

City of Rigby  
Council Meeting Minutes  
November 15, 2018

Mayor Richardson called the meeting to order at 7:00pm Thursday, November 15, 2018. The pledge of allegiance was given Benson Taylor and the prayer given by Nicole Weight.

The mayor asked the clerk to call the roll:

Councilman Burke	Present
Councilwoman Weight	Present
Councilman Taylor	Present
Councilman Hall	Present
Councilman Datwyler	Absent
Councilman Olsen	Present

Also present: Chief Tower, Attorney Robin Dunn, Public Works Director Mitch Bradley

Public Hearing – Increase Septic Dump Fees:

Scott Humphreys came forward and indicated the need to increase the septic dump fees were to keep the charges in line with what Idaho Falls was charging. And to keep the rates similar to what the increase was in the other sewer fees done in August. The mayor indicated there was no one who had signed up to speak one way or the other. He asked the audience if anyone wished to speak on the septic dump fee no one came forward.

Councilman Olsen questioned why the increase and suggested cutting them back until next year. Septic dumping can be cut off at any time whenever the plant begins to hit maximum capacity. This is not an increase in utility billings but only on the septic dump haulers. The council explained what the septic dump fees were and Councilman Olsen realized his error in thinking what the fees were for.

Councilman Taylor moved to approve the fee increase for the septic dump haulers. Motion seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

4<sup>th</sup> Quarter Interfund Transfers:

The clerk stated the budget for 2017/18 had quarterly transfers of \$6,250 from each of the three enterprise funds (water, sewer & sanitation) to the general fund for a total \$18,750.

Councilman Burke moved to authorize the transfer seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

Transfer from LID #9 to Capital Improvement Fund:

The construction of LID #9 for the residents was financed through the capital improvement fund. To date \$31,189 had been paid towards LID #9 and the clerk wants to transfer that amount back to the capital improvement fund and reduce the interfund debt/receivable.

Councilman Burke moved to approve the transfer seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

Renewal of city's health insurance plans:

The clerk presented the council with a comparative worksheet showing the city's two options for the employee's major health insurance. Under the Regency 3000 and Regency 4000 there was a decrease of 14% in overall premium. The clerk recommended staying with the two current plans.

Councilwoman Weight moved to renew the Regency 3000 and Regency 4000 insurance plans. Motion seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

Increase funding in city's HRA-VEBA Plan:

With the renewal in the two city's health insurance policy the clerk suggested that the council consider increasing the funding for the HRA-VEBA plan. Currently the city funds \$300 per employee in September for eligible employees. The 14% reduction in premiums in the Regency plans will save the city around \$20,000 per year. The cost of additional funding of \$300 each will cost the city around \$5,700. He suggested the funding of the \$300 be done in March and the original \$300 be done as usual in September.

Councilman Olsen felt the savings in the health insurance plans is great but questioned if the employees are using the current \$300. The clerk responded that the account is vested with the employee and

whether or not each employee are using the funds annually or saving for a later date, he has no knowledge to individual funds once the funds are transferred to the individual. Councilman Olsen stated that if the employees are not using the funds why add to the fund. Just because the city saves money on the insurance premiums one year why spend 20% of the savings. The mayor stated that the city's benefit package is not a major issue with new employees versus hourly pay and is not a retention issue with employees.

Councilman Burke moved to approve the \$300 per eligible employee for a March disbursement seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

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

It was indicated this would not be a renewable annual benefit and would need council approval each budget cycle.

#### Surplus Sale –

##### a. Purchase of Police Vests:

The police chief came forward and wanted council approval for the purchase of three safety vests for his officers. The purchase will be funded 50% through a federal reimbursement grant. The purchase will be funded from the proceeds of the recent auction sale. Estimate cost \$3,280 in full less 50% received from the federal grant.

Councilman Taylor moved to approve the purchase seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

##### b. Christmas Light Display:

Mitch Bradley stated the old Santa light display that is set up each year at the end of Main Street is over 25 plus years old and due to the issue of electrical shorting he would not be putting it up this year. He would like to purchase a new display for an estimate cost \$7,156. He has around \$2,000 in the Christmas light budget and he would solicit door to door if necessary to raise the remaining \$5,000. But he would like to order and get it installed prior to the Christmas Light Parade.

Council discussed other businesses and the chamber as organization to approach about funds.

Councilman Taylor asked: why have the display at all? Council discussed that the one thing they hear is

the lighting done at Christmas to our streets and the public will expect to see a display. Not everyone drives east on Main and those that don't drive Main, won't see it. The mayor stated just last week people commented on the lights on Main. The lights do make an impact on the city.

Councilman Hall moved to approve the purchase the display in the amount of \$7,156 from the capital improvement surplus account and any reimbursement to replenish the capital improvement fund, seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

Sage Grove Assisted Care Facility:

Mitch Bradley came forward with an issue concerning the connection to the city's water and sewer system from an out of city business along with Amy Rackham (lessee of the facility) and Jay Rice (architect). In a letter on April 28, 2017 Mr. Kevin Hathaway acting as the city's planning and zoning administrator gave four points for the Sage Grove Assisted Care Facility to connect to the city water/sewer services.

Mr. Bradley stated two of the four points in Mr. Hathaway's letter are incorrect:

- 1) The original plat was approved based on connecting to the city water/sewer system. Mr. Bradley re-read the motion made December 18, 2012 which stated the development would be accepted upon acceptance of a development agreement between the city and the developer. This development plan has never been brought to the city for approval.
- 2) If and when the area is developed the developer would need to connect to the city at that time at additional expense. Mr. Bradley indicated this is incorrect, they would need to connect in the event of their well or septic system fails. The city has several businesses on private well and septic system in the city limits and they are not connected to the city water/sewer services.

He reviewed the plans for the development and cited several instances which do not follow city code: road width, cul-de-sac is too small and lack of right of way (requires 60 foot). In addition our code states a consumer must connect if the system is within 300 feet of an existing system. The building for the Sage Grove development is 1,200 feet from the existing services. Way outside our requirements. Mr. Bradley felt the city would see no benefit of having them connected.

Amy Rackham stated the main reason for them to not to connect is the cost. The cost is estimated at \$340,000 plus the existing building is not required to be connected. The cost of running this service for one building is pricing them out of the market.

The mayor confirmed with Mrs. Rackham that the development is not in the city. We do not have an agreement with the county or with Sage Grove. Where the development is within the area of impact, the county enforces the procedures to enact city ordinances as required by Idaho Supreme Court decisions, which in the past the county has not done. So he was befuddled where the city comes into

this discussion. The mayor read from the county minutes and it was noted that the findings and comments as stated are those of the county and not the city. The mayor corrected Mr. Bradley statement of hookup of at 300 feet is not mandated that a system be hooked on to the system. The city cannot mandate hookups as a city. All of the findings are county issues. He further questioned the statement from the county p/z that the city has been "adamant" they hook to city sewer & water services. He does not know what the definition of adamant is in this context. He questioned does the city want an area of impact: yes, we have been working an agreement for five or more years. We are currently working on a moratorium on the east side to determine the need of expanding city services. But the mayor fails to see how this issue involves the city. The health department has on a number of times been wishy washy on this issue. He feels this is outside of the city's management authority.

Mr. Rice stated he would like a letter stating they are not required to connect nor do they want to connect. The health department had at first granted permission to use the existing well and septic system until they got the letter from Mr. Hathaway who worked for the city at that time and now works for the county. And after receiving the city letter the health department reversed their decision.

Councilman Hall asked what happened in 2012 that the issue came before the council. Mrs. Rackham stated that at that time they were looking at annexing into the city with other property owners but backed out after they saw the financial commitment that it would require. Now the only business is her new building none of the others want to connect or to be annexed.

The mayor said the county has a development agreement between the developer and the county which states the development will connect to city services. The city will not pay for the development nor can they ever recover the expense. Councilman Olsen indicated the city doesn't have any "skin" in the game.

The mayor says he feels we cannot require them to connect. But he's nervous that when a development is across the road: Is the city creating problems between those who are connected and those who are not connected?.

Councilwoman Weight asked the attorney is there an easy solution this issue?

The attorney replied that this development does not qualify as the city code outlines; they are not in a position to approach us, at this time, the developers do not want to be connected, legally they do not qualify and that Mr. Hathaway should not be dictating to the county that the development has to connect since they do not qualify. He stated again that legally they do not qualify; they are not in the city.

The mayor stated there is no legal mandate from the city and there is not any power to force them to connect. We have no requirement that they connect - currently.

Councilman Taylor stated that Mrs. Rackham may have to get an attorney to resolve this with the county.

#### Approval of Minutes:

Councilman Hall noted a typo error which needed to be corrected. Councilman Taylor moved to approve the minutes as corrected seconded by Councilwoman Weight.

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

Approval of Bills:

Councilman Hall asked about the invoice from AH Digital – \$500 annual hosting of web site. Councilman Hall indicated usually the host provider charges \$250 annual. Hourly rate for assistance is \$97 hour billed on the quarter hour. Caselle – the monthly software provider. Law Enforcement Center – annual policy and procedures for the police department.

Councilman Taylor moved to approve the bills seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes

Other Council Business:

City Appreciation Breakfast: Will be held Saturday Dec 1 at 9:00 am at the Rigby Sr. Citizen Center.

Urban Renewal Sign: Councilwoman Weight mentioned the urban renewal sign has been erected in Scotty's south park.

Inequality in utility charges: The mayor stated he had had a discussion with Ruth Miller concerning her apartments on Main Street. She complained that she was being charged the same rate for water/sewer a family of 4 or 6. Her apartment has one person living in each apartment. He acknowledged that there is inequality throughout the city not only in apartments but in residential homes. A family of six with a large city lot pays the same as a single woman with a small lot. He hasn't heard of a way to correct the inequality short of metering. A meter is always a solution. Comment made that metering is becoming heard more often at the state level as a condition for grants.

Moratorium and Area of Impact: Councilman Taylor stated they are hearing things should they refer them to the mayor. The mayor said yes he'll never hear from the public. Mitch Bradley came forward and indicated he had been working with Kevin Hathaway from the county to create a temporary moratorium along the east side of the city. The council will review an ordinance relating to the moratorium December 6 after which it will go to the county on December 10.

Public Comment:

None

Executive Session:

Councilman Taylor moved that the council enter into executive session 74-206(b): To consider the evaluation of appointed staff members. Motion seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes

Councilman Taylor                    Yes  
Councilman Hall                    Yes  
Councilman Olsen                    Yes  
Council enters executive session: 8:18 pm

Council exits executive session: 8:38 pm.

Council Discussion/Decision:

Councilman Taylor stated he is satisfied with what he has heard regarding the department heads. He has heard that some are okay with them not receiving wage increases that it should go to the employees but he feels they too deserve a cost of living increase. It shows great leadership. He asked if there is fund's available in the budget to grant a 3% cost of living. The mayor stated that with Angie greeting citizens when they walk in the door and with Dave accounting for the funds, and Mitch on the roads/parks going door to door to solicit funds and the chief for what he has accomplished in his department he feels the city has an incredible group of leaders that run the city. These people are the face of the city. It's not us seven but it's the department heads who answer the concerns on a day to day basis. It's positive, positive, positive. As for the attorney he thanked him for whenever he's gone over to his office the attorney has answered his concern and/or question never saying he's not paid enough or paid to do this. The mayor mentioned the attorney enjoys working on the prosecuting more than the civil work.

Councilman Taylor moved that the four department heads receive a 3% cost of living adjustment effective on the beginning of the next pay period, seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Burke                    Yes  
Councilwoman Weight                Yes  
Councilman Taylor                    Yes  
Councilman Hall                    Yes  
Councilman Olsen                    Yes


Adjournment:

Councilman Burke moved to adjourn seconded by Councilwoman Weight.

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

Meeting adjourned: 8:45 pm

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk