

City of Rigby  
Council Meeting Minutes  
July 2, 2013

Mayor Smith called the meeting to order at 7:00PM Tuesday, July 2, 2013. The pledge of allegiance was given by Officer Tower, and Councilman Maloney offered the prayer.

Mayor Smith asked the clerk to call the roll.

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

Also present: Attorney Rob Dunn and Officer Sam Tower.

The Mayor thanked Councilman Maloney for presiding over the last two council meetings and thanked the council and community for their thoughts and support in the death of his mother.

Swearing in New Councilman:

The Mayor called Patrick Sullenger to come forward and administered the oath of office to him - office of city council.

**Public Hearing: - Proposed Increase in Septic Dump Fees:**

The clerk presented the reason behind the proposed rate increase for septic dump haulers at the wastewater treatment plant. The clerk noted the proposed percentage increase exceeded the 5% and therefore a formal notice of hearing was published. The published notice of hearing must be run once each week for the two weeks preceding the week of the public hearing. The advertisement must state:

- The date, time and place of the hearing.
- That the purpose of the hearing is to take public testimony regarding the new/increased fee.
- To explain the reasons for the new/increased fee.

The stated the notice was published in the local paper the weeks of June 19 and June 26 which met the requirements.

The clerk concluded his presentation and the Mayor reminded anyone in attendance who wished to speak either for, neutral or in opposition to the proposal needed to sign the sign in sheet.

The Mayor indicated that no one had signed up in favor or neutral, John Simon had signed up in opposition to the fee.

John Simon: Came forward and stated he was not so much opposed to the fee increase as he was on the limited hours that the plant was open. He stated the plant was not open during Saturday's and he would like to have some consideration made to accommodate Saturday services. Many of his customers are only available during Saturday. He would like the city to consider having partial hours of operations on Saturday.

Being no other person wished to speak the Mayor closed the public testimony at 7:07pm and opened the topic for council discussion.

The Mayor discussed with the public works that the city will look into working out something maybe by appointment or limited number of hours.

Motion by Councilman Simonson moved to approve the septic fee increase seconded by Councilman Maloney.

The Mayor asked the clerk to poll the council:

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye
Councilman Zimmermann	Aye
Councilman Sullenger	Aye

Discussion on Adopting Revised Street Classifications:

The clerk came forward and recapped with the council that the comments made during the proposed 1<sup>st</sup> North LID lead him to review a study conducted by Thompson Engineering entitled “Local Improvement District Feasibility Study – 2009.” The city has the following streets classifications:

- Major Arterial
- Section line Roads or other Arterials
- Existing Arterial in existing built-up area
- Industrial or commercial streets
- Collector or Secondary Street
- Minor streets and cul-de-sacs

Each of the above had required right-of-ways and required paved road width.

In the report Thompson recommended that the city adopt a street classification. Thompson stated that the current city code does not adequately define what streets belong to which classification. The Rigby/Jefferson County Transportation Plan also recommended several changes to the ordinance in regards to the rules for street design and layout. Thompson recommended the street classification be updated to correspond with ITD classification. Those recommended classifications are:

- Minor Arterial
- Major Collector
- Minor Collector
- Local Street

By not having an assigned street classification for the existing streets and proposed new streets leaves the street classification open to subjective evaluation. The clerk referred to an insert in the report (copy attached) with recommended right-of-ways and street width. The report also had a map showing the streets assigned by classification as recommended in the report.

The clerk mentioned the agreement signed with H&S Development mentioned 1<sup>st</sup> North being a collector street. The agreement did not define collector as either a major or a minor collector street. 1<sup>st</sup> North based on the Thompson report defines it as a minor collector road. By having a street classification in place the subjectivity of determining the classification of the streets would be eliminated.

Public works Rick Lamoreaux came forward and recapped the traffic flow per day also determines street classification. The street classification in the report also reduces the right-of-ways presently being used. In addition, road width would be narrowed which reduces overall long term cost in annual maintenance costs.

After a brief discussion, the Mayor recommended the council review the study and review the topic in the July 16 meeting.

Discussion on Abatement of Dangerous Buildings:

The clerk went through the changes that the council discussed in the June 18 meeting. Those items discussed were changed and are reflected in the draft copy dated June 18, 2013.

The Mayor instructed the clerk to have the abatement of dangerous buildings on the next council agenda so council can proceed to ordinance stage.

Discussion of LID – Dove Ave:

The clerk informed the council that a review of the “Water Facilities Planning Study” conducted by Keller and Associates recapped several areas of concern involving the city’s water system. He summarized several projects cited in the study by Keller’s that needed improvement and/or upgrading. One of those was the Dove Ave. water line. Over the course of the past few weeks the discussion was made of replacing the water line serving the two potato warehouses. It was mentioned that the line would be paid from the water fund. The question arose: Is it appropriate to have some residents pay for their water line while another set of residents their water line is paid from city funds?

When the Dove Ave. project was discussed (2011) the water fund had a surplus balance of around \$575,000. Since then the surplus in the water fund has increased to \$975,000. The cost of the project excluding IDEQ funding, based on the engineer’s estimate, is around \$506,000. The citizens were being asked to fund the cost of the water line of \$130,000. Being the water fund surplus has increased over the last couple of years’, the clerk recommended the city drop the proposed LID project on Dove Ave. and the city fund the project from the water account.

A second reason is the time to complete the LID process in which public hearing would have to be advertised and held prior to construction. With the required two public hearings the added time for those hearings being advertised and holding the public hearings will extend the start date for construction to September. By side stepping the LID process, construction could begin in August. IDEQ is reviewing the plans and will make a decision around July 10. Once IDEQ has approved the plans, the plans can be written and let for bids. The bid process usually takes four weeks.

The clerk recapped the projects that need to be budgeted for in the long term planning as well as projecting the needs for a possible well/storage tank. He mentioned the need for the well/storage tank with the conversion of the parks from well water to surface water has been shifted forward. He pressed the need to continue to work on the capital improvement plan for the city’s entire infrastructure.

Councilman Olsen asked why water funds couldn’t be used on 1<sup>st</sup> North. The clerk indicated the three enterprise funds are dedicated funds and with specific revenues being charged for those services and code does not allow diverting funds from an enterprise funds to other uses.

Councilman Simonson asked about a time table when a well/storage tank will be needed. The clerk said the Keller report did not factor anything in for the conversion of the parks. The need for a well/tank has been pushed forward but the exact time is uncertain. The clerk commented the school has recently converted the old high school from well water to surface water. So with the conversion of the two parks in the city along with the high school conversion, daily demand on well water will be reduced.

The Mayor asked the council to review the topic over the next two weeks and the item will be on the July 16 agenda.

Sewer Damage Claim – DePatco/Hutchens:

The mayor explained that while the pressure line was being pipe burst on 3<sup>rd</sup> West, Mrs. Hutchens service line ran over the pressure line. When the line was burst, the resulting bursting caused Mrs. Hutchens service line to fail. The two sub-contractors insurance carrier involved in the sewer project denied that their client was at fault. DePatco's carrier also denied fault. The damage occurred in May 2012. To settle the issue with Mrs. Hutchens the city withheld \$15,000 from DePatco's last pay request. From those funds Mrs. Hutchens was paid \$10,667 and the balance of the \$15,000, \$4,333, was forwarded to DePatco. DePatco is demanding payment of the withheld funds and if not paid a suit will be filed. The Mayor felt the city was morally obligated to settle with Mrs. Hutchens being she has incurred damages and needed to be made whole. The attorney stated that he has been in contact with DePatco's attorney and felt some consideration will be made with DePatco and the city in that DePatco did not want to sour the working relationship they have with the city. There is an ongoing discussion between the two attorneys.

The Mayor indicated the \$10,667 was included in the account payable to be approved but would like council action on the payment in addition to approving the account payable list.

Councilman Maloney moved to authorize the payment of the \$10,667 to DePatco of withheld funds seconded by Councilman Zimmermann.

The Mayor asked the clerk to poll the council:

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye
Councilman Zimmermann	Aye
Councilman Sullenger	Aye

Other Council Business:

- Councilwoman Hinckley asked about letters to property owners with noxious weeds. Officer Tower responded to his knowledge the compliance office has sent out a number of letters giving the property owners 30 days to control the weeds.

Review and Approval of Bills:

Councilman Zimmermann asked about the bill for the camper top. The clerk explained it was a pickup box camper top for the police chief pickup.

Councilman Simonson moved to approve the bills seconded by Councilwoman Hinckley.

The Mayor asked the clerk to poll the council:

Councilwoman Hinckley	Aye
Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Simonson	Aye
Councilman Zimmermann	Aye
Councilman Sullenger	Aye

Approval of Minutes:

Approval of the June 18, 2013 minutes: Councilman Simonson noted that on the fireworks permit he had recused himself from voting.

Councilman Zimmermann moved to approve the minutes of June 18, 2013 seconded by Councilman Maloney.

The Mayor asked for a voice poll of the council: All in favor none opposed.

Public Comment:

None

Adjournment:

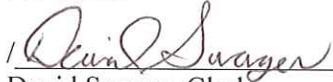
Councilman Simonson moved to adjourn at 8:07pm seconded by Councilman Maloney.

The Mayor asked for a voice poll of the council: All in favor none opposed.

CITY OF RIGBY

  
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Keith Smith, Mayor

ATTEST:

  
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David Swager, Clerk