

City of Rigby  
Council Meeting Minutes  
January 8, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, January 8, 2015. The pledge of allegiance was given by Schyler Walker and Kirk Olsen offered the prayer.

The Mayor asked the clerk to call the roll.

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

Also present: Robin Dunn, Chief Hammon, and Rick Lamoreaux.

**Amend Agenda:**

Mayor Richardson indicated he would like to amend the agenda to include employee of year. Councilman Maloney moved to amend the agenda seconded by Councilman Taylor.

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

**Public Hearings:**

The mayor indicated there were sign-up sheets at the back of the room and reminded everyone wishing to speak would need to sign in. He then asked that the sign in sheets be brought forward. The mayor noted that Mr. Barry Lewis has sent in a letter along with Mr. Coletti.

**Assessment Roll LID #8:**

**Letter from Barry Lewis:**

The mayor read a letter that he received from Barry Lewis. The mayor said he would respond to his concern at the close of the public hearing. His letter had two concerns: appropriation of the city's share of 70% of which he is also participating and the assessment on an empty lot.

**Terry Cardwell**

Mr. Cardwell was speaking on behalf of Barry Lewis who could not attend this evening. Mr. Lewis wanted to know about the terms of the assessments and if the schedule would be variable terms.

**Todd Johnson**

Had questions concerning the method of collection of the assessment and what the terms of the payment plan would be.

The mayor asked what his preference was: Mr. Johnson indicated the longest term if there is no interest penalty.

The mayor then asked Mr. Cardwell what his preference would be: Mr. Cardwell indicated 10 years.

**Jeff Coletti:**

Had concern with the date of the mailing of the notice, a day before Christmas. He still feels that when the road was tore up in 1993, that the road would then be repaved and brought up to standard which it never was. Questioned the affordability of additional debt with the LID. He cannot take on any more debt. The assessment puts him at 105% of value with the assessment being placed on his property. The effect will force homeowners out of their homes.

The mayor asked what his preference was: Mr. Coletti indicated the longest term if there is no interest penalty.

**Deanna Dinsdale:**

Concerns with snow plowing being placed on the sidewalks. Feels the city should clear the snow off the sidewalks. She expressed concern with the speed along 1<sup>st</sup> North has not seen any law enforcement since it was built. She has noticed that no one walking or using the sidewalks.

The mayor asked what her preference was: Mrs. Dinsdale had no preference.

**Darwin Dinsdale:**

Questioned why the council was conducting a hearing, he felt the council had already made up their minds. Asked why Dove and Annis were not completed using an LID. Mr. Dinsdale felt there may have been special favors done to exclude Dove Ave. One of Robin Dunn's law partner was Paul Ziel and whose father, Bob Ziel lives on Dove.

At this point the mayor interrupted Mr. Dinsdale and asked him not to make accusation towards individuals or to other actions of past LID but to make your opinion as it relates to the LID assessment.

Mr. Dinsdale wanted to say all his comments pertain to the LID because he is against any assessment on W 1<sup>st</sup> North. He and the mayor exchanged comments back and forth until Mr. Dinsdale asked when a citizen could pay cash on the assessment without paying any interest. Councilman Walker indicated the time period was 65 day from the date of the notice until the assessment would be levied. Mr. Dinsdale noted the same time period and wanted to know if the council knew the time.

The mayor asked what his preference was: Mr. Dinsdale had no preference.

After reviewing the sign-up sheets, the mayor indicated that several other had entered the room and asked if anyone wanted to come forward and speak on the LID.

The mayor asked the clerk to review the procedures between seeking outside bond financing or financing the LID internally. The clerk reviewed the added fees necessary to seek bond counsel and once the bonds were solicited and awarded, the option to prepay would not be available without a prepayment penalty.

The mayor then closed the public portion of the hearing at 7:25PM.

The mayor next addressed the concerns noted in Mr. Lewis letter. The 30% share is the residents of 1<sup>st</sup> North, the 70% being paid from the city funds, are indistinguishable to any one resident but belongs to all of the residents.

The empty lot is being assessed the same as a lot containing a home.

Councilman Olsen was concerned with a prepayment penalty and did not feel such a penalty was warranted.

Councilman Olsen also was concerned about the mailing before Christmas. The clerk indicated the statute required the mailing of the notice be no less than 15 days prior to the date of hearing which was December 24.

The mayor asked the clerk to explain the term available for the LID. The clerk indicated all of the LID assessments would be tied to a single term. That is not to say that individuals would be prevented from paying at a faster rate as long as their payment did not extend past the term set by the council

The mayor also preferred a longer term without prepayment penalty.

Councilman Simonson preferred a 20 year term.

Councilman Taylor also felt 20 years was sufficient.

Councilman Maloney concurred with the 20 year term.

The clerk indicated the current rate earned on money market is 00.007% and one CD is 2.25%. The mayor indicated that if the rates of interest were to increase in the future, any "lost" interest would be foregone interest.

The mayor then indicated the next item would be the rate of interest to be charged. The clerk stated that when Rexburg seeks financing they have a resident that purchases the LID and have not in the past sought any other outside financing. For projects under \$200,000 they finance internally using the last rate they obtained from the local resident.

The Mayor felt the rate should be a low as possible. The council discussed the term, rate of interest and whether or not to seeking outside financing.

Councilman Simonson moved that the LID #8 financing be done internally seconded by Councilman Maloney.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

Councilman Taylor moved the rate of interest to be charged on the LID #8 be 3% annual with a 20 year payment term seconded by Councilman Walker.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes

Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

Councilman Taylor moved the city not assess a prepayment penalty for early payments on LID #8 seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

Council polled the audience when the annual payment would best be due: May 1 was accepted.

**Public Hearing: Amending Sale of Beer/Liquor on Sundays:**

The mayor noted that the council had received a petition of approx. 15-17 pages of patrons favoring the sale of beer/liquor on Sundays.

**Doug Murray:**

Mr. Murray come forward and spoke in favor of the change in the ordinance. He reviewed several of the individual pages of the petition submitted to the council. He stated several other cities around Rigby allow beer/liquor sales and he and the other bars owners felt whether or not they sale on Sunday should be individual choice.

**Leann Butikofer:**

Wanted to know what the difference is between selling liquor on Saturday versus Sunday. By having the businesses closed on Sunday, it only hurts the Rigby merchants.

**Garth Cordon:**

Mr. Cordon came forward and recapped the law as it was years ago. Then sometime later, Rigby closed all beer and liquor sales on Sunday. Then years later allowed retail stores to sell. He felt where Idaho allows the sale on Sunday why does the City feel it need to override the state which has the authority over liquor.

The mayor stated that the closure is an established standard and cultural that been in force for years. He felt opening it would be a cultural shift.

Councilman Walker does see a change that has occurred over the years.

Councilman Taylor asked Chief Hammon if there will be an increase in enforcement on Sunday. The chief felt it would not increase patrol. It would be similar to a Monday evening shift with one patrol on duty.

Councilman Maloney felt the city is a quiet city and peaceful on Sunday and he preferred to keep it that way. He sees no need to change the ordinance.

Councilman Simonson felt government shouldn't regulate business.

Councilman Taylor is opposed to drinking but believes in free enterprise.

Councilman Simonson moved to amend the ordinance to delete the word "Sunday" and the restrictions of not allowing liquor sales on Sunday from the ordinance seconded by Councilman Walker.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	No
Councilman Simonson	Yes
Councilman Olsen	Yes

**Public Hearing – Intermountain Gas Franchise Renewal**

The mayor noted no individual wanted to speak concerning the Intermountain Gas franchise.

Having no public comment: Councilman Taylor moved to approve and to publish Ordinance #2015-576 seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

**Public Hearing – Restricting \$600,000 of Water Revenue Fund:**

Councilman Taylor expressed concerns with the restriction that in the event an event occurred excluding a well or storage tank can the city has access to the restricted funds. The Mayor stated yes through the process of unrestricting the funds however, the city currently has just \$500,000 in funds over and above the \$600,000.

The mayor noted no individual wanted to speak concerning the restriction of the water revenue fund.

Councilman Simonson moved to publish the proposed ordinance #2015-578 – the restriction of \$600,000 of the water revenue fund for the construction of a water storage tank and/or potable well seconded by Councilman Olsen.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

**Ordinance #2015-575 – Confirming LID #8 Assessment Roll, terms, rate of interest and annual due date of May 1.**

The council discussed that the term of LID #8 be twenty years at 3.0% annual interest and an annual due date of May 1 for each succeeding year thereafter.

Councilman Simonson moved that the clerk cause the assessment roll of LID#8 be 20 annual payments, at 3% annual interest and an annual due date of May 1 for each succeeding year be published as required by state statute seconded by Councilman Maloney.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

#### **Employee of the Year:**

The mayor called Rick Lamoreaux forward and presented him with the 2014 employee of the year award.

#### **Approval of Bills:**

The clerk noted one addition to the bills list: Collin Radford for snow plowing at the airport in the amount of \$900.

Councilman Taylor moved to approve the bills including the bill to Collin Radford seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes

#### **Approval of Minutes:**

Councilman Walker moved to approve the minutes seconded by Councilman Maloney.

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

#### **Other Council Business:**

- Snow Plowing: The mayor complimented the road crew for plowing snow on Christmas Day. He noted three employees worked the weekend of Christmas – Sat and Sun- plowing snow.
- Personnel Policy: The mayor handed out a genic personnel policy that he wished the council to review for later discussion. He noted longevity pay has been eliminated for the draft copy. He also discussed the section where an employee elects to run for elective office (mayor or council) he could be terminated. The mayor felt this should be modified but termination should not be a course of action.
- Plowing snow on sidewalks: Councilman Taylor asked public works to look into this if it is happening.
- Blocking of Mail box: Public works indicated they try to get close to the mail boxes when they plow but not every box is left unaffected.

- Controlled speed on W 1<sup>st</sup> North: The mayor asked if it was possible to conduct a traffic speed study along W 1<sup>st</sup> North. He wanted to know if W 1<sup>st</sup> North is any different than any other street in town.
- **Public Comment:**  
None

**Adjournment:**

Councilman Simonson moved to adjourn, seconded by Councilman Olsen.

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

Meeting adjourned at 8:45pm.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk