

City of Rigby
Council Minutes
August 16, 2011

Work Meeting

Mayor Smith opened the meeting at 6:30PM

Present:

Mayor Smith, Councilman Day, Councilman Blackburn, Councilman Maloney, Councilwoman Hinckley; Councilman Zimmermann

Also present: Mike Jaglowski, Ted Hendricks, Rick Miller, and Rick Lamoreaux.

Mike Jaglowski explained the status of the water improvement project. Jaglowski explained the environmental statement has been completed and will be submitted to DEQ this coming week. Jaglowski handed out a worksheet showing two priorities that he has addressed needing improvement. Priority #1 – would include water meters, service line, and surface restoration. Est. cost of #1 would be \$1,663,000 for construction, contingency (15% of construction costs) total \$254,000, and legal, engineering, financial management totaling \$328,000.

Two additional items have been put on the back burner at the present time. Those two items additional tank storage and additional booster pumps.

Adding to this basic improvement would be 8 items adding \$838,000 to the construction costs. They are:

- | | |
|---|---------|
| • Dove Ave – Poor Structural condition | 311,000 |
| • Summer St to Fair ground loop- Fire Flow Deficiencies | 49,000 |
| • W Fremont from well to N 1 st West- Fire Flow Deficiencies | 42,000 |
| • W 2 nd North Between N 3 rd West and dead end- Fire Flow Deficiencies | 87,000 |
| • Circle Drive – Fire Flow Deficiencies | 80,000 |
| • Railroad Ave- Fire Flow Deficiencies | 105,000 |
| • Water Services Replacement Poor Structural Condition | 64,000 |
| • Fire Hydrant Replacement Old and Non- Operational | 100,000 |

With these 8 additions – Contingencies increases \$126,000 and legal, admin and engineering increases \$106,000 for an overall total project cost of \$3,320,000.

Ted Hendricks came forward and stated that when meters are installed water consumption decreases 35%. Ted indicated most water consumption will come from water uses used outside the home through less irrigation.

Ted indicated the second phase would be to apply for a block grant, Direct Benefit Program, which would assist in purchasing meters for low and moderately low income households. The Direct Benefit program assist the city in getting more “points” since the loan is assisting low and moderately income homes. The draw back from applying for the block grant is the current sewer block grant must be completed prior to submitting for another grant. The meters would be scheduled to be installed in 2013. Two items to keep the DEQ commitment is to have the

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environmental impact and DEQ loan study completed. If the DEQ loan commitment is lost the City will have to reapply. The third item needing to be completed is to have the debt instrument in place prior to year end.

(Robin Dunn and Scott Barry entered meeting at 6:48PM)

Discussion on rates was presented with Rick Miller handing out a spreadsheet with various monthly rates at different loan amounts. Loan commitment rate is 1.75%. It is unknown what the rates will be in future years.

Councilman Blackburn inquired if the water consumption is decreased would not fire flow deficiencies also be improved. Hendricks indicated not necessarily since most of the usage occurs during summer irrigation but the ability to deliver fire flow is restricted due to pipe sizing.

Mayor Smith closes the work meeting at 7:00PM for council to conduct regular council meeting.

Public Hearing:

On the agenda are three public hearings:

- Appeal from ATT for the construction of a cell phone tower.
- Hearing of the 2011/2012 Operating Budget.
- Hearing of the Mayor/Council Compensation.

Appeal from ATT for the construction of a cell phone tower.

Jodi Price – Consultant for Fuller Consulting representing AT&T

Price spoke on behalf of ATT for the placement of cellular antenna on the existing water tower. A lease agreement has been signed and entered with the city. One condition which the city stated was there is a possibility of removing the existing water tank. If that were to happen, ATT wanted an option to have a cell phone tower placed on the site to maintain the existing cell phone coverage.

Chad Rydalch – Working with Fuller Consulting presented a power point presentation showing the coverage currently existing using the Sugar House Towers. The existing towers showed a lack of coverage along the south side of the city and on the east side. Rydalch indicated coverage was for inside reception being more and more consumers are using cell phones over land line service. A second slide showed the coverage with lower towers and the number would have to increase in and around the area to have complete coverage. His third slide showed the coverage if the tower was 120 feet.

Rydalch stated there is an existing tower just off the Ucon overpass.

Questions from Council:

Councilman Blackburn – questioned the capacity of the Sugar House towers being maxed out. Rydalch indicated those towers are at capacity and voice calls takes precedence over data transmission. So the first things consumers would see affected would be text data being limited.

Being no further questions from council –

The mayor indicated there was no one signed up to speak in favor, neutral or opposed. Attorney Dunn commented there is a written letter from one patron who wished his letter be entered into the record. Mayor stated the letter from Morgan Lake would be entered into the record. (Copy attached to these minutes.)

