

**City of Rigby
City Council Meeting
November 16, 2010
7:00 p.m.**

Mayor Smith welcomed everyone to the meeting and turned the time over to Devon Pendleton who invited everyone to join him in the pledge of allegiance. Mayor Smith turned the time over to Councilman Zimmermann who gave the prayer.

Dave Swager, City Clerk/Treasurer, performed roll call. Those present were: Councilman Blackburn, Councilman Day, Councilwoman Hinckley, Councilman Maloney, Councilman Simonson and Councilman Zimmermann.

Road Scholar Award-

Mayor Smith stated the next item on the agenda was the Road Scholar Award and turned the time over to Bruce Drews for his presentation.

Mr. Drews stated he is the manager for the Idaho Technology Transfer Center. Mr. Drews stated this program is a federally and locally funded program. Mr. Drews explained that half of his funding comes from the federal government while the other half comes from local agencies. Mr. Drews stated they provide training and technical assistance to each of the 293 local agencies in the State of Idaho that maintain approximately 74,000 miles of roadway. Mr. Drews stated this year they offered a total of 140 training courses to approximately 2,400 people. Mr. Drews stated he took over the program in 2002 and noticed there was a need for not only provide the technical assistance training to the local highway jurisdictional people but to also recognize the time and effort they put forth to attend the courses. Mr. Drews explained the Road Scholar program is a combination of eight (8) courses plus two (2) electives which requires about ninety (90) hours of training spread out over three (3) to four (4) years. Mr. Drews explained there was another level of training that is called the Road Masters Program which consists of another 8 courses and 2 electives and requires another 90 hours of training. Mr. Drews stated the Masters program is a higher level of training than the Scholar Program and explained the difference between the two levels. Mr. Drews stated the city is very fortunate with Rick Lamoreaux, Park/Street/Sanitation Supervisor, because he has been very diligent in the Road Scholar program for the past few years. Mr. Drews stated that Mr. Lamoreaux had actually graduated the Road Scholar program earlier this year but due to scheduling issues had not been able to present this award to Mr. Lamoreaux sooner. Mr. Drews stated that Mr. Lamoreaux is only a few courses away from completion of the Road Masters program as well. Mr. Drews stated that he is very pleased with Mr. Lamoreaux's progress and how this is working out with his participation in these classes. Mr. Drews stated that some of the types of courses Mr. Lamoreaux completed to receive this award include first aid/CPR, basic flagging, pavement maintenance, basic surveying and basic math. Mr. Drews stated that all of these courses require a performance test at the end and explained that Mr. Lamoreaux has successfully completed all of those. Mr. Drews referred to the actual award itself and explained the participant is provided a hat, a Leatherman engraved with the Road Scholar and a plaque indicating successful completion. Mr. Drews stated they find a lot of value in the program due to the amount of competition in the State of Idaho with about 160 Road Scholars and only 60 Road

Masters. Mr. Drews asked Mr. Lamoreaux to come forward and presented him with the hat, Leatherman and plaque. Mr. Drews congratulated Mr. Lamoreaux for his accomplishment. Mr. Lamoreaux thanked Mr. Drews and the other instructors at LHTAC and also thanked Mayor Smith and the council for allowing him to attend these courses.

There was an interruption to the agenda when a visitor came to present the council with a gift. Curious George from the Library came and presented each member of the council with a banana. Pictures were taken.

Appointment of Cheme Erickson-Library Board-

Mayor Smith stated the next item on the agenda was the appointment for the Library Board.

Mayor Smith explained there had been a young woman at a previous council meeting that had expressed an interest in the city and wanted a way to get information out in the community. Mayor Smith stated an opening came up in the Library Board and this young woman was asked if she would be interested and she had agreed. Mayor Smith called Cheme Erickson forward and thanked her for her interest in the city and her willingness to take part in the Library Board. Mayor Smith swore Cheme Erickson into office.

Recognition Donation Christmas Decorations-

Mayor Smith stated the next item on the agenda was recognition for donations for Christmas decorations.

Mayor Smith stated that he would like to take a moment and recognize a few of the organizations that have helped the City of Rigby purchase some much needed Christmas decorations. Mayor Smith stated the Downtown Revitalization Project had recently been completed and explained the city needed to purchase decorations for the new light poles. Mayor Smith stated three distinct groups come forward and help the city with this expense. Mayor Smith stated the Chamber of Commerce, Omni Security and Westmark Credit Union contributed money to the city. Mayor Smith expressed his appreciation on behalf of the city to these three organizations for their contributions. Mayor Smith referred to a decoration in the room and explained this was one of the decorations that were purchased with these donations.

Correction Water Lines-

Mayor Smith stated the next item on the agenda was the correction of water lines and turned the time over to Scott Barry, Water and Sewer Director, for his presentation.

Mr. Barry stated there was a situation on 3rd West where there are two homes connected to the same water line. Mr. Barry stated these addresses were 132 N 3rd West and 118 N 3rd West. Mr. Barry explained that several years ago the city went in and placed a water connection and stub out on the 118 property but stated the house has not connected. Mr. Barry stated that per city code he would need council approval to forcing them into getting connected into their own line and off of their neighbor's line. Mr. Barry stated that he would like to have permission to give this homeowner a time limit in which they need to connect into this water service and therefore have their own line. Councilwoman Hinckley asked what the addresses were and Mr. Barry stated 118 and 132 N 3rd West. Mr. Barry explained that presently both addressed were connected to the 132 N 3rd West water line. Mr. Swager interjected saying the problem the city has run into regarding these

properties is the home that is sharing falls delinquent and the city has no recourse. Mr. Swager stated the city cannot shut her water off without shutting the other house off but explained the other house is current on their utility bill. Mr. Swager stated the delinquent homeowner knows they cannot be shut off and so they just don't pay the bill so this is also causing problems from an accounting point of view. Mayor Smith asked if this was part of the ordinance to be a separate line and Mr. Barry stated that was correct. Mayor Smith asked if that secondary connection was there and Mr. Barry stated that was correct. Mayor Smith asked Mr. Barry if he had contacted the homeowner to ask them to connect and Mr. Barry stated that he had not. Paula Sessions, Planning and Zoning, stated that per city code Mr. Barry needs council approval before contacting the homeowner to make them connect within a designated timeframe. Mrs. Sessions explained this was a council decision not a Public Works decision. Councilman Blackburn felt this was something that definitely needed to be initiated but was curious why it had taken this long to do something. Councilman Blackburn stated there had been a business previously that was not being assessed the charged they needed to be and wondered if that would be an issue in this case. Mr. Swager stated that both houses were being charged the monthly water and sewer charges. Councilwoman Hinckley asked if anyone knew the reason it had not taken place before now and Mr. Barry stated he only found out about this issue last week and could not answer that question. Mr. Lamoreaux stated that he was unsure as to why the homeowner has never connected but believed it to a different owner than at the time this stub was placed. Mrs. Sessions stated that when the house was originally placed there it was owned by the same person as the other house but then they either moved away or passed away and the two properties were divided and now are owned by separate people. Mr. Lamoreaux stated the secondary stub was put in because the second home had a leak and agreed to connect but then they moved out and the home changed ownership and the issue was not pursued. Councilman Day asked if this was an expense the city paid or the homeowner and Mr. Barry stated it would be at the homeowner's expense. Mr. Lamoreaux stated the city had already incurred the expense and placed the city's line and explained it was now up to the homeowner to connect their portion. Councilman Zimmermann asked if there was still enough time this year to get that completed and Mr. Barry stated as long as the ground wasn't frozen. Mr. Lamoreaux stated the work could be completed in an afternoon once they hired a contractor. Mr. Barry suggested if they were unable to do the work within the next 30 days giving them until the end of May. Councilman Blackburn asked if they just needed a motion to allow Mr. Barry to move forward with this issue and Mayor Smith stated that was correct. Councilman Blackburn motioned to authorize Mr. Barry to proceed upon his recommendation to correct this water line. Councilman Zimmermann seconded. All were in favor.

Apartments out of Building Compliance-West 2nd South-

Mayor Smith stated the next item on the agenda were some apartments out of building compliance and turned the time over to Doug Hymas for his presentation.

