

City Council Minutes

Pre-termination Hearing & Regular Meeting

February 14, 2011



Pre-termination Hearing at 6:30 p.m.

- Cancelled due to account holder(s) emergency
- Will re-schedule ASAP

Regular meeting opened at 7:00 p.m.

Pledge of Allegiance with roll call by City Clerk Lenz

Mayor: Rex Jardine; Council President: Matt Berry; Councilmember: Tom Abbott, Tiera Ball (excused), Bucky Matkin; Bart Birch, City Attorney; Citizens: see sign-in sheet.

Consent Agenda

- **Amend Agenda** according to IC 67-2343:
 - **No action.**
- **Minutes:**
 - January 10, 2011, Regular Meeting
 - **Berry moved to approve the minutes as presented. Abbott seconded. Motion carried unanimously.**
- **December Claims and Revenue**
 - **Abbott moved to approve claims & revenue as presented. Berry seconded.** Discussion: Lucas Richins claim. **Question called: Motion carried unanimously.**
 - Water/Sewer Delinquencies reviewed by account number only.
 - No action taken.

Old Business

- **Egbert Lawsuit**
 - Attorney Birch notified the Council that Judge Simpson has denied the interveners' request to join the Egbert lawsuit [no standing]; however, an *amicus brief* would be allowed in support of the validity of the referendum ballot results. The Judge allowed 30 days for a brief to be filled from March 7th.
 - After discussion, consensus was reached by the Council that no objection would be raised if an *amicus brief* was filed within 60 days of the Judge's ruling.
 - This ruling does not resolve "substantive issues" of the lawsuit. It does reinforce the City's stance that its council vote was a "legislative decision" and that "only the Court has the decision"; new information cannot be introduced i.e. notification, public hearings, need to recuse, etc.
 - No action taken.
- **Garage Door Quote**
 - Two quotes were received for changing the garage door configuration. Will bring back in March or April when City Hall remodel quote(s) are received.

- **Rails-to-Trails Parking Lot Plowing (Mike Robson)**
 - Idaho Parks & Recreation/District 33 Grooming Board has accepted the City's proposal to plow the R-to-T trailhead parking lot. A memorandum of understanding between the City and District 33 will be submitted by the City for approval and signature by the District
- **RAD Franchise Agreement (Dave Hudacsko)**
 - Discussion focused on whether or not recycling is an "essential service"; consensus was reached that it is not and therefore the exclusivity afforded by a franchise agreement is not necessary.
 - RAD is welcome to offer recycling within City limits without a franchise agreement
 - **Berry moved to not go forward with a franchise agreement with RAD. Matkin seconded. Motion carried unanimously.**

New Business

- **Local Emergency Response Agency: LERA (Bret Campbell & Jason Latham)**
 - Assistant Fire Chief Campbell outlined LERA requirements for responding to hazardous substance incidences. He requested that the City Council approve a resolution designating the Teton County Fire Protection District as responder for hazardous incidents within City limits
 - Campbell stated that there would be "no cost to the City" as clean-up costs would be paid from Fire District Funds. If approved, the Fire District will notify the State of its LERA designation for Teton
 - **Matkin moved to approve Resolution 2011-1 LERA. Berry seconded.** Jardine read Resolution 2011-1 verbatim. **Question called by roll: Abbott – aye; Berry – aye; Matkin – aye. Motion carried unanimously.**

Departmental Reports

- **Planning & Zoning (Emily Nichols, Chair)**
 - Public Hearing 1/3/11 Facts & Findings: postponed until March pending receipt of signed recommendation from P&Z
 - **Jan Gallup**, Planning Consultant (no report)
- **Public Works Department**
 - Short discussion on status of the City's municipal well: clay valve, leak, 2nd source
 - A DEQ partially-funded water study is to be completed by summer's end which may help the City's eligibility for grant funding to upgrade/improve its water system; matching [at typically 25%] may be an issue in obtaining funds
 - The current number of water/sewer hook-ups also limits the City's options
- **City Clerk**
 - Sewer loan payment was made on 2/4 @ \$46,000 dropping fund cash balance to \$30,000. The second loan payment is due in September @ \$17,000
 - Two grants are being readied for submission 1) Silver*Star (2/11) and 2) CHC (2/25); both are being submitted for City park upgrades
 - The City received County Road Levy funds which will require opening the FY 2011 budget so the funds can be spent. Opening the budget will require a public hearing with associated notice.
 - No word from Jensen Poulsen on when the FY 2010 audit report will be ready. To date, no additional information has been requested by the auditor.

- **Adjourn Meeting**
 - **Berry moved to adjourn. Abbott seconded. Motion carried unanimously.**

Meeting Adjourned at 7:50 p.m.

Rex Jardine, Mayor

Date

Carol Lenz, City Clerk/Treasurer

Date