

**City of Rigby
City Council Meeting
November 20, 2007
7:00 p.m.**

Councilman Marriott stated Mayor Brown was excused this evening due to illness. Councilman Marriott welcomed everyone to the meeting and turned the time over to Councilman Maloney who invited everyone to join him in the pledge of allegiance. Councilman Marriott then turned the time over to Councilman Blackburn who gave the prayer.

Jeanne Kerbs, City Clerk/Treasurer, performed roll call. Those present were: Councilman Marriott, Councilwoman Chapple, Councilman Smith, Councilman Maloney, Councilman Blackburn and Councilman Day. Those absent were: Mayor Brown.

Settlement Agreement-

Councilman Marriott stated the next item on the agenda was the settlement agreement between the City of Rigby and H&S Development. Councilman Marriott explained the council should have the corrected version of the agreement in their packets and asked for any questions or discussion. There was a brief discussion regarding some of the changes that had been made in the agreement.

Shan Perry, 1000 River Walk Drive, Idaho Falls, former City Attorney, stated he would recommend the city change the verbage in paragraph 7 part D to reflect the zoning and 5th West changes on the parts of the city and the developer. Mr. Perry suggested the change state the responsibility to widen the street be on the part of the developer rather than the city. There was a brief discussion on the wording.

Paul Hepworth, 571 Aspen Drive, interjected stating the reason the agreement was worded the way it was due to the city being able to cause certain work be done through upcoming development agreements. There was a brief discussion regarding the settlement agreement, how it would affect future developers and possible challenges with city code, traffic, safety and fire concerns.

Councilwoman Chapple moved to accept the settlement agreement as written. Councilman Day seconded. All were in favor.

Reclassification of Utility Services-

Councilman Marriott stated the next item on the agenda was for a reclassification of utility services for Clair Koplins. Councilman Marriott asked if there was someone present for this item and Ms. Kerbs stated there was a letter in the packet because there was a health concern with the Koplins and so they weren't able to attend. Councilman Marriott read the letter into record as follows:

Subject: Request Reclassification of Water/Sewer Charges

For many years now we have appreciated the services for our home and business at 160 East 1st South. My husband's health has made it impossible to operate the Upholstery business. He is now on dialysis three days a week and has not been able to operate the business for about a year.

Would you kindly consider evaluating our charges and make the necessary adjustments to a single residential dwelling?

Thank You

Mrs. Clair Koplín

Mrs. Clair Koplín

There was a brief discussion regarding what the charges are for business versus residential. Councilman Blackburn moved to approve the change from a business to a single residence and adjust the utility bill accordingly. Councilman Maloney seconded. All were in favor.

Speed Limit Signs on Stockham-

Councilman Marriott stated the next item on the agenda was regarding speed limit signs on Stockham and turned the time over to Lanna Killingsworth for her presentation.

Lanna Killingsworth, Ririe, explained that on September 7, 2007 she came off Farnsworth where the speed limit is 45 mph onto Stockham she received a citation for speeding. Mrs. Killingsworth stated after the officer left she retraced her path and couldn't find where there was a speed limit or a posting of the city code placing the speed limit at 25 mph. Mrs. Killingsworth stated the speed limit on Rigby Lake Drive is 35 mph but there isn't anything on Stockham. Mrs. Killingsworth referred to city code and state statute regarding the assignment of speed limits and posting of sign requirements. Mrs. Killingsworth stated she felt the signs should be on both sides of the road not just one. Mrs. Killingsworth stated she would like someone researching the number of citations given on this road since being opened to the public under the supervision of the councilmember over the police. Councilman Marriott asked what area was being referred to and Mrs. Killingsworth stated it was west of the four-way stop on Stockham.

Larry Anderson, Police Chief, stated there was a posted 25 mph speed limit sign on the west end of Stockham and a pole on the east end where a sign had been over by Westmark. Mr. Anderson stated the sign has been removed but the pole remains there. There was a brief discussion regarding the ease of removal for signs, the developer being responsible for sign placement at development stages and the city having just purchased more signs. Councilman Blackburn asked if there was a way to get a number of citations issued and Chief Anderson stated he didn't know for sure but there hadn't been very many and of those issued the most were for blown stop signs. Chief Anderson stated he couldn't confirm when it was removed but could guarantee it had been replaced yesterday.

It was decided the council couldn't make any decisions based on the ticket. Chief Anderson stated he would speak with the officer involved. Mrs. Killingsworth stated she brought it to city council

because they had the authority to ensure the posting of signs. Chief Anderson stated he wished Mrs. Killingsworth had brought this matter to his attention when it happened and he could have done something at that time.

