

# ***City Council Minutes***

## ***August 11, 2008***



Meeting started at 7:17 pm

Clerk, Lyndsey Anderson asks for roll call: Mayor: Rex Jardine; Councilmen: Orville Armstrong, Tiera Ball, and Deck Green (absent – Dee Cullum). Planning Consultant: Jan Gallup (spouse Tom Gallup); Community: Jon Gregory.

- Mayor calls for Pledge of Allegiance
- Minutes from last meeting reviewed.
  - **Ball moves to accept public hearing minutes from July 7<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - **Ball moves to accept public hearing minutes from July 14<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - **Ball moves to accept minutes from July 14<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - **Ball moves to accept pre-termination minutes from July 15<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - **Ball moves to accept public hearing minutes from July 17<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - **Ball moves to accept minutes from July 17<sup>th</sup> meeting as written. Seconded. All in favor: aye, aye, and aye. Motion carried.**
- July claims & revenues are reviewed & discussed.
  - **Armstrong moves to accept July claims & revenues as presented. Seconded. All in favor: aye, aye, and aye. Motion carried.**
- Water & Sewer Aging Statement (W/S bills not paid as of 8.1.08) reviewed & discussed.
  - Most are repeat offenders
  - Aug. 4<sup>th</sup> = 3 meters (accounts) have a lock on them until bill is paid in full along with the \$25 fee. Aug. 5<sup>th</sup> & 9<sup>th</sup> = 2 locks were removed after bill was paid in full along with \$25 lock removal fee. Aug. 9<sup>th</sup> = 1 lock was left on by request of owner (did pay in full).
- Facts and Findings of Public Hearing:
  - Matt Froehlich Rezone (R-1 to C-1) – 400 S. Main (**Ordinance 2008-3**):
    - Community for – none
    - Community neutral – none
    - Community against – none
    - Council opinion:
      - Armstrong – we've already approved this once. It was just a procedure error that is making us do it again.

- **Ball moves to accept the Matt Froehlich Rezone from R-1 to C-1, and suspend the rules to read by title only. Seconded. Roll call vote: Green – aye, Armstrong – aye, and Ball – aye. Motion carried.**
    - Jardine reads Ordinance 2008-3, Matt Froehlich Rezone (R-1 to C-1) by title only.
    - **Ball moves to adopt Ordinance 2008-3, Matt Froehlich Rezone (R-1 to C-1), as read. Seconded. Roll call vote: Armstrong –aye, Green –aye, and Ball – aye. Motion carried.**
  - Intention to Sell Real Property (20 acres located near rodeo grounds):
    - Community for – none
    - Community neutral – none
    - Community against – none
    - Council opinion – none
  - Title 9 Land Use Code: Chapters 1-10 (**Ordinance 2008-4**):
    - Community for – none
    - Community neutral – none
    - Community against – none
    - Council opinion – none
    - **Ball moves to accept facts and findings of July 7<sup>th</sup> public hearing (Title 9 Land Use Code: Ch. 1-10). Seconded. All in favor: aye, aye, and aye. Motion carried.**
    - **Armstrong moves to repeal Ordinance 38 and amendments 1-9. Seconded. Roll call vote: Green – aye, Armstrong –aye, and Ball –aye. Motion carried.**
    - **Ball moves to adopt Title 9 Land Use Code: Chapters 1-10, and suspend the rules to read by title only. Seconded. Roll call vote: Green – aye, Armstrong – aye, and Ball – aye. Motion carried.**
    - Jardine reads Ordinance 2008-4, Title 9 Land Use Code: Chapters 1-10 by title only.
    - **Ball moves to adopt Ordinance 2008-4, Title 9 Land Use Code: Chapters 1-10 & Official Newspaper, as read. Seconded. Roll call vote: Armstrong –aye, Green –aye, and Ball – aye. Motion carried.**
  - FY 2009 Budget (**Ordinance 2008-5**):
    - Community for – none
    - Community neutral – none
    - Community against – none
    - Council opinion - none
    - **Green moves to accept the FY 2009 Budget (with General Revenue: \$67,198 and General Expenses: \$67,198; Water Revenue: \$76,195 and Water Expenses: \$76,195; Sewer Revenue: \$94,150 and Sewer Expenses: \$94,150), and suspend the rules to read by title only. Seconded. Roll call vote: Green – aye, Armstrong – aye, and Ball – aye. Motion carried.**

