

City of Rigby  
Council Meeting Minutes  
March 5, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, March 5, 2015. The pledge of allegiance was given by Keith Hammon and Mike Maloney offered the prayer.

The Mayor asked the clerk to call the roll.

Councilman Taylor	Present
Councilman Sullenger	Present
Councilman Olsen	Present
Councilman Maloney	Present
Councilman Simonson	Present
Councilman Walker	Present

Also present: Keith Hammon, Amy Sheets, attorney, Rick Lamoreaux

**Audit:**

Prior to the audit presentation, Councilman Taylor asked Mrs. Poulsen if she would explain who she is and if she or her firm had any relation business or otherwise with members of the council or city employees. She responded that she had been the auditor for the city of Rigby from the firm Jensen and Poulsen with an office in Rigby. She stated she is not related to any councilmember or city employee.

Sheri Poulsen, CPA from Jensen & Poulsen CPA presented the September 30, 2014 audit. She reported that the net assets of the city were \$20.3 million at September 30, 2014 an increase of \$2.2 million over last year. The general fund has increased its fund balance from \$70,000 at the beginning of October 1, 2009 to \$960,000 at September 30, 2014. The road fund increased from zero at October 1, 2009 to \$193,000 at September 30, 2014. Cash and investments of the city totaled \$8.8 million and none of the funds reported a negative fund balance or net asset position.

She then reviewed in summary the general fund, road fund, library fund, park fund, water fund, sanitation fund and sewer fund.

She listed four concerns with internal control covering the airport fund, rodeo fund, separation of duties over account payables and paying library bills without council approval. She noted the deficiency noted in the airport and rodeo funds have been corrected after year end and those deficiencies will not occur in succeeding years. The separation of duties over account payable is a deficiency and is inherent due to limited personnel in the clerk's office- the clerk and the deputy clerk are the only two reviewing and handling the account payables. The library board was having the clerk pay bills without approval from the council. She noted that after discussions with the mayor, clerk and the librarian all library bills will be reviewed and approved by the city council as regular account payables. She concluded that the deficiency in the airport, rodeo and library have been corrected and they will not be a reportable deficiency next year.

The mayor asked about Title 33 of the code as it relates to the library board. Mrs. Poulsen stated Title 50 of the code specifically states the council is to approve all claims of the city. She said the library board approves the expenditure of the library but Title 50 gives final approval of all claims with the council.

**Amend Agenda:**

The mayor requested that the agenda be amended to include the item for legal bond counsel to close the DEQ loan.

Councilman Taylor moved to amend the agenda to include the legal bond counsel seconded by Councilman Simonson.

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

**Legal Bond Counsel:**

The clerk was asked to review the legal bond counsel: he stated the loan with DEQ requires a legal firm with experience with bonds to do the legal work involved in finalizing the DEQ bonds. The city obtained two proposals for legal services: Skinner & Fawcett and the firm of Hawley & Troxell. Hawley/Troxell's proposal was a contract for fixed fee of \$10,000 plus out-of-pocket expenses not to exceed \$1,000.

Councilman Simonson moved to approve the contract for bond counsel of Hawley/Troxell seconded by Councilman Olsen.

The Mayor asked the clerk to call the roll.

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Walker	Yes

**Treasurer's Financial Report and Journal Entries for January 31, 2015.**

The treasurer presented a brief highlight of the activities for revenues and expenditures for the four month period ending January 31, 2015. He noted that most of the funds percentage of actual revenues to budget exceeded the expected percentage (34%) except for the capital improvement fund and park/rodeo fund. The capital improvement fund stated at 97% is due to the transfer of \$350,000 from the general fund to the capital improvement fund to fund future capital expenditures. The rodeo fund revenues to budget were state at 13% due to the timing of when revenues would be generated from rodeo activities.

For expenditures, again all funds were below the expected 34% but for the general fund and capital improvement. General fund exceeded the 34% due to the transfer of the \$350,000 to the capital improvement fund. And the capital improvement fund exceeded the norm due to the purchase of the backhoe at the beginning of the year.

He concluded his remarks saying that he did not feel any of the funds for either revenues or expenditures that would be red flags.

Journal Entries: He reviewed the journal entries he made during the month noting the first entry of \$350,000 was the transfer mentioned earlier from the general fund to the capital improvement fund. Other entries were to recognize the revenue/expense of the internal service fund, accrual of investment earnings and correcting entries for receipts of library revenues.

**Ground Water Recharge Agreement:**

The mayor indicated that the council had previous discussed this item a number of times. The last time the council voted on this agreement two council members were missing and he would like the full council to vote on the agreement.

The concern expressed during the prior discussion involved the responsibility of the entities entering into the agreement with the burden of legal fees should the agreement be contested. The mayor felt the city should look to the future to see that the city has an adequate supply of water. Councilman Olsen voiced the same thought. The mayor felt this agreement is an investment in the future. Councilman Simonson also felt water will be critical in future years. Councilman Taylor wanted further explanation of the issue involving legal fees, but stated the company would not change the wording being other cities have signed the agreement as written.

Councilman Olsen moved to sign the agreement on the ground water recharge seconded by Councilman Simonson.

The Mayor asked the clerk to call the roll.

Councilman Taylor	No
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Walker	No

Motion agreed to.

**Amending City Codes:**

- 5-4-2 – Dog License Fees:  
Deleting the reference to fees which will be established by resolution.  
Council agrees with change and move forward.
- 5-4-4- Noncommercial Kennel License:  
Changing the wording of street lines and adding 100 feet radius of the property;  
application to include a map; deleting fees which will be set by resolution and adding a  
clause when revocation of the license could occur.

Council discussed the case if one neighbor got upset with the dog owner, they could file an objection and the owner would be forced to get rid of his dogs if that neighbor drops the consent below 75%. Also discussed where a new neighbor moves in and objects to the dogs. Mayor indicated the wording would be work over.

- 5-2-3- Firearms:  
Striking section C “Carrying Weapons in Public Places” and modifying section B-2 - adding hard projectile to the definition and a 25 foot distance with force to break windows and cause injury to persons or animals.

Discussion with the attorney felt the wording “cause injury” is vague and subjective. She felt the wording should be reviewed with the police since they will be the ones to enforce the code. Mayor indicated section B-2 will be reviewed with the police.

- 5-1-6 Police Residency Requirements:  
Deleting the current language and adding 15 minute response time, off-street parking at resident, and vehicles locked when not attended.

Council questioned the heading “Residency Requirement” is not really appropriate for what is being discussed. More appropriate title will be used. Other than the title council approves change.

- 5-1-7 Police Training Standards:  
Deleting current wording and reference of law enforcement planning commission with new standards of Peace Officer Standards and Training Council (POST).

Council agrees with change and move forward.

- 6-4-18- Parking Violations Fees:  
Reference to fees deleted and set by resolution.  
Council agrees with change and move forward.
- 6-4-19- Oversized vehicles – Parking Restrictions:  
Addition of two streets: Bennett Street and Annis Highway and deletion of fine to be set by resolution. .  
Council agrees with change and move forward.

Ordinances as approved will be drafted for publication. Those needing modifications will be discussed at the next council meeting.

**Review and Approval of Bills:**

The council reviewed the bills including the addendum of additional bills for payroll liabilities and two added vendors.

Councilman Taylor moved to approve the bills including the addendum seconded by Councilman Walker.

The Mayor asked the clerk to call the roll.

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Walker	Yes

**Approval of Minutes:**

Councilman Taylor moved to approve the minutes seconded by Councilman Sullenger.

The mayor called for a voice poll: All in favor none opposed, Councilman Walker abstained.

**Other Council Business:**

- Cellphone App – The mayor informed the council the cellphone app has been activated and is up and running.
- Council meeting – March 19, 2015 – The Chamber Farmer/Merchant Banquet is scheduled for the same evening as the March 19, 2015 council meeting.

Councilman Maloney moved to cancel the council meeting of March 19, 2015 seconded by Councilman Simonson.

- Senior Citizen Center – Councilman Maloney attended the last Sr. Citizen meeting and there is a group organizing a “Pay it Forward” that will be holding a garage sale and was looking for a facility to hold the items for the sale and if anyone knows of a building that could be used.

**Public Comment:**

None

**Executive Session:**

Councilman Walker moved that the council enter into executive session according to Idaho Code 67-2345(c) – conduct deliberations concerning labor negotiations seconded by Councilman Maloney.

The Mayor asked the clerk to call the roll.

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes
Councilman Walker	Yes

Council enters executive session at 8:00pm.

Council exits executive session at 8:10pm.

**Adjournment:**

Councilman Simonson moved that the council meeting be adjourned seconded by Councilman Maloney.

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

Meeting adjourned at 8:10pm.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk