

City of Rigby
Council Meeting Minutes
April 7, 2016

Mayor Richardson called the meeting to order at 7:00 pm Thursday, April 7, 2016. The pledge of allegiance was given by Kirk Olsen and the prayer was offered by Doug Burke.

The Mayor asked the clerk to call the roll.

Councilman Taylor	Present
Councilwoman Thomas	Present
Councilwoman Weight	Present
Councilman Burke	Present
Councilman Walker	Present
Councilman Olsen	Present

Attorney Dunn and Chief Hammon also present.

Rigby Middle School Program:

Jennifer Anderson student counselor from the Rigby Middle School came forward to discuss the program they have begun at the school. The focus of the program is to change the attitude of everything around the kids is being expressed in a negative connotation: don't do this, can't go there, don't litter, anti-bully. Given this they wanted to turn the negative into a positive message and tell what they can do – "Dude Just Be Nice". She has asked three of the students to come and to tell the council what their experience has been. Mrs. Anderson recognized the student council and stated the student council has done an awesome job in leading the students in the effort.

6th Grader came forward and stated her experience has been to act more positive. She noticed other students standing up for other students when they are being played down and being nice to other kids. The other day a group that she was with during lunch saw a student sitting by herself so they moved over to her table and included her in their discussion. A 7th grader said he's noticed that classmates are having a positive spin in attitude since the program began and making the school a better place. The 8th grader said the positive attitude is spreading throughout the school.

Animal Control Ordinance:

Councilwoman Weight began the discussion with the revision she thought would improve the city's ordinance regarding animals in the city limits. The proposed draft expanded the definition of animals limiting them to be under 150 pounds could be allowed. The proposed draft prohibits dangerous and exotic animals not native to Idaho. It also placed restrictions on when an animal could be declared a nuisance by the neighbors within 100 yards of the offending residence. Dogs will still need to obtain an annual dog tag and the changes would not change the regulations concerning kennel of dogs.

Councilman Olsen objected to the change and felt it was being too broad and allowing animals not previously allowed in the city. He noted that his neighbors would object to the change. Councilman Walker stated that in the house he previously lived in, there weren't three neighbors within 100 yards to object to a nuisance. He felt the 100 yards was too restrictive.

There was a brief discussion concerning the cost of quarantining of dogs suspected of having rabies as to the dog owner paying 50% of board or 100% of board fees. There is not a restriction as to the number of animals except dogs where a kennel license of three or more would be required. All dogs and

animals over 50 pounds will be required to have an annual license. The proposed change would charge a penalty of \$30 on the first violation; \$100 on the second violation and a misdemeanor with the third violation within a three year period plus impound fees.

Councilman Taylor moved to publish the ordinance with the changes as discussed with the public hearing set for May 5, 2016. Motion seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council.

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

Declare Vehicle as Surplus:

The mayor explained that the city owned vehicle a 2002 Ford Crown Vic is of limited use. The city of Ucon has similar car with a blown engine who may be interested in obtaining the Rigby car which has a good engine as a replacement. The police department has a Ford Explorer which is being rotated out of police service and could become a city vehicle to replace the Ford Crown Vic.

Councilman Burke moved to declare the 2002 Ford Crown Vic as surplus property seconded by Councilman Walker.

The Mayor asked the clerk to poll the council.

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

Part Time Janitorial Hire – City Hall:

The clerk explained that Journey's approached the city about assisting them in teaching their clients basic life skills lessons. The city would like to retain the individual who would work Monday, Wednesday and Friday for 1 hour per day. His duties would be to clean the council chambers, empty the trash, clean the rest rooms, vacuum the carpeted areas in city hall, and other light duties in and around city hall. The client is "managed" by an aid whose duty is to oversee that the individual does the assigned tasks assigned. His pay would be minimum wage (\$7.25 hour). Journey's provides a valuable service to the area in assisting these individuals and the clerk feels the city should support them where possible.

Councilman Olsen moved to approve the hire seconded by Councilman Walker.

The Mayor asked the clerk to poll the council.

Councilman Taylor	Yes
Councilwoman Thomas	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes

Councilman Walker	Yes
Councilman Olsen	Yes

INL Bus Lot Lease Extension:

The INL lease on the bus parking lot is up for renewal for an additional five years. The monthly lease is for \$150.00 per month. The mayor questioned the ability of the city to end the lease. The clerk read from the contract agreement within either party may terminate the lease with 60-day written notice. The INL provides the lights and pays for garbage service and other expenses associated with the maintenance of the lot. Hunter Creek Development has right to place a sign advertising their subdivision along 5th West but as of this date have not exercised that option.

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

The Mayor asked the clerk to poll the council.

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

Review and Approve bid and contract for valley gutter replacement:

The street superintendent discussion of the various sections around the city that had deteriorating valley gutters where the concrete has scaled and/or is broken and allowing water to undermine the integrity of the gutters. Two bids were received: DePatco \$23,322.10 and McVey Concrete LLC \$19,939.41. The work was planned on being completed on part of the gutters last year but the contractor backed out of the agreement. This year the budget was increased by the \$10,000 not expended last year plus an additional \$10,000 this budget year for a total budget of \$20,000. McVey came recommended from the city of Idaho Falls. The work is scheduled to be completed before June 18, 2016. Where a full width gutter is planned on being torn out, only one half of the gutter will be closed to traffic at any one time.

Councilman Walker moved to approve the work and contract to McVey Concrete LLC seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

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

Review of February 2016 Financial Statements and Journal Entries:

The city treasurer came forward and reviewed his management letter sent to the council regarding the February 2016 financial statements. He recapped various funds with comparison to budget and with prior year's expenditures to date. He noted the police department actual to date expenditures were down in relation to prior years due to reduction in force, lower fuel costs and lower vehicle maintenance

and lease payments. All of the various funds and enterprise funds were within budget both for revenues and expenditures.

He reviewed the journal entries he made for February noting the charges of the internal service fund and accrual of interest earnings on the various saving/investment accounts.

Airport Ordinance:

John Anderson and Mike Jenkins from the Rigby Airport board came forward and told the council that restrictions were needed around the airport to protect it from encroachment of structures being built in the flight path of aircraft both landing and taking off which could affect air standards and safety. Being the airport itself is city owned but is not part of the city, the city planning and zoning board does not jurisdiction on zoning or building around the airport. That responsibility rests with the county planning and zoning board. Recognizing a possible conflict and problem that could arise, the State Department of Aeronautics has recommended to the airport board that they have the city and the county enact a multi-jurisdictional ordinance that would set a combination of criteria, standards and zoning techniques that will protect the airport and aviation from incompatible development within the airport area. The result of that is what the airport board has developed based on suggestions from the State Department of Aeronautics and the Federal Aviation Administration along with unique features of the Rigby airport. The proposed ordinance is being made pursuant to Idaho code title 21 which recognizes that certain construction or structures may constitute hazards to aerial operation and navigation, and such hazards may endanger the lives and/or property of the users of the airport.

The council discussed the legality of the city passing an ordinance which is being enforced by the county. They also discussed the possible affect such an ordinance would have on the adjoining land owners. The council reviewed the section discussing "appeals" and felt the city council being an elected board should have input on an appeal decision. The mayor would like to the ordinance to show whose language (Dept of Aeronautics or FAA) is being used. Mr. Jenkins commented that the county came to the airport board to draft the ordinance being that they, the county, had no experience or knowledge regarding the operation of an airport.

The council suggested that the airport board first get some commitment from the county commissioners that they would support the ordinance and if they do then come back to the city.

Approval of Minutes:

Councilwoman Weight moved to approve the minutes of March 17, 2016 be approved seconded by Councilman Taylor.

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

Approval of Bills:

Questions from the council included the Jefferson Star invoice for planning and zoning hearing; Colonial Flag – flags for the Vet Memorial paid by the VFW.

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

The Mayor asked the clerk to poll the council.

Councilman Taylor	Yes
Councilwoman Thomas	Yes

Councilwoman Weight	Yes
Councilman Burke	Yes
Councilman Walker	Yes
Councilman Olsen	Yes

Other Council Business:

Annis Highway Project: The mayor noted the city has been informed that the improvement of the Annis Highway from 400 North to 2nd North has been approved by Local Highway Technical Assistance (LHTAC) for year 2020 or 2021 subject to state funding. This is being integrated with the county proposal of the Annis Highway from the Lorenzo/Menan interchange to 400 North. The proposal will include sidewalks, curb gutter and lights with a center turn lane through the city owned section.

Council meeting of April 21: The mayor will not be in attendance and will be chaired by Council President Walker.

Cleanup Days: Councilwoman Thomas suggested the police and/or council work on a specific project in and around the city. The dates of the cleanup will be April 21 and May 14.

AIC Meeting: There is an upcoming AIC budget meeting for elected officials being held in Idaho Falls April 28. The city will pay the associated fee of \$35.00.

Public Comment:

None

Executive Session:

Councilman Walker moved that the council enter into executive session per Idaho Code 74-206(c) to consider the evaluation to acquire an interest in real property which is not owned by a public agency. Motion seconded by Councilman Burke.

The Mayor asked the clerk to poll the council.

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

Council enters executive session: 8:45pm.

Council exist executive session: 8:59pm.

The mayor asks is there is any discussion/decision from the session just existed. Hearing none the mayor asked a motion for the second executive session.

Executive Session:

Councilwoman Thomas moved that the council enter into executive session per Idaho Code 74-206(f) – to consult with the attorney on controversies likely to be litigated. Motion seconded by Councilman Burke.

The Mayor asked the clerk to poll the council.

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

Council enters executive session: 9:00pm

Council exits executive session: 9:08pm.

The mayor asks is there is any discussion/decision from the session just existed. Hearing none the mayor asked a motion for the third executive session.

Executive Session:

Councilman Burke moved that the council enter into executive session per Idaho Code 74-206(b) – to consider the evaluation, dismissal, or disciplining of or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Motion seconded by Councilman Olsen.

The Mayor asked the clerk to poll the council.

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

Council enters executive session: 9:10pm

Council exit executive session: 10:22pm

The mayor asks is there is any discussion/decision from the session just existed. Hearing none the mayor asked if there is any further business.

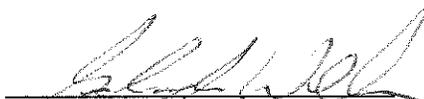
Adjournment:

Councilman Taylor moved that the council adjourn seconded by Councilwoman Weight.

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

Council adjourned: 10:22pm

CITY OF RIGBY


Schyler Walker, Council President

ATTEST:


David Swager, Clerk