- Jardine reads Ordinance 2008-5, Annual Appropriation (FY 2009 Budget) by title only.
    - **Ball moves to adopt Ordinance 2008-5, Annual Appropriation (FY 2009 Budget), as read. Seconded. Roll call vote: Armstrong –aye, Green – aye, and Ball – aye. Motion carried.**
- Jan Gallup, Planning Office business:
  - Title 9 Land Use Code: Chapter 11: Subdivision Code:
    - Has been approved by P&Z.
    - **Ball moves to have a Public Hearing on August 11, 2008, at 7pm for Title 9 Land Use Code: Chapter 11: Subdivision Code. Seconded. All in favor: aye, aye, and aye. Motion carried.**
  - Past Annexations & Rezones:
    - Lyndsey and I have been doing research on prior annexation & rezone ordinances.
    - Ordinances in question: 2007-1, 2007-3, 2007-4, and 2005-2.
    - Ordinance 2007-1 Annexation was published, was sent to the county, and was sent to the state tax commission. It's OKAY.
    - Ordinance 2007-3 Annexation was not published, not sent to the county, and not sent to the state tax commission. It is now considered VOIDED and will need to be redone.
    - Ordinance 2007-4 Rezone was not published. When we redo Ordinance 2007-3 then we will redo the zones also.
    - Ordinance 2005-2 Annexation was not published, was not sent to the county, and was not sent to the state tax commission. It is now considered VOIDED and will have to be redone. We will redo it at the same time as the 2007-3 and 2007-4 ordinances.
    - These will all need to go through the P&Z and the CC again and will probably all by on one ordinance.
  - Building Permit Fees:
    - Researched from surrounding cities
    - Can pass it gradually or all at once
    - Cost included permit and inspections (not w/s stuff)
    - Ball, Green, and Jardine – why draw it out, let's just get it done.
    - **Ball moves to have a Public Hearing on August 11, 2008, at 7 pm for Building Permit Fees, and previously determined, Title 9 Land Use Code: Chapter 11: Subdivision Code. Seconded. All in favor: aye, aye, and aye. Motion carried.**
- July Budget Report
  - Might have to reopen the budget for the general account; will wait until next month to see where we stand.
- Ted (Development Company) and Paul Scoresby (Schiess), Sewer Project Update:
  - Bids came in \$400,000 over our budget; because of this we can't award the contract.

- Our low bidder was bidding out 90% of the job; was making a profit just sitting there.
- The Development company advises that you reject all bids
- Not wise to put the land for sell just to pay for the sewer project. If you sell it, save the money to do something else
- By rejecting the bids, we can rebid.
- Try to go for more money from DEQ (grants & loans)
- Try to bid in January and maybe we can get more bids; better bids
- Would like Paul to rework the bid estimates, make it more competitive.
- Get more department and grant into the project, and we would get more funding from the government; In the case that Rural Development turns us down we go to DEQ.
- Jardine - What would this do to our Sewer user rates? Ted – we would keep you under \$50 a month, maybe around \$47 a month. Most cities are round \$50 a month.
- **Ball moves to reject all bids; authorize Schiess & Associates to re-itemize bid and bid package; and authorize the Development Company to look into more funding (let the sewer project fund itself). Seconded. All in favor: aye, aye, and aye. Motion carried.**
- Nuisance Ordinance Letter to Community:
  - Anderson presented a letter she composed to the community regarding the nuisance ordinance. She put it before the city attorney to make sure everything was appropriate legal wise.
  - Jardine – don't like that the ordinance is all about what you see.
  - Armstrong – wants his name taken off the letter.
  - Anderson – I just followed the ordinance and walked around town.
  - Armstrong & Jardine – send the letter without a date.
  - Green & Ball – just send the letter, we got to start some where
- Sam's Club Card:
  - \$45 a year
  - Not a credit card just a membership card
  - Prices are less then Porter's Office Supply
  - **Ball moves to approve the purchase of a Sam's Club card for a year. Seconded. All in favor: Green – aye, Ball – aye, and Armstrong – nay. Motion carried.**
- **Ball moves to adjourn meeting. Seconded. All in favor: aye, aye, and aye. Motion carried.**

Meeting closed at 10:12 pm

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Mayor, Rex Jardine

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Date

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Clerk/Treasurer, Lyndsey L. Anderson

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Date