

City of Rigby  
Council Meeting Minutes  
March 18, 2021

The Mayor called the meeting to order at 7:00 pm Thursday, Mar 18, 2021. The pledge of allegiance was given by Becky Harrison and the prayer given Richard Datwyler.

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	Absent

Also present: Mitch Bradley, Chief Tower, and Attorney Dunn

The mayor noted the recording device was not operating this evening.

Amend Agenda:

The mayor noted the agenda needed to be amended to allow for the opening and awarding of the seal coat bids. Councilman Datwyler moved to amend the agenda to open and award the bids for the city's seal coating seconded by Councilwoman King.

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

Public Hearing – Farmington Station:

Steven Heath representing Farmington Station came forward and reviewed the proposed plat in the Farmington Station property. The proposed plan as reviewed and approved by the city's planning/zoning commission is for the construction of 9 commercial lots and 25 single family homes. In addition to the construction the developer is in negotiations with Idaho Transportation Dept. (ITD) for the construction of a crosswalk across highway 48. The exact details of the crosswalk either a remote activated sensor or manually operated, the flashing signal is still in the discussion stage with ITD. He stated that none of the parties involved or who had requested a crosswalk: school district, adjacent homeowners, city or county were willing to assist in the funding of the crosswalk so the developer is taking on the full cost of crosswalk.

The mayor noted no one had signed up to speak on the hearing and he asked if anyone in attendance wished to speak. Seeing none he turned the discussion over to the council. The council asked Mr. Heath for clarification on one or two items. Ione Hansen, planning/zoning administrator, had no comment.

Councilwoman Harrison moved to approve the proposed site plan as recommended by the planning/zoning commission seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilwoman Harrison	Aye

Councilman Datwyler           Aye  
Councilman R. Burke           Aye

Audit Report:

Sheri Poulsen representing Poulsen, Jensen CPA, came forward and reviewed the audit report for the period ending September 30, 2021. She cited the city's financial position continued to improve which has been a consistent trend over the past ten years. The city's net assets increased \$3.2 million over the previous years. And the city's reported cash/investments at Sept 30, 2021 totaled \$ 16.18 million, an increase of \$2.3 million. In her discussion she recapped the major operating funds of the city: general, road and the three enterprise funds (water, sewer, sanitation) all are increasing their net assets position.

She concluded her remarks stating that looking back ten years the city's cash balances were \$2.8 million versus the cash balance at Sept 30, 2021 being at \$16.1 million the city's financial position has significantly improved over the ten year period.

Councilman Datwyler moved to approve and accept the audit report seconded by Councilwoman Harrison.

The Mayor asked the clerk to poll the council:

Councilman D Burke           Aye  
Councilwoman King           Aye  
Councilwoman Harrison       Aye  
Councilman Datwyler         Aye  
Councilman R. Burke         Aye

Economic Development:

Brent Tolman, economic development director, came forward and introduced Teresa McKnight, Executive Director of the Regional Economic Development for Eastern Idaho (REDI). Ms. McKnight presented a power point presentation (copy attached). The power point presentation recapped what REDI is, what its goals are, and how since working as a regional development company businesses outside of the area have been developed. She also recapped the projected growth that is occurring in east Idaho and how it will impact Rigby.

The mayor stated he has seen the increase in the area of growth and feels the city would benefit by being assisted with REDI. The cost to participate is based on population and \$1.00 per capita.

Councilwoman Harrison moved to join REDI at a cost of \$4,292 seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke           Aye  
Councilwoman King           Aye  
Councilwoman Harrison       Aye  
Councilman Datwyler         Aye  
Councilman R. Burke         Aye

Planning/Zoning – Revised code amendments:

Ione Hansen came forward and asked if all of the council had received and reviewed the proposed amendments to the building codes. After a brief discussion it was decided to postpone any final

discussion/decision until the next council meeting, April 1, and give the council more time to review the draft copy of the proposed changes.

Certification of Water System:

Mitch Bradley, Public Works Director, came forward with an amended contract for engineering study that the city is being required to complete. The contract was amended after the council packets were mailed out having contract amount of \$25,000. Since then the engineering firm, HLE, has reduced their proposed contract to \$15,000. The study is being mandated by DEQ to assess possible lead and other hazardous materials.

Councilman D Burke moved to approve the water system risk assessment plan with HLE for \$15,000 seconded by Councilwoman Harrison.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilwoman Harrison	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Proposed Salt Shed:

This item was pulled from the agenda due to incomplete and inconsistent bids being received.

Open and Approve Seal Coat Bids:

Mr. Bradley opened the two bids he had received for the summer seal coating project. The two bids were:

HK Contractors - \$142,375  
TMC Contractors - \$153,765

The bids were reviewed for accuracy to materials bid vs. as advertised and other requirements. A question arose as to the bid bond with TMC having a bid bond submitted with their proposal and HK not having a separate bid bond submitted. A representative from HK, James Hammer, came forward and confirmed HK bid did include a bid bond.

Councilman D Burke moved to award the contract for the summer street sealing and fog coating to HK Contractors in the amount of \$142,375 seconded by Councilwoman Harrison.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilwoman Harrison	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Police Dept Concerns/ Council Liaison:

Councilwoman King began the discussion stating that since the mayor has taken on the responsibility of the "liaison" for the police department items being heard are not being addressed. She stated the mayor could and should continue to have department meetings but a council person should be the liaison for the police department. Councilman D Burke reiterated Councilwoman King's statement and feels officers concerns are not being addressed. Councilwoman King stated she had discussed this item

the ICRMP attorney and he stated the council could appoint a council member as liaison. Councilwoman Harrison feels a council person should be the liaison and she had also been in touch with the attorney from the Association of Idaho Cities (AIC). The city attorney, Robin Dunn, was asked for his thought/opinion on the issue of a council person acting as liaison with the police department. He stated that he represents the city and if there is conflict between the mayor and council he would not render an opinion. Following up he stated that he had reached out to AIC and provided them with additional information referencing an inquiry he had received from the Attorney General Office on a complaint filed with them and a couple of other items. AIC would like to review the state statutes and all information that Mr. Dunn submitted to them before rendering an opinion.

Councilman R Burke asked the mayor why he is opposed to having a council person serve as liaison. The mayor answered he had concerns but would not list them in open council meeting.

Councilwoman Harrison felt a council person should be liaison but did not like the proposed code amendment wherein the council appoints not only the liaison and other board members thereby taking that duty away from the mayor.

(Extended discussion among the council/mayor/attorney with one than one person speaking over each other.)

Councilwoman King moved to adopt the amended ordinance 2021-618 granting the council the authority to appoint council members to city's committees. Motion seconded by Councilman D Burke.

Councilman Datwyler moved for an amended motion wherein the mayor nominates such committees chair with council consent. The amended motion was seconded by Councilwoman Harrison.

The mayor called for a roll call on the amended motion:

Councilman D Burke	Nay
Councilwoman King	Nay
Councilwoman Harrison	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Amended motion passes: 3 ayes 2 nays. Ordinance as amended to be published prior to April 1, 2021.

#### Police Pay Scales:

Councilwoman King brought up the police pay scale and feels it needs to be reviewed and updated. She did not feel it is keeping up with inflation and other costs and is set too low for the officers. To be added to the next agenda.

#### Back Pay:

Councilwoman King noted two officers who according to the pay scale were not given the correct pay in a timely manner and wanted to have the two officers pay adjusted for the missed time. To be added to the next agenda.

#### AIC Spring Meeting:

The clerk noted he had sent out a flyer for the Spring AIC District meeting being held in Idaho Falls on Wed April 28. He encouraged all councilmembers to attend.

COVID Relief Fund:

The clerk said he had received information that the state would be receiving a portion of the recently passed COVID Relief Fund and the city's share is around \$890,000. If this amount is correct he recommended that the city pursue building a shop building to house all the equipment and trucks in the property owned at the INL bus parking lot. The city is in need of a shop to keep the equipment out of the weather in the winter and with the growth of the city more equipment will be needed. A second option would be to use the funds for debt retirement in either the water fund or the sewer fund. He will learn more during a Q&A conference next Wednesday.

Public Comment:

None

Review and Approval of Minutes:

Councilwoman King moved to approve the minutes of March 4, 2021 seconded by Councilwoman Harrison.

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

Review and Approval of Bills:

Councilman Datwyler moved to approve the bills seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilwoman Harrison	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Executive Session:

Councilman Datwyler move 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 seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilwoman Harrison	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Council enters executive session: 9:45 PM

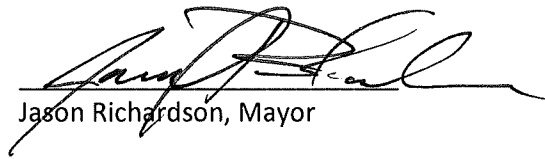
Council exits executive session: 10:20PM

Adjournment:

Councilman D Burke moved to adjourn seconded by Councilwoman King.

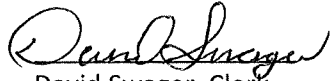
The mayor called for a voice poll: All in favor none opposed.

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk