

City of Rigby
Council Meeting Minutes
October 30, 2012

Mayor Smith called the meeting to order at 7:00PM Tuesday, October 30, 2012 and reminded those in attendance that the meeting is a change from the November 6 meeting which is in conflict with the voting being held at the same date and time.

The Councilman Day led the pledge of allegiance and Councilman Zimmermann offered the prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn, Chief Hammon also in attendance Mike Jaglowski (Keller's Eng.).

Park/Rodeo Committee:

The park/rodeo committee has nominated Dean Christiansen to the executive board of the park/rodeo committee. The nomination puts the board with an odd number of members which is needed to break tie votes. Dean has been involved with the park/rodeo committee for the past few years working on the grounds, grandstands and other phases with the committee.

Councilwoman Hinckley moved to place the name of Dean Christiansen into nomination as executive board member of the park/rodeo committee, seconded by Councilman Maloney.

Mayor called for a poll of the council: All in favor none opposed.

Discussion on LID Projects:

The mayor indicated that this topic was for the council to discuss among them and to consider if the next step of the decision process regarding LID is to proceed. He asked the attorney to explain to the council what the decision this evening involves. The attorney stated the purpose of the decision was if it was felt to be in the best interest of the city that construction to go forward would need to plan, design and obtain bids for the projects. After design and bids are received the council will again deliberate and hold public hearings wherein the exact cost of the project would be presented to the property owners. The decision does not encumber the council to accept the bids nor is a commitment being made that the construction will be done.

The Mayor indicated the discussion would follow the order in which the hearings were held and asked at the end of each discussion each councilperson would explain his/her feelings on the project.

Dove Ave.

Councilman Zimmermann questioned the second analysis regarding the change in pricing per lineal foot. The clerk indicated that he did a second analysis and indicated the price of the project could be dropped as indicated if the city were to pay for 100% of the repaving being that Dove Ave. had previously paid and installed for a full width road in LID #2. The other cost share for the water line remains the same.

Councilman Simonson wanted clarification that this evening decision would only entail obtaining firm bids and no commitment is being made to move forward. The attorney concurred that this evening decision would be to obtain firm bids on the cost of construction.

The mayor requested Jaglowski estimate the amount of time it would take for design. Jaglowski informed the council that design takes 60 to 90 for design. After design was completed bids would be solicited and that process takes around 30 to 60 days and the bids would be held open for 30 days for council consideration. Bids could be held open for 60 days but he had not seen bids being held open longer than 60 days. An estimate of date when bids would go to bid would be the first of February.

Councilman Day questioned Jaglowski on the percentage of engineering fees being charged. Jaglowski indicated there is an agreement between the city and Keller's that the base fees for engineering fees would be 9.4% of estimate cost of construction. Day felt the engineering required on Dove would be minimal given the work to be performed and the engineering work done on the sewer project. Jaglowski felt most of the effort of time would involve the connection at the east end of Dove to Farnsworth. Day would like a review of the fees broken between the two sections wherein the city would pay the added fee for the portion causing the increase level of effort.

Councilwoman Hinckley questioned the contingency fee if that could be reduced. Jaglowski indicated the contingency is usually a fixed percentage of the construction price and would only be used if some unforeseen item came up it could be used. If nothing came up then the amount set aside would not be passed on to the project.

Councilman Day commented that he talked to several homeowners and found the public receptive to the discussion. He also wanted more interaction between council and citizens. He went on and explained the cost of patching the road is going to deteriorate unless a functional road with minimal trenching. A new road now is more cost effective than doing a series of patches. The city has funds to complete its portion now and those same funds may not be available in future years.

Councilman Simonson questioned if the plans belonged to the city so if the project is not to proceed the city would not have to have to re-design and incur additional engineering fees. He also commented that given the financial condition the bid environment is favorable to bidding. Without actual bids in hand the council will never know what the actual numbers are.

Councilman Maloney commented on the summary of findings of the Keller's door-to-door survey. And felt those being neutral to the project were neutral because of the lack of actual bid numbers.

Councilwoman Hinckley felt she owed the public an apology because she was taking detailed notes during the testimony and was paying attention to what was being said.

Being no further discussion the mayor asked each councilperson to express his/her feelings.

Councilman Maloney restated his comment on the door-to-door survey and felt actual bid numbers would benefit all.

Councilwoman Hinckley felt the same, and the patrons needed to know what was expected of them. The bid process would provide that.

Councilman Day stated the same and indicated he was open to a one on one discussion to answer questions. He may not agree but was open to a discussion.

Councilman Zimmermann felt the next step was to obtain figures everyone could use. The projects have been going on too long and council needed to proceed with obtaining better numbers.

Councilman Simonson is concerned with cost and the need to have numbers that are more accurate.

Councilman Maloney moves to proceed with the LID project for Dove Ave seconded by Councilman Simonson.

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

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

1st North – 3rd West to 4th West:

The procedure that was stated by the attorney relating to Dove also relates to 1st North and council did feel a further discussion was needed.

Councilman Day stated he had talked with a number of residents on 1st North and received the same feedback as on Dove. He also wanted to clear any question about previous comments made.

If the attorney owned any property along 1st North. Day had requested the clerk to review the county records and confirmed that the attorney did not own any property along 1st North. Day further stated he saw Dunn's name referenced on a piece of paper but did not know the extent to which it was referenced. And should more information concerning Dunn's ownership surface later council would address it then.

The attorney responded that he has no idea why his name would appear on any document relating to that section of town and in fact has never owned nor has he filed any liens, to his knowledge, or has he paid any taxes on any property referenced.

If the attorney had influenced the formation of the LID. Day indicated the first discussion about doing LID came from the mayor's comment on how to improve the city. The attorney to his knowledge never expressed an opinion one way or the other, other than to state the legal steps needed to begin the discussion.

Councilwoman Hinckley felt as the sewer project was being done that it was an efficient way to use city funds.

Councilman Simonson said that as the sewer project progressed, he felt it was the most cost efficient way to get a road in and in the long term save the city money. Wanted a 50 year road instead of the 10 year road.

Councilman Maloney indicated the attorney did not influence the council in any way regarding the LID.

Councilman Zimmermann concurred with what Councilman Simonson mentioned that it would save the city money but Zimmermann expended that to include the homeowners would also be saving. Are homeowners going to be in better position four years from now, he expressed reservation if they would. It was time to do something.

The Mayor thanked Councilman Day for bringing up the two issues relating to the attorney but reiterated he provides legal advice when requested and thanked the attorney for his services.

Councilman Simonson has reservation about discussing LID with the public if he should make a comment that he liked an LID, the citizens would take the comment as a preconceived opinion. He also felt the property owners needed to see exactly where the right of way is, where the sidewalks will be along with the curb.

The Mayor confirmed with Jaglowski that the stakes would be done as Simonson stated. Jaglowski responded that pictures help but the actual physical sight is more beneficial than drawing or pictures. Typically power poles are within in one foot of the right of way and could be used as a visual reference.

Councilman Zimmerman asked Jaglowski when something could be placed for the residents. He responded it would take around 3-5 business days in which something could be done. 1st American Title is still working on the middle section and it could be completed within a week or two. Jaglowski would prefer to do two actual staking, the actual before design and after design so everyone is informed.

Councilwomen Hinckley felt the timing of the LID should have been done a year earlier but given everything the council was involved in was sorry it didn't occur earlier.

Councilman Day commented about the trees that may be moved. He felt the road could be installed and still maintain the trees but for some lower limbs. He expressed concerns with the financial hardships of certain homeowners may experience but has concern with the safety issues and the deteriorated road. He has been on the road with pedestrians and has had to stop for them to safely pass. The roadway needs a sidewalk not only for the children but those walking to and from church. Some hardships will occur but he's looking at what is best for the community. Dead end roads can't be expected to last forever and growth will occur.

Councilwoman Hinckley commented the financial hardship is a concern but also expressed if there was any programs that could be utilized for assistance.

Councilman Simonson indicated the circuit breaker assistance along with the city's utility assistance program is available for assistance.

Final council thoughts:

Councilman Simonson: There was never an agenda prior to the start of the sewer project for the LID. It evolved once the city got into the streets and we saw the condition of the streets and felt that improving the road now in total was a better use of city funds than a patch work.

Councilman Zimmermann: Commented that in reading the letters he received from the homeowners it was felt the council were lining their own pockets in one way or another. He wants to make sure this is not the case but the decision to be made is what is in the best interest of the community.

Councilman Day: Apologize for not meeting earlier with the citizens. Heard the comment the developer that developed the subdivision used 1st North therefore they should pay for the use of the road. Councilman Day countered that thinking with did the 1st North residents pay for the use of the roads they drive on and use?

Councilwoman Hinckley: Is also available to listen to any citizen's suggestion and she is willing to sit and listen to residents' concerns.

Councilman Maloney: Recapped the one-on-one road survey and felt the number of neutral positions was due to the lack of hard construction numbers. He felt that more hard figures were needed. Felt the citizens were evenly split being either for or opposed.

Councilman Zimmermann moves to proceed with the LID for 1st North from 3rd West to 4th West seconded by Councilman Day.

Having no further discussion, the mayor asked for a poll of the council.

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

1st North – 4th West to 5th West:

The Mayor asked if council had any question as to procedure. Being none he opened the floor for discussion.

The council felt most of the concerns expressed on the first section of the road had been expressed and little else could be added.

Councilwoman Hinckley felt it would be difficult to do only one part of the road without doing both sections due to engineering cost changing.

Councilman Zimmermann echoed the same thoughts.

Mike Jaglowski was asked by the mayor if he had any thoughts on the matter. Jaglowski felt from a construction cost a better price would be obtained to do both sections.

Councilman Day expressed concern over safety with lack of sidewalks.

Councilwoman Hinckley expressed concern over the financial concerns to homeowners and reiterated the circuit breaker and utility assistance available.

Final council thoughts:

Councilman Maloney: Commented on the need for hard facts and figures.

Councilwoman Hinckley: People want to see the numbers.

Councilman Day: Echoed Councilman Maloney statement.

Councilman Zimmermann: Our intention is not to take land away from the residents and residents need to check their own property deed to determine what their deed shows against what they think they own and use that may be inside the city's right of ways.

Councilman Simonson: Felt cost and lay out of the road need to be shown to the residents and the city is not encroaching onto their deeded land.

Councilman Simonson moves to proceed with the LID for 1st North from 4th West to 5th West seconded by Councilman Maloney.

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

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

Mike Jaglowski and Kyle Jones exit meeting at 8:15pm.

Update on city's employee Health Insurance:

The clerk came forward and confirmed to the council that the Dept. of Insurance has ruled the III-A is insolvent. When the city joined the III-A association the concept of joining a pooling of insurance coverage would help to contain increasing health insurance costs. But due to circumstance beyond anyone knowledge or control was hit with 16 major medical claims within the first 90 days of operations. Normally a pooled insurance fund has reserves set aside to cover such claims. But due to the timing of the 16 claims there are insufficient funds available to cover the claims that are under the \$250,000 stop loss insurance. To raise the needed capital the DOI has given the III-A until December 6 in which to raise the needed \$1.5 million. In addition to the unfunded liability the monthly insurance rates need to be raised 36% to cover ongoing expenses. Rigby's respective share of the unfunded liability is \$44,500. The city can cover the liability by delaying the purchase of the furnace in city hall, utilization of the contingency account in the general fund and department heads watching unnecessary budget line items. Pricing for a fully insured plan is being sought from Blue Cross and other providers. The quote is not yet available but is expected within the next few days.

The clerk explained that most providers will see a spike in claims every few years. The city saw such a spike several years ago at which time the insurance rates increased. To offset the premium rate hike, the city increased the deductible from \$500 to \$3,000. Since then the claims have been nominal and the rates fairly constant. The City of Burley has had a pooled insurance for 14 years and indicated claims usually rise every five to seven years. Burley joined the III-A and is one of the cities having second thoughts about continuing with III-A and going back to their own self-insured pooled plan. Jefferson County has a self-insured plan and has been very successful with it. There was an extend debate regarding claims with some of the cities feeling the claims experienced were to be expected. Other cities felt it was a one in five year event and hoping the claims would level out. The clerk felt regardless of the claims the III-A would not be able to raise the needed funds to cover the unfunded liability and either the DOI would rule the association as insolvent or the association itself would dissolve itself. Cities of Chubbuck, Jerome, and Hailey want to dissolve; Burley abstained from voting with Ammon, Blackfoot, American Falls (with reservation), Oakley and Ketchum voting to continue.

A straw vote will be mailed to the 39 members cities on whether they felt their association with III-A would continue or to dissolve.

Sale of West Main Street Parking Lot:

The mayor indicated the old Jensen Furniture bldg. if it were to be built under today zoning ordinance would require 32 parking stalls. The lot has 40 existing stalls. Various discussion involved splitting the lot into more than one lot, placing restrictions on the lot if it were to be sold, obtaining an appraisal; and continued public use of the lot.

Councilman Day was concerned with the lot not being available for Eckersell Funeral Home. He also commented on the work the City of Idaho Falls is doing to increase downtown parking.

Councilman Simonson commented that businesses use that lot and if it were to be sold an alternative would be needed. Urban Renewal should become involved in this.

Councilwoman Hinckley feels the established businesses have used that lot for years but has mixed feelings when a new business wants to come in but due to inadequate parking may not.

Item tabled for lack of action or decision.

Use of City Vehicle by City Employee:

The Mayor handed out a policy regarding the use of a city vehicle by the park/rodeo director. The mayor wanted concurrence from the council as to the change in policy for this one vehicle.

The council reviewed the policy and added to the policy the following conditions:

- An annual audit of the gas used in the vehicle
- and a daily log be maintained
- And the policy is subject to approval by the council if and when the park/rodeo director changes.

The mayor explained the city car has a log which is used by each person using the car.

Councilman Zimmermann moved to adopt the policy as amended seconded by Councilwoman Hinckley.

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

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

Other Council Business:

None

Review and Approval of Bills:

The clerk amended the bill list with a listing of citizens requesting a check be issued to them in lieu of receiving their water deposits credited to their accounts.

Councilman Day moved to approve the amended bill list as presented by the clerk seconded by Councilman Zimmermann.

The mayor asked the clerk to poll the council.

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

Councilman Zimmermann questioned the Computer Arts bill for computer services at the police department.

Councilman Simonson moved to pay the bills, seconded by Councilman Maloney.

The mayor asked the clerk to poll the council.

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

Approval Minutes:

- Minutes of Hearing Dove Ave – Oct 9, 2012:
Councilwoman Hinckley made changes relating to comments made by Bob Zeal.
Councilman Zimmermann moved to approve the minutes of the hearing on Dove Ave seconded by Councilman Simonson. Mayor polled the council: voice all in favor none opposed.
- Minutes of Hearing 1st North – 3rd W to 4th W:
Councilwoman Hinckley made changes on page one; page three; and spelling on Johnson.
Councilman Maloney moved to approve the minutes of the hearing on 1st North – 3rd to 4th W seconded by Councilman Day. Mayor polled the council: voice all in favor none opposed.
- Minutes of Hearing 1st North – 4th W to 5th W:
Clerk noted the recording did not pickup the person conducting the pledge or the prayer.
Councilman Simonson indicated he conducted the prayer. Councilwoman Hinckley noted the reference of Attorney entering the meeting was listed twice; and spelling of Cardwell was incorrect;
Councilwoman Hinckley moved to approve the minutes of the hearing on 1st North – 4th W to 5th W. seconded by Councilman Zimmermann. Mayor polled the council: voice all in favor none opposed.
- Minutes of October 16, 2012:
Correction on verb of multiple and a change of a noun on page 4.

Councilman Simonson moved to approve the minutes October 16, 2012 seconded by Councilman Day. Mayor polled the council: voice all in favor none opposed, Councilman Maloney abstained.

Public Comment:

Bob Breckenridge:

Commended Councilman Day for coming into their home and discuss the issue with them. He also commented the residents were not opposed to the project but had concerns. Dove Ave also need french drains installed to assist with drainage. He expressed thanks to the council for their concerns with the financial hardships being imposed upon them. Expressed surprise on the comment stated by Councilman Maloney regarding the door-to-door survey which was different from the people talking with himself.

Linda Breckenridge:

Felt the comments made by the council this evening were positive and did express the concern the residents had. She felt the water needed to be completed and her parting comment was "Get it done".

Executive Session:

Councilman Maloney moved to go into executive session per Idaho code 67-2345(b) to discuss personnel issues, seconded by Councilman Zimmermann.

The mayor asked the clerk to poll the council.

Councilman Simonson	Yes
Councilwoman Hinckley	Yes
Councilman Zimmermann	No
Councilman Day	Yes
Councilman Maloney	Yes

Council enters executive session at 9:16PM.

Council exits executive session at 10:14PM.

Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Zimmermann.

Mayor called for a poll of the council: All in favor none opposed.


Meeting Adjourned 10:16PM.

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:



David Swager, Clerk

CITY OF RIGBY

MODIFICATION OF CITY POLCY USE OF CITY OWNED VEHICLES BY CITY EMPLOYEES

The city has purchased a 1997 Chevy for the use of the park/rodeo director. Inasmuch as the director has no set working hours, comes and goes to the park and rodeo grounds at various times of the day and evening, the city has no secure location in and around the rodeo grounds in which to store the vehicle and the pickup contains tools and equipment used by the director in the performance of his duties.

It is therefore deemed to in the best interest of the city that the director be granted the following special consideration regarding use and storage of said vehicle.

The city council and the mayor approve the following policy regarding the use and storage of the vehicle used by the park/rodeo director.

- The director is allowed and permitted to drive the vehicle to and from his personal residence.
- The director will store the vehicle at his residence while not in use.
- The city is responsible for repairs, insurance and maintenance of the vehicle.
- The city will obtain a fleet gas card to be used by the director.
- The director will maintain a use log in the vehicle accounting for the day and mileage used.
- The city will audit the use of the vehicle against the gas charged on the gas card.
- This policy is applicable for the current director, Steve Cook, and subject to consent of any succeeding director.

Moved and approved by the city council this 30 day of October, 2012 as amended.