

City of Rigby  
Council Minutes  
November 1, 2011

Mayor Smith called the meeting to order at 7:00PM, Tuesday, November 01, 2011.

Mayor Smith asked Clerk David Swager to open with the pledge followed by Councilman Blackburn to offer the prayer.

The Mayor asked the clerk to call the roll.

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

Also in attendance Attorney Dunn and Chief Anderson.

Retiring Employee – Judy Bridges:

Mayor Smith called Judy Bridges forward to present her with a commemorative plate of the City of Rigby's seal. Mayor Smith informed the audience that Judy had worked for the city for 14 years. He thanked her for her years of service and dedication to the city. An open house will be held this Friday, November 4 from 1:00 to 5:00PM.

Valve Machine:

Scott Barry, water and sewer Sup't, came forward and explained the need for a valve exerciser machine. The valve machine will be used throughout the city to open and close the main water valves. The opening and closing of the valves can be automated with the machine. The valves need to be partially opened and closed throughout the process with the process being done twice a year on each valve. The machine also has the ability to flush out the stand pipe and clear dirt and rocks that enter the stand pipe. Council questioned if the amount had been budgeted and Barry indicated it had. Cost of the machine between \$22,950 and \$34,000. Rick Lamoreaux indicated he had found a similar machine in the Boise area at a lower price.

Councilman Maloney moved to authorize Barry to purchase a valve machine, seconded by Councilman Zimmermann.

Mayor asked the clerk to poll the council:

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

Sewer Line Damages – Jack Scanlan:

Homeowner Jack Scanlan came forward and presented the council with a list of claims which he felt was the responsibility of the city to pay. The damages arose when the city began cleaning the sewer lines in early 2011. His sewer line became plugged. The city told him the sewer pipe had collapsed and was not the city's responsibility to repair. He replaced the pipe which involved removing his driveway. Later the sewer backed up a second time. After this occurrence the city located a second sewer line which had a break inside the city road way. He had removed the section of this pipe which was not damaged. He felt the city misinformed him in directing him to remove the first pipe and well as the second pipe. He was seeking reimbursement totaling \$14,332.

Water/Sewer Sup't Barry came forward and explained the first line was a sub water line and had no sewer connection to it. The second line was a 4 inch sewer line that ran from Scanlan's house to the manhole down the street. The Scanlan are the only resident on the line and according to DEQ any line under an 8 inch is not a service line.

Councilman Blackburn requested a compilation of the time line from the first to last occurrence.

Councilwoman Hinckley inquired why the driveway was removed.

Councilman Day requested that the council be provided more information and a clearer understanding of the two lines.

Attorney Dunn questioned the Scanlans' as to when the first damage was incurred (sometime in Feb to March) and the timing of the last occurrence (September of this year). With that information, Dunn explained to the Scanlan's the law allowed a tort claim to be filed within 180 days of the occurrence.

Further inquiry from the council to Barry indicated the bottom sewer line was not cleaned being that it was a 4 inch line and the cleaning machine could not go down a 4 inch line. As to the top line, being that the line collapsed, indicates the line did not fail from being cleaned because the cleaning process would cause the line to explode vs. implode.

Councilman Simonson indicated his confusion and requested that a diagraph be presented showing the top and bottom line.

Councilman Day inquired with Barry if in the process of cleaning if material could have been blown into the service line, to which Barry, indicated yes, material could have been blown into the line.

Councilman Day suggested this topic be tabled for 2 weeks so a better understanding the problem could be obtained.

Comment made that the city had first offered to pay for one-half of the driveway, which Barry indicated Scanlan had rejected. The offer being rejected was therefore withdrawn.

Motion by Councilman Day to table the item for two weeks, seconded by Councilman Maloney.

Mayor asked the clerk to poll the council:

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

Other Council Business:

Avery Subdivision: Councilman Day inquired about the progress of the Avery subdivision green space. Requested that it be put on the agenda for next council's discussion.

City Hall Boiler: Councilwoman Hinckley made inquiry on the city hall's boiler. To which the clerk responded that the city had installed a soft water and was having a chemical injection system installed that would remove other minerals in the water. The equipment being installed was being done on the recommendation of various people to help prolong the life of the boiler. The same equipment is being installed in the school's boilers for the same reason.

Approval of Minutes:

A review of the minutes of October 18, 2011 was done. Motion by Councilman Simonson to approve the minutes as presented, seconded by Councilwoman Hinckley.

Voice poll, all in favor, none opposed.

Approval of Bills:

Council reviewed the bills. Councilman Zimmermann inquired into the Country Cotton bill why it was showing in three different funds for the same dollar amount. Mayor Smith explained the cost was for employees uniforms and the cost prorated over the three departments equally.

Being no further questions the Mayor requested a motion to approve. Motion by Councilman Blackburn to approve the bills for payment, seconded by Councilman Simonson.

Mayor asked the clerk to poll the council:

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

Public Comment:

Bob Breckenridge: Wished to expand on the comments made during the prior council meeting. He again stated he was opposed to the installation of water meters and the added debt the city would be incurring. He stated there were five objectives: 1. Education of the public towards water conservation. 2. Stop all day watering. 3. Eliminate and fine water running onto sidewalks and driveways. 3. Form volunteer committee to assist in water compliance. 4. Form a committee to implement a plan towards water conservation with a target date of 2012. 5. Invest in alternatives – storage tank.

Breckenridge commented he moved from New York where the elected officials failed to listen to the people. He mentioned for the council to have faith in the public and encourage other means to ensure water without metering.

Bob Ziel: Came forward and acknowledged that the United States people are wasteful in use. He felt compliance with water restrictions, conservation and better relationship with the community would help solve the problem. Ziel mentioned the FCC requires public service announcement as part of their legal licensing requirements.

Robert Hinckle: Commented they have problems with water fluctuations.

Marilyn Shumway - 351 Idaho Ave. Inquired if grants were available for the installation of water meters. Also opposed to meters.

Howard Alexander- Felt the city is a green and nice city to live in. Concerned that with water meters many homeowners will allow their yards to dry up and not water due to high cost of watering.

At the conclusion of public comment Mayor Smith explained the metering system would actually decrease utility costs for the small user. He stated that those families with large yard and household are being subsidized by the small users. He felt a system where you pay for what one uses is by far fairer than a flat system with no incentive for conservation. He closed his remarks stating public comment is not part of the agenda and decision on anything said this evening could not be done.

Being no further comment, the Mayor moved on to the last item on the agenda.

The Mayor requested a motion be made for the council to enter executive session under Code Section 67-2345(f) – matters concerning litigation and Code Section 67-2345© - deliberations on real property which is not owned by a public agency.

Councilman Blackburn moved to enter executive sessions according to Idaho Code 67-2345(f) and Idaho Code 67-2345©, seconded by Councilman Zimmermann.

Mayor asked the clerk to poll the council:

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

The council entered into executive session at 8:30PM.

Council exit executive session at 9:00PM

Building Moratorium:

Upon exiting executive session the Mayor commented the moratorium placed on the Rigby Towne Square development was placed on the developer in an attempt to force compliance and completion of the development per his development agreement. The city had to seal coat the roads and is in the process of installing street lighting around the development. Yet to be completed is the access road connecting Annis Highway to Courthouse Way. The moratorium is limiting development on owners not associated with the developer.

Councilman Simonson concurred the moratorium will restricting the city's tax base to grow and favored removing the moratorium under the condition the city sue the developer for costs expended and for completion of the development.

Attorney Dunn commented that he has been given direction in prior councils to seek recovery by whatever means are needed.

Council questioned the area that is not developed nor has infrastructure on it how lifting the moratorium affects building permits.

General agreement among council was the infrastructure as they pertain to the building would have to be to the lot prior to building. The building permit would tick off what services are available or not available.

Councilwoman Hinckley asked how the development got permission to build without having the project completed. To which the Mayor responded that the city extended permission on the faith that the developer would honor his commitment, which in hindsight he has failed to do.

Councilman Zimmermann moved to lift the building moratorium on the Towne Square development, seconded by Councilman Simonson.

Mayor asked the clerk to poll the council:

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

Other Council Business:

Councilman Day questioned the electrical, plumbing and HAVC inspections differ from what the city is charging and would like a review of the two billings.

Councilman Day also questioned certain p&z fees – re-zone 20 acres fee is \$2,500 he would like to see what the cost of advertising ect would be versus a random figure of \$2,500. He would like to see a revision of the description shown on the schedule.

Being no further business,

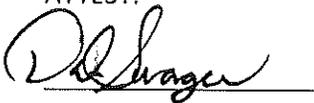
Councilman Simonson moved to adjourn, seconded by Councilman Zimmermann.

All in favor none opposed. Meeting adjourned at 9:12PM

City of Rigby

  
Keith Smith, Mayor

ATTEST:

  
David Swager, Clerk