

City of Rigby
Council Meeting Minutes
February 18, 2014

Mayor Richardson called the meeting to order at 7:00 pm Tuesday, February 18, 2014. The pledge of allegiance was given by Scout Michael LaPearce and Councilman Taylor offered the prayer.

Mayor Richardson asked the clerk to call the roll.

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

Also present: Chief Hammon and Attorney Robin Dunn

Redevelopment Zone:

Ted Hendricks from ECIPDA Company came forward and explained to the council the reason the city needed to designate a redevelopment zone. The urban renewal agency made the first round of cuts for a block grant. Part of the requirements the state was using to evaluate the application was how has the past improvements assisted the local economy and an evaluation of needed improvement in and around the rodeo grounds. Ted itemized the lack of parking, lighting, storm drains, and sidewalks in the proposed area (copy of area attached to the minutes).

The mayor inquired if the proposed area could be expanded and why the city property was not included. Mr. Hendricks responded that the area could be expanded but Commerce Dept. did not want to include residential area. The city property is excluded.

Redevelopment Resolution:

Mr. Hendricks had included a draft copy of the proposed resolution that the council would need to review and approve which creates the redevelopment zone. Several items were missing, most notable the legal boundaries of the zone and clearer identification and description of the slum and blight conditions existing in the redevelopment zone.

On advice from legal counsel, the council wanted the resolution tabled until a complete resolution could be presented. Mr. Hendricks indicated that the application including the resolution and site evaluation could be approved on March 4 being the application was not due in Boise until March 7, 2014.

Item Tabled.

Fair Housing Resolution:

Mr. Hendricks also explained the city is obligated to initiate the fair housing act which all municipalities receiving federal funds need to adopt. The city has adopted the fair housing act in the past and the current resolution is reaffirming the fair housing act.

Councilman Maloney moved to approve resolution #173-2014 seconded by Councilman Simonson.

Mayor Richardson asked the clerk to poll the council.

Councilman Walker	Aye
Councilman Maloney	Aye
Councilman Simonson	Aye
Councilman Sullenger	Aye
Councilman Taylor	Aye

Burgess Canal Water Rights and Pumping:

Rick Lamoreaux came forward and recapped the changes made last year in the south park. He explained the city installed a pumping station and converted part of the park to canal water. The city pumped around 7 acre feet of water and the city owns around 9 acre feet of water. The city installed the pumping station and rented additional water last year. The city and the canal company need to come to enter into a formal agreement as to the amount of water that can be pumped. The city attorney is working with the canal to draft a proposal.

Wastewater Treatment Plant:

Mr. Lamoreaux explained the wwtp plant is operating without the filters. The city is currently operating under the city's old discharge permit which cites the allowable percentage of suspended particles that can be discharged into the dry bed. Even without the filters the plant is under the allowable amount. He explained the sewer lift station is the last phase of the sewer upgrade and these should be completed in the next month or so.

The clerk informed the council that the city could receive reimbursement from the DEQ loan for the legal expense it incurred in the Peck/Ormsby suit. The funds which are at zero percent interest could be held until the final discharge permit is issued and if no further expense is needed on the plant, those funds could be used to pay down the 3.25% interest on the USDA loan.

2nd Reading of Amending Ordinance of day of week for council meetings:

The attorney read the ordinance amending the meeting day from the 1st and 3rd Tuesday of each month to the 1st and 3rd Thursday of each month.

The clerk informed the council the public hearing is scheduled for March 18, 2014 after which the ordinance would be effective April, 2014.

City's Remainder Interest in Old Jr. High School Property:

The mayor explained a letter the city had received from the school district attorney. The letter indicated the city had an interest in the property that the school district wants the city to waive that interest to the school district. The mayor did not feel it within his right to sign the "grant deed" without first asking for public input and the heirs of the original grantees.

The mayor asked those in attendance if there was any comment. There were none.

Councilman Taylor indicated he was not in favor of signing such a waiver and asked what would happen to the property.

The attorney responded the disposition of the property would be up to the school district and without the removal of the restrictions the school district would need to do a similar court action to remove any restrictions.

Councilman Simonson questioned why the grantee would limit the future use of the property. The attorney responded that for whatever reason it was done, the deed restriction still exists until it is either exercised or removed.

Councilman Simonson indicated the decision on the part of the city should wait until after the public hearing and he also asked how long the city should wait to sign or not to sign. The mayor indicated he was unclear the time period that the city should wait.

Review and Approval of Bills:

The council reviewed the bills. Councilman Taylor commented on another claim for meals and training for Shackelford. Chief Hammon commented it was for training in June. Councilman Taylor questioned the Wall To Wall bill for the Senior Center. Comment was that the funds were a pass-through grant with the clerk indicating the bill also included tile not just carpet.

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

Mayor Richardson asked the clerk to poll the council.

Councilman Walker	Aye
Councilman Maloney	Aye
Councilman Simonson	Aye
Councilman Sullenger	Aye
Councilman Taylor	Aye

Review of Minutes:

- **January 21, 2014** –The clerk explained the minutes approved Feb 4, 2014 contained reference to Mayor Smith and should have been Mayor Richardson. Hence the need to correct the reference.

- Councilman Taylor moved to approve the revised minutes of January 21, 2014 seconded by Councilman Sullenger.

Mayor Richardson called for a voice poll: All in favor none opposed.

- **February 4, 2014** - Councilman Maloney moved to approve the minutes of February 4, 2014 seconded by Councilman Walker.

Mayor Richardson called for a voice poll: All in favor with Councilmen Maloney and Simonson abstained none opposed.

Other Council Business:

- Web Casting – the mayor indicated that he had talked with Bruce Huckler (sp) about the camera equipment needed to put the council meetings on the web page. Bruce indicated they would provide the camera except during the basketball season. The mayor felt the city should have a camera available for all meetings. Further information is needed regarding a camera. The audio portion could be tied into the recording machine the city currently uses.
- Public accessing council individually – Councilman Taylor indicated that he had been approached and had received information from a citizen. He asked the attorney his opinion with council members meeting one-on-one with the public. The attorney indicated it was his opinion that council should not meet one-on-one with the public concerning items that should be discussed before the entire council or to submit documents received to the entire council for their review.

Councilman Taylor then asked how items should be placed on the agenda. The attorney indicated it should be submitted to the clerk who would review it with the mayor and if the mayor felt it appropriate, would have the clerk place it on the agenda. If the matter involved law suits, or potential suits or items concerning personnel the same procedure should be followed but the item would be placed as an executive session.

- Quorum – Councilman Walker asked about the motion to approve the minutes where both Councilman Maloney and Simonson had abstained. The attorney indicated a quorum exist with them being present. The voting as long as it was a majority of those voting that determines the outcome.

Public Comment:

None

Executive Session:

The mayor indicated an executive session was needed to discuss pending litigation on the 1st North Quiet Title.

He called for a motion for the council to enter into executive session.

Councilman Taylor moved that the council enter into executive session per Idaho Code 67-2345(f) to discuss litigation involving the Quiet Title on West 1st North. The motion was seconded by Councilman Sullenger.

Mayor Richardson asked the clerk to poll the council.

Councilman Walker	Aye
Councilman Maloney	Aye
Councilman Simonson	Aye
Councilman Sullenger	Aye
Councilman Taylor	Aye

The Mayor then asked the public if they would vacate the council chambers. Council enters into executive session at 7:58 pm.

Open Session: Council returned to open session at 8:50PM.

Discussion on West 1st North – Quiet Title:

Councilman Simonson stated that he had reviewed the plaintiffs offer on the Quiet Title but felt the restrictions they wanted would affect future council and he was not comfortable with that.

Councilman Taylor echoed the concern of Councilman Simonson but commented the quiet title was only dealing with width only and the restrictions were a hindrance to the city.

Mayor Richardson stated that the negotiations were not appearing to be getting any closer.

Councilman Simonson also felt the negotiations were not accomplishing anything and felt perhaps the best alternative would be to proceed to court and allow the judge to decide the width of the right of way.

The Mayor asked the attorney what the time frame would be if the city were to proceed to court.

The attorney responded that most judges have their court calendar filled in three to four months ahead of the current date. But felt maybe if the decision was to proceed with a trial he felt it could be within three months.

Councilman Maloney voiced his concern as expressed by Councilman Simonson, Taylor and the mayor.

Councilman Simonson moved that the city end negotiations and to proceed to court for the decision. Motion seconded by Councilman Maloney.

Mayor Richardson asked the clerk to poll the council.

Councilman Walker	Aye
Councilman Maloney	Aye
Councilman Simonson	Aye
Councilman Sullenger	Aye
Councilman Taylor	Aye

Executive Session:

The mayor indicated an executive session was needed to discuss code enforcement on South 2nd West. e. He called for a motion for the council to enter into executive session.

Councilman Walker moved that the council enter into executive session per Idaho Code 67-2345(f) pending litigation on code enforcement on South 2nd West. Motion seconded by Councilman Sullenger.

Mayor Richardson asked the clerk to poll the council.

Councilman Walker	Aye
Councilman Maloney	Aye
Councilman Simonson	Aye
Councilman Sullenger	Aye
Councilman Taylor	Aye

Council enters into executive session at 9:03pm.

Council exists executive session at 9:11pm.

Discussion Code Enforcement – S. 2nd West:

No action or discussion took place.

Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Sullenger.

Mayor Richardson called for a voice poll: All in favor none opposed. Meeting adjourned 9:14pm.

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk

**City Rigby – Resolution #173-2014
Fair Housing Resolution**

LET IT BE KNOWN TO ALL PERSONS OF the City of Rigby that discrimination on the basis of race, color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Rigby to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the city does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, gender, national origin, disability or familial status to seek equity under federal and state laws by referring them to the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

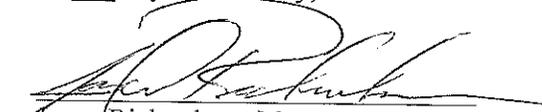
BE IT FURTHER RESOLVED that the City of Rigby shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) publicizing this resolution; 2) posting applicable fair housing information in prominent public areas; 3) providing fair housing information to the public; 4) preparing a fair housing assessment; and 5) declaring April as Fair Housing Month.

EFFECTIVE DATE

This Resolution shall take effect February 18th, 2014.

Passed by the City Council and approved by the Mayor this 18 day of February, 2014.

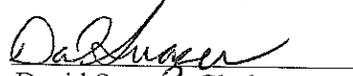

Jason Richardson, Mayor

ATTEST:


David Swager, Clerk

Certificate

I, David Swager, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 173-2014 adopted at a regular meeting of the City Council held on the 18 day of February, 2014, and that the same is now in force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 18 day of February, 2014.


David Swager, Clerk