Doug Hymas, 144 N. 3900 E., stated he was here this evening to discuss some property that he was interested in purchasing located at 121 S. 2nd West. Mr. Hymas explained this was the 4-plex located furthest to the East on this property. Mr. Hymas stated it has come to his attention there are several problems concerning this property and wished to get them addressed before purchasing the property. Mr. Hymas referred to a packet of papers he had been given and asked if the council had received this information as well and the council indicated they had. Mr. Hymas stated there had been inspections of the property by Mike McCowin and Jim Deuel from Central Fire District. Mr. Hymas stated he had the original paperwork from this proposal and explained it

was his understanding there were some things not done at that time. Mr. Hymas stated that his question to the city was if he purchased this property what would be required from him to bring this property up to the standards the city was expecting. Mr. Hymas stated the building itself was a structurally sound building and explained there were some minor issues that needed to be corrected. Mr. Hymas stated that he is a builder by profession and can take care of the building concerns but felt the main problem is the access to the property. Mr. Hymas distributed a drawing to the council for review during the next portion of his presentation. Mr. Hymas explained this drawing is a plot-plan of the building as it currently sits on the property. Mr. Hymas explained this piece of property is 100 feet deep and 50 feet wide. Mr. Hymas stated that coming off 2nd West there is a driveway that accesses this building that is approximately 210 feet long by approximately 18 feet wide. Mr. Hymas stated this 18 foot measurement is the narrowest portion of the entire driveway and explained there were two places where it was 18 and the rest was approximately 24 feet wide. Mr. Hymas stated the building itself measures 30 feet by 60 feet. Mr. Hymas stated there is approximately 10 feet to the East, 10 feet to the North, and 10 feet to the South and then 50 feet to the West of the building. Mr. Hymas referred to Chief Deuel's letter and stated that he indicates there is no way for him to get a fire truck in there at this point in time. Mr. Hymas stated that he would like to see what the council would have him do or not do based on this information. Mayor Smith stated that he had read through these papers and the buildings at one point are just a few inches apart. Mr. Hymas stated that was a different building than the one he was referring to. Mrs. Sessions stated the building Mayor Smith was referring to is the first building which is unit's one through four, then the middle building is a duplex which is units five and six and the one Mr. Hymas was referring to is the back building which is units seven through ten. Mayor Smith asked why he was not purchasing all three buildings and Mrs. Sessions explained they were each individually owned and only this back building was currently for sale. Mrs. Sessions explained that was one of the problems the city was running into because there are three separate lots with three separate owners. Mr. Hymas indicated that he would be interested in purchasing the other lots if they were to be sold. Councilman Zimmermann stated another area of concern is the location of the nearest fire hydrant being 200 feet away. Mayor Smith stated that was a bullet point but also stated that was within acceptable distance but because of limited access there should be a hydrant located at the end of this driveway. Mr. Hymas stated that Chief Deuel had stated the hydrant was within distance but they would have to run a fire hose down this driveway and explained that would limit their access. Mayor Smith stated another concern was the ability to turn safety equipment around and Mr. Hymas indicated the total area was only 50 feet wide. Mrs. Sessions stated the minimum allowed on a radius was 96 feet. Councilman Blackburn asked what the minimum for the driveway needed to be and Mrs. Sessions stated it was supposed to be 24 feet but explained that what was approved originally was 22 feet. Mrs. Sessions stated that currently it was at best 17 feet wide. Mr. Hymas stated that Chief Deuel had addressed this with him also and depending on other available property they could probably deal with the 17 or 18 feet in the driveway. Mr. Hymas stated there is also a telephone pole and power box on the property and was unsure as to whether this could be moved or not. Councilman Blackburn asked what was located on the North side of this driveway and Mr. Hymas stated there was an existing 4-plex to the West next to the street and then a duplex and explained they all shared the 210 feet of driveway length. Councilman Day stated that he didn't feel they had the expertise to say yes or no and questioned whether this should go before Planning and Zoning to check for acceptance. Mrs. Sessions stated Mr. Swager had asked her the same question and explained the reason it was going before city council is it has already gone before Planning and Zoning and what is listed is their recommendations. Mrs. Sessions explained these recommendations were the items that have not been met on this property. Mayor Smith stated this

was from the original application and Mrs. Sessions stated that was correct and explained those recommendations have not changed as there is no new application to consider. Mrs. Sessions stated there is no new application because there isn't anything to apply for as the property and buildings are already there but the recommendations have not been met. Mayor Smith asked if the recommendations could be met and Mr. Hymas stated they could not. Councilman Day asked what requirements were in place that could not be met and Mrs. Sessions stated the fire hydrant, the turn around, the road width, parking and separation between buildings. Mr. Dunn asked why the fire hydrant could not be met and Mrs. Sessions stated the water line would have to be extended down the length of the property. Mr. Dunn stated that was possible and Mrs. Sessions stated it could but explained that all three property owners would have to share in the cost.

Mrs. Sessions stated that when looking at the property the fence line on the South goes down the driveway a certain length and then takes a jog further to the South and explained that open piece is not part of this property. Mrs. Sessions stated this piece of property actually goes straight back. Mrs. Sessions explained there had been an agreement between the Beck's to the South and the original owner of this property to purchase that piece but stated that has not been done at this point. Mrs. Sessions explained there had been some discussion from the Beck's on putting that fence line back to where it is supposed to be. Mrs. Sessions stated if this happens there would be no turn around on the property at all. Mr. Dunn stated the most obvious question would be why a building permit was issued in the first place and Mrs. Sessions stated that was a good question and explained the building permit was issued back in 2002 but was never paid for. Mrs. Sessions stated the water and sewer connection fees were also never paid for. Mrs. Sessions stated the original owner of the property filed bankruptcy and is also currently in prison. Larry Anderson, Chief of Police, stated that emergency services and fire trucks will not go down this drive and explained that even his officers will not go down this drive because if something happens they are unable to get back out of the property. Mr. Dunn asked where the resident's park and Chief Anderson stated they parked wherever they are able to find a place but explained the majority of them park on what is currently the Beck's property. Chief Anderson stated there is approximately ten (10) feet from the front door to where the property ends. Chief Anderson stated that if the Beck's were to run their fence straight back there would be no parking at all for this property. There was a brief discussion regarding how a building permit was issued in the first place.

Mr. Hymas distributed another paper to the members of the council for review during the next portion of his discussion. Mr. Hymas referred to the drawing and stated there is a fence that runs along the South side and then jogs over at the fifty (50) and then follows the 150 feet. Mr. Hymas stated this piece of property is currently just dirt and explained the previous owner was supposedly buying this from the Becks. Mr. Hymas stated the Becks are willing to sell but want more than fair market value for the property. Mr. Hymas stated that if the Becks were to place the fence back on their property there would only be 10 feet from the front of the building to the fence line. Councilman Simonson asked if there were people living in these buildings and Mrs. Sessions stated only the middle building which is the duplex or units 5 and 6 have people in them and explained the rest are vacant. Mr. Hymas stated that units 7 through 10 were vacant and explained this was the building he was interested in buying. Mr. Hymas stated the building has been foreclosed on and so Fannie Mae owns it now and explained that was who he was looking to purchase it from. Mr. Hymas stated the reason he looked into this property was because he had made Fannie Mae an offer and they came back with a hold harmless agreement. Mr. Hymas stated this building was constructed in 2002 and explained that Mr. McCowin had recently inspected the

building and finds it to be structurally sound but the access is terrible. Mt. Hymas stated that he is trying to find out if he can make this work or figure something out that works for everyone otherwise he will walk away from the purchase. Councilman Blackburn stated that according to what he is hearing there really isn't anything that Mr. Hymas can do and felt his concern would be a liability issue because the Police Department and Fire Department will not go down this drive. Councilman Blackburn stated that if one of these units were to catch on fire and there is an injury or death and asked what responsibility the city would have due to prior administration granting a permit on something like this and Mr. Dunn stated that was something he would have to look into prior to answering. Councilman Simonson stated that if this council was to allow Mr. Hymas to go ahead *knowing* know all of the liabilities then it became their responsibility. Councilman Simonson stated if these buildings were not brought up to code and asked if they would be condemned or tear them down and Mr. Hymas questioned what Fannie Mae would say to that. Councilman Simonson stated they could sell the property but explained there is no way to use the units under the current circumstances. Mr. Hymas referred to Councilman Blackburn's previous comment to Mr. Dunn and asked where the liability falls with the city for allowing this to be placed in here this way. Councilman Day asked if there was a building permit issued and Mrs. Sessions stated there was but explained that it was never paid for. Councilman Simonson stated the connection fees were also never paid for and Mrs. Sessions stated that was correct. Councilman Day asked if Planning and Zoning had been aware of the property only having ten feet and Mrs. Sessions stated the original agreement indicated they were purchasing property from the Becks. Mr. Dunn stated this still would not have met code and Mrs. Sessions stated that was correct and if they had read code they would have known that it did not comply. Mr. Dunn stated this was out of compliance from the very beginning and Mrs. Sessions stated that was correct. Mrs. Sessions stated there was no record of inspections or certificates of occupancy for either of the two buildings. Mr. Dunn asked how they were allowed to be occupied and Mrs. Sessions stated that she was unaware they were lacking this information until she started doing research on the property. Mr. Hymas asked Mrs. Sessions what Chief Deuel had said for length on three-point turn and Mrs. Sessions stated that she was unsure of the length but knew that he said it could be an option. Mrs. Sessions explained that Mr. Hymas had talked to Chief Deuel and Mr. Lamoreaux about abandoning the ditch and then putting in a three-point turnaround at the back of the property. Mrs. Sessions stated that she was unsure of the length or even if it would meet code. Councilman Day referred to Chief Deuel's letter and stated it was 120 feet for a hammerhead and 96 for radius for cul-de-sacs. Councilman Day stated that unless these issues can be fixed he would have to vote against proceeding with this property. Councilman Day stated if there was a way to work through some of these issues with Chief Deuel then he would be willing to reconsider his decision. Mayor Smith asked Mr. Hymas if he was interested in purchasing this other property and Mr. Hymas stated the Beck property could be done but stated it only gives 100 feet where a hammerhead needs 120 feet. Mr. Hymas gave a brief explanation of his discussion with Chief Deuel regarding the hammerhead. Councilwoman Hinckley referred to the empty units and stated if they were occupied with families along with units 5 and 6 this would be 10 families trying to get in and out on that one little road. Councilman Day stated he felt the two empty buildings should be condemned or something so no one can occupy them until these issues is resolved. Mr. Hymas stated that he had not talked to them about the other buildings but only the units 7 through 10 and explained that neither Mr. McCowin nor Chief Deuel felt the building was condemnable. Mayor Smith questioned whether or not they could get insurance on the building where the Fire Department and Police Department will not provide services to the building. Councilman Simonson stated he did not want to be responsible for anyone burning to death in case of a fire. Councilman Simonson stated he would like to pursue the units

getting brought up to code and issued occupancy permits prior to anything else being done. Councilman Blackburn referred to the purchase of the Beck property and stated this would at best give 100 feet but the minimum with the Fire Department is 120 feet and asked if this correct and Mr. Hymas indicated it was. Councilman Blackburn stated that other things have been addressed in how they relate to code and stated that he feels there is a reason the city has these codes. Councilman Blackburn stated that if the Fire Department was not comfortable with 100 feet then obviously he was not going to be comfortable with it either. Councilman Blackburn stated they know their equipment and suggested that Mr. Hymas work with Chief Deuel to find an acceptable solution. Mr. Hymas stated there are several properties within the city that do not meet this code requirement either. Councilman Blackburn asked if they were single family residences and Mr. Hymas stated Meadow View Apartments and Teton View Apartments are in the same situation. Councilman Simonson stated that does not help this situation and explained if they approve it then they would be creating liability. Mr. Hymas stated he understood that and explained that if he was to do this he would do it right as long as all the details were known upfront with no surprises later on. Mr. Dunn stated the problems have been noted to the council and asked if there was a request for the council to consider this evening. Mr. Hymas referred to a sheet previously submitted to the council and asked they grant that. Mr. Hymas referred to the original 2002 plot plan where it asks for the entire thing to be paved with a French drain and asked the council to waive that but allow him to place gravel. Mr. Hymas stated that he would also look into purchasing the other two buildings. Councilman Simonson stated that even in doing that this was still out of compliance and Mr. Dunn stated that was correct. Councilman Simonson stated that he would not feel comfortable with this unless Mr. Hymas could get the Fire Department to agree. Councilman Blackburn referred to Chief Deuel's letter and the noted violations and stated he felt this was very difficult to overlook. Mr. Hymas stated that Chief Deuel had explained that very issue to him and also said that he would write the letter and explained that unless the city wanted to offer some sort of variance to allow the 100 feet then this would be the dilemma he is facing. Councilman Maloney stated that due to the safety concerns he moved to deny Mr. Hymas's request. Councilman Simonson seconded. Councilwoman Hinckley stated that she would like to commend Mr. Hymas for wanting to improve a piece of property. Councilman Blackburn asked if the motion was to include if Mr. Hymas came back with something favorable from Central Fire District this would be reheard. Mayor Smith stated that would be an entirely different proposal. On a roll call vote:

Councilman Blackburn	--	aye
Councilman Day	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye

Rigby Airport Resolution-Accepting Grant Project #SP-04308.A-11-\$37,500-

Mayor Smith stated the next item on the agenda was the Rigby Airport Resolution for accepting a grant and turned the time over to Mr. Swager for his presentation.

Mr. Swager stated the Airport has applied for a \$37,500 grant for some tie-downs and other roadway improvements. Mr. Swager stated this grant was coming through the Idaho Department of Aeronautics and explained that one of the requirements is for a resolution to be read and accepted by the city because the airport is an organization of the city. Mr. Swager stated that Councilman

Zimmermann has that resolution ready for approval to accept the grant. Mr. Swager stated the grant is for \$37,500 and explained the Airport Board is putting up \$12,500. Mr. Swager stated the airport has already spent in excess of \$50,000 for these improvements and explained this grant would help them recoup some of this cost. Mr. Swager stated the resolution would need to be read into record and then a roll call vote for the acceptance of the grant. Councilman Zimmermann read Resolution 2011-155 into record as follows:

The following Resolution was introduced by Councilman Gerd Zimmermann, read in full, considered and adopted:

Resolution number 2011-155 of the City of Rigby, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics, in the maximum amount of \$37,500 to be used under the Idaho Airport Aid Program, Program number: LNS8U56, Project Number: SP-04308.A-11 in the development of the Rigby Airport; and

Be it resolved by the Mayor and City Council of the City of Rigby, Idaho (herein referred to as the "City") as follows:

Sec. 1. That the City shall accept the Grant Offer of the State of Idaho in the amount of \$37,500, for the purpose of obtaining State Aid under Program Number: LNS8U56, Project Number: SP-04308.A-11 in the development of the Rigby Airport; and

Sec. 2. That the Mayor of the City of Rigby is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Acceptance) on behalf of the City. The City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

Passed by the City Council and approved by the Mayor this 16th day of November, 2010.

Councilman Zimmermann moved to accept Resolution 2011-155 in order to accept the grant offer from the State Aid Program for the Rigby Airport. Councilman Day seconded. Councilwoman Hinckley asked if this would affect the city's budget in any way and Mr. Swager stated it would not. Mr. Swager explained the city had contributed \$4,000 out of the budget towards the \$12,500 matching funds from the Rigby Airport. Mr. Swager stated this \$4,000 had been approved at a previous council meeting. On a roll call vote:

Councilman Day	--	aye
Councilwoman Hinckley	--	aye
Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye

Other Council Business-

Mayor Smith stated the next item on the agenda was other council business and turned the time over to the council for any items they wished to discuss or disclose.

Mayor Smith stated the Lion's Club had approached him earlier today to let him know they would be holding a Community Appreciation event this coming Saturday. Mayor Smith stated they would be having free chili and corn bread at the Rigby Community Center from 4:30 p.m. until 7:30 p.m.

Councilwoman Hinckley stated that Sharon Walker from the Senior Board mentioned to her that Friday is their annual Thanksgiving Dinner at noon. Councilwoman Hinckley stated that Ms. Walker wanted to extend an invitation to the Mayor and council members.

Councilman Day stated at a previous council meeting there had been some discussion regarding the common areas in Elite Townhomes Subdivision and explained that Mike Jaglowski of Keller Associates, City Engineer, had put together a drawing of some options for consideration. Councilman Day asked if anyone had had a chance to review this. Mayor Smith stated that he had looked at it but not in detail. Councilman Day stated that he wanted to make sure there was some pressure applied to Jeff Avery, Developer, and get a formal agreement put into place. Mr. Dunn stated this would need to be an item placed on a formal agenda so that discussions could be held and a decision made. Mr. Dunn stated that notification needed to be sent to Mr. Avery as well so that he could attend that meeting. There was a brief discussion regarding what needed to be done and it was agreed to place this item on the agenda for the next meeting.

Councilman Zimmermann referred to the ribbon cutting for Bennion Park and stated that he had talked with Councilwoman Hinckley and together they feel that as a council they draft a letter of thanks to the Urban Renewal Board for a job well done on this project. Mayor Smith stated that was a great idea and asked Councilman Zimmermann to write that letter and then explained he would attend their next meeting and present it to them. Councilwoman Hinckley stated that Councilman Day had previously mentioned doing this and explained that was why she mentioned it.

Approval of Minutes-November 3, 2010-

Mayor Smith stated the next item on the agenda was the approval of the minutes from the November 3, 2010 meeting.

Mr. Swager stated those minutes were not available this evening and asked this item be moved to the next meeting.

Review and Approval of Bills-

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

Mayor Smith stated he noticed there was a bill for the elevator column and asked if this was connected. Mr. Swager stated the elevator had passed the State inspection until 2015 and was up and running. Councilman Maloney moved to approve payment of the bills. Councilman Blackburn seconded. On a roll call vote:

Councilwoman Hinckley -- aye

Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye
Councilman Day	--	aye

Public Comment-

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

Ben Johnson, 491 N. 4954 E., stated he was present this evening representing the Rigby Office Plaza located on Main Street. Mr. Johnson stated that for the past three years they have been billed as a single business and explained that a few weeks ago they were quite surprised when their utility bill came and found it approximately six times the normal amount. Mr. Johnson stated they currently lease the building to six different businesses. Mr. Johnson stated that he understood the code to charge each business to be billed individually and explained that under normal circumstances that would be acceptable. Mr. Johnson distributed a document to the council for review during the next portion of his presentation. Mr. Johnson stated that he had contacted the various tenants and asked each of them how many hours each of them are there. Mr. Johnson explained these tenants are not typical businesses and explained that only one of them operates 40 hours per week with a few of them being less than 10 hours per week. Mr. Johnson stated that with each business considered it works out to about 4 ½ employees. Mr. Johnson stated that some of the tenants are renting a twelve by twelve office that they use a few hours a week. Mr. Johnson stated that he would like to be exempted from the multiple business utility bills and either go back to the single business or change to metered utilities. Mr. Johnson stated that if this is not allowed he has some businesses that will close.

Bret Hampton, 3873 E 12 N, stated he opened Impact Solutions for Families about three years ago and rented double what they have now. Mr. Hampton stated they moved the majority of their office to Idaho Falls but explained that he has a few mental health patients that he still treats here in Rigby. Mr. Hampton stated this is a satellite office and explained he is there Tuesday and Thursday nights from 2 p.m. to 6 p.m. Mr. Hampton referred to a letter regarding the increase in utilities he had received and stated this was quite a surprise because he uses that office about nine (9) hours per week. Mr. Hampton stated he currently rents two twelve by twelve offices and does not utilize the water and sewer services on a daily basis. Mr. Hampton stated that due to transportation issues and Medicaid cutbacks he really needs to keep this office open for his patients.

Dawn Meekerson, 3712 E 190 N, stated she has Family Massage and explained the reason they have an office here in Rigby is for clients that come from Rexburg, Driggs, Dubois, Medicine Lodge and Terreton. Ms. Meekerson stated her main business is in Idaho Falls and explained it was where she spent the majority of her time. Ms. Meekerson stated the spot she rents is very small and is basically used for storage but does see clients one day a week. Ms. Meekerson stated they don't use the bathroom and does not feel it would be cost effective for her to stay if the utilities increase in this manner. Ms. Meekerson stated they support the library and give donations to students when they come in and feels this benefits the community and would be sad to have to close down this office.

Darcie Peterson, 3712 E 190 N, stated that she works with Family Massage as well and explained that she is not in the office that much and neither are her clients. Ms. Peterson stated there would be no way she would be able to stay in business with the increase in utilities due to it not being cost effective.

Mr. Johnson stated there were only two small bathrooms and two sinks in the entire building. Mr. Johnson stated it was their opinion that it was very limited use and did not justify this increase. Mr. Johnson stated he feels they qualify for an exemption and explained that was what he was asking. Councilman Simonson stated that due to this not being on the agenda the council could not make a decision or vote and suggested that Mr. Johnson be placed on the next meeting's agenda. Councilman Day stated that he had no idea how much water they were using but referred to when the hotel brought this same issue before the council it was suggested they get a meter. Councilman Blackburn expressed his appreciation to the presenters this evening for taking steps to bring a business into the community. Mr. Johnson asked if they should make the request through the utility department to get on a meter or get on the agenda for the next meeting and have a vote at the next meeting. Mr. Swager stated there are several other businesses in the same situation and explained that he could put some information together for the council to consider. Mr. Swager referred to code 8-1-12B and explained that was how the utility charges were assessed. Mr. Swager stated that in order to be fair to all the businesses in town this code needed to be applied uniformly across town. There was a brief discussion regarding allowing businesses to put in meters and working with Public Works to obtain and install the correct meter. There was a brief discussion regarding who has the responsibility of paying for this meter. Councilwoman Hinckley stated that she would like to have Mr. Swager put together some information for the council to review as he had indicated.

Executive Session Pursuant to Idaho Code Section 67-2345(1)b and f- Personnel Issues and Consult with Legal Counsel-

Mayor Smith stated the next item on the agenda was executive session and explained there would need to be a motion.

Councilman Blackburn moved to enter into executive session pursuant to Idaho Code section 67-2345(1)b and f regarding personnel issues. Councilman Day seconded. On a roll call vote:

Councilman Maloney	--	aye
Councilman Simonson	--	aye
Councilman Zimmermann	--	aye
Councilman Blackburn	--	aye
Councilman Day	--	aye
Councilwoman Hinckley	--	aye

Regular council meeting was adjourned and executive session was entered at 8:20 p.m.


Executive session ended and regular council meeting was reconvened at 8:56 p.m.

Councilman Simonson moved to adjourn the meeting. Councilman Day seconded. All were in favor. The meeting was adjourned at 8:57 p.m.

City of Rigby


Keith Smith, Mayor

ATTEST:


David Swager, Clerk

RESOLUTION 2011-155

City Resolution

Exact from the minutes of a regular meeting
of the City Council of the City of Rigby, Idaho
Held on November 16, 2010.

The following Resolution was introduced by Councilman gerd Zimmerman, read in full, considered and adopted:

Resolution number 2011-155 of the City of Rigby, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics, in the maximum amount of \$37,500 to be used under the Idaho Airport Aid Program, Program number: LNS8U56, Project number: SP-04308.A-11 in the development of the Rigby Airport; and

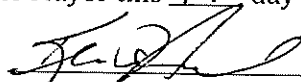
Be it resolved by the Mayor and City Council of the City of Rigby, Idaho (herein referred to as the "City" as follows:

Sec. 1. That the City shall accept the Grant Offer of the State of Idaho in the amount of \$37,500, for the purpose of obtaining State Aid under Program Number: LNS8U56, Project Number: SP-04308.A-11 in the development of the Rigby Airport; and

Sec. 2. That the Mayor of the City of Rigby is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Acceptance) on behalf of the City. The City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

Passed by the City Council and approved by the Mayor this 17 day of November, 2010.



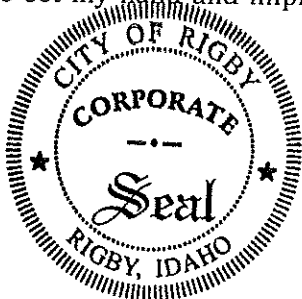
Keith Smith, Mayor


ATTEST:

David Swager, City Clerk

CERTIFICATE

I, David Swager, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2011-155 adopted at a regular meeting of the City Council held on the 16 day of November, 2010, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 17 day of November, 2010.





David Swager, City Clerk