

City of Rigby
Council Meeting Minutes
June 18, 2013

Due to the Mayor Smith mother's funeral was held this date, Councilman Maloney conducted the meeting. The council president called the meeting to order at 7:00PM Tuesday, June 18, 2013. The pledge of allegiance was given by Councilman Simonson and Councilwoman Hinckley offered the prayer.

Councilman Maloney 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 Chief Hammon.

Appointment of Councilperson:

The clerk indicated that the Mayor would like to submit the name of Patrick Sullenger into nomination as a council member. The clerk read a brief biography of Mr. Sullenger.

The chair asked the council for their discussion. Councilman Olsen indicated he thought a younger person on the council was a good idea. He commented on his grandfather working for the city for a number of years felt he brings with him a certain background that will aid him. Councilwoman Hinckley commented she knows Mr. Sullenger and felt he was capable for the position. Councilman Zimmermann although not knowing him, felt the comments were positive.

Councilman Simonson moved to accept the nomination of Patrick Sullenger and to appoint him to the vacant council seat seconded by Councilwoman Hinckley.

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

Development Agreement – Oaks Retirement Center:

The clerk presented the council with a copy of the development agreement for the Oaks Retirement Center. The property is located outside of the city limits and is seeking permission to access city water and sewer services. The clerk indicated the engineer for the city along with the public work department have reviewed the agreement and feel it contains what is needed.

Councilwoman Hinckley moved to authorize the mayor to sign the agreement, with a correction in double wording, seconded by Councilman Olsen.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley	Aye
Councilman Maloney	Aye

Councilman Olsen Aye
Councilman Simonson Aye
Councilman Zimmermann Aye

Discussion on Abatement of Dangerous Buildings:

Councilwoman Hinckley stated she reviewed the draft copy dated June 6, 2013. She stated under section E- Abandoned Construction Sites the property needed to include R-2. After discussion and reference to page one which defines dangerous building as all buildings. The attorney recommended the language being referred to should include the same as defined on page one.

Councilman Zimmermann referred to item G concerning minimum height of exposed rebar. Twenty-four (24) inches was discussed as being the minimum height allowed. Upon later discussion the clerk was instructed to consult with a building inspector regarding minimum height.

Under the section "Appeal of Board" the sentence referencing the appeal should be prepared in accordance to an unidentified section should be deleted being it was covered and outlined in a later section.

Under the section "Notice of Required Abatement" sentence D the date in which the owner's designated representative has to contact the building official was discussed to be thirty (30) days. Continuing in the same sentence the notification must be in writing and delete the phase ... and within XX days" being the date in which to respond was stated in the first sentence being thirty (30) days.

The council discussed the section "Expense of Abatement." The attorney indicated the costs of demo a building would have to be paid from city funds and the time until those funds could or would be recovered could take a number of years. The clerk indicated the amount needed to be established is unknown in dollar amount but a trust account could be established that would provide a fund to accumulate the needed funds.

The council directed the clerk and the attorney to prepare a final draft copy for council's consideration at the July 2, 2013 meeting.

Adoption of Ordinance #2013-561 – Adoption of 2013 Zone Map:

The clerk reviewed with the council the process that had been followed regarding the updating of the zone map.

Councilman Simonson moved to adopt ordinance #2013-561 seconded by Councilwoman Hinckley.

Councilman Maloney asked the clerk to poll the council.

Councilwoman Hinckley Aye
Councilman Maloney Aye
Councilman Olsen Aye

Councilman Simonson Aye
Councilman Zimmermann Aye

Discussion on quiet title West 1st North:

Councilman Simonson asked who will be responsible to any relocation of the utility lines if they needed to be re-located.

Councilwoman Hinckley stated that one of the problems was information. She indicated that a newsletter has been drafted and feels the information needs to be distributed to the residences and she would distribute them. The council was supportive of the newsletter. Councilwoman Hinckley indicated that if the any of the council would like something added feel free to add information

Councilman Simonson asked if all the landowners had been contacted. The attorney indicated that Justin Stiffler from Dioptra has contacted all but one or two of the affected landowners. Councilman Simonson stated that the process is held in limbo until all persons have been served. He also indicated that it was his feeling that if the LID is completed the land not being used by the road be titled back to the respective landowners.

The Chair asked the attorney if he had any comment on the quiet title. The attorney stated the quiet title was necessary, irrespective of any individual opinion, to put the road together with or without an LID. The road needed to be placed on property owned by the city. The quiet title is a method of placing the road. The attorney indicated that regardless of the information provided, misinformation continues to prevail. He went through the process of publication, serving the affected property owners (one property owner has not been served) and the twenty (20) day waiting period until the judge sets the date for the hearing. That date is up to the judge's discretion and his schedule. Once the hearing is set the affect property owners will then have an opportunity to present their argument. He felt the city newsletter is an excellent method to present the city's point of view.

Noxious Weeds:

Jay Clark came forward and explained to the council the problem he was having with three parcel of ground east of the substation that is causing concern due to the amount of weeds that are going to seed. He indicated the letter that the compliance office which indicated she had sent out letters giving them ten (10) days to respond and then another fourteen (14) days to complete the weed eradication. Mr. Clark indicated the time period being allowed in the letter would not solve the problem of the weeds going to seed. He obtained copies of the ordinance and the ordinance does not state any specific date. He would like the council to review the time period and take action on the weeds earlier in the year than occurred this year.

The clerk indicated that he had contacted the county weed supervisor and the county would come in on city property and spray for noxious weeds at the city's request and bill the property owners. The letter was given to Mr. Clark.

Chief Hammon informed Mr. Clark and the council that the compliance officer was attending a weed seminar this week.

Fireworks Permit:

The clerk explained that the Broulim's store did not receive a notice with the other vendors in the city that sell fireworks. Broulims has now completed the application process and need council permission to sell fireworks.

Councilman Zimmermann moved to approve the firework permit to Broulim's seconded by Councilman Olsen.

Councilman Simonson recused himself due to conflict with his wife working at Broulim's.

Councilwoman Hinckley recused herself due to a conflict with her daughter working at Broulim's.

Councilman Maloney asked the clerk to poll the council.

Councilman Maloney	Aye
Councilman Olsen	Aye
Councilman Zimmermann	Aye
Councilwoman Hinckley	Recused and did not vote.
Councilman Simonson	Recused and did not vote.

Other Council Business:

- Easement Edmark to Farnsworth: Rick Lamoreaux explained that the easement from Edmark to Farnsworth was being worked on. He thought the easement would be completed at the end of the week and the engineer could then proceed with the balance of the design and bids specs.
- Airport Open House: Councilman Zimmermann reminded the council of the invitation to the airport open house being held this weekend.
- Stampede Days: Councilwoman Hinckley reminded the council of the parade being held this weekend along with the Rotary Breakfast and rodeo. The council will ride on the city's fire truck.

Approval of Bills:

The council reviewed the bills and asked questions on the bill to DePatco and Jolene Hutchens. The clerk explained the two bills added to the \$15,000 that the city withheld from DePatco's last pay request pending resolution of the sewer claim that occurred on Mrs. Hutchens home.

Councilman Simonson moved to pay the bills as presented through June 18, 2013 seconded by Councilman Zimmermann.

Councilman Maloney asked the clerk to poll the council.

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

Approval of Minutes:

The council reviewed the minutes of June 4, 2013 and with one correction, Councilwoman Hinckley moved to approve the minutes as corrected seconded by Councilman Simonson.

The chair asked for a voice poll: All in favor none opposed with Councilman Zimmermann recusing himself.

The council reviewed the work meeting minutes of June 6, 2013: Councilwoman Hinckley moved to approve the minutes of June 6, 2013 seconded by Councilman Olsen.

The chair asked for a voice poll: All in favor none opposed with Councilman Zimmermann recusing himself.

Public Comment:

- Barry Lewis:

Commented the zone map that should be the map printed March 2013. He stated the right of way on 1st North should be a 40 foot right of way. Mr. Lewis stated the pavement in front of his home is less than 38 feet. The citizens want pavement only. He referred to the H&S agreement regarding zoning on the 5th West corridor to change from anything other than R-1 the 5th West will be widened to city standards and paragraph E refers to if and when 1st North is improved it will be to city collector road standards. The 60 foot right of way causes the homeowners concern and encouraged the city to stay with the 40 foot right of way that the city currently has. In addition with the reduced road width the cost could be reduced by 50% based on his calculations.

- Craig McAllister:

Stated he is totally opposed to 1st North being collector street. He commented that for 30 years 1st North dead ended at the end of 5th West. He wanted the road dead ended. He has lived on that road for 30 years and has never been a safety concern.

- Darwin Dinsdale:

Questioned the legality of having an unadvertised hearing done at last council meeting. There were four persons on the agenda last time and yet other members of the public were allowed to address the council. The issue was clouded due to other persons speaking. LID is nothing but a delay and the road needs to be repaved and do away with the LID.

- Linda Breckenridge:

Questioned the delay in repaving and completing the water line on Dove Ave. The residents were informed it would be completed this year yet no work has been started.

- Deanna Dinsdale:

Stated that Hunter Creek paid nothing towards egress roads. Nothing has been done concerning the weeds in the area. She then went on and read part Judge Moss decree in

dismissing the complaint and cross complaint between the city and H&S Development stating it was dismissed with prejudice. The H&S settlement was not part of the judge's decision. She cited several areas around the city that do not have sidewalks. She recommended putting a blockade at the end of 1st North and at Aspen Dr.

- Jeff Colletti:

Felt he has no representation on the city council. He recapped the installation of the water line in 1998. He stated the road has never been paved. It has been chipped and sealed but never paved. None of his neighbors are in favor of an LID. He referenced the right of way is 40 feet that he has in his deed. He felt the assessment of an LID is unaffordable to him at any amount.

The chair asked if there were any other comment, being none the clerk asked if he would read a letter sent to him by Terry Kofoed.

The clerk read the letter and copy attached to these minutes.

Adjournment:

Being no other council business, Councilman Simonson moved to adjourn seconded by Councilman Zimmermann.

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

Meeting adjourned 8:37pm.

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:



David Swager, Clerk