

City of Rigby
Council Meeting Minutes
August 4, 2016

Mayor Richardson called the meeting to order at 7:00 pm Thursday, August 4, 2016. The pledge of allegiance was given by Emily Thomas and the prayer was offered by Doug Burke.

The Mayor asked the clerk to call the roll.

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

Attorney Dunn and Chief Hammon also present.

Patriot Award:

Scott Reece representing the organization *Employers Supporting the Guard and Reserves (ESGR)* came forward and explained what the organization is and how the organization came about. The organization was formed in 1972 to recognize employers that support personnel who serve in the reserves and National Guard. Mr. Reece presented Chief Hammon with the award due to Officer Shane Lusk nominating Hammon as being a patriotic employer. Officer Lusk stated that over the years Chief Hammon has been supportive of reserves, retired military, and National Guard personnel in hiring for the police force. Chief Hammon has hired Officer Lusk who is active duty personnel but also the last two hires were retired military personnel. Scott Reece and Officer Lusk presented Chief Hammon with the Patriotic Employer Award certificate recognizing him as supporting the ESGR.

MOA – City of Rigby and National Guard Property:

The mayor presented to the council an agreement between the city and the National Guard. The agreement allows the city to access the property north of the race track which is owned by the Idaho National Guard.

Councilman Datwyler moved that the city sign the MOA between the city and the Idaho National Guard seconded by Councilwoman Weight.

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

Pay Adjustment – Police Officer:

Chief Hammon came forward and a brief presentation for the awarding Sgt. Martin a pay increase for his promotion. The mayor and the chief discussed various options regarding Sgt. Martin and in addition the chief indicated that he would be reviewing several applications for the secretarial position in the police department on Monday. He would like to present an offer concerning wage on Monday.

Sergeant's Pay:

The chief indicated that the one proposal that struck him as being workable was a stipend pay. The duties of being a sergeant would be paid at \$150 per month. The mayor felt it was beneficial paying a stipend would be eliminate overtime pay with other duties and work not involving the rank or duties that are associated with the rank of sergeant. The council discussed the police department being

awarded grants for off duty work that the officers can work is they elect. The clerk indicated the amount paid to date totaled around \$2,700.

Secretarial Pay:

The chief indicated that the hiring process is almost complete and once they have that position filled he would begin filling the patrol officer position. The chief suggested a wage of \$12.50 per hour. Being this was his first hire the chief was unfamiliar with the wage scale. He indicated that he has received five applications and that he would need to go through oral boards to get a feel for qualifications.

Councilman Olsen moved that the mayor along with the chief be authorized to set the pay for the new police hire and secretarial person. Councilman Burke amended the motion to include officers Scott and Lusk. Councilwoman Thomas seconded the motion and amendment.

Councilman Datwyler stated that the responsibility of the council in setting wages was being taken from the council and given to the mayor.

The Mayor asked the clerk to poll the council.

Councilman Burke	Yes
Councilman Datwyler	No, with the explanation that as a councilman he wanted to be more involved in the process.
Councilman Olsen	Yes
Councilman Taylor	Yes
Councilwoman Thomas	No, Even though she seconded the motion and hearing what Councilman Datwyler stated she voting no.
Councilwoman Weight	No, Concurred with Councilwoman Thomas's statement.

Being the vote was tied three in favor and three opposed, the mayor cast his vote as no in deference to the council.

Motion fails.

Councilman Datwyler asked the chief about the status of a pay scale for the police department and he indicated they were still working on it. The chief said he has talked with Shelley department and Shelley uses similar pay with the stipend.

Councilman Datwyler moved that the sergeant position be paid \$150 per month seconded by Councilman Taylor.

The Mayor asked the clerk to poll the council.

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

The mayor indicated a wage for the secretary needed to be reviewed and he felt the chief and himself to set the wage for the secretary.

Councilwoman Thomas moved that the mayor and the chief be authorized to set the wage for the police secretary.

Councilwoman Weight asked if the applicants that the chief had received were qualified for the position. Councilman Datwyler asked if any of the applicants had more than 5 year's work experience. The chief indicated that a couple had more than five years but not exactly in law enforcement.

Councilwoman Thomas amended her motion that the mayor and chief be authorized to set the wage for the secretary position and that the limit of wage paid not to exceed \$14.50 per hour. Councilman Taylor seconded the motion.

The Mayor asked the clerk to poll the council.

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

The discussion for the wage adjustment for Officer Lusk and Scott, while being discussed, was not on the agenda and will be on the next agenda.

The chief asked if the raise for Martin would be effective back to the date of promotion. The mayor indicated the raise was effective the date the motion was made.

City's Personnel Policy:

The mayor indicated that in the new policy all wages would be worked out between the mayor and the department head but for the appointed officials (clerk/treasurer, police chief, attorney and public works) which would be submitted to the council for approval. Councilman Olsen felt the decision should be made by the mayor and not necessarily by the council with every employee. Councilman Taylor concurred with Councilman Olsen but a future mayor may not have the same fiscal restraint as Mayor Richardson. The mayor felt the city clerk would need to act as a buffer for excessive wages on any budget.

While the agenda had the option for adoption, there was a conflict in two paragraphs: the access to employee's personnel files and accruing of vacation leave. The clerk indicated the access to personnel files was covered in a previous section. The second was on the accrual of vacation leave. Under the old policy an employee could accrue more than the 184 hours and if not used by end of the fiscal year would have the option of being paid up to 40 hours per year for the time not used. Under the new policy the accrual of time stops once 184 hours is reached. Three employees will or will be affected. Two have accrued more than 184 hours currently and the third employee will exceed the 184 hours next month. The clerk didn't have an issue with stopping the accrual of the sick leave at 800 hours.

The council discussed "grandfathering" the three affected employees in and everyone else following the new policy. Some of the council was okay with the grandfathering others were not. The mayor mentioned the police department not having the employees to accommodate their vacation time due to short staffing. Councilman Burke mentioned that whenever a policy changed he got bought out. The

mayor also mentioned that the accrual was generally made at a lower rate of pay and being bought out at a higher rate of pay.

The mayor indicated he would sit down with the employees and come to an understanding.

The personnel policy tabled.

Amend Agenda:

Councilman Burke moved to amend the agenda to allow an explanation of the airport board for their budget request. Councilman Taylor seconded the motion.

The mayor called for a voice poll to amend the agenda: All in favor none opposed.

Airport Board:

Howard Woods representing the Rigby Airport Board came forward and explained that the \$6,000 funding that the airport receives from the city goes to its maintenance and operation of the airport. The major expenses this year was snow removal and weed mowing. The board is also looking at expanding the runway lights. The full cost of the project is not known. Mr. Wood also mentioned that they got a contract for the runway extension which is being worked over. The expansion will be around seven acres which is really needed as planes are within 10 feet of the fence on the south side of the runway.

The mayor asked if the airport still in need of the \$6,000. Mr. Wood said yes it helps in the overall operation. The funds the city provides is not wasted and any funds not spent is carried over year after year to cover expenses that come up that are not normal. Mr. Wood requested that the \$6,000 be approved in the 2016/17 budget.

Review of 2016/17 Budget:

The clerk presented the revised budget with amendments being made that were discussed in the prior meetings. He presented the council with a summary of the changes.

General Fund:

- a) **Police:**
Reduced budget for reduction in office help from 40 hours to 24 hours week – (\$14,771). Clerk's office will assume the grant writing position and training.
- b) **Planning/Zoning:**
Increased salary and benefits - \$3,550
- c) **Transfers:**
Increased funding to Parks for deficit shown in operational expenses - \$11,525

Park Fund:

- a) **Transfer:**
Revenue from transfer from General Fund - \$11,525.

Road Fund:

- a) **Courthouse Way:**
Funding for city's portion of road extension from Courthouse Way to Annis Highway – Balance funded through LID - \$92,200

Capital Improvement Fund:

- a) **Bridge:**
Funding for proposed foot bridge between Pioneer Park/Hunter Creek Subdivision across Rigby Canal - \$8,000.
- Claremore Drive:**
Funding for city's share of improvements - \$90,950

- b) **Museum:**
Reroofing museum building - \$50,000.

The clerk presented the council with a summary of the proposed revenues and expenditures for the 2016/17 year. Total expenditures – all funds - total \$5,497,940. Total revenues – all funds - total \$4,857,678. Property tax total \$1,255,684 which is less than a 1% increase over the prior year total. The city could increase the tax levy by \$40,000 but being that all funds balance without the increase, the clerk recommended that the \$40,000 be left as “foregone tax”. He then went on and explained to the council when and how the “foregone” amount could be used in the future. All of the funds have reached their statutory mill levy but for the road fund which would be the most likely funds that could receive the \$40,000. The clerk explained that when the urban renewal agency expires, the city’s tax valuation will increase. Currently under the urban renewal agency the increase in incremental valuation from the beginning of the urban renewal agency until it expires is not included in the city’s overall tax valuation. Once the URA expires the overall tax valuation of the city will increase and in effect reduce the overall levy to the residents. When the tax valuation increases, then the assessment of the foregone tax will be at a lower levy rate. The tax levy of the city in relation to other cities is high due to a low tax base.

The clerk also commented the utilities rates are self-sustaining at the current level and does not see a need to increase fees.

Councilwoman Weight asked about the library capital improvement. The clerk indicated that the library had not updated their request for capital improvement.

