

City of Rigby
Regular Council Minutes
February 21, 2012

Mayor Smith opened the hearing on "Life/Safety" Ordinance 2012-552 meeting at 7:00PM Tuesday, February 21, 2012.

The Mayor explained to those in attendance the purpose of the hearing this evening was for the citizens to present testimony either in support of the ordinance; in opposition of the ordinance or to speak neutral of the ordinance. He reminded those in attendance that there were sign in sheets at the entrance of the chambers which appropriate sections for the citizens wishing to speak to do so. He then asked Chief Hammon to bring the sign in sheet forward.

The Mayor then asked the city clerk to come forward and give testimony regarding the "life/safety" Ordinance #2012-552. The clerk indicated the Ordinance had been published twice in the Jefferson Star in summary format. Dates of publication were February 1, 2012 and February 8, 2012. The publication gave the summary of the ordinance, date, time and place of the public hearing. He then recapped the following summary points of the ordinance:

- Setting forth the scope of application for the ordinance.
- Providing guidelines to be followed by the building dept. in evaluating existing structures intended for rent as residential units.
- Providing for an appeal process.
- Providing penalties for failure to comply with any provisions of the ordinance.
- Providing for a saving clause.
- Providing for severability in whole or in part of any section.
- Repealing all ordinances and parts of ordinances in conflict.
- And providing for an effective date of the ordinance.

Concluding his testimony the Mayor then asked if there was anyone wishing to speak who had not signed the sheets. No person signed either in favor, in opposition or neutral. Being none the Mayor then closed the hearing for testimony at 7:10PM.

The Mayor then opened the regular portion of the council agenda with Scout Jeremy Hall conducting the Pledge and Chief Hammon the Prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Chief Keith Hammon.

Citizen Award:

Chief Hammon came forward and presented Flint Christensen, via remote video hookup, with the Citizen Award. Chief Hammon explained the circumstance wherein Dylan Ausmus was overcome with carbon dioxide and through Flint's actions assisted in removing Ausmus from the apartment and provided first aid until emergency care arrived on site. The Chief presented Flint's wife with the award. Also coming forward was Andy Crossman from Journeys who wanted to acknowledge Flint's action and in recognition of his effort present Flint through his wife with a \$25 certificate from the Rigby Chamber of Commerce. The Mayor thanked Flint and the presenters for the award.

Upper River Mitigation

Roger Warner from Rocky Mountain Environmental came forward and presented the council a copy of the work his organization was working on for the City of Iona. Warner explained better ways to use existing water rights the city owns. Warner presented the council with a contract wherein Upper River Mitigation would analyze and evaluate water rights. He explained the upper Snake River valley is under a moratorium and because of the moratorium the days of being able to make application to the Dept of Water Resource has been severely changed. His company proposal is not the same water study that had been conducted by Keller's. Keller's study examined potable water. His company is exploring surface water rights and how best to maximize the use and application of those surface water rights. Their study will explore trading surface water for potable water.

The council questioned Warner concerning the moratorium, the work performed for the City of Iona, transfer of surface water to ground water. The contact with Upper River proposed an estimate of 3-4 weeks time table in which they would obtain copies of existing surface water rights, existing ground water rights and suggestions from the city on planned uses. After the study is completed they will present the report to council for their review and arrange for a follow up review at a later meeting.

Being no further questions, Councilman Simonson moved to approve the contract in the amount of \$5,000 with Upper River Mitigation, seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to call the roll.

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

2011 Annual Audit Report:

Sheri Poulsen, from Jensen, Poulsen & Company, came forward and distributed to the council copies of the 2011 audit report. Poulsen commented that the city's finances of the city have improved over the previous year. Net assets of the city had increased \$570,000. Specific comments were made on the general fund, road fund, library fund, water, sanitation and sewer funds. The general fund currently has a working capital reserve of 3 months. City goal is to have a six month reserve. Road fund ended the year with a negative fund balance due to the transfer of \$44,211 to the arterial road account.

The library fund ended the year with a positive revenues exceeding expense of \$12,000 with no transfers being made from the general fund. Both the water and sanitation fund showed increases in net assets which included depreciation expense in both funds. The sewer revenue showed increases due to the collection of debt service obligation. The loan on the wastewater treatment plant is not closed due to ongoing litigation. The fund is collecting payment for debt service the proceeds will be used to retire the loans.

Poulsen commented on the litigation with Peck-Ormsby and the judicial review of \$4,000,000 for water system improvements (commenting no contractual obligation has been entered into). Poulsen also commented on one deficiency regarding internal control protocol. Expenditures over \$1,000 but under \$5,000 should be approved by the city clerk. During her testing she noted there were instances wherein some expenditures lacked detail to verify approval. She recommended having signed and dated purchase orders to document compliance with the city's internal control protocol policy.

Poulsen also commented about the drug forfeiture account and its inclusion in the audit report as a restricted asset. Poulsen discussed the accountability of the parks and rodeo association which the city funds annually. The legal position of the parks and rodeo with the city is unclear at this time being no one had information as to their filing status.

Question on the city airport also came into the discussion. The clerk commented the airport uses the city's federal identification number when it applies for grants. After discussion it was felt the airport should be included in the city audit as a component unit of the city. Councilman Zimmermann will follow up with the airport board regarding this concern.

Being no further questions, Councilman Blackburn moved to accept the 2011 audit report, seconded by Councilman Maloney. Voice poll- all in favor none opposed.

"Life/Safety Ordinance -#2012-552

Mayor indicated the final reading on the "Life/Safety" Ordinance needed to be done. Councilman Day moved to waive the final reading of Ordinance 2012-552, seconded by Councilman Simonson. Poll of the council: All in favor none opposed. Final reading hereby waived.

Council discussed that as the ordinance first started out it was felt pretty intrusive on both landlords and tenants. Being no other discussion: Councilman Zimmermann moved to adopt Ordinance #2012-552 as corrected, seconded by Councilman Simonson.

Mayor Smith asked the clerk to poll the council.

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

Ordinance #2012-552 adopted.

SCADA Contract:

Discussion of the council was to approve the SCADA contract presented at last council. Council was concerned with the fee being charged by Keller & Associates in administering the SCADA contract. Clerk reported that Keller's had not at this time presented detail to support Keller's administrative fee of \$12,000.

Councilman Simonson moved to approve the SCADA contract in the amount of \$84,000 from NKD Technologies, seconded by Councilman Day.

Mayor Smith asked the clerk to call the roll.

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

Contract with NKD Technologies in the amount of \$84,000 approved.

Water Project – Work Meeting:

The Mayor informed the council of a meeting that was held with Willie Teuscher of DEQ on the water loan. The city needed to inform DEQ as to the city intent on the loan offer by March 16. The council made general discussion on the water mitigation and DEQ position that was expressed at the last meeting. On the water study report, table 1.1, an incorrect amounts being listed and needed to be corrected. The Mayor was requesting a work meeting for Wednesday, February 29, 2012 at 6:30PM. Hearing no objection meeting date and time approved.

Other Council Business:

Chamber Commerce – Farmer Merchant Banquet: The clerk informed the council the annual Chamber banquet was planned for March 14 and if the council wished to have tickets purchased for themselves and their spouses. Council will inform the clerk at a later date if they plan on attending. Councilwoman Hinckley also would like to have the city employee of the year also attend the banquet.

Councilman Blackburn: Councilman Blackburn handed out a worksheet which indicated the dates each of the councilmember would submit an article to the Jefferson Star on their specific council assignment. Blackburn has reviewed the city web site and felt in general it was easy to use and understand. He would like to have on the city web page under each of the councilmember their specific area of

responsibility shown. He also would like to have a city email established for each councilmember. Councilman Blackburn commented that the planning and zoning and urban renewal had vacancies and there needed to be way of informing the public that positions were open. In addition the web page needed to be updated in certain areas.

Approval of Bills:

The council reviewed the bill approval list. Councilman Zimmermann questioned the Dig Line bill and the Verizon bill being shown in park fund. Councilman Blackburn questioned the overpayment on the Garden Gate account. Councilwoman Hinckley questioned the refund to Kip Later for sewer damages.

Councilman Zimmermann moved to approve the bills, seconded by Councilman Blackburn.
Mayor Smith asked the clerk to call the roll.

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

Approval of Minutes:

Minutes of February 7, 2012 were reviewed. Councilman Maloney moved to accept the minutes as corrected seconded by Councilwomen Hinckley. Voice poll: All in favor none opposed.

Public Comment:

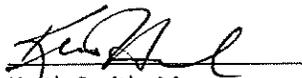
Morgan Lake: Mr. Lake came forward and inquired if the city was receiving the water rights on subdivisions being accepted into the city. He commented that on his subdivision, Lake Sub-division, that he retained the surface water rights. Clerk responded that to his knowledge the Hailey Creek, Pro Plaza and the Hunter Creek subdivisions water rights were transferred to the city. The clerk could not answer why the Lake Sub-division water rights were not transferred to the city.

Adjournment:

Being no further business - Councilman Simonson moved to adjourn, seconded by Councilman Zimmermann. Voice poll: All in favor none opposed.

Meeting adjourned 9:10PM

City of Rigby


Keith Smith, Mayor

ATTEST:


David Swager, Clerk