this fee was applied in the past and why they were considering reinstating this fee now. Councilman Day referred to the Water Fund and asked if the budget was hurting in this department and Mr. Swager stated they are staying within budget but explained Rocky Mountain Power were looking to increase their rates which would in turn cause an increase in the pumping costs.

Councilman Day asked Mr. Swager if this fee was a necessity and Mr. Swager stated it would help but was not a necessity. There was a brief discussion regarding paying for what is used and the importance of placing a value on the water. Councilman Maloney asked if it would be worth the risk of not implementing this fee but rather to push the water conservation concerns. There was a brief discussion regarding placing note on utility bill and other options to get the public aware of this proclamation. Councilman Maloney asked what the fine was on this and Chief Anderson stated there wasn't one because it is a proclamation and not an ordinance. Councilman Blackburn referred to the revenue generated from this fee and asked what it could potentially be used for later on and Mr. Swager explained that it has to stay in the Water Fund. Councilman Blackburn referred to the efforts to grow the city and bringing new businesses into town and asked what advantages there were to having this additional revenue and Mr. Swager stated that if it was allowed to build up the city could, in theory, drop the monthly water rates.

Councilman Day suggested putting an article in the paper saying the city council has elected not to charge this fee in return for the residents being conservative with the water usage. Mayor Smith suggested putting this money aside and using it to help put in the city water meters. Councilwoman Hinckley stated she agreed with Councilman Day's idea of putting the water conservation information out there and see if this causes a decrease in the water consumption.

There was a brief discussion regarding the motion, the second, voting on the motion and the options for withdrawing. Councilman Simonson withdrew his second.

Councilman Blackburn withdrew his motion.

There was a brief discussion on what information they wanted to advertise. Mayor Smith suggested having a weekly report on the amount of water the city is pumping. There was a brief discussion regarding pumping costs and the accuracy of the readings and concerns over Hailey Creek pumping all the time during the summer. Mayor Smith asked if there needed to be a motion or if they could just revisit this in 60 days and Mr. Dunn stated just to make sure it gets placed on the agenda in 60 days. Mr. Dunn stated there needed to be a motion or something to make the public service announcement that was previously discussed. Mr. Swager stated that could be done without a motion. There was a brief discussion regarding the city leader involvement in setting an example and getting the information out to the public.

Councilwoman Hinckley stated that during the last meeting she had been directed to check with Jefferson Soil and explained the local representative is currently on medical leave. Councilwoman Hinckley stated that she had called around and had received some information but it was not in a display and explained she would have to put one together. Councilwoman Hinckley asked how hard it would be to place something on the utility bill and Mr. Swager explained that something could be added to the comment box. Mr. Barry stated he was attending water conservation training at the end of the summer and explained that may not help for this year but would give valuable information for next year's efforts.

Mayor Smith stated this item would be readdressed at the June 7th council meeting.

Skate Park – Dedicatory Name – Charles Henry-

Mayor Smith stated the next item on the agenda was regarding the skate park.

Mayor Smith stated that Charles Henry had been an educator in the Jefferson School District. Mayor Smith stated that Mr. Henry was the initiator for the construction of the skate park located in the South city park. Chief Anderson stated that Mr. Henry had been involved in all aspects of the skate park from the beginning to its completion. Mayor Smith stated that Mr. Henry passed away last week and explained he had received a phone call regarding dedicating the skate park in his name. Mayor Smith stated that he would recommend to the city council the city name the skate park in honor of Mr. Charles Henry. Mayor Smith stated there would need to be a name and a motion to approve and then a sign could be made.

Councilwoman Hinckley stated she had received a comment from a resident about naming things after people and wondered if that was appropriate to do because it has the potential for causing hard feelings.

Councilman Blackburn moved to name the skate park the Charles Henry Skate Park. Councilman Day seconded. On a roll call vote:

Councilwoman Hinckley -- aye

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

Mayor Smith stated that he would get with Mr. Lamoreaux tomorrow and get a sign ordered.

Proclamation – April Fair Housing Month-

Mayor Smith stated the next item on the agenda was a proclamation for fair housing.

Mayor Smith read the proclamation into record. (See attached addendum.)

Quarterly Interfund Transfers-

Mayor Smith stated the next item on the agenda was the quarterly interfund transfers and turned the time over to Mr. Swager for his presentation.

Mr. Swager referred to a document in the council packets and stated this was the quarterly transfer of \$5,251.50 from the Water, Sewer and Sanitation Funds back to the General Fund to reimburse for administrative expense. Mr. Swager stated that he needed council approval in order to do this transfer.

Councilman Day moved to approve the transfers as presented by Mr. Swager. Councilman Simonson seconded. On a roll call vote:

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

Award Street Maintenance Contract-

Mayor Smith stated the next item on the agenda was to award the street maintenance contract.

Mr. Swager stated this contract is not really for street maintenance but rather for the leak repairs on State Street and Main Street. Mayor Smith asked if these were the repairs that needed to be completed prior to the State commencing their project on the Highway 20 Business Route and Mr. Swager stated that was correct. Mr. Barry stated there were 9 water lines that needed to be abandoned before they leak or cause problems after the State does their work. Mayor Smith referred to the bid and stated it came it at \$7,280 and Mr. Barry stated it was actually \$5,000 because they were able to take the flowable fill off the bid. Mayor Smith stated this is a necessary repair that needs to be taken care of. There was a brief discussion regarding the bid process and accepting the qualified bids.

Councilman Blackburn moved to accept the bid contract with Lott Construction. Councilman Zimmermann seconded. On a roll call vote:

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

City Water Tank-

Mayor Smith stated the next item on the agenda was regarding the city water tank.

Mayor Smith stated the third company interested in submitting a bid had been here on Friday and asked if they had called. Mr. Swager stated they had not. Mayor Smith explained the reason they had been discussing the water tower is because AT&T wants to put an antennae on the water tower. Mayor Smith stated the city has responded back to AT&T and explained there may be an alternative site for their antennae. Mayor Smith explained there would be a \$6,000 per year lease payment and suggested placing this antenna on the Museum and allowing them to obtain this much needed revenue. Mayor Smith stated he had not approached anyone at the museum yet and wanted to make sure they were good with the proposal before AT&T was contacted again. Councilman Maloney stated he would call them tomorrow and discuss it with them.

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 item they needed to discuss or disclose.

INL Bus Parking

Mayor Smith stated one item that needed brought up would be the renewal of the INL bus parking lease and turned the time over to Mr. Swager for his presentation. Mr. Swager stated the current lease has expired and explained they had submitted a new lease application which is included in the council packet. Mr. Swager stated this lease was for \$150 per month for a total of \$1,800 per year and explained their proposal was to run for the next 5 years.

Mr. Swager they received a phone call a few days after the lease explaining they were adding another bus route through Rigby and would need an additional 25-30 parking spaces. Mr. Swager stated there would be some work that Mr. Lamoreaux would have to do to the area with a grader and explained this prompted a review of the fees that are paid. There was a brief discussion regarding the maintenance of the property including snow removal, garbage and street lighting. Mayor Smith stated one of the benefits of this was having all the cars parked in one space rather than various places around town. There was a brief discussion on the placement of this parking area and how much property the city owns. Councilwoman Hinckley stated that she would like to see the fee increased a little to accommodate the additional space. Mayor Smith stated this was not an agenda item so there could not be a motion but wanted to make the council aware of it.

Caribou Street Complex:

Councilman Day distributed some pictures to the council and explained they were taking over on Caribou Street. Councilman Day referred to many places in bad shape and stated it is common for that area. Councilman Day stated the property owners are absentee and not maintaining the

property like they should be. Councilman Day stated the city needed to have higher expectations of the property owners. There was a brief discussion regarding the broken stairs, decaying concrete, electrical hazards and other building concerns. Councilman Day referred to multiple cars on the road and stated he felt the entire street should be a no parking area and Mrs. Sessions stated it was supposed to be because of the width. There was a brief discussion regarding the changing of owners, the property manager responsibilities and what the city can or cannot do. Mayor Smith stated they have implemented a process by having Mike McCowin do an inspection on the individual buildings.

Mrs. Sessions stated that current code allows for 4,000 square feet for a lot and would like to see that changed because she feels it is too small. Chief Anderson stated that he also wanted to make R-2 no on-street parking.

Emergency Preparedness:

Councilman Zimmermann referred to all the problems going on around the world right now like terrorism, earthquakes and tsunamis and distributed copies of the Jefferson County Emergency Plan and stated this explains what the responsibilities of different people were. Councilman Zimmermann stated he felt it would be important for the city officials to know what their responsibilities are in the event of an emergency.

Capital Improvement Planning:

Councilwoman Hinckley referred to the last meeting where she had encouraged the council to come up with 1, 2 and 5 year goals and explained that she had put her list together. Councilwoman Hinckley stated she would be willing to share that with anyone that wanted to discuss it with her.

Review and Approval of 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 Zimmermann moved to approve payment of the bills. Councilman Simonson seconded. On a roll call vote:

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

Minutes-

Mayor Smith stated the minutes were not ready for this meeting and stated that due to some of the meetings becoming very long they would like to see an abridged version done. Mayor Smith stated the recordings would be available for anyone wanting to hear the whole thing. Councilman Day stated that Mrs. Sessions had been directed to add more detail to the minutes. There was a brief discussion regarding the minutes, the length of the meetings and the time it was taking. Mr. Dunn

stated that from a legal standpoint he liked the more detail because it was easier to recall the information. There was a brief discussion to come up with an easier format.

Public Comment-

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

Mayor Smith stated he had one other item and referred to Tom Sessions and explained that he had just received an award and asked Mr. Barry to explain it to the council. Mr. Barry stated this award was given to one person per year from the entire state and explained that Tom Sessions had received Rookie Operator of the Year. Mr. Barry stated that last year he had received Operator of the Year and explained this means a lot for two employees to receive this award. The council congratulated Mr. Sessions.

Motion to Adjourn-

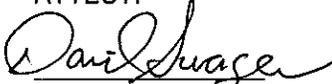
Mayor Smith stated the next item on the agenda was a motion to adjourn.

Councilman Simonson moved to adjourn the meeting. Councilman Blackburn seconded. All were in favor. The meeting was adjourned at 9:45 p.m.

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:


David Swager, Clerk