Utility Services from Tenant to Landlord-

Councilman Marriott stated the next item on the agenda was regarding utility service from tenant to landlord for Bruce Marler. Mr. Marler was not in attendance so the matter was not heard.

Public Intoxication-

Councilman Marriott stated the next item on the agenda was public intoxication and turned the time over to Police Chief Larry Anderson.

Chief Anderson stated the problem the officers were facing was public intoxication and those people causing alcohol related public disturbances. Mr. Anderson stated there was an item in the code book regarding this issue but it didn't contain enough to be able to make an arrest and so he was asking for something similar to other cities that would give that authority.

Robin Dunn, City Attorney, stated he had an ordinance ready but hadn't presented it to all members of the council because he wanted to see if they were agreeable to consider this type of an ordinance. There was a brief discussion regarding what problems were occurring and the increase of this issue. It was decided to recommend this become an ordinance. Mr. Dunn stated he would have an ordinance prepared and present at the next city council meeting.

Airport Board Member-

Councilman Marriott stated the next item on the agenda was for the appointment of a member to the airport board and explained the name that had been presented was John Anderson. Councilman Marriott stated Mr. Anderson was the former Mayor for the City of Rigby.

Councilman Smith moved to approve the appointment of John Anderson to the Airport Board. Councilman Day seconded. All were in favor.

2 Hour Parking on 1st West-Dentist Office-

Councilman Marriott stated the next item on the agenda was regarding 2 hour parking on 1st West and turned the time over to Councilman Smith for his presentation.

Councilman Smith explained a new doctor had taken over Dr. Round's business across from the Junior High. Councilman Smith stated this new doctor had talked to him about the problem with students, visitors and/or teachers parking in front of his business, and it's creating a problem for his patients. There was a brief discussion regarding problems this could cause and whether the city should do it or not. There was a brief discussion regarding alternatives and possible police enforcement options. It was decided they would watch it through January and if necessary take steps to make the enforcement at that time.

Water and Sewer Services for New School-

Councilman Marriott stated the next item on the agenda was for water and sewer services for the new school. Councilman Marriott stated this item was actually under the direction of the Mayor and they had talked about setting up a work meeting with various parties. There was a brief discussion

on possible dates for a work meeting that would accommodate everyone's schedule. It was decided the work meeting would be held on Thursday, November 29, 2007 at 7:00 p.m.

Jaramie Magera, 332 N. 4440 E., stated he wasn't speaking on behalf of the school board but had talked to them in great length. Mr. Magera stated he and Mr. Tolman felt there were two issues that needed to be addressed with the first being whether the city would annex the Hailey Creek property into city limits and the second being whether the city would allow the school to connect into city water and sewer services. Mr. Magera stated they believed the answer to be yes on both of these items after due process. Mr. Magera stated at this time the question was how much the city was willing to contribute monetarily.

Development Task Force-

Councilman Marriott stated the next item on the agenda was for a development task force and turned the time over to Paul Hepworth for his presentation.

Paul Hepworth, 571 Aspen Drive, stated there was a great effort in the county to get a handle on the growth, zone changes and developments. Mr. Hepworth stated the county had approached him and asked that he present to the city and see about the possibility of forming a development task force. Mr. Hepworth suggested they have a member of planning and zoning, a member of city council and local developers. Mr. Hepworth stated this task force would look at who should pay for what, who should be responsible for what work, who should or could participate, who is vested and other things like that. Mr. Hepworth stated if the city was agreeable to this then he would go back to the people who approached him and get things started. It was decided to allow Mr. Hepworth to do this.

Approval of Bills and Minutes-

Councilman Marriott stated the next item on the agenda was the approval of the bills and minutes. Councilman Marriott asked if everyone had had a chance to look over the bills and if there were any questions or comments. Councilman Smith moved to approve the bills. Councilman Day seconded. All were in favor.

Councilman Marriott asked if there were any questions or changes to the minutes. Councilwoman Chapple moved to approve the minutes as presented. Councilman Smith seconded. Councilman Blackburn abstained due to his absence from that meeting. All others were in favor.

There was a brief discussion on the status of the wastewater system. Ms. Kerbs announced that the new garbage truck had been delivered and would be in service tomorrow. Councilman Day asked for clarification on whether the citizens would receive snow removal parking tickets even if it wasn't snowing and Chief Anderson stated they would. There was a brief discussion as to what happens during this time and problems the parking cause.

Councilman Blackburn moved to adjourn the meeting. Councilwoman Chapple seconded. All were in favor. The meeting was adjourned at 8:25 p.m.

Ryan H. Brown
Mayor

Jeanne Kerbs
City Clerk