

City of Rigby  
Council Meeting Minutes  
February 19, 2013

Mayor Smith called the meeting to order at 7:00PM Tuesday, February 19, 2013.

Attorney Rob Dunn led the pledge of allegiance and Councilwoman Hinckley offered the prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn & Chief Hammon.

**Audit Report:**

Sheri Poulsen of Jensen Poulsen & Co, presented the council the 2012 audit report. Mrs. Poulsen reviewed the letter to management dated February 19, 2013 which summarizes the high points of the audit. A copy of the management letter is attached to these minutes.

Mrs. Poulsen noted the two accounts that she feels need to be included in the overall structure of the city for financial reasons: airport and park/rodeo committee. She has discussed the recommendation with both boards and the mayor and clerk. The audit report includes these two funds. She felt the separate boards can still function and serve a need but the final responsibility rests with the city.

Comment as to why the two funds had not been included in prior reports Mrs. Poulsen indicted that the airport had at one time been a joint county/city operation but in prior years the county has absolved itself in any interest in the airport and is now strictly city owned. The airport has used the city's employer ID number on their checking account. The park and rodeo came under city's control in May 2012. She recommended that all receipts and disbursement be brought into the city accounts. She felt the consolidation of the two funds should be done as soon as possible.

The mayor called for a motion to accept the audit report.

Councilman Simonson moved to accept the 2012 audit report seconded by Councilman Maloney.

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

Sheri came forward and presented their engagement letter for 2013. The mayor instructed the clerk to have the engagement letter on the next council meeting.

**Rigby Senior Citizen Center Grant Application:**

Rick Miller of The Development Company came forward and indicated there were four items that needed to be addressed this evening relating to the senior center block grant:

- Appointment of grant administrator
- Determination of dollar match, if any, the city is willing to commit to the project.
- Certification Form- compliance with Fair Housing Act, Davis Bacon and other federal compliance
- Citizens compliance hearings – hearing will be held to allow public input at the start of the project and at the end of the project

Miller indicated the center has identified projects that need to be upgraded total around \$100,000. Included in the dollar request is the fee The Development Company (10%) will charge to administer the grant.

Miller explained the duties of the grant administrator relating to the federal wage and labor laws and other areas. He commented that if the center did not obtain the grant there is no obligation on the part of the city to pay the dollar committed to the project and the fees to be paid the grant administrator would also not be paid.

The mayor indicated the clerk has determined the city could commit to \$5,000 towards the project. Councilman Simonson commented that it is really hard on the part of the city to stay within budget where the city has already committed \$9,000 in the budget. However, given the dollar amount that the city could commit versus the net benefit to be received by the center he felt it was a worthwhile investment.

Miller when asked if the \$5,000 is “enough.” He responded that yes it is viable because the amount committed shows community support. He did not feel going to \$7,000 to \$9,000 would change the overall determination. The center is also meeting the Jefferson County commissioners to solicit support.

Councilman Zimmermann moved that the city commit \$5,000 in dollar match toward the Senior Citizen Block Grant seconded by Councilwoman Hinckley.

The Mayor asked the clerk to poll the council.

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

**Appointment of Grant Administrator:**

Councilman Simonson moved to select and appoint The Development Company as the grant administrator for the Rigby Sr. Citizens Center Block Grant, seconded by Councilman Zimmermann.

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

Approval to sign certification form and compliance hearings:

Councilman Zimmermann moved to authorize the mayor to sign the certification form and compliance for citizen participation seconded by Councilman Maloney.

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

South 2<sup>nd</sup> West:

Robert Lamoreaux came forward and explained to the council that he owns a 4-plex off of South 2<sup>nd</sup> West. In the area there are two other apartments that have access to their property via an easement across his property. He cited examples where the condition of the driveway which provides access to the two other apartments is in violation with existing city code.

Lamoreaux explained the city code should be enforced to protect citizens. He discussed at length the six violations that affect him and the adjoining neighbors. He stated he has approached both of the other property owners and neither were inclined to make any improvements. He offered to pay 40% of the cost with the duplex paying 20% and the last 4-plex paying 40%. The percentage were determined based on the ten household with the 4-plex having 40%, duplex 20%. Lamoreaux has obtained bids for around \$13,000 to pave the entire driveway.

Attorney Dunn asked why Lamoreaux was not improving his property before asking the other two properties to improve theirs. Lamoreaux explained his property is servant ant' to the other two properties and all properties are in violation. The user of the easement is responsible for the maintenance and care of the easement even if the servant ant' property uses the easement. Lamoreaux would like the city to pursue action to enforce city code.

Attorney Dunn stated the city could sue the three owners, including Lamoreaux, using either a declaratory judgment or injunction order. Using an injunction order, it could cause the other two parties to cease the use of the driveway. Using a declaratory action, the three properties using the driveway, if they are found in violation of city code, the judge could determine who is in violation and determine the dollar damage.

