

City of Rigby
Council Minutes
January 17, 2012

Mayor Smith opened the meeting at 7:00PM Tuesday, January 17, 2012.

Mayor Smith asked Councilman Day to conduct the Pledge and Councilman Maloney the Prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Chief Keith Hammon and Attorney Rob Dunn.

Swearing In Councilmen

The Mayor asked Councilmen Day, Maloney, and Simonson to come forward to re-take the oath of office. The three councilmen were re-elected in November to a 4-year term.

Election of Council President:

The Mayor indicated the next order of business is the election of council president. Current council president is Councilman Blackburn. Councilman Zimmermann moved to retain Councilman Blackburn as council president, seconded by Councilman Maloney. Voice poll – all in favor, none opposed. Councilman Blackburn is retained as council president.

Non-Commercial Kennel License:

Allyson Pettingill came forward with application for a non-commercial kennel license. She resides at 223 North 4th West. She has 4 dogs which require a non-commercial kennel license. Adjoining property owners within 100 feet of her home have signed the petition granting her their acceptance of having 4 dogs. Mrs. Pettingill explained 3 of the dogs are neutered, two of the dogs are house dogs, all of the dogs are current in their medicine and vaccinations, that they remain in her home the majority of the time and two of the dogs is a Lab and larger mixed breed. The Mayor asked if anyone in attendance had any comment. Hearing none, the Mayor turned the time over to council for questions.

After brief question from the council, Councilman Blackburn moved to accept the issuance of a non-commercial kennel license to Allyson Pettingill, seconded by Councilman Day. Voice poll- all in favor, none opposed.

Awarding Sewer Construction Contract:

Mike Jaglowski of Keller Associates came forward and announced the results of Wednesday bid opening for Phase II of the sewer collection upgrade. The results of the bids are:

Jaglowski mentioned part of the requirement was that the attorney for the city needed to review the bid documents and sign off that the surety bond and other legal requirements have been addressed.

Councilwoman Hinckley asked about potential change orders. Jaglowski responded that during the design phase Keller's had included every contingent item that could rise, however, there could be change items but there is a contingency built into the project.

Councilman Day asked if the contingent amount was built as a force account or actual contingency. Jaglowski indicated each component of the contract has a contingency built into each measurement be it lineal foot, square foot or yard. Therefore measurement being under utilized that portion would be moved to other units of measure.

Jaglowski indicated there is a set procedure in place which requires acceptance from the engineer, funding agencies and the city prior to being expended.

Councilman Zimmermann inquired into the quality of work that DePatco does. Jaglowski indicated he had not worked directly with DePatco however, he has not heard of any negative comments regarding their work.

Councilman Day questioned if the nineteen items could be eliminated from the bid: i.e. 1st North being that the road is sub standard and would not be feasible to bring the road up to standard. Jaglowski indicated that each bid item could be dropped from the bid. The decision to proceed even if the item is listed in the bid is still subject to council approval to proceed. The construction listed on 1st North includes only that section between 3rd West and 4th West.

The Mayor questioned being the bid came in below the authorized amount and there is two funding agencies involved is there a priority of draws required from each of the funding agencies. Rick Miller of the ECIPTDA indicated the USDA-RD loan is in conjunction with a grant of equal amount. If USDA-RD is not used the grant would need to be repaid. The loan commitment is open for several years as work is being performed. The Mayor commented not all of the authorized amount of the \$6 million loan needs to be spent. Miller indicated that was correct.

Motion by Councilman Day to accept the bid from DePatco Const. in the amount of \$3,028,403 for Phase II of the sewer collection system upgrade and to authorize the Mayor to sign the appropriate documents needed to proceed in awarding the contract with USDA-RD and DEQ upon acceptance from each of the funding agencies. Motion seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council:

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

Sewer Collection Phase III:

Mike Jaglowski of Keller Associates indicated that there had been four bids received on Phase III of the project. After the bids were opened, HK Contractors informed Keller's that they had made a major error in their bid and wrote a letter withdrawing their bid, (as allowed in the bid documents). Jaglowski also stated the remaining three bids contained bidding errors and Jaglowski recommended after conferring with the mayor and attorney to reject all bids relating to Phase III of the sewer collection project.

Motion by Councilman Simonson moved to reject all bids involved in Phase III of the sewer collection project as being non-responsive seconded by Councilman Zimmermann.

The Mayor asked the clerk to poll the council:

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

Motion passed – bids rejected.

Life/Safety Ordinance:

The council reviewed the draft copy of the ordinance. Several corrections were made to the draft copy.

The Mayor commented that there are no fees involved in this ordinance. He commented that to encourage property owners to report their property within 24 months there would be no fee involved. After the time period there would be a fee involved.

General conscience of the council was the ordinance is not burdensome but mainly asking landlords to install smoke, fire extinguishers and CO2 detectors. Also mentioned the incident occurring last month where a tenant was over come with CO2 and needed emergency care.

Councilman Day asked if changes were made to the ordinance after publication would it have to be re-published. Attorney indicated it would need to be re-published if major changes were made.

Councilman Zimmermann moved to publish ordinance 2012-552 as corrected seconded by Councilman Blackburn. Mayor called for a voice poll of the council: All in favor none opposed.

Elite Townhomes Subdivision:

The clerk discussed the phone conversation that the clerk and Mr. Avery had earlier last week regarding the receipt of the letter from the attorney. Mr. Avery stated he would be unable to have any work completed within the 30 day period given the current weather.

The council discussed the project and the time that the subdivision was first begun and today's date is still not complete as Mr. Avery has indicated in prior meetings that it would be completed.

Motion by Councilman Blackburn to allow Jeff Avery until July 15, 2012 to complete the common areas located in the north east section of the subdivision with either the landscaping or installing off street parking as designed by Keller's Associates on condition that a "demand letter of credit" be issued payable to the City of Rigby equal to the engineer estimate within 30 days of receipt of being notified with an exercisable date of July 15, 2012. If Mr. Avery fails to deliver the letter of credit within 30 days from the date of the notice, the attorney is to proceed with in the legal process to effect completion. Seconded by Councilwomen Hinckley.

The Mayor asked the clerk to poll the council:

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

Other Council Business:

Chamber of Commerce: Councilwomen Hinckley wanted to express the chamber appreciated the city on the light parade. The Chamber had sold \$20,000 in chamber bucks. The Farmer/Merchant banquet will be held Mar 14. Chamber is also looking into obtaining community grants.

Parking limits: Councilwoman Hinckley asked if the parking allowed for apartments has been changed from the 1.5 per apartment. Clerk informed the council the planning and zoning comm. were updating the parking requirements to 2 per unit.

Old Nursing home on 3rd West - Inquired the status of the triplex on 3rd west. The clerk indicated the current owner is in the process of reselling the complex. In addition once the life safety ordinance is passed it would come under its compliance.

Town Meetings: Councilwoman Hinckley also liked the idea of Councilman Simonson to have a town meeting scheduled outside of council to explain various projects to the public. Council discussed having a work meeting Jan 31, 2012 at 7:00 PM in which the council will further define the goals and objective in which to establish an agenda for a "town meeting" for the public to participate at a later date.

Newspaper Article: The Mayor mentioned that the Jefferson Star has a section in the paper "Insight" in which he would like each of the council/department head to write on a topic of interest. The aim is to better inform the public of city business. He would like an article to appear at least monthly. Councilman Zimmermann has indicated he has an article coming up.

State of the City: The Mayor recapped the state of the city on past accomplishments and future goals. Accomplishments:

The Mayor listed the sale of the recreation center in April to Journey's.

Utility Assistance Program: After 6 years since it was first mentioned, the city established an assistance program to assist residences. Currently there are 13 residences utilizing the program in which roughly \$64 per month is credited to their individual account.

Financial Budgets: The mayor indicated the financial position of the city has improved over the past 2 years. The 2011 audit report is scheduled to be presented at the February meeting.

Employee Salary holdback: In January 2010 the city heldback 4% from all employees, council, mayor and attorney salary for 9 months to assist in getting the city in a better financial condition. Since then the amount withheld has been repaid in full to all personnel.

One-Time Bonus: The city this past December issued all employees but for council and mayor a one-time bonus of 2% of salary to a maximum of \$500 to all employees.

Library: This past year the library attempted to have the library services expanded to include a library district. That proposal failed to achieve its objective but indication the library board will attempt a second try this coming year.

Sub-water division: This past year the city extended the drainage pipe from the pumping of the sub water pond west of town. Previously the water discharge was pumped to a farmer ditch which created problems with flooding and inspection being performed. The pipe was extended to discharge directly in the Burgess Canal which eliminated city personnel time in checking on the water and from possible flooding issues. With the sewer project it is anticipated the sewer system will not allow intrusion of sub water to enter into the sewer and will be used to increase the discharge in the sub water pond.

Sewer collection project Phase I: The first phase of the upgrading the city sewer system was completed this past summer on a section of sewer pipe along Highway 48 and State Street. The project included a system where sewer pipe was "pipe burst" with a new pipe being installed in the cavity of the old without the need for open trenching.

Sewer Collection Project Phase II: This was recently bid and the bids received all come under the budgeted \$6 million. Bid that was awarded this evening was just over \$3 million. The Mayor made the point of noting even though \$6 million had been authorized, the city is not going to spend the amount authorized.

Water System Project: Based on the results of the sewer bids, the city is in the process of formulating and identifying water projects needing to be completed. Even though \$4 million has been authorized, to date nothing has been spent nor has any commitment been made to obligate any of the \$4 million loan.

Valve Machine: In conjunction with the sewer and water system, the city obtained a machine to assist in exercising the water valves within the city. The city will be using this information to GPS each valve, date when it was last exercised and other information relating to the valve be recorded.

Leak detection: The city began a program to monitor and locate various water leaks around town.

Downtown project: With the assistance of the Urban Renewal the upgrading of the downtown business district was completed this past year. Various businesses assisted in funding Christmas lights: Zion Bank, Westmark Credit Union, Omni Security and the Chamber assisted in funding the lights.

Goals for the coming year:

City Parks: One of the goals he would like to be accomplished this year is to convert the two city parks from 100% potable water to a system using the canal water in which the city owns in both the Rigby Canal and the Burgess Canal.

Completion of the sewer and water projects, implementation of the life/safety ordinance.

ITD will begin upgrading lights and sidewalks along Highway 48 from 3rd West to State.

GIS system is beginning to implement the various departments of the water, sewer and road surface. It will be used as a projecting forward working plan to integrate all three funds into a coherent planning tool.

Build reserves: The goal for the city is build into the fees charged is to build reserves. As has happened in the past, the city held its fees low with the side consequence of low rates needed upgrading of the infrastructure has not been completed. The goal is to build reserves and maintain a capital improvement plan to keep the infrastructure current and good repair.

Approval of Minutes:

Councilman Zimmermann noted a couple of corrections needing to be made. Councilman Maloney moved to approve the minutes as corrected, seconded by Councilman Simonson. Voice poll of the council: All in favor none opposed.

Approval of Bills:

Motion by Councilman Simonson, to approve the bills, seconded by Councilwoman Hinckley.

The Mayor asked the clerk to poll the council:

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

Public Comment:

The Mayor invited any of those in attendance to come forward with any comment for the council. Being none;

Councilman Blackburn, expressed his thanks to the Mayor for the comments he made this evening and in addition also for his thanks to the mayor for the time and dedication he gives the city.

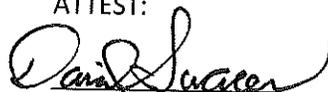
Motion to Adjourn:

Motion by Councilman Simonson to adjourn, seconded by Councilman Zimmermann. Voice poll: All in favor none opposed. Meeting adjourned at 8:50PM

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:


David Swager, Clerk