Approval of Notice to Publish and Set Public Hearing:
Summary of budget is attached:

<u>EXPENDITURES</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
	<u>Actual</u>	<u>Budget</u>	<u>Proposed Budget</u>
<u>General Fund</u>	1,330,921	1,179,610	1,298,925
<u>Special Revenue Funds</u>			
Library Fund	156,276	173,380	169,615
Park Fund	68,043	93,791	94,500
Park/Rodeo Committee	62,013	65,080	84,900
Airport Fund	6,036	62,650	62,400
Road Fund	<u>291,029</u>	<u>383,538</u>	<u>495,800</u>
Total Special Revenue Funds	583,397	778,439	907,215
<u>Capital Construction Funds</u>	502,659	364,175	296,050
<u>Enterprise Funds</u>	1,735,255	2,482,875	2,871,750
<u>Trust Funds</u>	3,898	7,400	10,000
<u>Internal Service Fund:</u>	<u>127,659</u>	<u>94,600</u>	<u>114,000</u>
Total Expenditures - All Funds	<u>4,283,789</u>	<u>4,907,099</u>	<u>5,497,940</u>

	2014-15	2015-16	2016-17
	Actual	Budget	Proposed
<u>REVENUES</u>	<u>Actual</u>	<u>Budget</u>	<u>Budget</u>
Property Tax Levy			
General Fund	837,575	842,755	851,300
Library Fund	120,081	120,644	122,434
Park Fund	72,147	72,226	73,950
Road Fund	155,627	158,703	158,700
Capital Improvement	<u>34,703</u>	<u>48,172</u>	<u>49,300</u>
Total Property Tax Levy	1,220,133	1,242,500	1,255,684
<u>Other Sources - Non Property Tax</u>			
General Fund	445,575	441,852	452,200
Library Fund	52,243	48,688	41,844
Park Fund	9,121	9,565	20,550
Park/Rodeo Committee	57,517	68,100	84,900
Road Fund	238,661	264,835	287,100
Capital Improvement	366,021	128,947	189,750
Sewer Collection Project	10,378		
ICDBG Block Grant	350,000		
LID Accts	50,515		
Arterial Road/Bridge Fund	197		
Water Revenues	549,647	552,500	549,000
Sanitation Fund	260,106	246,350	246,350
Sewer Revenue	971,261	958,100	939,300
Sewer Bond	631,149	617,350	601,000
Airport	23,722	62,650	64,000
Drug Forfeitures	1,434	-	-
Water Connection Fund	10,667	6,000	6,000
Sewer Connection Fund	6,332	6,000	6,000
Internal Service Fund	<u>106,304</u>	<u>68,100</u>	<u>114,000</u>
Total Other - Non-Property Tax	<u>4,140,850</u>	<u>3,479,037</u>	<u>3,601,994</u>
Total Revenues - All Funds	<u>5,360,983</u>	<u>4,721,537</u>	<u>4,857,678</u>
From (To) Savings	(1,077,194)	185,562	640,262

Councilman Taylor moved to accept tentative budget as presented and set public hearing date of August 18, 2016 on said budget. Motion seconded by Councilman Burke.

The Mayor asked the clerk to poll the council.

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

Review of the June 2016 Financial Statements:

The presented a summary of the operating revenue and expenses for all funds for the period ending June 30, 2016. He indicated that the funds revenues to budget for most of the funds were performing better than budget. For expenditures the percentage to budget was under expected budget for all funds but for sewer bond. Overall revenue over expenditures is all positive but for the sewer bond fund, capital improvement fund, and sanitation. The sewer bond expenses are over budget due to the prepaying of the \$500,000 USDA bond. Capital improvement fund is negative \$108,000 but had a planned deficient of \$131,000. The sanitation fund is negative by \$28,000 but had a planned deficient of \$70,000 for the purchase of the street sweeper.

The clerk reviewed the journal entries for the month of June and noted that many of the sixty odd entries on the first two pages of the summary are from the entries from the rodeo committee and accrual for property taxes. The remaining entries are recurring for interest and internal service fund charges and expenses.

Creation of LID Districts – Claremore Drive & Courthouse Way:

The mayor explained the needed improvements needed to Claremore Drive with the sewer service and deteriorating road. The mayor walked and talked with the residents of the need to upgrade the services and most of the residents were in agreement that the road needed improvement. There is a problem with the sewer lines running behind the home and the city lacks access to the lines and the lines have deteriorated since they were installed. The plan would be to put the sewer line in the street with new water service. This would require replacement of the road surface. The city would pay for the sewer line and the affected trench and the homeowners would pay a share of the remaining road, curb, gutter and sidewalks.

