

City of Rigby  
Council Meeting Minutes  
May 5, 2016

Mayor Richardson called the meeting to order at 7:00 pm Thursday, May 5, 2016. The pledge of allegiance was given by Schyler Walker and the prayer was offered by Kirk Olsen.

The Mayor asked the clerk to call the roll.

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

Attorney Dunn and Chief Hammon also present.

Amend Agenda:

The mayor noted the agenda needed to be amended. The agenda should have included a discussion on the police request for matching funds of a CHC grant.

Councilwoman Thomas moved that the request for police matching funds from the CHC grant be added to the agenda seconded by Councilman Burke.

The mayor called for a voice poll: All in favor with Councilman Walker abstaining.

Amend Agenda:

Councilman Taylor asked that the agenda be amended to allow for an executive session per Idaho Code 74-206(b) – to consider the evaluation of an employee. Motion seconded by Councilwoman Thomas.

The mayor called for a voice poll: All in favor with Councilman Walker abstaining.

Public Hearing: Animal Control Ordinance.

The mayor said the next order of business was the public hearing on the proposed animal control ordinance. He explained that the council will hear from the public both for and opposed with a time limit of three minutes.

Kathy Maloney:

Mrs. Maloney is opposed to the change in the ordinance. She noted the purpose of the ordinance is to protect the health of safety of its citizens and promote the general welfare of the citizens. She felt this statement should be emphasized over animals. The city is no place for farm animals. Changing the ordinance people will feel they now have the right to have animals and those with small yards will detract from the community.

Jennifer Evans:

Stated she was in favor of the ordinance because it is so clearly worded versus the current ordinance. It lays down expectations for all animals without having to list every animal allowed. It also makes it easier for enforcement and gets the ordinance in line with state code. She noted the only problems she has seen are with dogs. 4-H animals are part of education and small 4-H animals (rabbits and chickens)

shouldn't be forced to have them out of the city. She doesn't see a rush of residents with fenced yards to get goats. Those with small yards haven't added chickens and she doesn't see the citizens being irresponsible.

Mike Maloney:

Mr. Maloney is opposed to the ordinance. He feels that when citizens move into the city they do because it's a small clean city that provides water, parks, sanitation service. Homeowners keep their home and yards up and are attractive. While not opposed to animals he feels there is a place for animals and if you want to have animals you should live out in the county. He is concerned with smell and noise. He has heard that those with chickens are not keeping them up and the adjoining neighbors don't want to complain against their neighbors. Such actions put an undue burden on those neighbors. He also commented that some cities get tagged with names: New York – the big apple; Chicago – the windy city; Idaho Falls – river city. He doesn't want Rigby to get tagged "the stockyard city". He wants the city stay the way it is- clean and nice.

Mandy Young:

She is in favor of the ordinance. And while having a small yard, she has no desire to have animals. She doesn't want to take that option away from those who may wish to have small animals. She doesn't feel people will rush to get large animals. And the code needs to be updated.

Gae Lynne Hinckley:

She is opposed to the ordinance change. She commented that what she wanted to say has already been said so she didn't want to repeat it. She knows that the council will use common sense in their deliberations.

Dan Lerwill:

He echoed what Mr. Maloney stated and is opposed to the ordinance. While being raised on a farm and having farm animals one of the reasons he lives in town is avoid having animals next door. He commented that there is a problem with dogs which needs to be addressed. Allowing more animals is just going to create more problems for the police. The city shouldn't be turned into an animal shelter.

Melanie Jones:

Animal owners currently do not respect the rights of other people who live here. There is no definition of nuisance. Penalties need to be raised to deter repeat offenses including dog tags. The licensing of dogs should have proof of rabies shots. Noticed the ordinance of allowing chickens under the old code has been eliminated in the new ordinance. Also there is no mention of requiring animals to be contained to the back yard and not the side yard. There is no enforcement for violations; the police can only do so much. She listed a number of animals that she could now have in her yard. Dogs are running lose without collars or tags. She showed the council a cellphone picture of such a dog running loose. Current rules need to be enforced without opening the city to more animals. All citizens should be held to the same laws without exception.

Wayne Clark:

Having been a citizen of the city for a number of years he felt the ordinances are needed to have orderly growth. A change in the ordinance may be needed. He noted that while on the council years ago, the ordinance prohibited all "hooved" animals. Adding the prohibition against hooved animals will eliminate the concerns of those residents of allowing cows, horse, goats, or sheep. The city adopts

impact zones which protect the city from this type of encroachment. The county has regulations for acreages of 5- 20 acres and these areas should be used for those people wanting animals.

Hearing closed.

Council discussion:

The mayor distributed an email he received from a citizen on the animal ordinance. The mayor recapped the concerns he heard: sound, confinement, smell, and added enforcement. This was the first time he heard about chickens being a problem. He noted the reporting of problems puts the burden on the neighbor which he agrees is an issue. The city has stringent controls on the citizens and he questions if those controls really necessary. Are we creating more problems than solving problems?

Councilwoman Weight stated the weight restrictions of 150 pounds would limit the concern of having larger size animals.

Councilman Olsen is opposed to opening the city to more animals. Dogs, cats, rabbits are small. If we're opening to more and the current enforcement is not working why open it up to allow more?

The mayor felt that instead of doing a review animal by animal would it not be better to allow a broader definition so the council is not wasting its time doing each and every request. The city has somewhat turned a blind eye to violations that are occurring.

Councilwoman Weight commented that she has discussed the issue of chickens with the person mentioned in the email and the owner has not heard complaints even after going around to her neighbors and asking if they had issues.

The mayor noted from the majority of the patrons this evening expressed their concern with any change in the ordinance.

Councilman Taylor commented that he liked adding the restriction on hooved animals, thus eliminating a lot of the farm type animals. Several members of the council liked adding the restriction of hooved animals.

The mayor asked if there is an issue with having no restrictions to the number of animals. Councilwoman Weight didn't feel citizens would bring in vast numbers of animals and didn't feel a number restriction was needed and the number of chickens allowed was eliminated in the current draft.

The mayor stated most everyone is saying the problem is dogs.

Councilman Walker asked if the vet clinics can handle animals other than dogs and cats.

The mayor recapped five items to be considered:

- Hooved animals.
- Adding proof of current rabies vaccination certificate for dogs when licensing.
- Limit the number of outdoor animals.
- Adding the restriction to roosters.
- Containment of animals to the back yard.

Councilman Taylor moved to table the ordinance and to amend the current draft of the animal control ordinance with changes the mayor listed for reconsideration by the council seconded by Councilwoman Weight.

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

Approval of Minutes:

The mayor noted a correction referencing the “mayor” calling for a vote where it should be the “chair”.

Councilman Taylor moved to approve the minutes with the correction noted seconded by Councilman Burke.

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

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Review and Approval of Bills:

The council reviewed the bill list for May 5, 2016 bills. The mayor asked about the water mitigation bill and not included in the checks. The clerk indicated it had been approved and paid by the previous council. Councilman Olsen asked about the Riseband billings. The clerk indicated the Riseband service ties the radio system to the cellphones. Riseband acquired Digis which was formerly Microserv.

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

The Mayor asked the clerk to poll the council.

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

Councilman Walker Resigns:

Councilman Walker informed the council that he has purchased a home outside of city limits and therefore needs to resign from the city council. The mayor presented Councilman Walker with a plaque in appreciation for his service to the city as councilman.

Councilman Walker exits meeting.

Treasurer’s Financial Report – March 2016:

Councilwoman Thomas asked about the journal entry for \$4,000 for bank fees. The treasurer indicated the fees were for a combination of ACH withdrawals for direct payroll check, discount fees for consumer’s credit payments, NSF checks and monthly bank service fees on the two checking accounts.

The treasurer reviewed the management letter with the council. In general the funds year to date revenues are exceeding 50% of the budgeted revenues, expenditures are under 50% of their respective budgeted amounts and overall all the funds have positive revenues in excess of expense but for the capital improvement fund, sanitation fund and debt service fund. The capital improvement fund has yet to recognize the interfund transfer from the internal service fund. The sanitation fund had the purchase

of the new garbage truck which is planned with a negative year end result of \$70,000. And the debt service fund had the advanced payment of the USDA bond.

He also reviewed the various surplus balances in several of the funds and the planned capital improvement expenditures.

He concluded his review stating that the funds were headed for a positive year end results meeting or exceeding budgeted expectations.

The treasurer next reviewed the March journal entries. He indicated there were more entries this month due to the accrual for property taxes and other revenue sources.

Review and Approve Amended Plat:

The mayor explained the developer in the Delbert Call Subdivision #3 has filed a request with the planning and zoning to build townhomes on a zero lot line. The planned units will be similar to those existing on Autumnwood. Planning and Zoning has approved a variance for the development. The council needs to review and approve the amended plat for the subdivision. The council reviewed the aerial map of the development.

