

City of Rigby
Council Minutes
November 15, 2011

Mayor Smith called the meeting to order at 7:00PM, Tuesday, November 15, 2011.

Mayor Smith asked Councilman Day to open with the pledge followed by Councilman Maloney to offer the prayer.

The Mayor asked the clerk to call the roll.

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

Also in attendance Attorney Dunn.

Amend Agenda:

The Mayor requested to amend this evening agenda to allow an executive session under Idaho Code 67-2345-C to conduct deliberations concerning labor negotiations and to add item 13 – Consideration of employee One-Time Bonus and Item 14 – Repayment of the 4% employee salary holdback.

Hearing no objections, Councilman Day move to amend the agenda for executive session according to Idaho Code 67-2345-C – to conduct deliberations concerning labor negotiations and to add item 13 – Consideration of employee One-Time Bonus and Item 14 – Repayment of the 4% employee salary holdback.

Mayor asked all in favor with none opposed. Agenda amended.

Airport Board:

Councilman Zimmermann noted the airport board needed a member to make a full board to replace Wayne Hanson and recommended that Bruce Spaulding be nominated as airport board member. Spaulding has his pilot license and is an employee of Queen Bee.

The Mayor requested a motion to add Bruce Spaulding as an airport board member. Motion made by Councilman Zimmermann to appoint Bruce Spaulding as airport board member, seconded by Councilman Simonson.

Voice roll, all in favor with none opposed.

Sewer Const. Loan Resolution:

The Clerk came forward that the USDA needed the attached loan resolution acted on prior to the sewer construction project to proceed. Councilman Zimmermann questioned part of the language in the document. Attorney Dunn indicated it was a form agreement and was standard to their practice.

Motion by Councilman Day to approve the loan resolution, seconded by Councilman Zimmermann.

The Mayor asked the clerk to call the roll.

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

Motion passed – all in favor.

Scanlan Sewer Claim for Damages:

The Mayor came forward and explained to the council what happened on the Scanlan property. The first damage occurred in Mar/Feb as a result of a sewer backup. The city indicated the location of the sewer line and the line was dug up and replaced. The problem was the line that was dug up was only a sub water line. The second sewer backup occurred in mid-Sept. At this time the city located a second sewer line that did carry the household sewage. The line was a 4 inch line and has two breaks further west of the property. The last backup occurred about two weeks ago and the 4 inch line is totally broken. The city felt the line is deemed an emergency and replaced the line with an 8 inch line, which is in compliance with DEQ standards. The Mayor also recommended the claim that the Scanlan have against the city be approved in the amount of \$10,000 subject to certain release of claim being executed.

Councilman Simonson moved to pay and accept the \$10,000 payment to the Scanlan and release of further claims resulting from the March to October damages, seconded by Councilman Zimmermann.

The Mayor asked the clerk to call the roll.

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

Motion passed – all in favor.

Attorney Dunn excused to discuss the release agreement with the Scanlan's.

Avery Subdivision:

Councilman Day explained the Avery subdivision has made several promises regarding the completion of the Avery subdivision and to date the green space and homeowner agreement has not been completed. Two proposals were suggested to either landscape the green space or install additional off street parking spaces. Due the non completion of the subdivision, Councilman Day recommended either the subdivision be pulled or legal action be pursued.

Motion by Councilman Day to table item, seconded by Councilwoman Hinckley.

Voice roll – all in favor none opposed.

Hailey Creek Subdivision:

The Mayor told the council he had met with the developer – Jeremy Magera and indicated the deeding of lot(s) to the city in lieu of seal coating. Mr. Magera indicated that was not possible being the bank holding the mortgage would not release the lots. Magera did indicate that a possible solution would be to have the new partner issue a “demand letter of credit” for the value of the seal coat with a completion date. If the date passes the city would execute the demand letter and collect funds to complete the seal coating. Magera would need to get approval from his partner. The mayor indicated he would like the council approval to proceed in the discussion.

Councilman Maloney moved to allow the Mayor to continue his discussion with Hailey Creek, seconded by Councilman Simonson.

Voice poll – all in favor none opposed.

City Fees:

The clerk indicated the electrical, plumbing and mechanical fees charged by the city were equal to the fees charged by the state for inspection. The clerk indicated he had our building inspector pull prior fees and complete the state fee schedule. Both were computed at the same amount.

Other fees discussed amending 20 acre - suggested the recorded fee of \$2,500 is excessive. A more appropriate schedule would be to have it as “at cost”. This to appear on next agenda.

Other Council Business:

Councilman Maloney questioned when the burn pit would close for the season. Rick Lamoreaux, public works indicated the burn pit was posted and advertised as be closed today. The city would continue to pick up curb leaves and limbs until it snows.

Councilman Maloney also inquired when the street restrictions were in place. Sup’t Lamoreaux indicated the date begins Nov 15 through Mar 15 from 8:00AM to 6:00PM

Review and Approval of Bills:

Question on the Lott Const. Was referenced that the repairs was deemed an emergency work done on the Scanlan property and is included in the current bills.

Motion by Councilman Zimmermann to approve the bills, including the \$13,146 bill from Lott Const. seconded by Councilman Maloney.

The Mayor asked the clerk to call the roll.

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

Councilman Zimmermann Aye
Motion passed – all in favor.

Public Comment:

Marilyn Shumway – Questioned if the utility deposit could be returned to the customer after a period of time if all utility payments have been timely made.

Bob Breckenridge: Came forward and questioned the \$12 bond fund which the mayor indicated the \$12 was for the full \$4 million loan. He also asked if the public would be allowed to address the court. The attorney responded the legal procedure for the court hearing. Usually if you wanted to presented information you would need to be sworn and present facts and information not merely opinions.

Breckenridge then went on and cited added information regarding water users. Breckenridge indicated he would be handing out flyers regarding the November 28 hearing. In closing he hoped the council would reject installing water meters.

Executive Session:

Motion by Councilman Day to enter into executive session is according to Idaho Code 67-2345-C- to conduct deliberations concerning labor negotiations, seconded by Councilman Zimmermann.

Voice Poll: All in favor none opposed.

Exit executive session: 8:00PM

Executive Session:

Motion by Councilman Zimmermann to enter into executive session according to Idaho Code 67-2345-F- to communicate with legal counsel to discuss legal options for pending litigation or where litigations is deemed imminent , seconded by Councilman Simonson.

Exit Executive session 9:00PM

Return to regular session 9:00PM:

Item #6 – Avery Subdivision:

Item brought back to agenda from earlier discussion but was tabled due to absence of attorney. Councilman Day explained the earlier discussion. Attorney Dunn indicated that to proceed with a demand he would need cost estimate for the landscaping and/or paving. City will obtain a bid for the attorney to proceed.

Discussion arose concerning a cost difference between landscape vs. asphalt paving – Avery indicated he would complete the landscaping. Attorney will proceed once he has the two dollar cost estimates.

The notice will be completed and delivered prior to end of December.

One-time Employee Bonuses:

Councilman Day to authorize the payment of a one-time bonus to employees limited to \$500, per attached listing, seconded by Councilwoman Hinckley.

The Mayor asked the clerk to call the roll.

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

Repayment of 4% Employee Holdback:

Councilwoman Hinckley moved to authorize the payment of the remaining balance due the employees on the 2010 4% salary holdback, seconded by Councilman Zimmermann.

The Mayor asked the clerk to call the roll.

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

Adjournment:

Councilman Simonson moved to adjourn, seconded by Councilman Zimmermann.

Voice poll – all in favor none opposed. Meeting adjourned 9:15PM

City of Rigby



Keith Smith, Mayor

ATTEST:


David Swager, Clerk