

City of Rigby
Council Meeting Minutes
December 3, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, Dec. 3, 2015. The pledge of allegiance was given by Keith Smith and the prayer was offered by Benson Taylor.

The Mayor asked the clerk to call the roll.

Councilman Walker	Present
Councilman Maloney	Present
Councilman Simonson	Present
Councilman Olsen	Present
Councilman Burke	Present
Councilman Taylor	Present

Also present: Keith Hammon and Attorney Robin Dunn

Swearing in Keith Smith – Rigby Urban Renewal Agency:

Mayor Richardson asked Keith Smith to come forward and take the oath of office for the urban renewal agency. Mr. Smith has worked the urban renewal agency during his time as councilman and mayor. Mr. Smith took the oath of office.

Decision on Retaining or Dissolving the Rigby Police Dept.:

The mayor addressed the reasons behind the decision to merge the Rigby police department with the Jefferson County Sheriff office. He noted that currently 60% of the tax revenues that the city receives are allocated to the police department. Merging the police department with the county sheriff office would effect a saving of between \$200,000 to \$300,000 for the city. The city would not lose any police coverage with the merger. He also addressed the affect such a merge would have on the current officer's families. He noted that such a change would and very likely affects several families. He compared the merger with advancements made in technology over the past several years and how technology has affected employment and jobs. As technology has advanced the ways of doing old things have been changed and some jobs are affected with advancement. But to postpone change solely based on the effect of employment is wrong. Job protection is not the first priority of government. He cited that he felt the sheriff office is capable and able to provide effective and efficient service to the citizens of Rigby. He commented that during the public hearing a number of county residents entered in the discussion. A vast majority of the residents and nonresidents were miss informed based on a flyer that the police department put out that contained incorrect information. The testimony given at the hearing is not in his opinion reflective of the overall sentiment of the general public. Many have expressed support for the merger but due to the atmosphere at the public hearing were unwilling to come forward and voice their support. Fifteen persons have posted their support for the contract on his email. The council has in the past been faced with controversial issues in the past and the council has looked forward at the long term and what would be in the best interest of the city. He cited the LID on 1st North as an example. The opposition expressed by the citizens along 1st North was emotional. The council determined the facts and need for the improvement and made the decision based on that. Not emotions.

He noted during his conversations with the police chief and in public meetings the police chief has stated that a reduction in staff is not possible. That decision is still before the council. The contract

provides savings amounting to 25% of the city budget and still provides effective law enforcement. He wanted the council to consider the contract in the long term and without the emotions.

Councilman Simonson asked for clarification as to the order of the agenda items of retaining the police or dissolving the department or should the decision on the contract be made first. The mayor said the order of the agenda could be altered but the council expressed that "a decision be made on the police department" from the last council meeting.

Councilman Walker expressed the view that the decision on the LID is far different than the decision on the police department. The 1st North project was under a threat of lawsuit if the city did nothing.

Councilman Walker moved to table the decision on the police department seconded by Councilman Burke.

The mayor called for a voice vote: Five in favor of tabling the decision with one in opposition.

Decision on Jefferson County Law Enforcement Contract:

Councilman Taylor asked the police chief if the office force of six officers versus seven officers was sustainable. The police chief said that the department had operated with seven officers since 1996 but with six officers it could be sustainable, depending on the growth of the city.

Councilman Olsen indicated that a reduction in the force of one officer would be sustainable but a reduction of two would not be. Council felt that was correct.

Councilman Simonson said given the reduction of one officer and the inclusion of one added officer in the contract will change the overall net savings.

Concern with the contract growing 5% per year the saving stated would be reduced. The mayor indicated it would take 10 years to breakeven on the contract versus the savings.

Councilman Walker asked the mayor if he was concern of the loss of control over the police was a concern. The mayor indicated the loss of control was not a concern given the contract and the oversight the council has in the contract.

Councilman Olsen expressed concern with the county commissioners approving or not approving the contract and future contracts that the sheriff submits to them. The mayor in talks with the commissioners, they have in general said that if the sheriff thinks it correct and adequate they in general would support his decision.

Councilman Taylor mentioned the "intangible" of having a local police department versus a county police force is it worth it? He felt the sheriff would and will provide adequate service to the city. Councilman Olsen indicated Councilman Taylor had answered his own question. That it was worth it. Also expressed the devotion that the current officers have with the city: Will the new officers have the same devotion? The mayor responded that he feels people in law enforcement work and are devoted to the citizens they work for regardless of where they work.

Councilman Simonson question the dissolving of the police department does not address the issue of dismissing the police chief. The council would need to approach the issue at that time since the council would need to be involved in dismissing an appointed official.

Councilman Walker indicated the closing of the police department will result in an inconceivable differences than merging with the county. But the voice expressed by the citizens in keeping the local police department needed to be acknowledged. What the true costs of the savings and costs is still debatable and unknown.

Councilman Walker moved that the council not proceed with the contract with the county seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Chamber Gift Certificates to City Employees and Volunteers:

Councilman Maloney moved to approve the issuance of Chamber gift certificates to city employees and city volunteers.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Amending City Code to allow for rabbits in the city:

Dan Fryberger came forward and expressed his desire that the city allow rabbits in the city. He currently has a shed 2 ft. by 8 ft. that houses his rabbits. He has two males and three females which he uses for food. He checked with Rexburg, Idaho Falls, Ammon, and Iona. Rexburg allows animals under 50 pounds. Idaho Falls is silent regarding rabbit but cites animals under 50 pounds. Iona excludes swine.

He distributed a letter signed by three of his neighbors all expressing no concern with him having rabbits.

The mayor commented that a mayor in another city cited problems with residents turning their rabbit lose and now those rabbits are creating issues for the city.

Council express concern that the rabbits be housed in adequate and contained housing as being one requirement.

The mayor asked that Mr. Fryberger to come back with suggested language that would allow rabbits in the city.

Rigby Lake and Courthouse Drive – Engineer estimates:

Kevin Thompson representing Thompson Engineering reviewed with the council the cost estimates to upgrade Rigby Lake Road and Courthouse Drive. The Rigby Lake Road improvements are estimated to be around \$193,619 and the improvements on Courthouse Drive are estimated to be \$309,258. He noted that both estimates include a general fee of \$18,000 for mobilization. If the two projects were combined the fee could be reduced by one of the mob fees.

The mayor reviewed the discussion the council had earlier this year with the developer, Willard Price. Mr. Price informed the council he has 2 ½ acres off of Sunnyside Road in Idaho Falls that he would allow the city to lien for the cost of the improvements on Rigby Lake Road and Courthouse Drive. There are currently either two or three prior liens on the property making the city either third or fourth in line of collecting proceeds if and when the property is sold.

Council enters into discussion involving foreclosures, forced sales, and other topics.

The mayor then outlined various options: 1) Do the work and lien the IF property owned by Mr. Price , 2) Do the work and lien other parties of interest to the development, 3) Do the work under an LID district on the properties that abuts the roads. Being that Mr. Price sold the property under the understanding that the lightings, curb/gutters, fire hydrants etc. could seek legal recourse against Mr. Price.

Council discussed if the city had legal liability from allowing the subdivision to be installed without the infrastructure being completed and selling lots and having someone holding the bag to complete the work to city standards. The mayor compared 1st North with the current condition based on prior decisions made by prior councils. The cost of improving 1st North was shared between the residents and the city, with the city picking up the majority share of the improvements.

After general discussion among the council, the mayor will sit down with the attorney to take the engineer's estimates to Mr. Price and secure a lien based on those estimates. And to find out where the city stood in legal order of prior liens and/or other encumbrances on the IF property or other property Mr. Price owns. This will be discussed further at the next council meeting.

Acceptance of Memorandum of Agreement between City and Nat'l Guard property:

The mayor had the council review the memo along with the exhibit A that was omitted from the prior council.

Councilman Taylor moved to accept the memorandum of agreement seconded by Councilman Olsen.

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

Review and Approval of Minutes:

Councilman Olsen moved to approve the minutes of November 19, 2015 seconded by Councilman Simonson.

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

Review and Approval of Bills:

The mayor asked the council if there were any questions on the bills. The clerk noted the library bills were not included on the bill list. He submitted a listing of the bills which totaled \$2,234.03. The mayor asked the clerk if there were anything outside of the ordinary. The clerk responded not to his knowledge.

Councilman Simonson moved to approve the bills including the library bills seconded by Councilman Taylor.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Other Council Business:

- **Midnight Madness:** Is this Friday, parade starts are 6:30 along with other community events.
- **Employee Christmas Dinner:** Employee dinner is Wed Dec 9, starting at 6:00pm
- **Police Department:** Councilman Taylor noted the decision on the police is done unless it's brought up by the mayor or council at a later date. The mayor confirmed the statement that the discussion on the contract and the dissolving of the police department has been completed to the satisfaction of the council. Councilman Taylor felt it may not have been understood in the way the council handled it.

Public Comment:

Darwin Dinsdale: Read a statement on the representation of the citizen to represent the people. He thanked the council for listening to the public.

Todd Grant: He supported the decision the council made regarding the police department and supports the decision made this evening.

Ryan Day: Hoped the council and police force will come together after this decision. He mentioned that Chief Hammon fought for his department and had said thing that were a little rough at times but it showed how much he felt for his department.

Keith Hammon: Keith thanked his family for their support during this process. And thanked the council for the decision made this evening. He also thanked the mayor for his due diligence in bringing the discussion forward. He will continue to serve the citizens of Rigby will continue to live in Rigby and continue the job of police chief.

Public Applause: The mayor informed the public that during public meeting outburst and applause is not appropriate during a public meeting. He appreciates the police department but applause in not the correct decorum.

Linda Breckenridge: Mentioned that she had spoken to most of the council. Thanked the council for their thoughtfulness and listening to the public.

Executive Session:

Councilman Taylor moved that the council into executive session per Idaho Code 74-206(b) to consider the evaluation of city employees and/or staff. Motion seconded by Councilman Olsen.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Council enter executive session at 8:35pm

Council exist executive session at 9: 25pm.

The mayor asked if there was any comment or other items from the council. Being none.....

Adjournment:

Councilman Simonson moved that the council adjourn seconded by Councilman Burke.

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

The council adjourned at 9:25pm.

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk