

City of Rigby  
Council Minutes  
September 20, 2011

Mayor Smith being absent, Council President Lawrence Blackburn presided and opened the meeting at 7:00PM Tuesday September 20, 2011.

Councilman Blackburn explained the first item on the agenda was the public hearing on amending the 2010/2011 Budget. At the conclusion of the hearing regular council business would commence. The Chair then asked the clerk to come forward and explain the need to amend the budget.

The clerk indicated the state code requires cities to remain within their authorized budgets. As part of the process roughly \$92,745 in grants, donations and sale of assets had been received during the year and the city needed to recognize those funds along with the authorized expenditures made. He then noted the proper publication notice had been posted in the Jefferson Star along with the notice posted at city hall and the city library.

The clerk then reviewed the various sources of revenue totaling \$92,745 along with a transfer authorized by the council in a prior meeting for \$35,000 which represent partial proceeds from the sale of the rec building to be transferred to the road fund.

In conjunction with the revenue the clerk reviewed the various expenditures and interfund adjustments made in the road fund to various budgeted line items within the road fund.

At the conclusion of the clerk's presentation, the chair reminded anyone in attendance that if they wished to speak at the hearing either for, in opposition or neutral to amending the budget there were sign in sheets that needed to be completed. Being no person coming forward, the Chair closed the public comment period and opened discussion for council discussion.

The Chair asked for discussion from the council, being none Councilman Day moved to accept the amended 2010/2011 budget as presented, seconded by Councilman Maloney.

The Chair asked the clerk to call the roll.

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

Motion passed.

**Regular Council Business:**

The Chair then called the regular council meeting into session and asked Councilman Maloney to conduct the pledge followed by the prayer offered by Attorney Dunn.

The Chair asked the clerk to call the roll:

Councilman Simonson	Present
Councilman Maloney	Present

Councilwoman Hinckley	Present
Councilman Day	Present
Councilman Zimmermann	Present

Also present: Attorney Dunn.

**Morgan Peterson – Ag Use Variance:**

Discussion on the request from Morgan Peterson, who was not present, to allow the Sucher property which is not platted but annexed into the city to be allowed to put the ground under farm cultivation.

Councilman Day had reservation that the following conditions be put on the variance as follows:

- Damn surrounding the curb and roadways to prevent water from under cutting the base of the road.
- Protection provided on the sidewalks and curbs from equipment entering and leaving the property must be protected.
- Ground must be in farm cultivation annually and variance granted year to year if ground is under cultivation.
- Protection of adjacent homeowner's property from flooding.

After further discussion the council questioned why this was before the council and if it should not be presented to planning and zoning. With this discussion Councilman Simonson moved to remand the variance request to planning and zoning with conditions as outlined by council, seconded by Councilman Zimmermann.

Voice poll, all in favor, none opposed. Motion passed.

**Colin Hunter – 121 S. 2<sup>nd</sup> West Apt 7 – 10:**

Colin Hunter came forward and informed council the building inspector had signed off on the buildings yesterday and was at this time requesting a certificate of occupancy.

Discussion that an acceptance letter had been received from Central Fire accepting the driveway, hammerhead and signage. The structural engineer had submitted a letter indicating all the deficiency noted earlier had been corrected. Water testing had passed per water Sup't Scott Barry in prior meetings.

Councilman Day discussed that there was to be a memorandum of understanding between the owner and all subsequent owners that the driveway and hammerhead would be subject to parking restrictions from parking and any violation would be subject to tow and/or ticket. The memo needed to be entered into between Hunter /subsequent property owners and Rigby Police Dept of the restrictions. Attorney Dunn indicated he would assist in drafting the MOU.

Also discussed was the need to clean up the area of dirt and branches, protect the French drain with a mat, and seeding of the play area.

Councilman Day suggested that Rick Lamoreaux, Public Work Sup't, could inspect the property and grant Lamoreaux the authority to approve the certificate of occupancy if all conditions have passed. Council gave consent to Councilman Day's suggestion.

Being no further discussion, Hunter exited meeting.

Quarterly Transfers:

The clerk came forward and requested the quarterly transfer of \$15,754.50 be authorized from water, sewer and sanitation to the general fund.

Councilman Day move to authorize the transfer, seconded by Councilman Simonson.

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

Utility Assistance Transfers:

The clerk explained during the year \$10,000 had been budgeted from the general fund to assist low income and resident which qualify for the state circuit breaker assistance to eligible for assistant on their utility billing. To accomplish the assistance a fund had been created and a transfer was needed from the general fund to the utility assistance account. The clerk indicated there were 13 applicants that applied for assistance which needed to be verified from the county. Given all 13 qualify the maximum amount that would be used from the fund would be \$9,925.00

Councilman Maloney move to authorize the transfer, seconded by Councilman Zimmermann.

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

Other Council Business:

Zion Bank:

Craig Tibbitts from Zion Bank came forward and reviewed Zion's bank corporate trust account and the advantage of using the trust account over the money market account. Currently the money market account is earning interest at .34% annual and the corporate trust account could earn around 2% annually. The interest is a fixed rate when held to maturity. The amount that had been discussed was around \$2 million. The trust account is not covered under the FDIC program and the investment

purchased would be within a 2-3 year maturity schedule. The investment grade security would be A rated or better. The security falls within the guidelines authorized by state code. The account is liquid within 1 or two days. The clerk indicated that the account is the same as authorized by the council with US Bank. He also indicated that his daily access to cash is within \$1 million on any one day without accessing the trust funds.

Being no further discussion, Councilman Maloney moved to authorize the city to invest in Zion Bank Corporate Trust Account, seconded by Councilman Simonson.

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

Motion Passed.

**“Life/Safety Ordinance”:**

The council reviewed the draft copy of the life safety ordinance. Various comments made on the intrusion the city is making on people’s lives but on the other hand the need was expressed about the safety of tenants.

Council questioned the section referencing door closures, vertical elevator shafts, fire extinguishers and exit signs. Attorney Dunn commented certain sections should be referenced to a size greater than what is currently existing in Rigby either in number of story allowed, number of apartments or occupants rather than eliminating the specific section(s). The three complexes’s in Rigby are monitored and regulated by federal housing authority and their individual insurance companies. They are monitored for smoke detectors, fire extinguishers, exits signs and other compliance issues. The apartment managers submit various reports to confirm compliance to the housing authority and insurance companies.

Question rose regarding the cost of the inspection and who is to pay for the inspections. Clerk indicated there are approximately 50 rental units in Rigby and the cost would run between \$4,000 to \$8,000 and would decrease over time with compliance. He also suggested a “rental fee” that would track rental units which would assist to offset part of the inspection costs.

Comment from the public inquired why tenants aren’t more responsible for their own safety and allow the tenants to report infractions deemed safety concern. Response from council indicated the landlord influence’s compliance by informally increasing rent to the tenant wherein the tenant says nothing.

Councilman Day commented that perhaps there should be a work meeting with city personnel along with state inspectors to review the ordinance.

The Chair suggested further review and discussion will be needed by the council prior to final Acceptance. Discussion ended and the item was tabled for further discussion.

**Bills Approval:**

Councilwoman Hinckley questioned the billing on Cedar Meadows. Clerk indicated the city would pay the invoice and back billed Cedar Meadows for the weed mowing. She also inquired about the bill on the garbage truck. Rick Lamoreaux, public works sup't, explained the cause and reason for the bill.

Being no further questions, Councilman Zimmermann moved to approve the bills as presented, seconded by Councilman Simonson.

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

**Approval of Minutes:**

Councilman Blackburn noted an error on page 3 wherein Councilman Simonson moved for a motion and also seconded the same motion.

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

**Public Comment:**

Being no public comment, the chair requested a motion to adjourn.

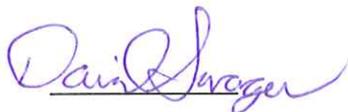
**Adjournment:**

Motion by Councilman Simonson to adjourn, seconded by Councilman Zimmermann. Voice roll – all in favor – none opposed. Meeting adjourned 8:36PM.

CITY OF RIGBY

  
Keith Smith, Mayor

ATTEST:



David Swager, Clerk