Councilwoman Weight moved to approve the amended plat for the Delbert Call Subdivision #3 Lots 2-9 of Block 7 and Lots 10-17 of Block 6 seconded by Councilman Taylor.

The Mayor asked the clerk to poll the council.

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

Police Hire:

Chief Hammon came forward and reviewed with the council the handouts that he had included in the council packet. He informed the council an officer resigned May 3, 2016 and felt he would like to hire a replacement officer to keep the force at the same level of staffing. The chief also included two letters from one from Post Falls and St. Anthony police chief indicating the level of staffing Rigby should have.

Rigby currently has four patrol officers and an administrative staff person plus the chief. One of the patrol officers is attending POST academy and is due to graduate in June 3. Not having an extra officer is restricting work done in detective work and putting additional burden on the patrol officer and it's putting a strain on the chief having to cover both patrol shifts and his administrative duties.

Councilman Burke stated he had talked with people in Post Falls and St. Anthony. He indicated Rigby is at 62% of budget of the general fund while St. Anthony is at 40% for their general fund. It really is coming down to numbers. Why is Rigby so much higher? The numbers don't match or add up. St. Anthony's budget is \$1.3 million with 48% for police. Burke indicated next year St. Anthony will be below 38% next year. The average officer to population is 1.5 officers per thousand is average.

Question about the number of hours an officer does while on shift doing administrative work. Number of hours varies with each officer doing administrative work. Currently an officer has to spend more time in the office due to the lack of a detective. The average is around 2-3 hours per 11.5 hours shift. Councilman Taylor questioned the chief on the amount of overtime being spent that the chief referenced in the letter. Councilwoman Thomas asked what the amount of overtime amount to. The mayor said that when he reviewed overtime earlier this year and the amount of overtime is very minimal. The mayor complimented the chief for holding overtime down.

The chief said the preferred candidate would be POST certified but he would like to review all candidates to avoid having to send anyone to POST for ten weeks.

The mayor stated one officer was gone for five months for military duties. This is not expected to occur anytime in the near future.

Councilman Burke had a comment regarding the amount of time it took to complete to hold the suspect that was or is being held in California. He had heard that the paper work took a week for the city to complete. The week was bothersome to the councilman. The chief responded that due to him having to cover night shifts and due administrative work it did take time to complete. The investigation also needed time to come together and it wasn't done in just one day.

There was a discussion that St. Anthony has obtained a grant to fund a part-time officer. Has Rigby looked at something similar?

Question about the amount of time an officer who is on duty spending time in the police station. Chief Hammon said other than an officer doing administrative work they are out patrolling. Councilman Burke disagreed to the amount of time being spent inside the office and not on patrol.

Councilman Olsen moved that the chief be authorized to post the position for a new hire but not hire and subject to final approval to hire by the council seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

Councilman Taylor	Yes
Councilwoman Thomas	Yes
Councilwoman Weight	Yes
Councilman Burke	No
Councilman Olsen	Yes

CHC Grant Match:

The police department has submitted an application to CHC to remodel the front foyer of the police department. The project has an estimated cost of the project is \$20,210. In force donated work will subtract \$2,476 from the cost. Funding from CHC will be \$17,733. If the city were to add additional funds it would enhance the police position in obtaining the CHC grant. The city has funds either from the discretionary account in the general fund or capital improvement fund. The mayor also mentioned the statement in the last sentence in the letter to CHC referencing him, was in his opinion, very unprofessional. Councilman Olsen agreed.

Councilman Taylor moved that the city match \$2,021 from the discretionary fund as match in grant if the grant is approved seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council.

Councilman Taylor	Yes
Councilwoman Thomas	Yes
Councilwoman Weight	Yes
Councilman Burke	No
Councilman Olsen	Yes

Sidewalk Replacement Program:

Reed Williams came forward and discussed with the council the need of installing sidewalks around the city. The planning and zoning commission during the community review mentioned there were several homes and places around the city that lack sidewalks. His home is one such home. He noted the home across the street from his was replacing the sidewalk and qualified for city participation. He would like to install a sidewalk but feels it's only right that the city participate somehow in the expense.

The mayor mentioned that while he was serving on the planning zoning commission sidewalks or the lack thereof was discussed. He felt a simple fix would be to change the first paragraph in the application which reads "this program is intended to help restore and keep in good repair existing sidewalks... is not intended to supplement or bypass any other program or occurrence". He felt that by changing the wording to allow installing new sidewalks except for new construction or where such construction would require a sidewalk could be added to the program. There are funds allocated year over year which in many years are unused. The program would be on a first come basis limited to funding availability. The mayor mentioned several places around town that need sidewalks particularly those going to the Harwood School.