At the request of the Mayor, Attorney Dunn gave the council background information from the P&Z meeting.

Attorney Dunn gave the background from the P&Z meeting. Dunn commented the commission did not feel the lack of tower coverage as a hardship meeting the requirements of the P&Z ordinance, other options were available. The vote from the commission denied the variance due to lack of hardship.

Dunn went on that the request for a tower would be better suited for a zone change than a variance. He commented Fremont Ave is zoned commercial on the south side of Fremont and residential on the south side of the street. In all practicable purpose with the city hall, Farm Bureau Insurance and two rental properties on the south side of Fremont there is only one private residential home.

Mayor Smith indicated the next step would be to uphold the decision of P&Z or overturn the decision. Dunn stated that was correct, that if the zone change was to be sought, it would not be part of the decision being before the council at this time.

Councilman Blackburn indicated that at some point in time, variances and zoning issues were not a concern as there are now. Also, there is a liability with the tower being there and not being used or maintained.

Councilwoman Hinckley expressed the number of other non residential homes in the block – church, day care and other dress shop

Councilman Blackburn asked Rick Lamoreaux the number of shop bays that could be utilized if the tower was removed. Lamoreaux stated there could be 2 additional bays could be added to the shop.

Price came forward and provided additional information. She stated the construction of the tower could be delay up to two years.

Councilman Day questioned the height of the tower – 116 feet vs. 140 feet; the number of antenna that will be placed on the tank and the tower; if space is solely limited to ATT or if other vendors could attach antenna; and the number of years the lease runs.

Price indicated the tower would be moved over to the tower of equal height of the tank; number of antenna would be three on each of the side to triangulate the coverage; as the number of other carriers, the other carriers would need to seek approval prior. As to terms there are 5 additional renewable leases totaling 25 years in total.

Councilman Simonson questioned the zoning issue. Being the zoning is not on the agenda, can the zone change be placed in the motion. Attorney Dunn felt it was not appropriate since the zone is not determined at this point. In addition is there a hardship to issue the variance.

Call for a question:

Councilman Blackburn moved to uphold the decision of P&Z to deny the variance. Seconded by Councilman Maloney. The Mayor asked the clerk to poll the council.

Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilman Maloney	Aye
Councilwoman Hinckley	No
Councilman Day	No
Councilman Blackburn	Aye

Attorney Dunn indicated to Ms. Price she could request a formal written answer or rely on the minutes. Price indicated the minutes would be sufficient.

Public Hearing 2011/2012 Budget

The clerk came forward and presented the 2011/2012 operating budget. The clerk indicated the proposed budget has been published twice in the Jefferson Star and the notice of budget hearing which is being called this evening. Total tax support for the year will be \$1,058, 875 with an overall authorized budget of \$10,503,012. The tax for the year is below the allowable amount but has been increased by 3% plus and estimate of \$7,500 for new construction. Total allowed is an additional tax of \$10,000 which will be held for future use as "foregone" account.

The Mayor indicated no one had signed up to speak: for, opposed or neutral to the budget and asked the audience if anyone wished to speak.

Being none, the Mayor closed the public portion of the hearing and turned the time over to the council.

Councilman Simonson moved to approve ordinance 2011-550 adopting the budget as presented, second by Councilman Zimmermann. The Mayor asked the clerk to poll the council.

Councilman Maloney.	Aye
Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye

Being no further discussion public hearing closed 7:42 PM

Hearing on change of Council and Mayor Compensation:

The clerk came forward and presented the ordinance relating to the compensation for council and mayor. The clerk indicated the proposed ordinance has been published twice in the Jefferson Star and the notice of budget hearing which is being called this evening.

The clerk reviewed the reason for the change. He indicated the last change was in 1998. Since that time other cities have increased their executive pay and gave comparison of other cities.

With the clerk concluding his comments, the Mayor indicated no one had signed up in speak in favor, opposed or neutral to the compensation and asked the audience if anyone wished to speak at this time.

Being none the Mayor closed public comment period at 7:45PM.

Councilman Zimmermann recapped prior discussion the council had in prior meetings.

Councilman Maloney commented given the economics of the time he was not in favor of increasing the council salary but supported an increase for the mayor. Councilman Day echoed Maloney comments.

Councilman Blackburn felt the council along with the mayor duties have increased and felt although the increase is small, felt future candidates need to be compensated to attract good candidates. The increase does offset some the time the council is away from jobs and family.

Mayor commented these are difficult time and the need to continue to attract future people to serve must be qualified without an undue burden on them.

Councilman Simonson felt the future salary should be to attract future candidates and the amount is small but fair.

Councilman Day moves to approve the mayor salary at \$1,000 per month, seconded by Councilman Maloney. The Mayor asked the clerk to poll the council.

Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilman Maloney	Aye
Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye

Councilman Simonson moves to approve the council salary a \$300 per month, seconded by Councilwoman Hinckley. The Mayor asked the clerk to poll the council.

Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilman Maloney	No
Councilwoman Hinckley	Aye
Councilman Day	No
Councilman Blackburn	Aye

Motion carries, hearing concluded at 7.55PM

Regular Council Meeting:

Mayor Smith opened the meeting at 8:00PM

Mayor Smith asked Councilman Zimmermann to conduct the Pledge and Councilman Blackburn the Prayer.

The Mayor requested an agenda change:

- Delete Item #8 – Colin Hunter / 121 West 2nd South
- Add – Approval of Building Inspection Contract – Rigby/Rexburg
- Change the order of agenda and move Bill Approval to item #4 – Being that Mike Jaglowski may need to be available to explain certain items in the detail.

Hearing no dissent, the amended agenda stood approved.

Mayor Smith asked the clerk to call he roll.

Councilman Blackburn	Present
Councilman Day	Present
Councilwoman Hinckley	Present
Councilman Maloney	Present
Councilman Simonson	Present
Councilman Zimmermann	Present

Also present Attorney Dunn.

Rigby Senior Citizen Center:

Amanda Hickman – Officer Manager – Came forward to request funding for the Senior Citizen Center in the amount of \$5,000.00. In addition to the support Amanda was requested to update the council on the services the center provide. She indicated approx 800 meals are distributed monthly on the meals on wheels program; 200 in house meals; center partners with the Idaho Food Bank for assistance in their program; the Center pays the salary for 2 cooks and the business manager, all other personal are volunteer members.

County support the center \$2,000 per year. Board meeting are held monthly. Major expenses most recently involved the erection of the new outdoor marquee sign. Center does provide meals outside of Rigby between Ririe and Roberts. Rigby is the only center in the county that provides meals 5 days a week; other centers are either 1 or 2 days a week.

The Mayor indicated the \$5,000 was approved in this evening budget for the 2011/2012 funding year.

Review of Account Payable:

Council reviewed the listing of bills. Council questioned Mike Jaglowski of the 3H Const. change orders.

Councilman Day questioned Jaglowski on change order #9 for \$29,000 if the 322 feet involved in the change was to had been trenched or pipe burst. Jaglowski indicated the additional footage was caused through a clerical error in the bid takeoff documents and the actual method of construction was not changed.

Councilwoman Hinckley questioned the high number of change orders if this was unusual or not. Jaglowski responded that the contractor was requested to breakup each specific change. But given the age of the infrastructure, the number of conduit in the intersection with the ITD and railroad and old and abandoned lines the number changes was par given the conditions. Going forward Jaglowski indicated the residential area will not have as many buried infrastructure and unknown items.

The Mayor acknowledged the complications that were involved in the specific area and inquired as to what contingency will be in the future. Jaglowski stated 25% contingency was allowed in the overall cost of the bid in this area.

Motion by Councilman Simonson to approve the bills, seconded by Councilman Blackburn. The Mayor asked the clerk to poll the council.

Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye
Councilman Maloney	Aye

Water Facility Project – Scope of Work:

Mike Jaglowski reviewed the status of the water facility project regarding the critical needs shown in the study. He reviewed a handout which showed est. cost for water meters, service lines and surface restoration to be \$1,693,000. Additional critical needs listed several street mainlines that were deemed critical in need of replacement either through structural condition, lack of fire flow or old and non-operational fire hydrants.

Council discussion centered on the basic the extent of services needed and required. Option #1 for basic meter, service lines and restoration totals \$2,250,000 includes const, engineering, legal and audit. Option #2 expanded to include critical needs of specific streets totaled \$3,320,000.

Moving forward the decision needed to be made on level of work to be done and second to obtain authorization for indebtedness. Due to changes made at the federal level the commitment from DEQ will expire at the end of the year unless the city completes and obtains

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authorization for indebtedness.

Mike Jaglowski repeated his experience in Pocatello about water usage in his family. He told of one family of 3 using 80,000 per month. His usage is around 12,000/13,000 gallon per month. The average citizen has the perception of greener grass means more water. He has seen changes from 15% to 50% in usage during the summer months. Domestic household usage varies very little.

The Mayor expressed the thought that some will experience higher rates and others will experience a reduction. The same calculations of consumption will be applied to sewer usage. Jaglowski indicated the base rate from November through March is indicative of usage to be applied during the irrigation season in adjusting sewer rates.

Ted Hendricks stated the cost of meters without any block grant assistance cost is \$2.25 million; the block grant of \$500,000 will reduce the indebtedness needed for meters. A possible \$700,000 may be needed in repairing water mains that have yet to be identified.

