

**City of Rigby  
City Council Meeting  
April 3, 2012  
7:00 PM**

Mayor Smith welcomed everyone to the meeting and turned the time over to Councilwoman Hinckley who invited everyone to join her in the pledge of allegiance, followed by Attorney Robin Dunn who gave the prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Chief Keith Hammon and Attorney Rob Dunn

Mayor Smith requested council approval to move agenda item #8 to item #3. Hearing no objections, the Mayor asked Mark Olsen to come forward.

**Elite Townhomes Subdivision:**

Mark Olsen representing developer Jeff Avery came forward.

Mr. Olsen first wanted to comment on the proposed LID being proposed on 1<sup>st</sup> North. Being that he owns property on 1<sup>st</sup> North he was very much in favor of having the street upgraded with curb and gutter. The improvement while costing him would be a worthwhile investment and was in favor of proceeding.

Second, he wanted to note to the council that working with the Rexburg building inspectors has been very good and feels the inspectors are doing a commendable and very good job. The inspections have been timely and went very smooth.

He stated the reason for coming to council this evening was to resolve the problem associated with the Elite Townhomes Subdivision regarding landscaping on Lots #1 and Lot #5. Mr. Olsen explained the north side of Lemmon Lane has two common areas referred to as Lot #1 and Lot #5. The subdivision has these two lots being owned and maintained under a homeowners association. Mr. Olsen commented that the townhomes were planned with single ownership per unit. Currently the townhomes are being built and are being used as rental units.

However, access to the lots is of limited value on lot #1 for any homeowner not having a building on Lot #2. Lot #5 because it runs parallel to Lemmon Lane on the south and abuts the Zundel/Green ditch on the north has very little surface area except for the most westerly portion of the lot. The west side of the lot #5 could be used for off street parking or other use but the primary benefit as to use would be to Lot 4. The developer is proposing to abandon the two lots from being

common lots with a homeowners association and having the lots sold with Lots #2 and Lot #4. Deed restrictions that have been incorporated into the common areas via the homeowner's agreement would be placed on the respective deeds, thereby assuring compliance. They are also planning on installing a sidewalk along the north side of Lemmon Lane from Lot #1 through Lot #5.

The Mayor questioned Olsen if the change should be presented to planning and zoning.

Mr. Olson would like consent from the council if this would be an acceptable plan versus having the two lots under control, maintenance and ownership of the homeowner's association.

Councilman Blackburn commented that the proposed change did not require major changes in that the boundary lines on the original plat are not being changed.

Attorney Dunn responded if the change was substantial then it would need to be presented before planning and zoning; if not a substantial change then no it would not need to go before planning and zoning. Dunn recommended that the restrictions placed on lot 1 and on lot 5 be recorded as deed restrictions on the two lots.

The clerk spoke of the problem in having the two lots maintained by a non-existent homeowners association where only the two complexes adjacent to the lot 1 and lot 5 would have use or access to either lot. Secondly, the units if they are rental unit, maintenance would not be done as the city has seen happen on Caribou. The subdivision is planned on having 3 complexes built. The one inside complex on lot 3 would object to paying maintenance fees on property they have no access to or use.

Councilman Simonson questioned the landscaping that needs to go in. Olsen responded that outside the sidewalk the landscaping and maintenance would be done by Avery until the lots are sold then maintenance would go to the new owner.

The clerk brought up the problem that if the homeowners failed to pay the water fee, the water would be shut off and the current problem of no maintenance on the two lots would continue along with a delinquent water bill.

Attorney Dunn indicated that Avery should go through with the deed covenants being added as deed restrictions and then the question of which body approves the change could be addressed.

The Mayor asked the council without a formal vote being taken if the council had objections to the proposed change. Hearing no formal objections Mr. Olsen indicted he would get with Brandon Thompson regarding the covenants and deed restrictions and get back with the council.

#### **Employee Student Education Program:**

The clerk reviewed the correction made from the last council. The two changes the clerk noted as being made was in Section II, paragraph C which restricted the maximum credit allowed an employee to take per each semester change from 6 to 3 credits per semester. And the second change is in Section II, paragraph E which was changed term of employment that an employee must continue with the city without being charged reimbursement for tuition, registration, textbooks and lab fees was changed from twelve months to twenty-four months.

Motion by Councilman Blackburn to adopt the "Employee-Student Education Program", seconded by Councilman Simonson.

On a roll call vote:

Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye

#### **Rigby Park/Rodeo Director and Committee**

Rick Lamoreaux, member of the Jefferson Parks/Rodeo Association, came forward to explain the reason the parks/rodeo association is requesting a change. Mr. Lamoreaux explained the current board manages the rodeo grounds and conducts events at the grounds. The board being an exempt organization has no insurance coverage that protects the individual board members from lawsuit. The proposed ordinance that is before the council would bring the park/rodeo board under city control and provide financial accounting back with the city.

Councilman Blackburn questioned the makeup of the board members if they have to be residents of the city or county. Lamoreaux indicated the current board all reside within the county. The clerk commented the board should be comprised of persons wanting to serve and be an asset to the board and not to restrict membership to city/county residents. The airport board allows members to live outside the city/county.

The Mayor explained currently the city provides funds to the park/rodeo. Under the proposed ordinance the director who is currently being paid \$100 per month would be paid from the budgeted funds currently being allowed.

The Attorney explained the ordinance is a very simple and allow the board itself to establish its own rules of conduct and organization.

Motion by Councilman Maloney moved to publish ordinance #2012-555 – Parks and Rodeo Department and Parks/Rodeo Committee which sets date for final hearing – Seconded by Councilman Simonson.

Mayor called for voice poll: All in favor with no opposition.

#### **Quarterly Interfund Transfers-**

Mayor Smith stated the next item on the agenda was the quarterly interfund transfers and turned the time over to the clerk for his presentation.

The Clerk referred to a document in the council packets and stated this was the quarterly transfer of \$6,250.00 from the Water, Sewer and Sanitation Funds back to the General Fund to reimburse for administrative expense for a total of \$18,750. The Clerk stated that he needed council approval in order to do this transfer.

Councilman Simonson moved to approve the transfers, seconded by Councilman Maloney.  
On a roll call vote:

Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye
Councilwoman Hinckley	--	aye

### **Proposed LID for 1<sup>st</sup> North/Annis Highway and Dove Ave:**

#### **Dove Ave**

The Mayor began the discussion explaining the prior discussion the council has had on 1<sup>st</sup> North and Annis Hwy. He explained the need that was stated in the Keller's water study. The Mayor proposed to the council if the water line on Dove should not be upgraded through an LID. He asked Rick Lamoreaux to explain to the council the water situation on Dove.

Lamoreaux explained the line begins out as either a 6 or 8 inch line and runs about half way down Dove. The balance of Dove has a 4 inch line down to Edmark then changes to a 4 inch plastic line and connects to Farnsworth between the Meadow View Apt and D&L Laundry. Lamoreaux recommended replacing all of the lines with either ductile iron or the new plastic pipe from Annis Hwy to Farnsworth along with the service lines that run off the main line. Lamoreaux commented that over the years as breaks have occurred the lines were band aided back together.

Councilman Simonson stated the line running east from Edmark to Farnsworth would be the city responsibility and not the homeowners. He also wanted to know that the proposed LID on Dove would be for the water line only and not including the curb or gutter and does not include the sewer project. To which the Mayor concurred.

The Mayor stated that no decision was necessary this evening but he would like additional information to be obtained relating to the cost breakdown on Dove Ave. and to continue to move forward pending further costs analysis to be obtained from Keller's.

#### **1<sup>st</sup> North:**

The clerk presented to the council information relating to prior LID and the percentage of participation the city contributed to each of the various LIDs. The Clerk noted the LID regulations which state the city should include as part of its contribution the beneficial use that the city will receive from the improvements. The public use of 1<sup>st</sup> North versus the resident use has to be computed, how to make that determination he is unclear. The Annis Highway public use, in his opinion, would exceed residential use by what percent he again did not know.

Councilwoman Hinckley indicated that given the portion of the funds the city has to contribute to the projects, only the road between 3<sup>rd</sup> West and 4<sup>th</sup> West should be considered. To which the mayor also concurred.

Councilman Simonson indicated it would be nice to have the whole road done (speaking of 1<sup>st</sup> North) but we needed to determine where the money would come from.

The clerk was questioned where the city portion was arrived from; the clerk responded that the assessment and contribution was cited in the resolution in the creation of each LID.

Clerk was directed to continue to move forward to obtain costs on all three projects from Keller's.

**Water Conservation Ordinance:**

Councilman Zimmermann questioned if the hours from 12:00 PM to 2:00PM could be changed. Zimmermann would like the off hours to be extended from 2:00PM to 4:00PM. After council discussion there was no consensus to change the hours.

The clerk referred to the first bullet point in the ordinance that there is confusion in terminology on the first sentence. He requested the first sentence be removed and make reference to odd day and even day from the singular to plural. Being the change is not major additional publication is not required.

The effective date of the ordinance will be May 1, 2012. Councilman Maloney mentioned the need to inform the citizens of the change and Bob Breckenridge had offered his assistance in that endeavor.

The Mayor asked the city attorney to do the first reading of the water conservation ordinance. Attorney Dunn read the ordinance with the change referred to above.

**Other Council Business-**

- Councilman Maloney asked when the burn pit would be opened. He was informed the burn pit is opened now every Thur – Fri and Saturday from the hours 8:00AM to 5:00PM. City wide cleanup day is set for Saturday April 21 and May 18. Curb side pickups have also started.
- Mayor Smith mentioned Steve Cook had requested the access road coming into the park and rodeo grounds currently named "Centennial Way" that a more appropriate name be "Veteran Memorial Drive".

Following council discussion the clerk was directed to research the code and place the item on next council agenda.

**Review and Approval of Bills-**

Mayor Smith stated the next item on the agenda was the review and approval of bills and asked if there were any questions or concerns. Questioned as to the late fees: The clerk indicated that he had been paying the credit card bills by invoice and the bank have been charging late fee. He has reconciled the accounts to date and has included all late fees in this cycle of bills. Dispatch Fees: Clerk indicated that was the quarterly billing from Jefferson County Sheriff and the contract is due at the end of this year.

Councilman Blackburn moved to approve payment of the bills. Councilman Simonson seconded. On a roll call vote:

Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye
Councilman Simonson	--	aye

**Minutes-**

The Mayor asked for approval of the minutes of the March 20, 2012 meetings. The clerk indicated he had revised the minutes from those sent out in the council packet and had made several corrections.

Motion by Councilman Zimmermann to approve the minutes, seconded by Councilman Simonson. Voice poll, all in favor, none opposed. Minutes approved.

**Public Comment-**

Having no public comment,

**Motion to Adjourn-**

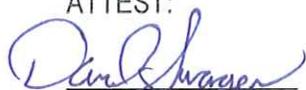
Councilman Simonson moved to adjourn the meeting. Councilman Zimmermann seconded. All were in favor.

The meeting was adjourned at 8:25 PM.

CITY OF RIGBY

  
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Keith Smith, Mayor

ATTEST:

  
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David Swager, Clerk