

City of Rigby  
Council Meeting Minutes  
Jan 21, 2021

The Mayor called the meeting to order at 7:08 pm Thursday, Jan 21, 2021. The pledge of allegiance was given by Richard Datwyler and the prayer given Doug Burke.

The Mayor asked the clerk to call the roll:

Councilman D Burke	Present
Councilwoman King	Present
Councilwoman Harrison	Present
Councilman Datwyler	Present
Councilman R. Burke	Present
Councilwoman Weight	Present

Also present: Mitch Bradley, Chief Tower, attorney Dunn

Amend Agenda:

The mayor requested the agenda be amended to allow for a nomination to the library board.

Councilman Datwyler moved to amend the agenda for the nomination of an individual to the library board seconded by Councilwoman Weight.

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

Public Hearing – Granite Creek Split Lot Request:

Ione Hansen, city planner, came forward and reviewed the request that Granite Creek had requested for a split of the lot along 3<sup>rd</sup> West for two lots. The area is zoned R-2 (multi-family) and has limited access off of 3<sup>rd</sup> West. The petitioner is looking at building a four-plex unit on each of the two lots. The owner is aware of the code restrictions regarding green space, off street parking. Planning/zoning reviewed the lot split and made its recommendation to the council to approve the lot split.

The owner was not present at the meeting.

Council questioned the city planner about the developer intentions and if in the future he may request a variance from the current building code. The city planner said the development agreement will spell out the restrictions so there will be a clear explanation and definition of what can and cannot be built. The city planner also mentioned there is a corner piece attached to the current lot which is also owned by the developer and his plan use on the lot would be for parking and/or green space. The attorney mentioned a deed restriction could be placed on the lot to limit what was permitted. The city planner stated the topic before the council was to allow for the lot split or not and not what was going to be built. When plans are presented to her she will double check the code to insure compliance before issuing a building permit.

The mayor asked if there was any person wishing to speak as no one had signed up. Being none the mayor turned it back to the council for discussion.

Councilwoman Weight moved to accept the application for the lot split seconded by Councilman Datwyler.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Resolution #202-2021 – LHTAC Grant Annis Hwy Improvement:

Public Works Director, Mitch Bradley, came forward and explained the need to have the resolution completed to comply with LHTAC grant requirement. Without the resolution the city would not be considered for participation in the funding process.

Councilman D Burke read Resolution #202-2021.

Councilwoman Harrison moved to approve and pass Resolution #202-2021 seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Other Council Business:

- Proclamation – School Week:

The mayor read proclamation declaring the week of January 24 through January 30 2021 as School Choice Week.

- Nominations – Airport Board:

The mayor nominated the following individuals to serve a term on the Rigby Airport Board - Brad Blackham, Bill Clapp and Blaine Simmons. Councilman D Burke moved to approve the appointment of the three individuals seconded by Councilman Datwyler.

The mayor call for a voice poll: all in favor none opposed.

- Nomination – Library Board:

The mayor nominated Denisse Baxter to serve a term on the Rigby Library board. Councilwoman Harrison moved to accept the appointment of Denisse Baxter seconded by Councilwoman King.

The mayor call for a voice poll: all in favor none opposed.

- New Utility Fee Rigby Airport:

The clerk stated the airport board wants to begin charging new airport hangers a connection fee of \$3,000 per hanger for access to the power and water service. The board has expanded the power and water service lines to the new area recently purchased and feel the new hangers should begin paying for the utility services that have been provided. A copy of the resolution was presented to the council.

Councilwoman moved to publish the proposed service fee of \$3,000.00 as required by Idaho code and to conduct the public hearing on the fee February 18, 2021. Motion seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Ordinance #618-2021 – Creating LID #10:

The mayor asked that the ordinance be read in title and summary. Councilman Datwyler moved that ordinance #618-2021 be read in title and summary seconded by Councilwoman King.

The mayor call for a voice poll: all in favor none opposed.

The mayor reads the title and summary of ordinance #618-2021.

- Council Committee Assignments:

The mayor referred to city code 1-6-7(a) – “Committees” and indicated he wanted to change the committee assignments. Being he is meeting weekly with the police chief along with ride along, and being mayor he has enforcement authority over the police and he therefore is exerting himself as overseeing the police department. He then reviewed and recapped the other committee assignments. He then asked if there were any other changes.

Councilwoman King stated she has developed a good working relationship with the officers and heard some of their concerns within the police department and would like to continue on as police liaison. She stated she had concerns with the mayor and chief meeting weekly and she would like to build on the relationship that has been developed.

Councilman D Burke stated he felt there were and are issues in the police department that Councilwoman King has brought to their attention and he felt she should be kept in that assignment. Councilman D Burke was concerned with two of the top people (mayor/chief) should have oversight of a third party i.e. council person who should be involved.

Councilman R Burke stated he felt the mayor did not have the time to oversee the department.

Councilman D Burke asked if the mayor had the authority to change the committee assignments. The mayor re-read the city code stating the mayor “shall appoint”. The attorney interjected and stated the code is clear on the power the mayor has and this is one of those items. In prior years the mayor has always suggested to each councilmember which area they would like to be liaison. The attorney stated

that the council has put him in awkward position as he represents both the mayor and the council and with the disagreement between the two over this issue he can't give advice to one over the other. But the code is clear on this point. Given the discord tonight he asked the mayor if he wanted to trump the council by exerting his authority and not get a general conscience from the council. The mayor responded "yes he was exerting that authority".

Councilwoman King stated she did have concerns because she brought to light several items of concern that were happening in the police department. The action this evening in removing her as police liaison is being done in retaliation of her disclosing and bringing to light some of those concerns. She was also informed earlier that in raising those concerns to the council she would be removed for the position.

Councilwoman Harrison stated even though the mayor is overseeing the police department the council should continue to have involvement in the police department.

Councilman R Burke said the mayor will do what he wants. The discussion began to list specific items and the mayor cautioned about divulging personal information that should only be discussed in executive session.

Councilwoman Weight stated she would be willing to act as council liaison with the police.

Councilwoman Harrison asked why the mayor was doing this at this time. The attorney stated the conversation was again moving into a personal area which should only be done in executive session. Councilwoman Harrison just wanted to know the reason behind it and not necessarily any personal issues. The mayor said he felt any further discussion should be done in executive session. The mayor wants to focus on the police department this year regarding policy, code and other areas.

Councilman D Burke restated his support for Councilwoman King to remain liaison with the police and in his opinion the department is running 10 times better after she raised those concerns. He felt things were being swept under the rug.

The mayor then proceeded to review the council assignments:

- Councilwoman Harrison – Library
- Councilman R Burke – WWTP and Urban Renewal
- Councilman D Burke – Airport, rodeo, public works
- Councilwoman Weight – Parks, senior citizens
- Councilman Datwyler – museum
- Councilwoman King – Planning/zoning

The mayor stated one area not covered was finance. He mentioned this is likely do to the competency that Dave brings with him.

Police Dept – Purchase of equipment:

The chief came forward and reviewed the items that were being requested: 16 radios, 8 guardian angel shoulder mount, and 10 ballistic vests will be paid from the CARES grant. Total purchase price - \$55,019.02.

Councilwoman King moved to approve the purchase of the police equipment listed seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Police Training:

Sam Tower presented the council a letter of the training that he was directed by the council in the December, 2020 meeting on training his office had completed and what would be available by the end of January, 2021. In the letter he stated he had met with incoming prosecutor Mark Taylor and Mr. Taylor would be conducting training to the Rigby police department on the second Thursday of each month beginning February, 2021. As far as training with the Jefferson County sheriff's office, they have not scheduled any training to date but would notify Rigby when such training would available. There was a training class conducted Dec. 28 on search and seizures.

Public Comment:

None

Approval of Minutes:

Councilwoman King moved to approve the minutes of January 7, 2021 seconded by Councilwoman Harrison.

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

Review and Approval of Bills:

Councilman Datwyler moved to approve the bills seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Executive Session:

Councilwoman King moved the council enter into executive session per Idaho Code 74-206(f) - To communicate with legal counsel to discuss legal options for pending litigation or controversies not yet being litigated but likely to be litigated motion seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Councilman Datwyler            Yes  
Councilman R. Burke            Yes  
Councilwoman Weight           Yes

Council enters executive session: 8:20pm  
Council exits executive session: 9:40pm

The asked if there was any further discussion concerning the discussion held in executive session.

Councilwoman Harrison moved the decision of Jan 7, 2021 of awarding the sanitation contract to Eagle Rock Sanitation be confirmed, that the council had reviewed the protest received from PSI regarding the decision of January 7 and to notify PSI of the council's decision to confirm the January 7<sup>th</sup> decision. Motion seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke            Yes  
Councilwoman King            Yes  
Councilwoman Harrison        Yes  
Councilman Datwyler            Yes  
Councilman R. Burke            Yes  
Councilwoman Weight           Yes

Councilman Datwyler moved that the water line that was discovered along 3<sup>rd</sup> West on Monday January 18, 2021 be capped to the main line and the city attorney pursue legal recovery for the 18 years of unpaid water fees, connection fee and cost to the city to cap the water line from the broken line back to the main line. Motion seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke            Yes  
Councilwoman King            Yes  
Councilwoman Harrison        Yes  
Councilman Datwyler            Yes  
Councilman R. Burke            Yes  
Councilwoman Weight           Yes

Adjournment:

Councilwoman Harrison moved to adjourn seconded by Councilwoman King.

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

Meeting adjourned: 9:45 pm.

CITY OF RIGBY

Richard Datwyler, Council President

ATTEST:

David Swager, Clerk