Councilman Simonson moved to proceed with the authorization for indebtedness of \$4 million for the judicial review to secure the DEQ loan commitment. Seconded by Councilman Maloney.

The motion decision is not accepting the project but going forward to not lose the DEQ loan commitment.

Councilman Day expressed reservation as to the amount of debt that would be incurred with this project. The Mayor asked the clerk to poll the council.

Councilman Simonson	Aye
Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye
Councilman Maloney	Aye
Councilman Zimmermann	Aye

Revised Engineer Contract:

Mike Jaglowski began the review of Keller's engineering contract being modified to comply with new guidelines issued by USDA – RD. Recent comments received this morning from USDA-RD have not been incorporated into the contract before the council this evening. Jaglowski requested additional time to review the USDA-RD comments and make sure the USDA comments are covered in the EJCDC contact.

Councilman Day moved to table the revised EJCDC contract, seconded by Councilman Blackburn. Voice poll, all in favor none opposed, motion to table passed.

Discussion on Ordinance on “Life/Safety” Ordinance:

The Clerk discussed the changes made in the proposed Life/Safety Ordinance which was obtained from the City of Rexburg and BYU Housing Authority. The Rexburg ordinance reviews mostly outside, structural and fire conditions of the unit while BYU reviews living conditions inside the unit. He went on to state this ordinance will be seen as being instructive into private ownership, however, the city should consider tenants health and safety over private intrusion.

Councilwoman Hinckley questioned the amount of manpower needed to conduct the inspections. The clerk indicated City of Rexburg will be contracted to perform the inspections. There will be a cost associated with the adoption of the ordinance to insure compliance but as time goes on more and more units will fall into compliance and the costs of administering and overseeing the ordinance should decrease.

Councilman Simonson inquired if other city beside Rexburg has similar ordinances. Clerk indicated he had not checked with other cities but will do so.

The Mayor expressed the interest that the council review the draft ordinance and make recommendations to the clerk in future meetings. He would like to have the ordinance completed by year end.

Building Inspections between City of Rigby and City of Rexburg:

The Mayor indicated the city has entered into an agreement between the city of Rigby and Rexburg wherein Rexburg’s building department will be contracted to perform all building inspections in the city. The advantage with using Rexburg is they are able to conduct building, plumbing, electrical and heating, air conditioning inspections vs. having the contractor contact state agency to perform the inspections. In addition having Rexburg perform the inspections a certain degree of impartiality will exist. The contract is for one year subject to renewal.

Motion by Councilman Blackburn to approve and sign the building inspection contact with Rexburg, seconded by Councilman Simonson. The Mayor asked the clerk to poll the council.

Councilman Maloney	Aye
Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye
Councilman Zimmermann	Aye
Councilman Simonson	Aye

Memorandum of Understanding East Jefferson Library District:

The clerk presented before the council the revised memorandum of understanding between the city and East Jefferson Library District with a deed restriction being written into the agreement if the proposed library district passed the public vote.

Councilman Zimmermann move to accept and sign the memorandum, seconded by Councilman Day. The Mayor asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Day	Aye
Councilman Blackburn	Aye
Councilman Zimmermann	Aye
Councilman Simonson	Aye
Councilman Maloney	Aye

Other Council Business:

Attorney Dunn: Spoke about needing an executive session regarding litigation on the wastewater treatment plant during the next council meeting.

Mayor: Reminded those in attendance of the city picnic being held tomorrow evening at 6:00PM at the big shelter. Also included are police reserve officers, library board and urban renewal.

AIC – Mayor informed the council of his recent appointment to the AIC Legislative Board.

Councilwoman Hinckley – commented that she attended the recent Park and Rodeo meeting and has a copy of the Parks/Rodeo latest financial statement for those interested.

City employee dress code – Councilwoman Hinckley has reviewed the city personnel code and feels the employees should step up in their dress standards. Councilman Zimmermann reminded the council that Councilman Blackburn had brought this item up in 2007.

Early Iron Show – Councilman Zimmermann reminded the Early Iron Show this weekend.

Review of the Minutes:

Councilwoman Hinckley felt the wording on Sen. Crapo meeting during the Chamber meeting contained awkward wording and needed to be clarified.

Motion to approve minutes Councilman Maloney moves to accept the minutes of August 2, 2011 be approved, seconded by Councilman Simonson. Voice poll – all in favor none opposed.

Motion to Adjourn:

Being Councilman Simonson lacked the appropriate dress attire to move for adjournment; Councilman Maloney moved to adjourn, seconded by Councilman Simonson. Voice poll – all in favor, none opposed.


Meeting adjourned 9:45PM

CITY OF RIGBY

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Keith Smith, Mayor

ATTEST:



David Swager, Clerk