

City of Rigby
Council Meeting Minutes
July 17, 2012

Mayor Smith opened the meeting at 7:00PM Tuesday, July 17, 2012. The first order of business was the public hearing regarding amending the utility deposit ordinance #2012-556. The Mayor asked if the clerk would present the ordinance.

The clerk reviewed the summary of the ordinance: provides for a holding period of the deposit, return of deposits, initiating reduced deposits for multiple property ownership; establishes when a deposit needs to be reestablished and an effective date for the ordinance.

The clerk stated the old utility deposit required a two month deposit for the current utility billings. The deposit was non-refundable only upon the sale of the property or by forfeiture by having the account go delinquent. In cases where individuals own multi properties a deposit was required for each property. The amount that would be "tied" up in deposits could exceed \$1,800. The clerk explained that on whole there are roughly 50-60 shut off notices sent out each month. From those that are sent out from 12 to 16 shut off are actually enforced. He felt it was unfair for the city to hold a person's deposit once they have established a history of paying their bill on time. The amendment to the policy would still require a two month deposit and if the homeowner stayed current for twelve months the deposit would be refunded. If the account were to go delinquent and a shut off was required, the homeowner would be required to bring the account current and pay a deposit which would start the 12 month holding period over. As for owners of multi properties, the amended ordinance would allow an individual to have on deposit an amount equal to the highest billed property. The single deposit would be able to "float" among the various properties. And like the individual homeowner, if any of the accounts were to go delinquent a new deposit would be required. The clerk commented that of the 50-60 notices mailed out monthly, only one or two multi property owners are on the list.

The clerk explained the ordinance has been published along with the time, date and place of the public hearing which is this evening.

The asked if there were any citizens wishing to speak either in favor of, opposed to or neutral to the ordinance. Being none, the mayor closed the public hearing at 7:06 PM.

The mayor then opened the regular council meeting with Councilman Maloney offering the prayer and Chief Hammon the pledge of allegiance.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn, Chief Hammon.

Update on Sewer Construction and Pay Application:

Being that Mike Jaglowski was out of the state, the clerk presented the update and pay application on his behalf.

The clerk reviewed the contractor's pay application #4 for the period June 25, 2012 in the net amount of \$409,962.90. The project is 78% complete. The remaining balance of contingency and work to complete totals \$674,873. Retainage being withheld is \$128,351. The clerk indicated the balance in the contingency amount which is shown on page 2. Also noted the dewatering amount of \$90,000 none of this has been expended to date.

The reviewed Keller's status report which shows days completed is at 40% - 126 days with overall work days being at 315 days. Estimated completion date is still showing at September 1, 2012.

The "request for information" log was reviewed along with the "request for change log". The request for change log item 32 (Dove Ave gravel restoration) while being shown as having been added to the project is in error and has not been approved nor disapproved but is pending. The last sheet reviewed was the "change order log". To date a total of \$459,079 in change orders have been approved less the Dove Ave in the amount of \$31,136.

Councilman Zimmermann questioned the change order on North 2nd West and 2nd North. He asked what the charge of \$39,214 was for. The change order was necessary due to the change being done on 2nd North and the line on 2nd West will be flowing to the north under the canal instead of flowing south down 2nd West.

Councilman Day moved to approve the payment of pay application #4, seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to call the roll.

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

Keller's amended contract for professional services:

The clerk explained the changes being made along 2nd North was not included in the original specs. With the change being made on 2nd North, Keller's is requesting an additional fee of \$25,000 to their contract for the design and engineering work performed with the addition of 2nd North into the project.

Councilman Day asked what change was made for the added amount. Rick Lamoreaux explained the line on 2nd North between 1st West and State is below standard. The line needed to be installed with a greater slope. He commented that it could freeze but has not done so in the past few years.

Councilman Blackburn moved to approve the contract amendment to Keller's, seconded by Councilman Maloney.

Mayor Smith asked the clerk to call the roll.

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

Motion approved.

Utility Deposits:

Councilman Blackburn asked if the clerk had an idea what amount was being held as deposits. The clerk explained the deposits are a liability to the water account and payment of the deposits would not affect income nor expenses. The clerk indicated the balance shown on the May 2012 statement is \$98,000, of which \$80,000 would be his estimate to be refunded.

The clerk explained the preferred method of refund would be cut a check to the patron versus a credit being there would be a clear audit trail.

Councilman Simonson moved to approve the adoption of Ordinance #2012-556 "Utility Deposits", seconded by Councilman Maloney .

Mayor Smith asked the clerk to call the roll.

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

Ordinance approved.

Surplus Property:

The clerk explained the city has a number of old lagoon aerators that are no longer in use by the city. A year ago the City of Menan inquired into acquiring them but nothing came from it. Last week the City of Carey came over and would like to make an offer on them. The city purchased the aerators used around 7 years ago. The purchase price at that time was around \$20,000. Carey mentioned \$5,000 for them which Rick Lamoreaux indicated it was higher than scrap value. Sales between governmental entities are exempt from the normal publications rules and the city could sell to Carey without having to go through public auction.

Councilman Maloney moved to declare the lagoon aerators surplus property, seconded by Councilwoman Hinckley.

Mayor Smith asked the clerk to call the roll.

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

Retrofit city buildings:

The clerk explained Rocky Mountain Power is offering an incentive to convert the old fluorescent to the new T8 electronic ballast fixtures. The three buildings being considered: city hall, library, and police bldg. would have a total incentive rebate of \$3,870 or 21% return on cost.

Councilman Day questioned the ethics of having the father of Chief Hammon do the work. The attorney responded that Chief Hammon is not an elected official nor does he have any expectation of receiving any compensation would be acceptable.

Motion by Councilman Day to table the decision and the clerk was requested to obtain one or two outside bids prior to decision, seconded by Councilman Zimmermann.

Voice poll: all in favor none opposed.

Interfund Transfers:

The clerk explained the quarterly transfer set in the budget for the period ending June 30 needed to be approved. The transfers from water, sewer and sanitation each have an amount of \$6,250 for a total of \$18,750 to be paid to the general fund. The transfers are to reimburse the enterprise funds administrative services paid from the general fund.

Councilman Simonson moved authorize the transfers from the enterprise funds to the general fund be approved and made, seconded by Councilwoman Blackburn.

Mayor Smith asked the clerk to call the roll.

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

Transfers approved.

Other Council Business:

- Annual Picnic: The Mayor announced the annual summer picnic would be held Wednesday, August 8 at 6:00PM in the large shelter.

- Hailey Creek Subdivision: Councilman Day asked if the engineer had formally signed and approved the costs used in the Hailey Creek subdivision fee structure. The clerk indicated both Keller's along with Councilman Day had reviewed the cost sheets but to his knowledge Keller's has not signed any document relating to the fee structure. Councilman Day also inquired if the chip sealing was being completed and if not when. Rick Lamoreaux will follow up on the chip seal.
- Pro-Plaza Subdivision: Councilman Day asked if the Pro Plaza subdivision was complete and accepted by the city. The clerk indicated the only uncompleted work remaining was the O/M manual which Keller's engineering would be done in conjunction with the 3rd West lift station. Attorney Dunn indicated a letter of understanding had been signed by Pro-Plaza and the city. However, it appeared no formal action by the city has taken place and the clerk was directed to place the acceptance of the Pro-Plaza on the next council agenda.
- R2 Zoning: Councilman Day asked about the status of the R2 zone change. Attorney Dunn indicated Planning and Zoning was working on the R2 zoning and would be meeting Thursday evening.
- Compaction Testing: Councilman Day indicated the letter he had received from Reliance Testing on the current project was inadequate in his opinion and further reports were needed for the entire project.
- Canal water for Parks: Councilwoman Hinckley asked about the status of the conversion of the parks to canal water. Rick Lamoreaux indicated both parks have had meters installed. The conversion of the south park would have to wait until the canal water is out for the season. He has obtained bids and is waiting for another to present to the council for their consideration.
- DePatco Dust Control: Councilman Zimmermann asked why DePatco was not using the canal water instead of the potable water. Explanation being DePatco could not just begin pumping from the canals and that prior arrangements had not been made to allow them to do that. Consideration to be made in future projects to pump from the canal.

Approval of Bills:

Council reviewed the listing of bills presented. Councilman Simonson expressed concern on the portable toilets billings and why they were being used over the restrooms. Councilman Simonson indicated Idaho Falls have regular restrooms and are maintaining their restrooms. Rick Lamoreaux explained the vandalism that has occurred in the past is cost prohibitive.

Having no further questions, Councilman Blackburn moved to approve payment of the bills, seconded by Councilman Maloney.

Having no further discussion, Mayor Smith asked the clerk to poll the council.

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

Approval for payment of the bills approved.

Approval of Minutes:

Minutes of July 3, 2012 were reviewed. Councilman Zimmermann indicated the discussion and vote relating to 3rd North, Councilman Simonson abstained in both. Having no further corrections, Councilman Maloney moved to approve the minutes of July 3, 2012, seconded by Councilwoman Hinckley.

Mayor polled the council all in favor none being opposed.

Public Comment:

Lavearl Noreen in an earlier discussion inquired what benefit he received by being annexed into the city. City will respond.

Executive Session:

The Mayor indicated that an executive session was needed. Councilman Blackburn moved the council enter into executive session pursuant to Idaho Code 67-2345 subsection (f), seconded by Councilman Zimmermann. Voice poll: All in favor none opposed.

Council enters executive session at 8:00PM

Council exits executive session at 9:05PM

Adjournment:

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

CITY OF RIGBY

Keith Smith, Mayor

ATTEST:

David Swager, Clerk