Councilman Taylor moved to amend the policy to allow for the inclusion of sidewalks with those without sidewalks excluding new construction or where construction would require sidewalks. Motion seconded by Councilwoman Weight.

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

Concessions at Rodeo Grounds:

Rick Lamoreaux came forward and explained an issue that's coming up involving vendors wanting access to the rodeo grounds to sell and dispense food products during events at the rodeo grounds. He indicated the rodeo committee usually sells food at the concession booths during those events and the proceeds from the concessions are part of the committee fund raising activities. Allowing other vendors on the grounds to compete with the existing concessions would cut into the committee ability to raise funds. The rodeo committee is looking at guidance from the council if they had any objection to the committee limiting or restricting other food vendors on the rodeo grounds.

The council commended the committee to doing the concessions as part of their fund raising activities. Conscience from the council was to allow the rodeo committee to draft the necessary document that will give the rodeo committee the authority to restrict other food vendors from competing with the concession on city property. The attorney mentioned to have Steve Cook stop by his office and he would assist in drafting the required documentation.

Review and Approve 3<sup>rd</sup> West Sewer Line Bid:

The director of Public Works came forward and reviewed with the council the documents that Keller's Engineering prepared for the bid on the 3<sup>rd</sup> West sewer line. Three bids were obtained with the following bids:

Jerome Bowen Const.	\$51,189
DePatco Co.	\$64,195
3H Const	\$68,466

Keller's have reviewed the above bids and found they met the qualifications and eligibility to bid. Based on the results Keller is recommending the council award the bid to Jerome Bowen Const in the amount of \$51,189.

Councilman Taylor moved to approve the bid to Jerome Bowen Const., to allow for change orders following city's policy for construction projects and for the mayor to sign the notification of award. The motion was seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

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

Other Council Business:

- Councilwoman Weight asked about installing a bridge across the canal along 4<sup>th</sup> West. There is concern from the parents in the area of the need to install a bridge as children are crossing the canal and the need for safety is needed. The mayor indicated they have discussed the need and the estimated the cost for a foot bridge that could be tied to a traffic bridge at a later date has been discussed and the estimated cost of \$6,000 needs to be appropriated to do the funding. This could be considered this coming budget cycle.
- The clerk mentioned that during last council meeting the seal coating bid was awarded to HK Contractors. He asked if the bid had been modified and if so what is the amount of the bid? Public works indicated that it had been modified with a reduction from \$150,500 to \$147,468. The public works provided a copy of the new contract.
- Cleanup – the mayor indicated that the cleanup held April 23 was a resounding success. The city completely filled three large bins and had to order in more bins to haul off the excess.

Public Comment:

Glenn Bennett:

Mr. Bennett commented that he owns a small farm outside of the city. He feels the city should not have farm animals inside the city. He also commented that due to his business, he out and about at all hours of the night. He feels the police are patrolling the town during those hours and in many instance they have assisted him.

Melanie Jones:

Committed that in many instances not all residents are treated equally in the application of laws and code. She has been retaliated against by neighbors when reporting violations. She was at a quandary of where to go and what to do. Councilman Burke indicated to call him and he would take it to the police.

Reed Williams:

Mr. Williams works at the county dispatch office. He commented that he sees the number of call the Rigby police take during the day and night. Last week there were three accidents in town and the city had only one officer on call. The accidents were covered and got completed. The public doesn't see all the work the officers perform during the day and night. He knows they are shorthanded and not every call can get answered to what the public may want.

Executive Session:

Councilman Burke moved that the council enter into executive session per Idaho Code 74-206(b) to consider the evaluation of an employee, seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council.

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

Entering executive session, the mayor asked that being executive session the session is closed to the public.

Council enters executive session at 9:35pm.

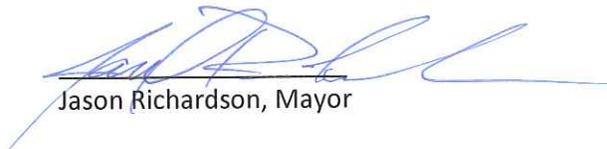
Council exit executive session at 10:25pm.

The mayor asked if there was any further discussion or comments, hearing none Councilman Taylor moved that the council adjourn seconded by Councilman Burke.

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

Council adjourned at 10:26pm.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk