

City of Rigby
Council Meeting Minutes
June 4, 2013

Due the Mayor Smith's being absent, Councilman Maloney called the meeting to order at 7:00PM Tuesday, June 4, 2013. The pledge of allegiance was given by Rick Lamoreaux and Chief Hammon offered the prayer.

Councilman Maloney asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn and Chief Hammon.

Public Hearing – Updating of 2013 Zone Map.

The Chair asked the clerk if there was any comment he would like to make. The clerk indicated the planning zoning commission held the required public hearings and moved the map to the city council with a recommendation to adopt. The city published the notice of hearing time date and place in the local newspaper and indicating a copy of the proposed zone map was available for inspection at city hall.

The Chair indicated that one person has signed up to speak in favor and two persons signed up to speak. He then asked if anyone else wished to speak. Hearing none the chair then called Charles Taylor.

Speaking in Favor:

Charles Taylor: Indicated that he had participated in the last two zone maps reviews. He felt the zone maps assist the citizens and the city to forecast and propose where developments are accepted. He felt the map is homogeneous in nature and recommended the council to adopt the map. The map protects the activity of single family homes to continue to use and expect the future use of the area they reside.

Speaking Neutral:

Barry Lewis: Mr. Lewis asked if the city was to be divided into districts. After clarification the term district as referenced in the notice that the term is the same as zone. He recommended the expansion of new business and the promoting of new businesses into the city.

Darwin Dinsdale: Although signed up to speak declined to speak.

The chair then asked from those in attendance if anyone wished to speak. Being none the chair closed the public comment period at 7:08pm and turned the time over to the council for discussion.

Having not comment from the council, Councilman Simonson moved to publish an ordinance regarding the adoption of the 2013 zoning map for the City of Rigby seconded by Councilwoman Hinckley.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Review of Dove Ave Water Line:

Mike Jaglowski from Keller and Associates came forward with a set of plans for the Dove Ave water line replacement project. The plans represent 90% design review. The one item that needed to be added was the easement from Edmark to Farnsworth Way. The surveyor was completing the legal description and the easement would be complete by week's end. The plans are ready to be submitted to DEQ for their concurrence and the city's review and concurrence. Once DEQ and the city approve the design the plans can be sent out to bid. After the bids are approved there will be a public hearing being it would be a LID project. He estimated the bids would be sent out July 1 with a 60 day construction time table.

Jaglowski has several bids of similar nature coming up and based on the results of those other bids he will be able to give a more accurate estimate of cost. However, the final figure will be the bid when the city bids the project. The comment was made that being a small project the number of contractors seeking to bid will increase from the few large contractors. The last bid the city conducted, here were 20 contractors bidding the project.

Councilman Simonson moved to authorize Keller's to complete the design and submit the plans to DEQ for their review, seconded by Councilman Olsen.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Approval of Fireworks:

The clerk indicted there are presently four vendors seeking permit to sell fireworks in the city. The four: TNT Fireworks, King Store, Flowerworks and ACME Fireworks have completed the application and paid the \$25 permit fee. He explained the fire department inspects the stands as to the fire code. The city police has little problems with the stands themselves.

Motion by Councilwoman Hinckley to approve the vendors fireworks permit seconded by Councilman Olsen.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Consideration of Increase of Septic Dumping Fee Rates:

Rick Lamoreaux came forward and indicated the city has not raised the rates for dumping septic waste since the plant opened two years ago. The cost of plant maintenance has increased and there is a limited number of septic dumps that plant can handle. Being the proposed rates exceed 5% the rates need to be published and a hearing held on the proposed rates. The current rate is \$72.00 per 1,000 gallon tank capacity. The proposed rate will increase the rate to \$82.50 per 1,000 gallon tank capacity.

Councilman Simonson moved to authorize the publishing of the proposed rates and setting a date for the public hearing seconded by Councilwoman Hinckley.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Discussion of Updated Zone Map:

(This item was discussed at the conclusion of the public comment period above.)

Acceptance of Survey and Quiet Title on 1st North:

The clerk explained that at last council meeting of May 21, Dioptra reviewed the survey along the section of West 1st North that the title company cannot provide title. At the conclusion of Justin Steffler discussion there should have been a motion to approve the survey so the quiet title process could begin.

Councilman Simonson asked if the survey and quiet title is taking any person land. The response was no.

Councilman Simonson moved to accept the survey and apply for quiet title along West 1st North seconded by Councilwoman Hinckley.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Resolution of understanding accounting records with city airport:

The clerk explained at the conclusion of the 2012 audit report the auditor recommended the financial records of the airport be brought into the city's records. After a meeting with the airport board involving the mayor, Councilwoman Hinckley, Councilman Zimmermann and the clerk the airport drafted the attached resolution of understanding. The clerk commented that the auditor was going to discuss the resolution with the clerk but he had not heard back from her today.

Councilman Simonson asked if the resolution would need to be redrafted if she had not commented. The clerk felt the resolution may need to be redrafted but the airport board was resisting turning 100% of the transactions over to the city and the clerk felt even with the airport board turning all transactions to the city, there could still be a question of lack of internal control. The clerk indicated the council set the level of internal control they felt comfortable with and the auditor may still note deficiency in internal controls.

Councilwoman Hinckley commented she felt the airport board members are very competent and felt comfortable going forward.

Councilwoman Hinckley moved to accept the resolution of understanding seconded by Councilman Simonson.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Setting Date/Time for council to conduct a walk-through on West 1st North:

The clerk commented that during last council meeting resident Joe Sites recommended the council conduct a walk-through on the section of West 1st North that was recently surveyed. The work meeting will be to gather facts regarding the survey and the impact of the survey on the individual homeowners. Being a special work meeting the meeting will need to be posted 48 hours prior to the meeting. Councilman Simonson wanted the surveyor to locate: back of curb, sidewalk and survey lines.

After discussion the council agreed to a special work meeting to be held Thursday June 6, 2013 at 7:00pm.

Discussion on Abatement of Dangerous Buildings:

Councilwoman Hinckley stated that being they just got the draft this evening they have not had time to review it. She would feel more comfortable if they could have more time to review it.

Councilwoman Hinckley moved to table the item until next council seconded by Councilman Olsen.

Councilman Maloney asked for a voice poll: All in favor.

Residents Discussion – 1st North:

The next item was made at the request of certain residents to discuss West 1st North.

Barry Lewis: Commented that he would have like to have been part of the discussion involving the survey. He indicated the council meeting on Thursday may not meet all the residents and suggested a Saturday meeting instead.

Darwin Dinsdale: Questioned the layout of the agenda and why this topic was last on the agenda. He indicated the right of way was 40 feet as grandfathered in by Mayor Peterson. He requested the quiet title be withdrawn. Recommended 1st North be dead ended. 1st North is not part of any subdivision.

Craig McAllister: Stated he is opposed to any LID. Would like West 1st North to be dead ended at 5th West. Agreed with the right of way being 40 feet.

Paul Hepworth: Stated he wished the city would allow him to withdraw the Hunter Creek plat to be installed without curb/gutter and with a 40 foot right of way. He stated that we all have to live by the rule of law. He also stated those living on 1st North always wants an exception and expect others to pay for their improvements.

Terry Cadwell: Homes along 1st North were built prior to the subdivision came into the area. Want the road left as it is.

Charles Taylor: Stated he was split on the issue. He complimented the city for the improvements made in its streets from the time he left Rigby and moving back in 1986. All have been improved but for 1st North. Felt pushing the improvement into the future is not beneficial to the city in the long run. Improved roads enhances a city. As new homes are built the improvements made would be added pushed to the new buyers. Wanted the residents along 1st North to be responsible and work with the city for the improvements.

Dave Grant: Had in prior meetings voiced opinion to move forward with the project. But now he questioned the ethically and legality of the action. He encouraged the city to proceed but to do it right and to lessen the impact on the residents.

Jada Rhodes: Lives on Pheasant Run and travels 1st North with her children. Feels 1st North is not a safe road. She walks with her children along 1st North to go to the park and grocery store and has to walk in the road way and dodge mud holes. There is not a second road out of Hunter Cr without going out on 1st North. They can't cross the canal without a bridge. Years ago 1st North was a road less traveled than what it is today.

BJ Edwards: Feels the impact of the kids using 1st North is highest concern. He has had experiences with LID in Sugar City: filling in an open ditch and curb/gutters. The improvements made are worth the investment.

Misty Stoker: Support the LID and wants the city to do it right. Questioned the reference to a contract in place for any upgrades.

Angie Woodhouse: Feels roads in 3rd world countries have better roads than 1st North. Expressed concern with government exercising its authority over the rights of the property owners'. Feels the pressure to upgrade to meet new standards is not right or fair.

Scott Stoker: Commented that growth of a city occurs on the outside and grows out. It's only natural that the outskirts of a city will see growth. The city needs to heal over the issue and be progressive.

Levi Stowell: Has been a life-long resident of Rigby. Moved from Menan to Rigby for the better streets and sidewalks over concern of his children. Feels the citizens need to embrace change.

Deanna Dinsdale: Discussed 5th West where it necks down from 42 feet to 39 feet. The 39 feet is restricted to no parking. Travel along the road is not hindered. Road inside Hunter Creek is 42 ft wide.

Jeff Dabell: Supports the LID. Need to make the road safe for the kids.

Dee Stoker: Roads in Hunter Cr have 60 foot right of ways with 42 wide roads.

Brian Rhoades: Commented that he is a father of six children and lives on fixed income. He's tired of the fighting and contention over 1st North. It's been that way since he moved into town. He relies on the council to make the appropriate decision as to what is right for the city as a whole.

The chair asked if anyone who had not previously talked would like to come forward. Being none, the chair closed the discussion at 8:45pm.

Councilwoman Hinckley express appreciation to those in attendance and she listened to their comments.

Other Council Business:

None

Review and Approve Bills:

Motion by Councilman Simonson moved to authorize payment of the bills seconded by Councilman Olsen.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye

Approval of Minutes:

Councilwoman Hinckley moved to approve the minutes of May 21, 2013 seconded by Councilman Simonson.

Councilman Maloney asked for a voice poll: All in favor none opposed.

Public Comment:

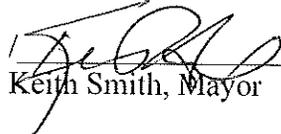
None

Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Olsen.

Meeting adjourned 8:50pm.

City of Rigby


Keith Smith, Mayor

ATTEST:


David Swager, Clerk