

City of Rigby  
Council Meeting Minutes  
April 3, 2014

Mayor Richardson called the meeting to order at 7:00 pm Thursday, April 3, 2014. The pledge of allegiance was given by Councilman Simonson and Robin Dunn offered the prayer.

Mayor Richardson asked the clerk to call the roll.

Councilman Walker	Present
Councilman Maloney	Present
Councilman Sullenger	Present
Councilman Taylor	Present
Councilman Simonson	Present
Councilman Olsen	Absent

Also present: Chief Hammon and Attorney Robin Dunn

Swearing In Board Member:

Mayor Richardson swore George Campbell into office as a library board member along with Kimber Tower and Gail Nichols also to the library board.

Library Board:

- a) Library Week: Kimber Tower came forward and presented the events that the Rigby library would be hosting during library week – April 13 through April 19. The library will be featuring artist Katie Wells for the month. They will also be having a membership drive during library week. They will be seeking to increase membership to those residences not living within the city limits with reduced annual fees.
- b) Seed Library: Sam Tower came forward and explained the library will be initiating a seed bank library. This is new to the area and the library itself. He explained the seeds are heirloom seeds and follow strict guidelines for polluting and keeping the seeds from being cross-polluted. The seeds if they follow the guidelines will generate five times the seeds checked out. There is no cost to check out the seeds but the individual must hold a current library card.
- c) Library Finances: Councilman Taylor explained various state statues regarding the operation of the library board. One item was the board was to submit a budget to the council for its approval. In past years the board has not been submitting a budget but has had the city submit and adopt the library budget. The board would be submitting its budget for the current year. Kimber Tower explained that the council need not review nor approve the bills that process belongs to the library board. The library board has the responsibility of approving the bills and staying within the budget. Kimber Tower also mentioned the need to for the library to have a petty cash fund. Currently the account requires two signatures and the director is limited with the two signature requirement.

Council discusses the process of not approving bills given the recent audit report and their concern with how the auditor would report on the council not reviewing the bills. The attorney indicated the library was somewhat different than the rodeo and airport in that the financial transactions are run through the clerk's office whereas the rodeo and airport finances are not run through the clerk's office. The council would in effect be rubber stamping the action of the library board.

The clerk presented to the council the past eight year history of the library operations and explained how the budget process developed. He prepares a draft report for the library and all other departments which he assumed was shared with the library board and the director would bring the draft report back with comments, if any, which the council adopted. Summary: board present budget, board control expenditures.

Nominations – Planning Zoning Board:

Mayor Richardson placed before the council two individuals who expressed interest in serving on the planning and zoning board. The nominations were Aaron Belk and Heath Treasure.

After brief discussion, Councilman Taylor moved to accept the nomination of Aaron Belk to the planning and zoning commission seconded by Councilman Simonson.

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

Councilman Simonson moved to accept the nomination of Heath Treasure to the planning and zoning commission seconded by Councilman Sullenger.

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

Surplus Property – Rodeo Tractor:

The mayor recapped the item from last council where the rodeo board wants to raffle off a '39 tractor. The question arose if holding a raffle as a means of disposing of city property was within state code. The mayor turned the time over to the attorney to review his findings from last council. The attorney cited state code 67-7701 which addresses bingo games and raffle sales. If the item exceeds \$5,000 an application must be obtained from the state lottery board and file with the secretary of state.

The attorney summarized the process and indicated a raffle is an acceptable means of disposing of surplus property, if the rules and regulations concerning the raffle are followed. Or the council may do the normal means of disposal: holding an open auction. The method to be used is up to the council to decide.

The mayor indicated the rodeo director had stated that if the raffle avenue is not available the board would hold an auction during the Early Iron Car Show in August and auction the tractor off.

The council discussed having the rodeo board obtain an assessment of the value of the tractor. Responsibility for accounting for the proceeds of the raffle rests with the city and the rodeo director.

Declare surplus property:

Councilman Simonson moved to declare the 1939 tractor as surplus property seconded by Councilman Walker.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes
Councilman Taylor	Yes
Councilman Simonson	Yes

Dispose of tractor:

Councilman Maloney moved to authorize the rodeo board to dispose of the 1939 tractor using a raffle with director Cook overseeing and being accountable for the proceeds of the raffle and an application be made with the lottery commission to conduct a raffle seconded by Councilman Simonson.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes
Councilman Taylor	Yes
Councilman Simonson	Yes

Proclamation- Fair Housing Month:

The mayor read into the record the proclamation (copy attached) declaring April as "Fair Housing Month".

Treasurer's Report:

- a) The clerk reviewed with the council the quarterly transfers per budget needed to be made transferring \$6,250 from each of the three enterprise funds to the general fund for a total of \$18,750. The transfers are to reimburse the general fund for administrative duties and expenses incurred on behalf of the three enterprise funds.

Councilman Simonson moved to approve the transfers seconded by Councilman Maloney.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes
Councilman Taylor	Yes
Councilman Simonson	Yes

- b) The clerk reviewed with the council the February 2014 financial statements and the various funds operation for the period then ended.

He also reviewed the journal entries he made for the month of February. He indicated these were normal recurring items: recording of interest on investments, recording of internal service fund charges and uses, accrual of library receipts received after the end of the current month, and other revenues that needed to be accrued and/or reversed to reflect the current operations to date.

Councilman Simonson moved to approve the February 2014 financial statements seconded by Councilman Sullenger.

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

West First North:

The mayor reviewed the completion of the quiet title along West 1<sup>st</sup> North. During the action the city obtained a right of way 52 feet in width. East of that section of the road the right of way is 66 feet and west of the quiet title action the right of way is 60 feet in width. What the council needed to discuss this evening is how to proceed. In discussion with H&S developers, the developers claimed they lost funds and in the H&S settlement agreement, the agreement spells out the specific width that the road will be (48 feet). There is a still concern with persons living on the road the width of 48 feet is still a concern.

Unless the road is built to the 2007 specifications, there could be additional legal action for failing to comply with the agreement.

Councilman Simonson asked Rick Lamoreaux if any subdivision that have roads built to 48 feet. Lamoreaux indicated there was not. Simonson is opposed to taking eminent domain for any land that the city is short in keeping to the agreement. Councilman Simonson is not in favor of seeking a 60 foot right of way.

H&S concern is the width of the road not with the right of way. City code said sidewalks will be five foot in width. The code cannot be modified or changed without violating the 2007 agreement. Council discussed having city built 4 foot sidewalks which is not according to city code.

City has limited options: leave it as a dirt road or throw down a partial patch which could lead the city into another law suit (is the patch a repair or an improvement). The mayor's opinion is that it would be an improvement.

Options: 1) Leave as dirt road; 2) Construct the road to 48 foot width and construct 4 foot sidewalk on only one side of the road. Mayor cited the code section where the city could match existing conditions and the sidewalks on 3<sup>rd</sup> West are 48 inches. So the sidewalk coming down 1<sup>st</sup> North could be 4 foot. 3) Seek eminent domain for 8 additional feet and build 48 foot road with 5 foot sidewalks. Comment going for 8 additional feet will delay when construction can be started.

Councilman Walker commented the citizens would be upset in not having sidewalks on either side of the road. Discussion on having the engineers bid the road out with two options. The mayor would like the project put out for bid tomorrow. Discussion on having two bids proposals would only result in higher prices.

Council discussed having the road width 48 feet and only installing a 4 foot sidewalk on the north side of the road. And giving the homeowners the option of having the city install the sidewalk for those not on the north side.

The mayor said the west end will be built according to code – 48 foot road with 5 foot sidewalks on both sides of the road. The city has the required 60 foot right of way and the code is specific regarding sidewalks. The city has fudged or ignored code which we ought not do now, particularly where we have the right of way. The problem revolves around the 387 feet where we do not have the required right of way.

Councilman Taylor drew a diagram on the whiteboard outlining the planned construction. His diagram had the road width 48 feet. Off of 3<sup>rd</sup> West the sidewalk on the north side would be 5 feet through the 66 foot right of way. On the south side of sidewalk would be five feet through the same section. On the north side beginning with the 52 ft right of way, the side walk would be 4 feet through to 4<sup>th</sup> West. Those on the south side would have the option of having a sidewalk installed or not. After the intersection of 4<sup>th</sup> West the road would be 48 feet with 5 foot sidewalks on both sides of the road and running the entire length of the road.

Councilman Taylor concern, along with Councilman Sullenger was on the south side through the 52 foot right of way: Is the city exposing itself to legal challenges by not following code and installing sidewalks?

The Mayor indicted that to show damage one must incur damages to bring suit. H&S could have damages others may not. The attorney opined that the exposure the city would be facing would be limited to that section of property not containing the sidewalks.

Prior to a motion, the mayor wanted the engineer to proceed to drawings and specifications and go to bid so the council could have a hard number to work with and not an engineer's estimate.

Councilman Taylor recapped the various options:

- 1) Keep the road dirt.
- 2) Go with 48 foot road in the section with quiet title with 4 ft sidewalks on the north and none on the south side.
- 3) Go with 48 foot road with sidewalks 5 feet and 5 feet, seek eminent domain.
- 4) Go with 42 foot road with 5 foot sidewalks.

Councilman Walker expressed the concern is the delay in completing the road with eminent domain a basis for legal action. Attorney thought the answer needed research and best answered in executive session being it could involve legal ramifications.

Councilman Taylor moved to proceed with option #2, and obtain design and specifications based on a road width of 48 feet. The area having 52 foot right of ways would have sidewalks 4 feet width on the north through to the intersection of 4<sup>th</sup> West and the owner given the option on the south side of having sidewalks at city expense. The balance of the road with 66 foot right of ways and 60 foot right of ways would be built per city code with 5 foot sidewalks, seconded by Councilman Maloney.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes
Councilman Taylor	Yes
Councilman Simonson	Yes

#### Review and Approval of Bills:

The council reviewed the bills. Councilman Maloney moved to approve the bills seconded by Councilman Sullenger.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes
Councilman Taylor	Yes
Councilman Simonson	Yes

#### Approval of Minutes:

- a) March 4, 2014: The minutes of March 4, 2014 were approved March 18 but needed correction to include public comment which has now been included in the minutes.

Motion by Councilman Taylor moved to approve the corrected minutes of March 4, 2014 be approved seconded by Councilman Simonson.

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

- b) March 18, 2014: Councilman Sullenger moved to approve the minutes of March 18, 2014 seconded by Councilman Taylor.

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

Other Council Business:

Councilman Walker indicated he would like the council packets earlier. The tentative agenda would be emailed Friday and the hard packet Monday afternoon.

Public Comment:

None

Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Sullenger.

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

Meeting adjourned 9:25pm.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk

*FAIR HOUSING MONTH PROCLAMATION*

*WHEREAS, April 2014 marks the 46th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and*

*WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and*

*WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and*

*WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and*

*WHEREAS, housing is a critical component of family and community health and stability and*

*WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and*

*WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and*

*WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and*

*WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;*

*NOW, THEREFORE, I, Jason Richardson, Mayor of City of Rigby, Jefferson County, Idaho, do hereby proclaim April 2014 to be*

***FAIR HOUSING MONTH***

*In the City of Rigby, Jefferson County, State of Idaho.*

*IN WITNESS WHEREOF, I have hereunto set my hand at the City of Rigby, Jefferson County in Rigby, ID on this 3rd day of April, 2014.*

  
David Swager,  
City Clerk

  
Jason Richardson,  
Mayor