

City of Rigby
Council Minutes
September 6, 2011

Mayor Smith opened the meeting at 7:00PM Tuesday September 6, 2011.

Mayor Smith asked Councilman Simonson to conduct the Pledge and Sam Tower the Prayer.

Mayor Smith asked the clerk to call he roll.

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

Also present: Chief Larry Anderson, and Attorney Rob Dunn

The Mayor asked for a change in the agenda for a special presentation to Chief Larry Anderson. Mr. William Flink, division administrator of the peace officer standard and training academy (POST Academy) came forward to award Chief Larry Anderson the "Peace Officer Standards and Training Executive Certificate". The award is the highest honor available from the academy and represents over 200 hour of training in all phases of law enforcement. Flink went on to say that fewer than 8 such awards are presented yearly. Jefferson County Sheriff Blair Olsen, chair of the POST Academy, came forward and offer thoughts of how he and Larry have interacted over the years. Olsen also commented that Anderson brought Olsen into law enforcement through the Rigby Police Reserve training. Mayor Smith congratulated Anderson on the award stating it was well-deserved. Also in attendance were several law enforcement officers from the surrounding area.

The Mayor suspended the council meeting for 20 minutes.

Meeting re-convened at 7:33PM

Zone Change on North side of Fremont Ave.

The mayor explained the reason for the zone change on the north side of Fremont being that there are two residential homes, a tri-plex apartment, an insurance office building and the city hall building and shop on the north side of Fremont. The south side of Fremont which has residential homes, an office building and two rental apartments is zoned commercial. In addition the agreement with AT&T indicated the city would seek a zone change to allow for the erection of a cell phone tower if and when the water tank is removed. The city checked with the county assessor office making inquiry if a zone change from R-1 to commercial would affect the individual property tax rate and was informed the building use determines the valuation of the building and not necessarily the zone.

Councilman Simonson moves seek application with Planning and Zoning and request a re-zoning of the north side of Fremont from R-1 to commercial. Seconded by Councilman Zimmermann. Roll call vote.

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

Morgan Peterson – Request for variance to allow ag use in city:

Morgan Peterson came before the council requesting a variance to allow the Sucher property which has been annexed into the city but as of yet is not platted. Mayor Smith informed Peterson that the police have sent him two letters regarding the control of weeds on the property in question. The Mayor indicated that until the property is in compliance for the weeds, the Mayor will delay his request until such time that the property is brought into compliance.

121 South 2nd West –Colin Hunter:

Colin Hunter appeared before the council to ask for clarification of the procedure to follow regarding the acceptance of the apartment on South 2nd West. The Mayor informed Hunter the property needed to be brought into compliance using the building code in existence at the time the building was built (2002). Hunter stated the council motion did not specify the acceptance from the building inspector. The clerk noted the discussion had been referenced in the discussion and the council placed additional requirements over and above the building inspection.

The Mayor indicated the council would grant final acceptance once all conditions have been completed and passed.

The Mayor outlined the following steps needed prior to acceptance:

- Acceptance from the building inspector
- Letter from Central Fire accepting the fire lane and hammerhead turn around.
- Letter from Police accepting the lighting of the parking lot.
- Completion of the French drain
- Fire hydrant and water test
- Completion of the parking lot paving.
- Letter from the structural engineer of all his noted defects in the August 12 letter have been corrected and brought into compliance from a structural review.

Review of the 2011/2012 Fees:

The clerk handed out a summary of the 2011/2012 fees which the city needs to adopt to be in compliance with state statute. The Councilman Blackburn move to publish the schedule of fees the clerk presented with the hearing on the fees set for October 4, 2011. Seconded by Councilman Maloney.

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

Construction change order procedure:

The clerk handout a summary of three levels of spending and who has authority to proceed with the change order. The Mayor explained what happened during the last project and felt a procedure was needed to keep order in the process.

After discussion the council made the following changes to the hand out: Job title used instead of named employee. The process is as follows:

1. Keller's will be first contact regarding change orders. All change orders will be documented no verbal change orders authorized.
 2. City representative will approve written change order in following order of dollar cost (all change orders will be written with appropriate signatures attached- either on the change order or field worksheet – to be attached to change order):
 - a. \$0 - \$4,000 – Sewer superintendent after acceptance of change from Keller authorized to approve up to \$4,000 of change order.
 - b. \$4,001- \$8,000 – change order must be approved by sewer superintendent and Mayor.
 - c. \$8,001- and up – Change order must be approved by sewer superintendent, Mayor and two council members.
- Reverse flow after approval is granted.
 - Neither city nor contractor will initiate a change order without first approaching Keller's
 - Keller's will give council a written monthly report of change orders- approved and pending.
- Council concurred with procedure and accepted as changed.

Library Board Member:

Mayor Smith indicted that Kim Bishop has resigned from the library board. The librarian has recommended the name of Reginald Rascon be approved as a library board member. Councilman Simonson moved to accept the nomination of Reginald Rascon as library board member, seconded by Councilman Maloney. Voice roll call – all in favor no one in opposition. Motion passed.

Keller Sewer Const Contract – EJCDC agreement:

The clerk and mayor reviewed with the council the proposed contract noted as EJCDC contract. The mayor and clerk reviewed the contract with Mike Jaglowski from Keller's and noted the conditions the city had listed in the July 2010 agreement have been incorporated in the EJCDC contract. Councilman Blackburn moved to accept the EJCDC contract and allow the Mayor to sign the contract, seconded by Councilman Zimmermann.

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

Amend 2010/2011 budget:

The clerk noted several budget items where revenue had been received but not placed in the budget and as a result needed to amend the 2010/2011 budget to allow for the expenditure of the unanticipated funds. Councilman Zimmermann moved to publish the amended budget and hold a public hearing Sept 20, 2011 on the amended budget, seconded by Councilman Simonson.

Roll Call vote:

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

Adopt National Plumbing and Electrical Code:

The clerk reviewed the requirement wherein Rigby is contracting with the City of Rexburg to perform all the plumbing, electrical, and HAVC inspections, the city needs to adopt the national codes into the city ordinance whereby the state will no longer be performing the inspections. Councilman Simonson moves to publish the summary of the ordinance for the plumbing and electrical codes, seconded by Councilwoman Hinckley. Voice roll -- all in favor; none opposed.

Other Council Business:

Broulim Parking lot -- Councilman Zimmermann mentioned that he had received a call from a residence living across the street from the Broulim parking lot. The complaint was that trash is blowing from the lot into her yard and requested assistance in controlling the trash.

Bed Races -- Councilman Maloney made inquiry as to the final tabulation from the Bed Races. No person had knowledge as to the outcome.

Library District -- Councilwoman Hinckley commented the library personnel and other supporters of the library needed a word of thanks and help in proceeding with the library district.

Bills Approval:

Councilman Blackburn made inquiry on the Keller bill. The clerk explained how the monthly retainer paid is trued up at the end of each year with the succeeding monthly payment adjusted up or down according to the year- end adjustment. Councilman Zimmermann inquired how the library submitted their budget. The clerk explained he submitted a draft copy to each department and then the dept head would review and resubmit their comments which were included in the final budget.

Councilman Simonson moved to approve the bills as presented, seconded by Councilman Blackburn.

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

Approval of Minutes:

Councilman Zimmermann noted several instances where the minutes reflected Councilman Maloney having a recorded vote being listed twice on several votes. Councilman Hinckley noted an error in the recorded time when Rob Dunn and Scott Barry entered the meeting.

Councilman Maloney moved to accept the minutes as corrected, seconded by Councilman Zimmermann. Voice roll call – all in favor, none opposed.

Public Comment:

Being no public comment, the Mayor indicated a motion was needed to recess into executive session.

Executive Session:

Councilman Simonson moved to enter into executive session according to Idaho Code Section 67-2345; subsection f – to communicate with legal counsel on pending and existing litigation, seconded by Councilman Maloney. Voice roll – all in favor – none opposed.

Enter executive session - 8:36PM

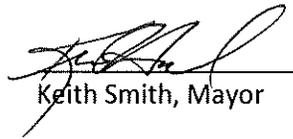
Exit executive session - 8:45PM

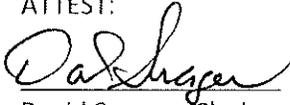
Adjournment:

Motion by Councilman Simonson to adjourn, seconded by Councilman Zimmermann. Voice roll – all in favor – none opposed.

Meeting adjourned at 8:47PM

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:

David Swager, Clerk