

City of Rigby  
Council Meeting Minutes  
June 5, 2012

Mayor Smith opened the meeting at 7:00PM Tuesday, June 5, 2012.

Mayor Smith asked Councilman Maloney to offer the prayer and Councilman Day the pledge.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn.

**Review of Water Ordinance:**

The clerk presented a draft copy of a revised water ordinance with additional restrictions from the existing ordinance. They specifically mentioned the restrictions of no watering between the hours of 11:00PM to 1:00AM as being unenforceable through the police department and impracticable for the city, schools, churches and other larger water users. The restrictions and the level of when an emergency can be called are cited in state code and restricting issuing an emergency to the council will delay the event when needed.

Councilman Day opposed the hour restrictions from 11:00PM to 1:00AM and opposed the limiting of the mayor's authority. He also opposed the dual watering days: those with sprinkler systems watering on Mon-Wed and Friday while those without sprinklers water on even/odd days appears to add more confusion. He questioned if the police are going to get out of their cars to see if the watering is being done by hose or sprinkler system.

The Mayor stated the ordinance was aimed at water conservation. The mayor reiterated the goal is education and was not written to cite citizens.

The attorney stated the county also has experienced a similar issue with farmers irrigating with pivots. When sprinkler pivot waters onto county road, the water slowly erodes the road base. The goal of the county was not punitive but to preserve the roads. The city should use more citizens as opposed to using the police for enforcement.

Councilman Maloney stated the city should look at volunteer participation and questioned the wisdom of changing the rules which have been in place for one month.

The Mayor indicated that the current policy will stay with the goal being education.

**Discussion Adding Annis Highway as proposed LID District:**

The clerk informed the council that after last council decision to pave the Annis Hwy 28 feet he and the mayor discussed adding the curb/gutter and side roadway in a LID district. The proposal is similar to what is being proposed on 1<sup>st</sup> North. Keller's had originally proposed having the LID run from the intersection of 2<sup>nd</sup> North to 400 North. The thought being for it to run from the intersection of 2<sup>nd</sup> North and ending at 4<sup>th</sup> North, just that portion of the road being tore up with the sewer project.

The Mayor informed the council in his discussion with ITD district engineer he referred the city back to what the city's transportation study stated. The Mayor said the traffic coming into Rigby uses 400 North and Stockham Blvd. to access and exit Highway 20. The plan needs to be updated with the goal being implemented in 10 to 20 years.

Councilman Day questioned having the road paved without first having a grade for the curb/gutter. There are two different methods to use when paving a road with the crown of the road. Roads without gurb/gutter will have a 2% crown. Roads with curb/gutter need to have a hyperbolic crown to match the drainage for the curb/gutter. He also indicated there would be more public resistant as more is being added to an LID.

Councilman Day questioned paving the road then adding second patch. The seam will create a crack that will run the length of the road which causes maintenance problems later on. The state transportation dept. will stagger the joint in a series of overlays so there is no single seam running the depth of the pavement.

Discussion followed on the alternative for Dove and 1<sup>st</sup> North where the paving would be held off until completion of the LID process.

Item tabled until next council pending more information and discussion with Keller's.

**Change in Personnel Policy – Compensated Vacation Days:**

The clerk informed the council that the current employee personnel policy for vacation days allows for the accumulation of a maximum 184 hours per year. There was an instance last year in the police department where an officer lost hours due to a shortage of manpower. The proposal before the council would allow a revision of the policy to allow an employee to be compensated for hours in excess of 184 hours with approval of the department head and mayor. Department heads and other exempt employees would be limited to 92 hours of excess compensation.

Discussion involved the change would allow employees to accumulate their vacation hours to exceed 184 hours wherein they would receive compensation. Such a move would increase budgets where employees' being paid 54 weeks instead of 52 week compensation.

Councilman Simonson moved to amend the draft copy to allow excess compensation over 184 hours to be limited to 40 hours per year, seconded by Councilman Maloney.

Mayor Smith asked the clerk to poll the council.

Councilman Day	Aye
Councilman Simonson	Aye
Councilman Maloney	Aye

Councilwoman Hinckley                      Aye

**Nomination to Rigby Urban Renewal Agency Board:**

Rigby's Urban Renewal Agency board chair, Clark Lemmon, came forward and explained the agency has two vacancies. The term of Denny Jones expired and he elected not to seek another term and Gary Williams resigned from his position. Mr. Lemmon nominated Sid Beazer to the Rigby Urban Renewal Board. He explained Mr. Beazer background and history in the city.

Councilman Maloney moved to nominate Sid Beazer to the Urban Renewal Agency board seconded by Councilwoman Hinckley. The Mayor polled all in favor with no one opposed.

The Mayor informed Mr. Lemmon that Mr. Beazer would need to come and take the oath of office.

**Other Council Business:**

- **Review of Water Deposits Policy:** The clerk handed out a revision concerning the period of time for holding and the amount of water deposits. Currently the city requires two month deposit and the holding period is held until the property is sold. One resident has a \$3.00 deposit dating back to 1953.

The clerk would like to modify the policy to a holding period of 12 months if the account has been current during the time period.

A second modification would be for landlords with duplexes, triplexes, four-plexes or more than two single family rental units to be allowed to make a deposit equal to the highest monthly billing unit. The holding period would also be for 12 months if all the accounts are kept current during the 12 month period.

The Mayor indicated he would like the council to review the proposed changes and the item would be on next council meeting for additional discussion.

- **Stampede Days:** Councilwoman Hinckley mentioned the upcoming Stampede Days, June 16. The council would be riding the fire truck and the Mayor/Attorney would be on a second float.

**Review of Account Payables:**

The Clerk noted there is one addition that was entered on the list that was not included in the council packet: the insurance bill to III-A in the amount of \$9,380.57. Councilwoman Hinckley asked about the Keller invoice \$5,847.50 – engineer fees relating to the Peck/Omsby suit; Councilman Day asked about the retainer being paid to Keller and what the retainer covered.

Councilman Day moved to approve payment of the bills, seconded by Councilman Simonson.

Mayor Smith asked the clerk to poll the council.

Councilman Day                                      Aye  
Councilman Simonson                              Aye

Councilman Maloney	Aye
Councilwoman Hinckley	Aye

**Review of Council Minutes:**

Council reviewed the minutes for the May 22, 2012 meeting. Councilwoman Hinckley moved to accept the minutes, seconded by Councilman Day. Voice all in favor, none opposed – Councilman Maloney abstained.

**Public Comment:**

Mayor asked if there was any public comment. Being none, the Mayor recognized Scout Collin Squires who was in attendance. Scout Squires was in attendance for the citizenship badge.

Having no further regular council business, the Mayor reminded the council the next item was two executive sessions that was needed.

Councilman Simonson moved that the council enter into executive session according to Idaho Code 67-2345(f) – to discuss with legal counsel options regarding pending litigation. And that the council enter into executive session according to Idaho Code 67-2345(c) – to discuss with legal counsel legal options for disposal of city owned property. Seconded by Councilman Maloney. Voice poll: All in favor none opposed.

Council enters into executive session 8:15PM.

Council exit executive session at 8:57PM.

**Peck/Omsby Settlement Authority:**

Councilman Simonson moved to authorize the mayor the authority to accept a reasonable settlement on the Peck/Omsby litigation during the mediation being held July 16, 2012. Seconded by Councilman Maloney.

Mayor Smith asked the clerk to poll the council.

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

**Adjournment:**

Councilman Simonson moved to adjourn, seconded by Councilman Day. Voice poll: All in favor none opposed.

Meeting adjourned 9:03PM

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:



David Swager, Clerk