Councilman Burke asked if the road south of the Lemmon Road to the rodeo grounds need to be considered in improving it along with Claremore. He mentioned he walks the road along Tralee then crosses the road to get to the walking path around the rodeo grounds. The roadway along the Lemmon Apt to the entrance to rodeo walking path is dirt. Councilman Burke thought the city should upgrade the east side of 3rd West south of Lemmon Lane while the city was considering the Claremore project and asked public works to obtain costs estimates.

The mayor commented that on Courthouse Way the developer has failed to complete the road in the development. The city has been approached to complete the access road west on Courthouse Way to the Annis Highway. The person who owns the land north of the road is land locked and without access in which to build. The owners would be willing to pay his share of the frontage to get the road completed so he could build. The mayor continued that on the south side of the proposed road, the

county owns. On the west of the two vacant lots are two homes that fronts Annis Road he feels the two homeowners should not be obligated to incur any costs for the road. He feels the east end of the proposed road should be improved via an LID with the costs being covered by the county and the landowner, while the west end the city would cover the costs and seek reimbursement from the developer of Towne Square.

Council concurred that the road could assist development in Towne Square. Council concurred with proceeding with the LID proposal as discussed.

Approval of Minutes July 21, 2016:

Councilman Taylor moved to approve the minutes of July 21, 2016 seconded by Councilwoman Thomas.

The mayor called for a voice poll to amend the agenda: All in favor none opposed.

Approval of Bills:

The clerk noted there were three bills that were paid at last council but were not on the bill list. There were: Doyle Hammon – work on the concession booth at the rodeo grounds \$125.00; Teton Microbiology – water testing- \$100.00; and Memories Custom Engraving – engraving EOM tag - \$3.00.

Councilwoman Thomas moved to approve the bills along with the three bills the clerk listed seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

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

Other Council Business:

- Employee picnic – Wed August 10, 2016 in the city park at 6:00pm.
- Walking Path around the city park (central). The Lions Club is beginning to raise funds for the sidewalk around the park.
- Vagrancy – Councilwoman Thomas mentioned that the city doesn't have a vagrant code and wanted the chief to look into seeing what can be done. There have been complaints with various persons around town.
- Monster Truck show being held end of month.
- County Fair – Councilman Burke mentioned about the council hosting a booth at the fair. Discussion on prize or award being given as discussed by Sue Kinney at last meeting.
- Urban Renewal sign – Councilman Burke mentioned the Urban Renewal would like to install an electronic sign board along the Veteran Memorial Way. Discussion on getting ITD permission, where the sign will be placed and ongoing maintenance of the sign and who will be responsible for the costs. More information will be obtained from urban renewal and discussed at the next council meeting. Splash park was discussed and if urban renewal participates it has to be located in the boundaries of the urban renewal. Costs for the park upward of \$225,000.

Alternative use of funds, more playground equipment including handicapped playground equipment.

Public Comment:

None

Executive Session:

Councilman Taylor moved that the council enter into executive session per Idaho Code 74-206(f) – to communicate with legal counsel to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. Motion seconded by Councilman Burke.

The Mayor asked the clerk to poll the council.

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

Council enters executive session: 9:15pm

Council exit executive session: 9:44pm

Mayor asked if there was any discussion or motions. Hearing none he moved to the next item.

Executive Session:

Councilman Burke moved that the council enter into executive session per Idaho Code 74-206(b) – to consider the evaluation, dismissal or discipline of a public officer, employee, or staff member. Motion seconded by Councilwoman Thomas.

Council enters executive session: 9:45pm

Council exits executive session: 10:32pm

The mayor asked if there was any discussion or motions. The mayor also indicated the council should remember the sensitive nature of items discussed that should not violate the privacy of items discussed.

Councilman Taylor expressed concern about Juan Gonzalez and his past experience and current actions towards his supervisor; he moved that Juan Gonzalez be terminated. Councilman Burke expressed the desire that there be something the city could do to assist him, but didn't think there was much the city could do. Councilman Datwyler seconded the motion for termination.

The Mayor asked the clerk to poll the council.

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

Councilman Burke

Yes

The mayor asked if there were any further motions.

Councilman Burke moved that the council dismiss Chief Keith Hammon. The mayor stated the vote on this motion would require a unanimous vote of the council or a majority of four council members plus the support of the mayor for this motion to pass. Councilwoman Thomas seconded the motion to dismiss Keith Hammon.

The Mayor asked the clerk to poll the council.

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

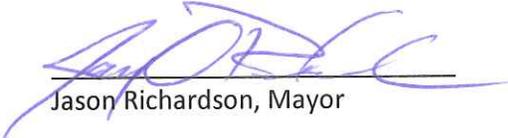
Adjournment:

Councilman Taylor moved that the council adjourn, seconded by Councilman Olsen.

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

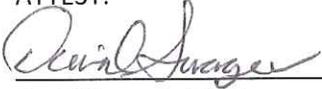
Council Adjourned: 10:36pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk