

City of Rigby
Council Meeting Minutes
January 19, 2017

Council President Burke called the meeting to order at 7:00pm Thursday, January 19, 2017. The pledge of allegiance was given Nichole Weight and the prayer given by Dr. Richard Datwyler.

Council President Burke noted the mayor is out of the area and will be missing this meeting and the next meeting in February.

The chair asked the clerk to call the roll:

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

Also present: Chief Tower

Amend Agenda:

Councilman Taylor indicated that he would like to amend the agenda to include an executive session per Idaho Code 74-206(a) – evaluation of an employee.

Councilman Taylor moved to amend the agenda per Idaho Code 74-206(a) seconded by Councilwoman Taylor.

The chair asked the clerk to poll the council:

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

Police Grant – Child Safe Car Seats:

Chief Tower came forward and informed the council that the police department has been awarded a grant of \$10,000 for the purchase of child car seats and other supporting equipment. Along with the grant the police secretary has been certified for inspecting the car seats. The budget for the police department will need to be amended to allow for the receipt and expenditure of the grant proceeds.

Councilman Datwyler moved to approve the grant award and the expenditure of grant proceeds for the child safe car seats. Motion seconded by Councilman Taylor.

The chair asked the clerk to poll the council:

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

Approval of BPS phone consolidation agreement:

The clerk informed the council the company, Business Phone Specialists (BPS) have submitted an agreement between them and Century Link wherein BPS will handle and review the city phones when issues arise. The service includes city hall and the police department. The agreement will save the city roughly \$100 per month if and when a phone goes down we call BPS instead of Century Link. The main switch board in city hall went down last year and BPS came in and got it up and running. This has been the only time in the last seven years that we have had to call for phone support.

Councilman Olsen moved to approve the BPS/Century Link agreement which is for one year beginning January 19, 2017. Motion seconded by Councilwoman Weight.

The chair asked the clerk to poll the council:

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

Approval of Engineering Contract – LID and other projects:

The chair asked the clerk to discuss the engineer contract. The clerk noted that while typing up the ordinance for the creation of LID #9, section #8 of the ordinance refers to the appointment of an engineer for the project. The clerk called Keller's and asked if they had a contract for the LID which they did and forward a copy of it. The engineer fee for the LID was around \$90,000 but the contract was written for \$129,355. Upon review the clerk noted that four other sewer projects had been included in the contract. In July/August the public works mentioned various sewer projects that would be included in the budget. But for that time period, the public works director has not stated that the four other sewer projects were being included in the work for the proposed LID #9. During the various meetings and public hearings regarding the LID nothing was mentioned of these four other projects. He further commented that Keller's was approved as the engineer of record for the wastewater treatment plant but we have never awarded them contracts but that their work has been included without regard to the bid laws. In an email from the attorney for the Association of Idaho Cities he asked the question if the procurement of the engineer in 2004 had a sunset clause being that it has been 10 years. The AIC

attorney indicted the procurement of engineer years ten years ago was not of concern but the engineering work for an LID for roads would be hard to justify. The clerk commented that that is why he raised the question during the last council meeting where Keller submitted a proposal for grant study for \$35,000 if that was a contract – expressed or implied. Keller engineer at the meeting responded no it was not a contract nor is a fee involved in submitting the proposal.

Councilman Datwyler indicated Claremore includes sewer but Courthouse Way and the extension on 3rd West did not.

Marvin Fielding came forward and presented the council with the procurement notice for engineering services and copies of the council minutes of May 21, 2002. He indicated the 2002 procurement notice for engineering services is very broad.

Excerpts from the May 21, 2002 states: "Councilman Taylor & Jones recommended Keller Associates. The council discussed the appointment and Steve Clerk (attorney) spoke about the contract. The council also discussed the contract with Keller Associates & Steve Clerk will make suggested changes. Councilperson Taylor moved to appoint Keller Associates as city engineer. Councilperson Jones seconded. The council discussed the contract again and all council members then voted aye."

Councilman Taylor asked about the bidding out of engineering services being over \$50,000 if it was bid out or not. Mr. Fielding indicated it was not. Councilwoman Weight asked if the 2002 contract is still valid. Councilwoman Thomas asked what were the other projects that have been included in the LID contract. Councilman Burke handed out a map that he received from Rick Lamoreaux yesterday that show the four sewer projects that have been included in the engineer contract.

Councilman Taylor stated that if the project was only sewer it could be awarded to Keller's but being it contained other non-sewer work the "contract" is somewhat "iffy". Councilman Taylor said he had talked the attorney Dunn and he concurred that the contract on that point is "iffy".

Councilwoman Weight asked if the work should be split into two LID. Councilman Datwyler stated the concern was with the other projects being included in to the one engineer contract. Council discussed the four projects.

Mr. Fielding stated that the public works wanted to maximize the scope of work to include all sewer projects so contractors will have a bigger project to bid versus piece mailing them out. Mr. Fielding stated that based on the 2002 procurement, is the basis that Keller's have been using for working all of engineering work. The sewer work outside of the LID is around \$600,000. Council expressed concern with violating the bid laws for professional services (67-2806). Councilman Burke thought the procurement process should be reviewed periodically every five to ten years. Councilpersons Datwyler and Weight felt given the work already done on the project the city should proceed but review any other engineering work going forward.

Councilman Taylor wanted the attorney to review the contract before proceeding. Council questioned if the two week delay would affect the work. The clerk indicated given the time line presented if everything was to go forward this evening work could be awarded the first week of April.

Councilman Datwyler moved that the engineer contract and LID ordinance be tabled for two weeks. Motion seconded by Councilwoman Weight.

The chair asked for a voice poll: All in favor of tabling for two weeks none opposed.

Approval of Ordinance #2017-587:

Tabled per above motion.

Approval of Minutes January 5, 2017:

Councilwoman Thomas moved to approve the minutes of January 5, 2017 seconded by Councilwoman Weight.

The chair asked for voice poll: All in favor none opposed.

Approval of Bills:

Councilman Taylor moved to approve the bills seconded by Councilman Datwyler.

The chair asked the clerk to poll the council:

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

Other Council Business:

Councilwoman Weight wanted to recognize the library personnel for the work they have done on the mother/daughter program. Councilman Taylor also commented on the festival of trees.

Public Comment:

None.

Executive Session:

Councilman Taylor moved that the council enter into executive session per Idaho Code 74-206(a) seconded by Councilwoman Thomas.

The chair asked the clerk to poll the council:

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

Council enters executive session: 7:38pm.

Council exits executive session: 7:55pm.

Regular Session:

Councilman Burke moved the authorize Chief Tower to proceed with the hiring of part-time police personnel as deemed necessary seconded by Councilwoman Weight.

The chair asked for voice poll: All in favor none opposed.

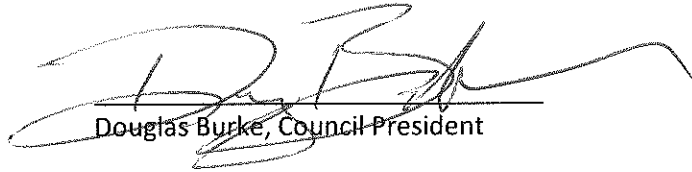
Adjournment:

Councilman Datwyler moved the council adjourn seconded by Councilman Olsen.

The chair asked for voice poll: Five in favor one opposed.

Council adjourns: 7:58pm.

CITY OF RIGBY



Douglas Burke, Council President

ATTEST:



David Swager, Clerk