

City of Rigby
Council Meeting Minutes
April 6, 2017

Mayor Richardson called the meeting to order at 7:00pm Thursday, April 6, 2017. The pledge of allegiance was given Douglas Burke and the prayer given by Kirk Olsen.

The mayor asked the clerk to call the roll:

Councilman Burke Present

Councilwoman Weight Present

Councilwoman Thomas Present

Councilman Datwyler Present

Councilman Taylor Present

Councilman Olsen Present

Also present: Chief Tower, Attorney Dunn

1st Reading of Ordinance #2017-589 – Sanitary Sewer:

Councilman Burke moved that the ordinance be read in summary only seconded by Councilwoman Thomas.

The mayor calls for a voice poll: All in favor.

The mayor asks the attorney to read the summary of ordinance #2017-589.

1st Reading of Ordinance #2017-588 – Overnight Camping City Parks:

Councilwoman Thomas moved to read ordinance #2017-588 in title and summary only seconded by Councilman Olsen.

The mayor calls for a voice poll: All in favor.

The mayor asks the attorney to read the summary of ordinance #2017-588.

The attorney mentioned that the council could waive the second and third readings and move to adopt. The mayor expressed concern of this being a time sensitive item and that we have not done the waving of the three readings. He wanted to know that if the city were to skip the readings he wanted the public to have input. The mayor asked the council if they had heard back from any citizen about this ordinance. Councilman Burke mentioned he had heard a concern of opening all the parks to which he indicated it was only for the south park. Councilwoman Thomas asked why the need to rush to waive the readings being the event is in August. The clerk indicated they have been receiving calls for reservations and he would be hesitant to issue and charge reservations fees and then have the ordinance turned down. The mayor asked if there was a motion to waive the second and third readings.... Hearing none he moves to the next item on the agenda.

Mayor's Proclamation of Fair Housing Month for April:

The mayor read the proclamation of designating April as Fair Housing Month.

Declaration of Surplus Property/Permission to Dispose:

Police Department: Chief Tower presented a three page listing of equipment acquired either through purchase or grants that the department can dispose of. Also included in the equipment list are the items acquired from the federal 1033 program. The items can be sold or transferred to another city department.

Councilman Burke moved to allow the police department to dispose of the equipment after allowing other city department heads that could use the equipment have first dibs. Motion seconded by Councilman Taylor. The proceeds of the sale of the equipment will go into the capital improvement fund.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Library Equipment:

A list was presented from the library for various computer processors, keyboards, monitors, ink jet printers are no longer in workable condition and are currently being stored in the fire bay of city hall. Discussion if there was any value of the computers. Councilman Olsen thought being their age there would be no value.

Councilman Datwyler moved to dispose of the library equipment seconded by Councilwoman Weight.

The mayor calls for a voice poll: All in favor.

Cordon House:

The intention for the house would be for someone wanting to purchase the home and move it off site. The mayor indicated the house could be used for training or some other purpose and if not sold torn down and removed.

Councilman Olsen moved to declare the house surplus seconded by Councilwoman Weight.

The mayor calls for a voice poll: All in favor.

Police Dept. – Purchase of Copier:

Chief Tower came forward and handed out to the council several handouts of office copiers that he had received information on. The current copier is out dated and parts are not available. The one copier he was most satisfied with is the Kyocera. It is a multi-function machine: fax, scan, print and send emails. The price from Yost is \$1,499 with a service contract of \$270 per year. The machine has 18,000 annual copies which the police department uses around 11,000 per year.

Councilman Olsen asked why this item was being brought before the council if the item was in the police budget? The mayor indicated being a capital outlay purchase all capital outlay items needed to be approved by the council per the protocol established for department heads.

Councilman Taylor moved to authorize the chief to purchase a machine with a maximum amount of \$1,499 for the copier and service contract of \$270. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Airport Business:

Airport Ordinance: John Anderson came forward and reviewed with the council the ordinance that the airport board had Jefferson County adopt. He reviewed with the council the process they went through to get it adopted at the county level being the airport is outside the city limits and it would be enforced by the county. The county made one addition with a “due notice” for property within the zone of the airport a due notice from the seller to the buyer would need to be executed. The FAA requires an ordinance of this type to provide safety for aircraft entering and exiting the airfield.

The mayor asked if the ordinance would need to be changed if and when the airport began using digital approach landings versus visual landings. Mr. Anderson said yes but when that change occurs is unknown given the price of electronics dropping and better equipment is being developed.

The city attorney indicated the city will need to adopt the county ordinance with modifications referencing our code and statute required for adoption of city ordinance.

Councilman Burke moved to adopt Jefferson County Ordinance #2016-06 and publish said ordinance seconded by Councilman Taylor.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
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Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Annual Report: Councilman Burke read a letter of the accomplishments of the airport this past year and the airport board’s compliments to John Anderson for his service to the airport during the past 9 years.

Councilman Burke presented John Anderson with a plaque of appreciation to John Anderson for his years of service to the airport board.

Nomination of Airport Board Members:

Two individual names were submitted to the council for appointment to the airport board: Mike Byers and Joe Bichel. Both are county residents and expressed interest in serving on the airport board.

Councilwoman Thomas moved to appoint Mike Byers and Joe Bichel to the airport board seconded by Councilman Burke.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Employee Pay Adjustments:

Review of pay raise granted Nov. 15, 2015 back dated to be effective October 1, 2015:

The mayor referred the council back to pay raises back in 2015. The hourly employees were granted pay raises effective for October 1, 2015. The department heads were reviewed November 15, 2015 and granted pay raises on that date. Councilman Olsen felt going back a year and a half and requesting a change just doesn’t feel right. Councilman Olsen asked the mayor what his feeling were on the subject. The mayor said his feeling were the same as Councilman Olsen in that the council was very deliberative in the process and going back 18 months for a six week pay adjustment is not right. Councilman Olsen asked why this item had to be brought before the council. The mayor said the issue was one of where the employee disagreed with the answer the mayor provided the employee who can appeal to the council. The employee is appealing the mayor’s decision to the council as provided in the personnel policy.

Councilwoman Thomas asked if the pay raise was from the end of the calendar year to the beginning of the fiscal year? The mayor said the hourly employees’ pay were reviewed prior to September 30 but the department heads salaries were not reviewed until November 15 at which time they were granted a pay increase. The one employee is asking that pay raised be effective from November 15, when it was passed to back to October 1.

Councilman Taylor asked if the mayor was looking for a motion. The mayor said if there is a change from the motion done November 15, 2015 then there would need to be a motion: if the council did not want to make a change then no motion was required as the motion of November 15, 2015 would stand as passed.

Hearing no motion the mayor moved to item b) forfeited vacation hours.

Forfeited Vacation Hours:

Due to the change in the personnel policy there was a change of carryover of vacation hours changing from ending December 31 to September 30. He had asked the two employees affected by the change to reduce their hours prior to September 30. One employee didn't reduce his hours until after October 1 and he later found out that he had forfeited the unused hours on October 1 per the personnel policy. The employee did get cash payment for 40 hours carried over but he forfeited the 34 hours that exceed the allowable carryover hours of 184 hours.

Councilman Taylor asked if the mayor gave the employee an answer to the forfeited time and if he was also appealing the decision on vacation hours. The mayor said that being a department head he wanted this referred to the council. Councilman Burke stated we needed to stress that employees need to take and use their vacation hours.

Councilman Taylor moved to reinstate the vacation hours forfeited back to the current year and the employee will have until September 30, 2017 to use them and the personnel policy regarding vacation leave will be followed thereafter. Motion seconded by Councilwoman Thomas.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	No

4th West and Rigby Canal:

Councilman Datwyler expressed the thought that prior to the council making a decision on the proposed footbridge he thought it best to move public comment ahead of council decision. Councilman Datwyler stated that if public comment came after a decision what was the use of having public comment. The mayor wasn't certain if the council was ready for a decision on the bridge this evening. Councilwoman Weight wanted a decision this evening being that it has been discussed and a decision needed to be made.

Councilman Datwyler moved the public portion of the agenda be placed prior to the discussion/decision on the foot bridge.

Call for discussion: Councilman Taylor wanted to have council discussion followed by public comment but before decision. Motion withdrew by Councilman Datwyler. Councilman Burke noted this was being done to sway the council and wanted to leave public comment at the end of the agenda.

The mayor stated to begin council discussion:

Councilwoman Weight reviewed the regulations that the Rigby Canal would like followed. There is no footage but only reasonable access into and out of the canal. If a fence is blocking their access the replacement is the homeowner's responsibility. Placement of fence wherever deemed best for the homeowner given the canal's right to enter the canal.

The mayor added the item for vacating the intersection on 4th but he's not comfortable with it. He gave a brief explanation of his thoughts on vacating the easement. Councilman Olsen did not like giving up an easement. Nor did Councilman Burke like giving up the easement on 4th West.

Councilwoman Thomas felt the property could be accessed sometime later even though it currently is a mess. It was done wrong by a prior council and is opposed to stubbing the road.

Councilman Taylor asked where the fence would be placed and what the bridge would look like. He recalls seeing drawing sometime ago but couldn't how it would be.

Discussion on what type of fence given the restrictions Hunter Creek has and that of Pioneer Park are both different. The attorney stated the CC&R applies to the homeowners but not city or county on road easements. Discussion on the placement of the bridge – middle of road or on either side. Comment that Hunter Creek not having sidewalks was discussed.

