

**City of Rigby
City Council Meeting
December 16, 2008
7:00 p.m.**

Mayor Brown welcomed everyone to the meeting and turned the time over to Gary Williams who invited everyone to join him in the pledge of allegiance. Mayor Brown then turned the time over to Barbara Brown to give the prayer.

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

Public Hearing-Zone Change-Kyle Bennett-

Mayor Brown stated the next item on the agenda was a public hearing for a zone change and turned the time over to a representative for their presentation.

Kyle Bennett, 5163 Lindee Lane, Ammon, stated he was there this evening to request a zone change from R-1 to Commercial on property adjacent to the Armory and City pump house. Mr. Bennett gave a brief explanation on the location of the property. Mr. Bennett explained he had attended a planning and zoning meeting about a year ago when there was a discussion on the operating steel factory. Mr. Bennett stated it was at that meeting when he realized having this property as R-1 was probably not the best solution. Mr. Bennett explained his reason for wanting to have this property as commercial. Mr. Bennett stated he had talked to the armory and they didn't have a problem with this change because they would need to change in order for his property to be contiguous. Mr. Bennett stated he was looking at either storage units or office space and explained the easement on the property. Mr. Bennett explained this proposal had gone to Planning and Zoning and it had been approved there and so he was asking the zone change be approved with the council as well.

Mayor Brown opened the public hearing at 7:05 p.m. and asked for any testimony in favor. No testimony was given.

Mayor Brown asked for any testimony against. No testimony was given.

Mayor Brown asked for any testimony neutral. No testimony was given.

Rick Lamoreaux, Park/Street/Sanitation Supervisor, interjected saying there were no city sewer services on the south side of 2nd South from 1st West to 2nd West. Mr. Bennett asked what services all the homes and Mr. Lamoreaux stated there were individual septs. There was a brief discussion regarding how this would affect his plans for the property.

Mayor Brown closed the public hearing at 7:19 p.m. and turned the time over to the council for deliberation. Councilman Simonson asked if this meant the armory would need to be changed as well and it was decided that in order for Mr. Bennett's property to be contiguous with commercial

then the armory would need to be commercial as well. Councilman Simonson asked if there was anything from the armory indicating their compliance and Mr. Bennett stated he had talked with them over the phone and was informed they wouldn't oppose the change but wouldn't offer anything in writing either. Mr. Bennett stated he had a copy of the letter he had sent to them and explained they had been contacted through planning and zoning as well. Robin Dunn, City Attorney, explained what had been discussed at the planning and zoning meeting and how they were trying to clean up the zoning to make it compatible with the area. Councilman Day stated the lot was 75 feet wide with a 25 foot easement which left 50 feet and questioned the setbacks for the adjacent property. Mr. Bennett stated this was something that had been brought up at the planning and zoning meeting and if allowed the zone change buildings could be built on zero lot lines as long as they are adjacent to other commercial areas. Councilman Day asked about the installation of a fence between this property and residential and Mr. Bennett stated he was not bordering residential. Mr. Bennett stated that could be up for negotiation depending on the use determined for the property. Councilman Smith asked if planning and zoning had approved it and Mayor Brown stated that according to the documents submitted to them that was correct. Councilman Maloney moved to approve the zone change from R-1 to Commercial as proposed. Councilman Smith seconded. Councilman Simonson asked if the pump house was included in this motion. Mr. Dunn stated it could be done but was not part of this application. All were in favor.

Identity Theft Prevention Program-

Mayor Brown stated the next item on the agenda was the Identity Theft Prevention Program and explained it had been postponed from the last meeting.

Mr. Dunn stated this was a requirement of the government but didn't know how effective the city would be in this program. There was a brief discussion regarding what this program is, why it applies to the city and the resolution that adopted this program. Mr. Dunn stated this program would cause city staff more work in paper and time. Councilman Day asked what would happen if the city did not implement this program and Mr. Dunn stated he didn't believe there would be anything. Mayor Brown asked if the county had done this and Mr. Dunn stated they had not and didn't believe they would. Councilman Simonson asked how much work this would create for the city staff and Mr. Dunn explained there would be a lot and gave a brief explanation of some of the duties required with this program. Mr. Dunn also stated there was a statute stating you could not implement policies without the proper funding and this would take additional staff hours that were not budgeted. Councilman Maloney stated if there were no real repercussions from it they should just let it drop from lack of interest.

Other Council Business-

Mayor Brown stated the next item on the agenda is other council business and turned the time over to the council for anything they needed to discuss.

Mr. Dunn stated there were some things that had been brought up during the year and needed to be followed up on and stated one was annexation, another was to clean up old ordinances and the impact area. Mrs. Kerbs stated AIC had some training for the subdivision and zoning ordinances and had ordered the DVD of that training for review. There was a brief discussion regarding holding meetings to address these items.

Mrs. Kerbs explained she had talked to Mr. Dunn regarding the EDUs and it had been decided to implement a new ordinance because the old one had been changed due to resolutions. Mrs. Kerbs explained she was working with area cities that use this table and asked for direction on whether to use EDUs or a different table. There was a brief discussion on what process needed to be taken and who needed to be involved and it was decided to get things together with the City Engineer and have something to show the council and schedule a public hearing.

Mrs. Kerbs stated that while looking at this identity theft program a concern that had come up is all checks for the City of Rigby come out of one account and suggested having a separate account for payroll so if someone was able to copy a check or something similar they wouldn't get the entire account balance. Mrs. Kerbs stated there was also the direct deposit option available for the employees so there wouldn't be check information out there. Mayor Brown stated that unless the council was to object he would like to make the executive decision to obtain a separate account for payroll. There were no objections.

Mayor Brown stated he had received a letter from a citizen about wanting the option to pay the city utility bills with a credit card. Mayor Brown stated there were some cities and counties that were already doing this and asked Mrs. Kerbs to explain what she had found out. Mrs. Kerbs stated the City of Pocatello uses a third party company to collect the fees with the credit card and then notify the city of the individuals that have paid. Mrs. Kerbs explained the fees and how this works and also stated that Jefferson County does not accept credit or debit cards and have signs indicating this. There was a brief discussion regarding the benefits versus the costs of offering this service.

Councilman Maloney stated that at the last meeting he had approached the council about a concern from the Historical Society regarding the debris in the alley and asked if anything had been done about this. Larry Anderson, Chief of Police, stated an officer had gone out and taken pictures and the landlord had been contacted and given a timeframe to clean this up before the city stepped in and did with the charge going to the landlord.

Mayor Brown asked Chief Anderson to also discuss the snow removal issue. Chief Anderson stated that as of November 15, 2008 they have been enforcing the snow removal ordinance and explained that so far they have handed out 600-800 fliers, 250 warning tickets and have started issuing tickets. Mr. Dunn stated that his office is currently processing over 100 unpaid parking tickets and had to sit down with a judge to get them completed. Chief Anderson explained how the tickets are issued, the letters that are sent and explained his office does not accept money. Mayor Brown asked that since he has a full time secretary if that could be something he might consider changing. Chief Anderson stated his office does not want money in his office at all. Mr. Dunn interjected stating the ordinance needed to be cleaned up as a warrant cannot be issued for an infraction. Chief Anderson stated the letters got behind somehow and they were working on fixing that. Mayor Brown stated the reason he was asking this was because some people get angry over the parking tickets and Chief Anderson stated he didn't want money over there because it was confusing now and didn't need any additional problems. Mr. Dunn interjected stating the city needed to become more efficient in this process. Mrs. Kerbs stated the office staff have their own duties and get to these tickets as they can and sometimes it takes longer. Mr. Dunn suggested having the Jefferson Star putting out an ad letting people with outstanding parking tickets of the need to come in and pay. There was a brief discussion regarding ticket policies, parking concerns and snow removal issues.

Approval of Bills-

Mayor Brown stated the next item on the agenda is the approval of bills and asked if there were any questions or concerns.

Councilman Day moved to approve the payment of the bills. Councilman Simonson seconded. All were in favor.

Approval of Minutes-

Mayor Brown stated the next item on the agenda is the approval of minutes and asked if there were any questions or corrections.

Councilman Maloney moved to approve the minutes as presented. Councilman Smith seconded. Councilman Day stated he would abstain as he was absent from that meeting. All others were in favor.

Public Comment-

Mayor Brown stated the next item on the agenda was public comment and turned the time over to the audience.

Barbara Brown stated she had noticed how beautiful the city looks and wanted to extend her appreciation to the city employees that have worked to make it that way.

Robin Dunn stated he was very happy with the city council and the way they can have a difference of opinion and yet still get along. Mr. Dunn went on to say it had been a great year in the City of Rigby and the council and Mrs. Kerbs should be commended for all the hard work they do.

Gary Williams stated they had buttoned up the veteran memorial for the winter and was concerned about vandalism and wanted to inform the city council of who he had talked to and the insurance policy on this during the construction and dedication process. Mayor Brown asked when they expected the memorial to be finished and Mr. Williams stated by late summer next year. Mr. Williams stated he wanted to thank the city for all the help and support they have provided them for this process.

Mayor Brown asked if there was any more comment. No further comment was given.

Councilman Smith moved to adjourn the meeting. Councilman Day seconded. All were in favor. The meeting was adjourned at 8:05 p.m.

Ryan H. Brown
Mayor

Jeanne Kerbs
City Clerk