

City of Rigby
Council Public Hearing Minutes
October 11, 2012

Mayor Smith called the meeting to order at 7:00PM Thursday, October 11, 2012.

Public Hearing -“Proposed LID Hearings – 1st North – 4th West to 5th West”

The Mayor indicated the proposed hearing scheduled for Sept 20, had been cancelled due to the publication notice not being published as requested in the local paper. The hearing for the LID – 1st North –4th West to 5th West project had been rescheduled to Oct 11, 2012.

The mayor asked Councilman _____ to lead the pledge of allegiance and Councilman Simonson 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 in attendance Chief Hammon.

The Mayor reminded everyone there were sign up sheets at the front entrance for those wishing to speak – in favor, neutral or opposed. He then reviewed the rules and procedures to be followed. The proponent will be allowed 15 minutes to present their case. Those in favor will be allowed 5 minutes to present their presentation; order to be called will follow the sign in sheets. Those neutral or uncommitted will be allowed 5 minutes for their presentation. And those in opposition will be allowed 5 minutes for their presentation. If there is a recognized entity speaking on behalf of a group they will be allowed 15 minutes. If rebuttal is needed, the presenter will be allowed two minutes as will those in opposition. He then reminded everyone if they wished to speak to sign in.

The stated there had been a number of letters that have been received and they will be entered into the official record of the hearing.

Being none the Mayor asked Chief Hammon that the sign in sheets be brought forward.

Being the city was the presenter he asked the city clerk to come forward and present the city’s position. He asked Councilman Day to keep track of the time.

Attorney Dunn enters the meeting at 7:30PM.

Presenter:

The clerk indicated the city has given notice as required by state code 50- 1703. One of the considerations to be considered is a) how it relates to health, safety and welfare of the residents of the proposed district or of persons having the necessity to travel through the district and b) the financial impact of the creation and implementation of the objectives of the proposed district.

Reasons for the road improvement along 1st North: prior councils made decision in 1980's to upgrade all of the city road with adequate curb, gutter, drainage and full width pavement; roads without the above are expensive to maintain and lastly public safety.

The clerk reviewed the history beginning with the first LID on Dove and council adopting regulations for curb/gutter and drainage. Roads without curb/gutter the road base is undermined with water infiltration and soft shoulders in spring that break the asphalt a part, and finally public safety.

Under public safety the clerk indicated the school district is required to bus elementary children that attend a school that is further than 1.5 miles must be bused. Secondary students must also be bused but the school district can have a common collection point in and around the city. Currently there are 26 elementary students residing in and around 1st North that have door to door pickup service. There are around 5-6 middle school children that walk down 1st North to a collection point on 3rd West. With the closing of the junior high next year the number of junior high students currently walking 1st North to attend school will be walking to a collection point either on 3rd West or 1st North depending on the number of students.

Second concern for public safety is the increase traffic and pedestrian using 1st North to attend church functions on 5th West. 1st North is the only access road other than Highway 48 for pedestrian traffic to use. The road does not have sidewalks and children along with adults walk in the road traffic lane when walking to and from the church.

Design Concept:

The road with sidewalks will fit within the city boundaries for the road with 42 feet back of curb to back of curb and 5 foot sidewalks on either side of the road. The deed for the road that is in the Hill Subdivision has been located as being 66 foot wide and it was deeded to the city in 1916. The Lake and Meisinger subdivision have deeded property to the city with 60 foot access. There is a small section of the existing 1st North which is in question but research is being done for the legal deed for the road.

Long Term Improvements:

The infrastructures under the road (water and sewer lines) are current and up to date. The Lake/Meisinger subdivision have concrete sewer pipe and is excellent condition.

In 1996 the city installed a new water line the entire length of 1st North from 5th West to 3rd West.

The sewer pipe running east from 4th West to 3rd West is new PVC pipe and has a 50 plus year life expediency. The current condition of the road from 5th West to 4th West has deteriorated to the point that any ongoing maintenance would be a waste of money. The road is plagued with cracking and asphalt undermined with soft road base. The road that did exist from 4th West to 3rd West was worse than the upper section but with the sewer project the road is now a gravel base road. The road with only a asphalt overlay would be a temporary fixed with an estimated life of around 10 years or less given the amount of traffic.

Cost breakdown:

The proposed LID district would have the city paying for the 28 foot traffic lanes, sidewalks and lights. The individual homeowners would be asked to pay for their 5 feet of parking lane, curb/gutter and driveway approaches. The engineer has estimated total cost of the project is around \$351,000. The project includes sidewalks and lights if elected to be installed the cost would not change to the homeowners if the council decides not to install them.

The homeowner beneficial cost would be \$76.08 per lineal foot.

He then mentioned the LID term can be for 10, 15 or 20 years. And the interest rate charged would vary based on market. He then reviewed what the assessed cost for a 75 foot lot would be around \$5,700 and on a 10 year note at 5% monthly payment would be \$60.46; for a 15 year note the monthly payment would be \$45.08 and for a 20 year note the payment would be \$37.62.

He again reiterated these are not hard number costs and this hearing is only one in a number of future hearings.

The clerk concludes his presentation.

The Mayor indicated the next order of business would be to hear from those in favor of the project and they would have 5 minutes. There is one individual who signed the sheets to speak in favor.

Speaking in Favor:

Dee Stoker – 477 North 3200 East – Lewisville: Mr. Stoker spoke in favor of the project. He noted that when he first visited the area due to the deteriorated condition of the streets he felt it was one of the poorest section of the city. Later he became familiar with the area via the subdivision he partnered with in developing. He is partner in the Hunter Creek subdivision. Hunter Creek subdivision has installed curb, gutter, with sidewalks and lightings and the city needed to follow their own code. Cited prior councils fought to opposed the subdivision which cost both the city and Hunter Creek time and money. Time delays proved costly to Hunter Creek because they missed part of the up tick in the economy. Money in that both sides had to hire attorneys.

Being no one else signed up to speak in favor the Mayor called the first name who signed in opposition of the project.

Pam Cardwell – 579 W 1st North: Mrs. Cardwell spoke in opposition of the project. She is concerned with the age of her neighbors who are not in a position to pay for this. Their homes are all they have. She has certain rights and they need to protect those rights.

Darwin Dinsdale – 449 W 1st North: Questioned the statement made last evening that the city had a 66 foot by 330 foot right of way. Marks on a piece of paper do not define a right of way. He had not seen any survey. There has been no proof of a survey on West 1st North from records in the courthouse. The residences on 1st North can tell you where the road is. The curb and gutter at the intersection off of 3rd West is 40 feet back of curb to back of curb. The 40 foot was established in 1980. Without a defined location the people will define the road. The Lake subdivision tore up the road and the compaction was not done correctly and the road was patched only on one side of the road. Stated he paid for a LID, road maintenance and sewer bonds over the period of years. The city tore up the road and the city need to replace the road.

Deanna Dinsdale – 449 W 1st North: Questioned why the culvert along 1st North was being replaced. Stated the ditches have not been used for a number of years yet the culvert is being replaced. Quoted ordinance 2011-550 which stated the road must comply with the definition of a collector street. The collector street standard is 60 foot width. She also questioned the settlement agreement between the city and H&S Development that was executed in 2007. The citizens had no say in the agreement nor

were they informed of the agreement and questioned the waiver of the impact fees granted to H&S. 5th West was constructed as an access to H&S. If the taxpayers paid for 5th West they should also pay for 1st North.

Barry Lewis – 560 West 1st North: Questioned the intent of the hearing. Yet the talk regarding 1st North began months before the October 5 date as stated in the paper. He collected a petition on July 25 in which 16 out of the 18 homeowners on his section of the street were opposed to the improvement. (Mr. Lewis began addressing the audience and the attorney reminded Mr. Lewis to address his comments to the council.) Who benefits from the improvements? Twice as many homeowners who live north of the road use the road. The last time of the road was paved was 30 years ago. Felt the road got tore up during the sewer construction work. Fund raising efforts could be used to reduce the cost of the road.

Robert Cardwell – 579 W 1st North: Is opposed to the LID because he felt he cannot pay for the project. He proposed expanding the district to include areas that use the road and include other subdivisions.

Jeff Coletti – 548 W 1st North: Thanked the council for the dust control and filling in the manhole at the 4th West intersection. In favor of having the road repaired. Liked the feeling in 1984 when he moved into his home as being a county setting. Felt the installation of the water line during the winter was done in an inferior manner. Feels the LID would throw his home under water due to the market conditions. He owes more on the home than what it is worth. Has lived in the home for 18 years and does not want to lose his home due to an LID. Wants the road repaired with 28 foot and be done with it.

Mr. Coletti was the last person signed up in opposition. The Mayor asked if the clerk had any rebuttal – being none the Mayor closed the public hearing at 7:59PM. He informed the audience that the council will deliberate in open meeting on Oct 30 the proposed LID districts. He then asked the attorney if he had any comments.


Attorney Dunn spoke to the audience. He stated the goal was for the council to receive comments both from public testimony and from letters so the council could hear all sides of the issue. He wanted the council to remain unbiased and removed from their emotions in their deliberations of the issue.

Motion by Councilman Simonson moved to adjourn seconded by Councilwoman Hinckley. Voice poll: all in favor none opposed. Meeting adjourned at 8:02PM

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:


David Swager, Clerk