(Change of disc – first few minutes not recorded due to errors in disc.)

Keller's engineer came forward and gave a brief overview of what the foot bridge would like – pre-stressed concrete with hand rails and a ramp for the difference in elevation.

Councilman Datwyler moved that public comment be moved after council discussion but prior to decision by council. Motion seconded by Councilman Olsen.

The mayor called for a voice poll: Voice ayes carried with Councilmember Burke and Thomas opposing.

Public Comment:

Jared Blackham: Opposes the bridge being built and expressed concern over access to easement with fence being built.

(Recording began)

Tiffany Clifford: Opposes the bridge and has concerns with the bridge and the safety of children and how the bridge will attract kids to the canal. There surely is a better use of the funds than putting in a bridge for a few.

Jennifer Housley: Opposes the bridge. Bought into the subdivision for the quiet and seclusion that it has. The bridge will detract from the quality of life. Lots are harder to sell due to the talk of putting in a bridge.

Todd Housley: Opposes the bridge. Asked what is the driving force for the footbridge? Will the bridge impact property values? Feels a bridge will lower home values. Feels there is no representation on the council for the concerns of the neighborhood.

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Gloria Muggleston: Expressed concern for the safety of children living in the neighborhood. Likes the quiet subdivision without out added traffic. A bridge will draw kids to the canal. They have lived in both subdivisions and due to the increase in traffic in Pioneer and moved out due to the increase of traffic.

Lacey Treasure: Wanted to know what benefit the bridge would bring? The protection of neighborhood should be high priority for council. They have purchased two homes in Hunter Creek due to its covenants and like the quiet and secure neighborhood that it offers. A bridge will destroy that atmosphere.

Dawnella Stowell: Opposes footbridge. The bridge is not an improvement to the neighborhood, and will affect home values. There is a lack of council actions/decisions being available to the public. There is a lack of sidewalks. There are more pressing needs in the city than a footbridge. Subdivision is separated from other subdivisions hence the name: subdivisions.

Jonathan Hemsley: Works in Rexburg but live in Rigby because of the schools and community. Moved into Hunter Creek because of the quiet and seclusion it offered. Asked what the purpose of the bridge would bring. The council should represent the residents.

Michelle Robison: Opposes any bridge. Was told there would not be a bridge on 4th West. Safety of her children is major concern having a special need child. Street where the bridge would be built doesn't have lighting around the bridge. The state issues safety concern to the public warning of the hazards of canals and with the footbridge would only attract kids to the canal.

Rob Webb: Asked how the decision of past councils should be used to hold the residents hostage of mistakes done by prior councils. The current council should be able to make decisions here and now and not be held by prior councils. Is the bridge a liability for the city and the homes on the north side of the canal? What would damage be to the ramps with work in the canal caused by equipment? Sidewalks will be an added cost to the project.

Candice Perry: Had a family member who drowned in a canal even though they were educated about the hazards of playing in the canal. Children do not always follow guidance and education from their parents. A bridge is not worth the cost and with very little benefit that it may bring to a select few.

Jennifer Wilder: Concurred with what has already been stated by the public and didn't have anything new to add.

Being no further public comment, the mayor closed the public comment period at 9:15pm.

Mayor's response to public comment:

- Funds budgeted for the bridge is \$8,000
- The discussion and decision is only for a foot bridge and not a road bridge.
- Ramps shouldn't be affected by the equipment; fences may have to be moved depending on where equipment enter/exit the canal.

- Force driving for the bridge: His first thought for the bridge would be conductivity of the two neighborhoods and access to the church. The church is not just used on Sundays and it is used almost daily. Access was and is a need. And the convenience a bridge would bring.
- The development to the west (Cedar Meadows) will require access across the canal. And if that development is coming then at that point in time a bridge will be installed along 5th West. And given that, the 4th West bridge would not be needed.
- He feels putting in a bridge will increase traffic to the canal and make it's more of an attraction.
- He wants more information regarding the fencing: from where to where on both sides and also access to the bridge and sidewalks and also what type of fence.

Council's Discussion:

Councilman Olsen: The major concern is safety which is a very valid concern. ; Again raised the question of why a footbridge. When there hasn't been a bridge there for years he can't see the need.

Councilwoman Thomas: Commented that residents of Pioneer aren't coming to the meeting and expressing the feelings as Hunter Creek are. Maybe they don't care one way or the other. Feels it would be safer to have a bridge than not to have a bridge.

Councilwoman Weight: The first residents asking about a bridge were from the south side then later the north side supported the bridge. Kids will play in the canal regardless of the restrictions. There needs to be a safe path across. Understand the parents concern with their child safety. She lives on a canal and know what kids go through and she has the same concern with her kids.

Councilman Taylor: Given time there will be a bridge between the two subdivisions. When is uncertain but in time there will be a bridge. Safety for kids is a concern but kids will in time find the canal regardless of where they live. He's indifferent on the 4thWest bridge he can go either way.

Councilman Burke: Asked the attorney if the city has a liability if they put in a footbridge? Continuing with his comments went on and stated that Idaho has the 6th highest incident of drowning in the nation. There is a lack of parental supervision. There hasn't been a recent drowning in Rigby in recent years. He also questioned the statement of decrease in home values with the addition of a bridge. He then asked the attorney what about liability.

Attorney: The attorney said the foot bridge may be looked as an attractive nuisance but proving it is a nuisance is a huge issue to overcome being that it was placed for the safety of the residents.

Councilman Taylor: A connected community makes a strong community. Asked about the letter delivered to the mayor during the last council meeting: is the bridge a liability to be considered? The mayor indicated it should be discussed in executive session.

Councilman Burke: Discussed the added value the subdivision of Cedar Meadows will have on the city when construction begins. He cited hookup fees that would be collected along with the utility services that would be added to the city. There should not be a limitation on bridges.

Mayor: The mayor stated that before going forward he wanted to know the full cost of the bridge including fencing and everything else associated with it. Where it will be placed – east/west/center; type of fence etc. Also how would it look a vinyl fence on one side and chain link on the opposite side. And what about gates on one side of the canal?

Councilman Olsen: Asked how the city advertises its meeting and if we could do a better job doing it.

Mayor: The mayor responded that the budget hearing was published twice but given the reality that publication is out dated and archaic. The same could be said for putting it on facebook: no one is going to click on the "like" button. Sending out letters is super expensive. If we text you for every meeting the public will start blocking those text messages. Getting the information out is hard unless the public looks at the agenda each and every time.

Council began open discussion among themselves and interacted between themselves.

Councilwoman Weight moved that the city proceed with the footbridge on 4th West with its placement to be determined by the public works department with the fencing being determined at a later date. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll of the council:

Councilwoman Weight	Yes
Councilman Burke	Yes

Councilman Burke asked if Councilman Datwyler had a conflict. The attorney stated the decision was a subjective test to Councilman Datwyler. Councilman Datwyler stated he did not feel his living in the subdivision would comprise his decision one way or the other being he has not expressed an opinion on it.

Councilman Datwyler	No
Councilman Olsen	No
Councilman Taylor	No
Councilwoman Thomas	Yes

Being the vote was three in favor and three opposed: the mayor cast a vote of no and the motion failed.

South Park Playground Equipment:

Councilman Burke stated there was no information to present this evening.

Treasurer's Report:

The treasurer asked if his report could be postponed until the next meeting. Councilwoman Thomas moved to table the treasurer's report until the next council seconded by Councilman Burke.

The mayor called for a voice poll: Hearing ayes and nays, the mayor ruled the ayes appear to have the majority.

Approval of Minutes:

Councilwoman Weight indicated one error on page one with the omission of the council person making the motion: Reference being Councilwoman Weight.

Councilman Datwyler moved to approve the minutes as corrected seconded by Councilwoman Thomas.

The mayor called for a voice poll: All in favor none opposed with Councilman Taylor and Olsen abstaining.

Approval of Bills:

Councilwoman Weight moved to approve the bills seconded by Councilman Taylor.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Other Council Business:

Councilman Datwyler wanted to say that when he stated the council did not listen to the public it was not his point and he wanted to apologize if he conveyed the wrong impression.

The clerk noted for the council that there is an upcoming training seminar sponsored by the Idaho Chapter of Public Risk Management Association covering open meeting laws and executive sessions and government ethics. He felt it would worthwhile for all of the council members to attend.

Several of the council indicated they could not attend. He mentioned as an alternative he may ask ICRMP agent might schedule a meeting with the council to review similar items. Council felt that might be an alternative to consider.

Council Taylor wanted to clarify his vote on the bridge and he would be willing to reconsider it at a later date.

Executive Session:

Councilman Taylor moved that the council enter into executive session per Idaho Code 74-206(f) – that the council considers items either pending or imminently likely to be litigated, motion seconded by Councilwoman Thomas.

The mayor asked the clerk to poll of the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilwoman Thomas	Yes
Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Olsen	Yes

Council adjourns into executive session: 9:58pm

Council exits executive session: 10:37pm.

Discussion:

Councilman Taylor felt the mayor should continue with the decision as discussed in executive session.


Adjournment:

Councilwoman Thomas moved to adjourn seconded by Councilman Datwyler.

The mayor called for a voice vote: All in favor none opposed.


Meeting adjourned: 10:38pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk