

City of Rigby
Council Meeting Minutes
March 19, 2013

Mayor Smith called the meeting to order at 7:00PM Tuesday, March 19, 2013. The pledge of allegiance was given by Rick Lamoreaux and Councilman Maloney 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

Also present: Attorney Rob Dunn and Chief Hammon.

The Mayor requested to move agenda item # 13 to item #4 on the agenda. Hearing no objection the agenda is amended.

LID Concept & Design - Cancelled

Sewer Manholes Rehabilitation – Phase IV - Cancelled

Non-Commercial Kennel License:

Mick LeClare, 312 Idaho Ave, came forward and presented the petition signed by his neighbors to allow more than three dogs in the city. LeClare indicated the four dogs were service dogs: Husky; Blue Heeler; Schnauzer; and Poodle. The application was reviewed and contained eleven of the twelve homes within 100 feet of his home.

Councilman Simonson moved to approve the kennel license, 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

Purchase of Fans for Library:

Marilynn Kamoe came forward and indicated she has obtained a bid to install 6 ceiling fans: Four in the main room and two in the junior's section.

After brief discussion, regarding the number of bids received. Marilyn indicated she had only received the one bid. Councilman Day felt a second bid should be obtained.

Councilman Maloney moved to approve the purchase of six fans after receiving a second bid and authorized the lower of the two, 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

2013 Water Restrictions:

The city reviewed the draft ordinance written by the police department and city attorney. Discussion with council involved having two schedules for summer watering. Auto sprinklers would water on Monday, Wednesday and Friday. All other users would water on even/odd days of the week according to the home house number. The draft ordinance also restricted watering with no watering being done from 11:00PM to 1:00AM and from Noon to 2:00PM.

After discussion among the council, it was felt a better schedule would be to have a Monday, Wednesday, Friday schedule and a Tuesday, Thursday, Saturday based on house numbers being either even/odd and Sunday being an open non-regulated water day.

Discussion on removing the night time restrictions.

Councilman Maloney wanted the draft sent back for re-write with the changes discussed and placed on the next council agenda.

Elite Townhomes:

Mark Olsen representing the owner/developer of the Elite Townhome subdivision explained that the requirements for final acceptance of the subdivision has been completed but for the consent of the existing owners to vacate the homeowners association for the ownership, care and maintenance of the two common areas on the west and east end of Lemmon Lane. The sidewalks have been installed and the storm water pond has been cleaned up. The two common areas have been tied to the land of the adjoining lots with deed restrictions being recorded on the two parcels.

Rick Lamoreaux indicated he inspected the storm pond and the sidewalks and they are in compliance. The attorney reminded Rick to review the subdivision check list prior to final acceptance.

Council felt Mr. Olsen needed to complete the authorization of the existing homeowners and once that is complete he could make application for acceptance.

Water Rental – Agreement with Burgess Canal:

Rick Lamoreaux came forward and recapped the meeting he had with the directors of the Burgess Canal regarding the installation of a water system for the south park. Lamoreaux indicated the canal board will allow the city to install a pump system provided the city added

water to the Burgess Canal by renting 100 acre feet of water from the Palisade rental pool. Estimate cost would be (Max) of \$2,525. Lamoreaux stated the end user on the Zundel/Ball ditch would rent the city shares in the Burgess for around \$765 per year. Luke Hicks, Burgess Canal director and user of the Zundel/Ball ditch, has indicated he felt the last 40-50 acres south of the high school would in time be either developed or a new elementary school built on the site and at that time there would be no opposition for the city to pump without having to rent water. Lamoreaux explained that when the pump turns on the water has to be available. While the pump is operating those below the pumping station would have reduced head at their headgate. The city owns 66 inches in the Burgess.

Lamoreaux went on to explain the plan cost of installing the pumping station. The estimated price based on quotes he has obtained will run around \$37,000. The system includes a 25 HP sump pump with a pre-screen system, dragoon filter and variable pump with flow meter. The power will be a conversion system from a three phase power. There will be a maintenance agreement for \$600 per year. The park uses 100,000 gallons per day during the hottest part of the year.

The Mayor indicated this was the goal of the city to extend the use of the culinary water to irrigate lawns by using canal water. With the city using 100,000 gallons per day for the south park counts in the overall demand of the potable water and extend the time when a water storage tank would be needed.

Councilman Simonson moved to approve the leasing of 100 acre feet of water from the Palisade water pool and the purchase/installation of the pumping station at the south park location 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

Purchase of Fire Hydrants:

Lamoreaux indicated that when Keller completed their water study they identified 40 hydrants that were deficient. There are two hydrants that are completely down and several with 4 inch which are obsolete. The cost for the 5 pumps is \$11,000 for the hydrants.

Councilman Zimmermann moved to approve the purchase of the fire hydrants seconded by Councilwoman Hinckley.

The Mayor asked the clerk to poll the council:

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

Councilman Maloney

Yes

Quarterly Interfund Transfers:

The clerk indicated the end of the quarter has budgeted for transfers from the three enterprise funds (water, sewer and sanitation) to the general fund. The transfers are for \$6,250 per fund for a total of \$18,750. The transfers are to reimburse the general fund for administrative support services provided the three enterprise funds.

Councilman Simonson moved to approve the quarterly transfers 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

Close Building Dept Fund:

The need for the city to continue the building dept fund ended with the city doing away with the city employed building inspector and contracting the inspection services out. The cash balance in the building dept is \$1,891. The clerk would like to close the cash balance to the general fund.

Councilman Maloney moved to approve the closing and transferring the cash balance in the building dept fund to the general fund 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

Disposal of Surplus City Property – Police Dept:

Chief Hammon presented to the council a listing of equipment that his department no longer is need or of use to the department. Detailed listing attached. He also would like to sell the 1996 Ford Ranger. The department recently acquired a 1998 Chev truck that will replace the 96 Ford Ranger. He is seeking a minimum bid price on the 96 Ford of \$1,200.

Councilman Day moved to declare the property as surplus and authorize the chief to sell the equipment and 96 Ford Ranger in accordance with state statute seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council:

Councilman Simonson	Yes
Councilwoman Hinckley	Yes

Councilman Zimmermann	Yes
Councilman Day	Yes
Councilman Maloney	Yes

Transfer of Surplus Computer to Airport Board:

The airport board has indicated a need to have a computer system in the new pilot's lounge at the airport. The clerk has indicated he has an old computer that is no longer in service. The city has two other computers beside the one he referenced – the one purchased for the GIS that has since been integrated with the existing computers and the one computer that Ann Trent used.

Councilman Zimmermann moved to authorize the transfer of the computer to the airport board seconded by Councilman Maloney.

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

Other Council Business:

Resignation of P/Z Member: The Mayor read a letter from Joe Sites stating he did not meet the 24 month residency as required to be a member of the planning zoning commission and was therefore resigning from the commission.

Executive Sessions: Councilman Day questioned the executive session held Feb 5, 2013. He questioned the topic that was discussed – Quite Title of Property on 1st North. He presented to the council a drawing of 1st North. He questioned the way in which the quite title was handled.

He stated the quite title had been filed in the courthouse prior to the executive session of February 5, 2013.

The Mayor interjected and read a statement governing executive sessions governance. Councilman Day felt he was not violating the context of the executive sessions regulations. Day read a code section wherein it was a violation to change the subject matter within the executive session.

Attorney Dunn advised the council not to participate in the discussion and the discussion that Councilman Day may be entering into may be violating the executive sessions which could expose the council to penalties. Attorney Dunn recused himself from further discussion and advised the council to do likewise.

Day explained the agenda and agenda topic did not state the reason for executive session had nothing to do with 1st North. Then the first item the attorney began discussing was the quite title on 1st North.

The Mayor asked if the agenda cited pending litigation and therefore was under executive session rules.

The Mayor asked the council if they wanted to continue: Councilwoman Hinckley indicated yes; Councilman Maloney said yes and Councilman Zimmermann indicated yes but he may not agree with it.

The Attorney again cautioned the council about proceeding if the topic involves disclosing what was discussed in executive session.

Day stated the second part of the executive session on the wastewater suit, the attorney asked the council for their *opinion* or *feel* on the topic discussed. Day felt the asking of the council their *feel* or *opinion* regarding the wastewater plant was a “quasi” decision and in violation of the executive sessions rules.

Approval of Bills:

The clerk indicated there were three corrections that needed to be made on the listing provided the council: The bill to Utility Cost Mgt. was listed twice (545.60); a Verizon bill omitted 29.81 and donation to Primary Children Hosp. in memory of Rick Wade’s mother who passed away last week. The revised bill total as corrected is \$39,647.72.

Councilman Simonson moved to authorize payment of 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 of Minutes:

Council reviewed the minutes and made corrections. Councilman Maloney moved to accept the minutes as corrected seconded by Councilman Day.

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

Public Comment:

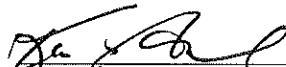
None

Adjournment:

Councilman Simonson moved the meeting adjourn seconded by Councilman Zimmermann.


The mayor asked for a voice poll: All in favor none opposed. Meeting adjourned at 8:43PM.

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:


David Swager, Clerk