Or, Dunn stated, Lamoreaux could sue the other two properties owners seeking declaratory judgment. Lamoreaux, stated he'd prefer the city to begin the action.

The Mayor felt the action is among the three property owners, but felt the city had duty to enforce the code, if there are violations.

Dunn stated there is a problem with Hunter in that Hunter complied with everything the city required of him in a MOU. To which Lamoreaux stated the MOU did not address the easement violations which is the case before the council this evening.

Dunn stated, the question that the council need to consider is should the three parties be sued civilly. He stressed the council should not be expected to address this question this evening.

The Mayor indicated the issue will be taken under advisement for later consideration.

Resolution of Planning Zoning By-Laws:

The clerk indicated the by-laws for the planning & zoning cannot be located and a new set of by-laws have been prepared. The P/Z Commission have reviewed and recommend adoption of the by-laws. The attorney stated he has reviewed the by-laws.

Councilman Simonson moved to adopt Resolution #166-2013 – Adopting Planning Zoning By-Laws, motion seconded Councilman Zimmermann.

The Mayor asked the clerk to poll the council.

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

Resolution Adopted.

LID Engineering Contract:

The clerk explained that at last council meeting Mike Jaglowski reviewed the engineering fees involved with the proposed LID projects. Having reviewed the scope and fees, Keller's have submitted the contract for final approval.

Councilwoman Hinckley questioned the ownership of the documents. The contract stated the ownership is the property of the engineering firm and copies to the client. Councilman Simonson concurred with the statement.

The Mayor also indicated the revised contract that was handed to council this evening needed to be reviewed by the council.

Councilman Simonson moved to table the contract pending review and clarification of the "ownership" of the documents. Motion seconded by Councilwoman Hinckley.

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

Council President:

Councilman Zimmermann moved to nominate Councilman Maloney as council president seconded by Councilman Simonson.

Councilman Maloney expressed reservation of the position due to his working out of town.

Councilman Maloney moved to nominate Councilman Day. Motion died for lack of a second.

The Mayor stated there was a motion and a second on the table and called for a vote.

The Mayor asked the clerk to poll the council.

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

Other Council Business:

Summer Water Restrictions:

The clerk indicated last year the council would revisit the existing water regulations. He presented the council with copies of the current and previous regulations. The Mayor asked the Chief his concern and asked if the compliance office would draft a copy of proposed regulations.

Councilwoman Hinckley indicated she would like to have it begin in April. Councilman Maloney would like to keep the regulations as they are being everyone got adjusted to them last year. Councilman Simonson indicated odd/even days were hard to set in auto sprinklers systems.

The Mayor indicated the water regulations would be brought up in a later council meeting.

Community Review:

Councilwoman Hinckley handed out a draft copy of the requirements needed to be reviewed and addressed in the community review. The application now requires one of the three focus to be economic development, the other two being arts, historic & recreation and civic, life & community involvement. The application is due March 1, 2013.

She indicated she will request September/October for the on-site review. She would like council input so she can complete the application.

Rocky Mtn Power Grant Application:

The clerk indicted the city, as well as the Chamber of Commerce, are in need of better communication via web page, newsletter and facebook. The city is upgrading its web host to a local provider. The city has calls from the public for information for community events and no one has information concerning them. The need is to have a single place in which the public can access for upcoming events along with contact information. The goal is to coordinate the Chamber and the city information with an information office. Glenn Pond of Rocky Mtn Power has indicated there may be funding available to assist communities in this regard.

Chamber of Commerce – Farmer/Merchant Banquet:

The clerk informed the council the annual Farmer/Merchant Banquet is coming March 14, 2013. Keith Hammon will be master of ceremony and the tickets for the recipient will need to be purchased this year. Fee per ticket is \$13. The city will purchase tickets for the council, city's employee of the year and officer of the year along with their family. The clerk will have a sign-up sheet for those interested.

Review of Bills:

The council reviewed the bills. Councilman Simonson moved to approve the bills seconded by Councilwoman Hinckley.

The Mayor asked the clerk to poll the council.

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

Approval of Minutes – February 5, 2013:

Councilwoman Hinckley reviewed the minutes for grammatical corrections. After a review of the minutes, Councilwoman Hinckley moved to approve the minutes as corrected, seconded by Councilman Simonson.

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

Public Comment:

None.

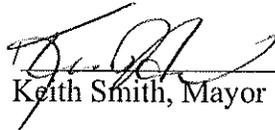
Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Zimmermann.

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

Meeting adjourned at 8:58PM.

CITY OF RIGBY

  
Keith Smith, Mayor

ATTEST:

  
David Swager, Clerk