

**MINUTES OF THE
SPECIAL COUNCIL MEETING OF THE
MAYOR AND CITY COUNCIL
AUGUST 11, 2009**

Minutes of the Special Council Meeting of the Mayor and the City Council of Rupert, Idaho, held on the Eleventh day of August, 2009 in the Council Chambers in the office of the City Clerk located at 624 F Street at the hour of 7:00 PM.

Present: Mayor Paul E. Fries
Councilmen Brown, McGhie and Roundy
Councilman Bowers (absent)
City Attorney Kelly Anthon
City Superintendent Dennis Andrew
City Clerk Carma Maxey

Visitors: Jeff McEwen, Dave Joyce, James Wardle, Randy White, Colleen Severson, Dustin Fackrell, Sherri Miles and Randy Thompson, employees. Donna & George Maas, Barbara Cole, Gerry Bott, Mary McGinnis, Norma Mittelstedt, Stephanie Bonney representing Moore Smith Buxton & Turcke, Chartered. Laurie Welch and Lisa Dayley, media.

Mayor Fries called the meeting to order at 7:00 PM with Councilmen Brown, McGhie and Round present. Mayor Fries stated that Councilman Bowers would be absent.

Mayor Fries welcomed the guests and asked all to stand and recite the ‘Pledge of Allegiance’.

Councilman Brown made a motion to approve the Consent Agenda: Bills, Payroll and the Minutes of the July 21, 2009 Council Meeting. Councilman McGhie seconded and the motion carried. Councilman Bowers was absent and not voting.

5. Recognition-Awards-Proclamations

Item 5-A: Presentation by George Maas and an Up Date on the POW/MIA Memorial
George stated that the Police Officers he planned to recognize could not attend, so he will make that presentation at another time. He reported that the construction of the POW/MIA Memorial is moving along. Saturday, September 19, 2009 at 2:00 PM will be the 2nd Annual POW/MIA Recognition Day Ceremonies. There will be shirts for sale in honor of the day.

Item 5-B: Presentation of an Intermediate POST Certificate to Officer Jeff McEwen
Police Chief Randy White read a letter of congratulation from Jeff Black of POST. Mayor Fries presented an Intermediate POST Certificate to Officer

McEwen.

6. Ordinances & Resolutions

Item 6-A: Ordinance No. 09-505, an Ordinance Amending Liquor by the Drink Regulations

ORDINANCE NO. 09-505, AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF RUPERT, IDAHO AMENDING RUPERT CITY CODE SECTION 3-8-10 TO ALLOW LIQUOR TO BE SOLD ON PRIMARY ELECTION AND GENERAL ELECTION DAYS AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

City Attorney Kelly Anthon read Ordinance No. 09-505 for a second time by Title only.

Item 6-B: Ordinance No. 09-506, an Ordinance by the City of Rupert, Idaho, Authorizing and Providing for the Issuance of Parity Lien Sewer Revenue Bond
SUMMARY OF ORDINANCE NO. 09-506, AN ORDINANCE OF THE CITY OF RUPERT, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A PARITY LIEN SEWER REVENUE BOND, SERIES 2009, IN THE PRINCIPAL AMOUNT OF \$3,700,000, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTS QUALITY; PROVIDING FOR RELATED MATTERS; PROVIDING AN EFFECTIVE DATE (See file for complete ordinance.)

City Attorney Kelly Anthon introduced Stephanie Bonney, representing Moore Smith Buxton & Turcke, Chartered to present the passing process for Ordinance No. 09-506. She stated that this ordinance will allow the City to close out a \$3,700,000 bond that is scheduled to close on August 14, 2009. She suggested that a motion be made to waive the three readings and read by Title only, and another motion to adopt Ordinance No. 09-506.

Councilman Brown made a motion to waive the three readings of Ordinance No. 09-506 and read by Title only. Councilman Roundy seconded and the roll call was as follows:

Ayes: Councilman Brown, McGhie and Roundy

Nays: None

Councilman Bowers was absent and not voting.

City Attorney Kelly Anthon read Ordinance No. 09-506 by Title only. Councilman Brown made a motion to approve Ordinance No. 09-506. Councilman McGhie seconded and roll call was as follows:

Ayes: Councilman Brown, McGhie and Roundy.

Nays: None

Councilman Bowers was absent and not voting.

The Mayor, City Clerk and City Attorney then signed the above mentioned document for Stephanie Bonney to take with her to the closing in Boise, ID on August 14, 2009.

Item 6-C: Ordinance No. 09-507, 09-507, an Ordinance Amending the Zoning & Subdivision Ordinance for 2009

City Attorney Kelly Anthon read by Title only Ordinance No. 09-507, AN ORDINANCE OF THE CITY OF RUPERT, MINIDOKA COUNTY, IDAHO; AMENDING PORTIONS OF TITLE 5 AS FOLLOWS: 8-2-2 ADDING DEFINITIONS FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES, AND AMENDING THE DEFINITIONS OF CLASS A, B, AND C MANUFACTURED HOMES; 8-5-2 AMENDING TO DISTINGUISH BETWEEN PRIVATE AND COMMERCIAL USES; REVISING THE PERMIT USES FOR CLASS C MANUFACTURED HOMES AND AMENDING NOTE 8; PROVIDING FOR PERMITTED USES FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES; PRIVATE HUNTING CLUBS OR RESERVES; PROVIDING FOR SMALL 10 LOT SUBDIVISIONS IN THE "AH" AND "AM" DISTRICTS AND DEFINITION OF SAME AS A NOTE 15; AMENDING THE PLACES OF USE FOR CAFO – COMMERCIAL OPERATIONS; DELETING THE USE OF "CREMATORIUM" AND COMBINING IT WITH "FUNERAL PARLOR"; AMEND THE USES FOR PRIVATE RIDING ARENA AND PROVIDING FOR EXEMPTION FOR FAMILY USE IN A NEW NOTE 16; AMENDING 8-5-3 TO PROVIDE FOR NEW SETBACK REQUIREMENTS FOR STRUCTURAL PROJECTIONS; AMENDING 8-6-6 K REGULATING USES OF MANUFACTURED HOUSING; AMENDING 8-13-6 TO PROVIDE A NEW SECTION AS TO REQUIREMENTS FOR BUILDING PERMITS; AMENDING 8-14-12 TO CLARIFY THE APPEALS PROCESS; AMENDING 8-14-13 TO PROVIDE FOR A NEW SECTION DEALING WITH APPEALS AND NOTICES OF APPEAL; AMENDING EXISTING 8-14-13 TO BE RENUMBERED AS 8-14-14 AMENDING SAME TO CLAIIFY TO TOLLING PERIOD DURING MEDIATION; AMENDING 8-15-2 F REGARDING RQUIRES FOR SPECIAL USES PERMITS; AMENDING 8-17-1 C 3 TO CLARIFY THE CAFO BUILDING PERMIT PROCESS; AMENDING 8-17-4 B TO PROVIDE FOR EXPANSIONS OF NON-CONFORMING USES; AMENDING 8-17-5 D TO CLARIFY CAFO SET BACK REQUIREMENTS; DELETING 8-17-10 C AND AMENDING 5-21-11 TO PROVIDE POSSIBLE EXTENTION OF THE ONE YEAR LIMIT ON PLAT APPROVALS; AND PROVIDING FOR EFFECTIVE DATE.

City Attorney Kelly Anthon read Ordinance No. 09-507 for the first read by Title only.

7. Old Business

Item 7-A: Discussion and Possible Action Concerning the Les Schwab Building

City Superintendent Dennis Andrew stated that the Howarth Building is down.

Mr. James Ahrens has stated interest in taking the roof and doors off of the Les Schwab building. Mr. Andrew stated that Mr. Ahren is not interested in taking the block down, so the wood removal would have to be removed at a time when the rest of the building could be taken down. The Council suggested that a proposal from Mr. Ahrens would be in order.

8. New Business

Item 8-A: Discussion & Possible Approval of the Wine, Beer and Liquor by the Drink License

City Clerk Carma Maxey stated that at the time of previous approval the Pizza Hut did not have the necessary information, but at this time they have all necessary information, have paid their fees and are ready for approval. Councilman Brown made a motion to approve NPC International dba as Pizza Hut's Beer License renewal. Councilman Roundy seconded and the motion carried. Councilman Bowers was absent and not voting.

Item 8-B: Discussion and Possible Action Concerning the Purchase of Police Vehicles- Chief White

Chief White stated that they had looked for cars that would be appropriate for the department. He has looked for black cars and has found some Dodge Chargers with extra equipment that may be serviceable. The cars were found in Utah and they will need the tires replaced. After some discussion and questions, the Council advised Chief White to continue looking. Councilman Brown stated that he was concerned about the maintenance that may be needed on the engine type. Chief White stated that he was afraid if we wait on purchasing that these cars may be gone. The Council suggested he do some more looking.

Item 8-C: Discussion and Possible Approval of the Communications Service Agreement between Minidoka County and the City of Rupert

Councilman Brown stated that he had not had time to look at all the information on this item. The consensus was that this item be tabled until the Council has more time to look at the agreement. Councilman Brown made a motion to table this item. Councilman McGhie seconded and the motion carried. Councilman Bowers was absent and not voting.

Item 8-D: Discussion and Possible Approval of the NEIS First Addendum to Load Commitment Agreement for the City of Rupert

City Kelly Anthon explained that we have approved the original agreement to be a member of the NEIS, but the City must be in line with the Idaho Constitution. The agreement is to protect the NEIS and the City. He stated he had examined the document, and he had no problem with the City entering into this agreement. Councilman Brown made a motion to approve the signing of the Northwest Intergovernmental Energy Supply First Addendum to Load Commitment Agreement for the City of Rupert. Councilman Roundy seconded and the motion carried. Councilman Bowers was absent and not voting.

9. Public Comment

- 1) Barbara Cole stated her concerns with the demolition of an existing home and the moving in its place a mobile home.
- 2) Mary McGinnis stated her concerns with the number of police officers per population Numbers. She stated some concerns with notice time for street repair.
- 3) Gerry Bott thanked the Mayor and Council for the good changes that have taken place and for being there for the residents.
- 4) Barbara Cole stated her concerns with the approaching school session and the speeds traveled on A Street.
- 5) Mary McGinnis thanked the City for street repairs on E 6th Street.

10. Council Discussion

- 1) Councilman McGhie inquired about the offers on the Pershing School property. City Superintendent Dennis Andrew state he had no further information on the offer that had been made.
- 2) Councilman Roundy suggested that all donations be recognized for the POW/MIA Memorial. George Maas stated that he is keeping track of all donations and would give the Mayor and Council a list.

13. Executive Session – Pursuant to Idaho Code 67-2345 – Personnel, Pending Litigation, Land Acquisition

Councilman Brown made a motion to move into Executive Session Pursuant to Idaho Code 67-2345 to discuss personnel. Councilman Roundy seconded and roll call was as follows:

Ayes: Councilman Brown, McGhie and Roundy

Nays: None

Councilman Bowers was absent and not voting.

Executive Session: 8:05 PM

Recess: 10 Minutes

Executive Session Resumes: 8:20 PM

Concerns: 1) Personnel

Open Session Resumes: 8:40 PM

With no other business before the Mayor and Council, Mayor Fries adjourned the meeting at 8:40 PM.

Paul E. Fries, Sr., Mayor

ATTEST:

Carma J. Maxey, City Clerk