

City of Rigby  
Council Meeting Minutes  
August 21, 2012

Mayor Smith opened the meeting at 7:00PM Tuesday, August 21, 2012.

The mayor then opened the council meeting with Rick Lamoreaux lead the pledge of allegiance and Councilman Blackburn offered the prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn, Chief Hammon.

**Curb side Recycle:**

Zack Kelley and Wayne Clark from BYU-Idaho came forward and introduced the recycle service that BYU-Idaho has between the university and the City of Rexburg. Kelley indicated the goal of the recycle program was to cut down on waste entering the landfill and a self-supporting program that employs university students. Currently there are around 30-40 college jobs that are being funded through the program. The City of Rexburg is able to cut their waste approx. 10-14 pounds per household per week. With tipping fees of \$60 per ton the savings amount up to around \$40,000 per year. The university sorts the material coming into the plant into three grade of recyclable material. The material is compacted using the compactor purchased by the City of Rexburg and shipped to the west coast. The service has a once a week pickup date for the various sections of the city. The service could be extended to Rigby with little to no cost. The cost for Rigby would be the purchase the blue recycle container and to pay a transport fee to cover gas and labor and recapitalized cost of the trash compactor. The students would canvas the city with flyers explaining the program and showing what is recyclable. The flyers would be printed by the college using Rigby's logo. The students would have City of Rigby tee-shirts and would not be affiliated with the university. Rexburg had 95% acceptance of the program in their residential areas. Commercial recycle could be offered in 2013/14.

Asked about the time table needed to implement a program in the city, Clark explained it would take around six weeks to print the brochures and have the cans delivered.

Clark extended the council and anyone else interested in the program to visit the center and talk with Mayor Woodland. Rexburg's support for the program has been very positive.

The Mayor thanked Clark and Kelly for the information. They exit the meeting at 7:20PM.

### **Review of Survey – 1<sup>st</sup> North:**

Justin Steffler from Dioptra Survey Co. came forward and presented council with the preliminary results of the survey conducted on 1<sup>st</sup> North from the intersection of 3<sup>rd</sup> West to 5<sup>th</sup> West. Steffler explained the plat for the Hill Addition has not been located in Jefferson, Bingham or Fremont County. The survey showed there is deeded road in the Lake and Messinger subdivision and there is no question as to right of ways – 60 feet. On the east end of 1<sup>st</sup> North the road is not dedicated and the road is in limbo. The outer boundary of the property on both side of the road was obtained using existing and prior monuments, boundary and deed descriptions. Since title to the property is in question there could be a challenge as to ownership which would be subject to the prescriptive right of way. Steffler discussed the prescriptive right of way of 50 feet – 25 feet on either side of the center line of the road. Being the title could be clouded, 1<sup>st</sup> American Title is doing a title search to verify the preliminary survey that Dioptra prepared.

The Hill Addition plat has not been located and old records show a 60 foot right of way for 330 feet. But the actual plat has not been located. Steffler pulled the last deed recorded along with the second to the last to verify the boundaries. Property on the south side of the road has had a number of surveys and his survey agrees with those prior surveys.

### **Review Designs Options on 1<sup>st</sup> North:**

Mike Jaglowski from Keller Engineering came forward and presented the council with four alternatives that could be used along 1<sup>st</sup> North. All of the designs call for road surface of 38 feet including curb/gutter on each side of the road.

- Option 1 – Contains sidewalks on both side of the road matching the east center line of the road with that in the Lake/Messinger subdivisions.
- Option 2 – Contains sidewalks on both side of the road but it matches the road into the existing road section. Using this option there is encroachment on the west section of 1<sup>st</sup> North near the 4<sup>th</sup> West intersection for about 198.5 feet.
- Option 3 – Modifies the road section to match the centerline with sidewalks on the north side of the road.
- Option 4 – Extends the design the complete length of 1<sup>st</sup> North which utilizes the south property line of 1<sup>st</sup> North with sidewalks on both side of the road from 5<sup>th</sup> W to 4<sup>th</sup> and single sidewalk on the north side from 4<sup>th</sup> to 3<sup>rd</sup>.

Discussion from council indicated a sidewalk on both side of the road was preferred. Council also wanted the road to fit using the centerline as the base measurement.

Councilman Blackburn asked if having sidewalks on both sides of a road is more common than having single sidewalks. Jaglowski responded in new construction sidewalks are common in new development. The limiting feature of not having sidewalks is usually an unwilling landowner to sell needed property or other obstacles not relating to the preference. He responded that without sidewalks the children usually do not cross the road to walk on the side having sidewalk but usually they walk to the left of the parked car and are in the traffic lane.

Discussion from the attorney regarding council talking with residents his suggestion came to three options.

- Council to residents – which the attorney cautioned against.
- Have three individuals conduct a survey and information to citizens.

- Mail a questionnaire to residents.

Councilman Day made the comment that the ITD holds informational hearings and meetings to educate the public on the project. He suggested having Keller's do the education of the public with flyer and/or one-on-one interview with the residents.

Councilman Blackburn expressed his concern of citizens not wanting to oppose a dominate person even if they are in favor of the project. Blackburn felt a dominate person in open meeting usually controls the discussion and persons in attendance usually forgoes expressing their opinion which might be opposite to the controlling person who is usually their neighbor.

Council had open discussion to have informational meetings to review the design and input from the residents. After lengthy discussion, the council suggested that Keller's could print a brochure showing the designs and discuss with the residents on a one-on-one basis.

Jagowski indicated that Keller is familiar with the process being discussed and has done several such meetings and educational flyers. He felt the more information the community has available the more likely the project will be accepted. He reminded the council what the condition was on 1<sup>st</sup> North a year ago when persons walking a dog would have to stop and move aside to allow traffic to pass. Keller's has the staffing which could be utilized to obtain public opinion and their thoughts on the project. He went on and added the process should include not only the residents on the street but expanded it to others not living on the street being they will also be impacted those who use the road whether the improvements are made or not made.

Councilman Simonson moved to authorize Keller produce a flyer subject to Mayor's approval as to design and cost and distribute the flyer to each residence and conduct a one-on-one meeting with the residents, seconded by Councilman Maloney.

The Mayor asked the clerk to poll the council:

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

The council wanted the flyer and meeting to be sometime prior to the public hearings set for Sept 19 and Sept 20.

**Update on Sewer Construction Project:**

Mike Jagowski from Keller's updated the council on the progress of the sewer construction project. Jagowski indicated the target completion date for construction is September 5, 2012 excluding 2<sup>nd</sup> West and 2<sup>nd</sup> North work. They're holding to this date because they want the main roads completed including surface restoration prior to the opening of school. 47% of the days completed compares with percent of work completed which is 89%. Keller's inspection is at 64% of budget with 93% of construction completed.

A review of DePatco's pay application shows draw number 5 is for \$177,444. The three funding institutions have approved all changes but for the surface restoration on North State. The survey of manholes shows 13 manholes having infiltration with ground water. Costs are being obtained to correct these. The manholes repairs will begin as soon as costs are received and reviewed.

**Airport Board Member:**

Councilman Zimmermann informed the council the resignation of Tim Egan from the airport board. He also recommended the council approve Alan Clapp as a replacement airport board member. Mr. Clapp constructed the new hanger located on the east side of the airport and has indicated a desire to serve.

Councilman Zimmermann moved to approve the nomination of Alan Clapp to the airport board seconded by Councilman Blackburn.

The Mayor called for a voice poll: All in favor none opposed.

**Resolution 161-2012 – Vacating Alley:**

The clerk informed the council that on April 9, 2009 the council moved to vacate 450 feet of the alley east of the new Broulim store. The action was never put into a form of a resolution nor was the action recorded with the county.

Councilman Blackburn moved to adopt Resolution 161-2012 calling for the vacating of 450 feet of the alley seconded by Councilman Zimmermann.

The Mayor asked the clerk to poll the council:

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

**Other Council Business:**

Car Show: Councilman Day wanted the organizers of the event to know how much it was appreciated to those individuals conducting the event and the success that it produces.

2013 Fee Rates: The clerk indicated that he has included the proposed fees for the coming year. A public hearing will need to be held to consider the new tonnage fee be adopted if the county should impose a tonnage fee on Rigby. The rates are for council consideration and will be an agenda item at next council meeting.

Electrical Lights: No new bids or information regarding the lights in the three city buildings.

Highway 48: Comment from Council was that lights are a great addition and improvement to the city.

**Review of Bills:**

Councilwoman Hinckley asked about the All American Cleaning bill. Clerk informed the council the bill goes back to 2011 when the city had the sewer lines cleaned. All American was late in submitting their bill and represent the depreciated costs not paid by insurance.

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

The Mayor asked the clerk to poll the council:

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

**Approve of Council Minutes:**

Council reviewed the minutes of August 7, 2012, Councilwoman Hinckley moved to approve the minutes seconded by Council Maloney.

The Mayor called for a voice poll: All in favor none opposed. Councilman Day and Blackburn abstained from voting.

**Public Comment:**

No one came forward for public comment.

**Adjournment:**

Motion by Councilman Simonson moved to adjourn seconded by Councilman Zimmermann.

The Mayor called for a voice poll: All in favor none opposed.

Meeting adjourned at 9:00PM

City of Rigby

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Keith Smith, Mayor

ATTEST:

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David Swager, Clerk