

City of Rigby  
Council Meeting Minutes  
November 6, 2014

Mayor Richardson called the meeting to order at 7:00 pm Thursday, November 6, 2014. The pledge of allegiance was given by Scout Dillon Davis and Kirk Olsen offered the prayer.

The Mayor asked the clerk to call the roll.

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

Also present: Robin Dunn, Chief Hammon.

Proclamation Veteran Day:

Mayor Richardson read a proclamation proclaiming November 11, 2014 as Veteran's Day (copy attached).

Communication App for Smart Phones:

Mayor Richardson reviewed the basic plan for smart phones application. He reviewed the methods the city is currently using to keep the public informed and feel using the app with smart phones is just one more method. As an option, the city could utilize the service for one month free of charge to get a "feel for it". He indicated the cost of the plan for the first year would be \$50 per month and after the 1<sup>st</sup> year the fee would increase to \$100 per month. The city would need to authorize one or more persons the ability to enter new messages as may be needed. He also commented that the messages would be to force a "push" out to the user's item such as meetings and snow plowing. Various subjects were discussed as to what could be sent out.

Councilman Olsen felt the decision should be left with the mayor to decide. Councilman Taylor wanted to know if the system had a matrix as to users. Councilman Maloney felt a vote on the decision should be made since involves the expenditure of funds. The clerk was asked where the expense would be charged against the budget. He replied the council had a line item for public relations which would be appropriate. The police department currently has smart phones.

Councilman Taylor moved to authorize the use of the smart phone on a one year trial basis seconded by Councilman Maloney.

The mayor asked the clerk to poll the council:

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

Declaration of Surplus Property:

Rick Lamoreaux came forward and reviewed with the council a listing of equipment (list attached) he would like permission to dispose. Most of the items were surplus and no longer of use to the city. He commented the county is having an auction Sat Nov 15 and he indicated he would like the city to participate with the county.

He mentioned there were 3 Flyt pumps that originally cost around \$30,000 each. With the renovation of the sewer lift station the pumps are no longer needed. The pumps would not be listed in the auction with the county. Lamoreaux has listed the pumps for sale on the state water users web site. He felt another city would in need of such pumps would be better than to sale them for scrape at the auction. He is requesting permission to proceed with the auction and the declaration of the property as surplus.

Councilman Walker questioned the listing of the pumps for sale prior to council's decision and action authorizing the disposal.

Councilman Taylor moved to declare the property as listed as surplus and authorize its sale seconded by Councilman Walker.

The mayor asked the clerk to poll the council:

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

Review of Bills:

The clerk noted there was one additional bill to be included in the listing: III-A. This bill is a carryover from last council where the run out of insurance claims needed to be verified that the claims were for city employees. The claims have been verified as being city employees. The bill in the amount of \$1,135.56.

Councilman Taylor asked about the Halloween candy – purchase by the police department. He also asked about the Rocky Mtn power debit and credit for \$4,600. The clerk stated the power company charged the city the \$4,600 for the relocation of the power lines and Keller paid the bill. The billing and the payment occurred in two different billing cycles hence the offset. Kubota tractor – was third annual payment on the park/rodeo tractor. Question arose on the change order on the DePatco billing for change orders for \$19,000. Rick Lamoreaux explained \$13,000 was the removal of soft spots in the road surface which needed to be removed. The pricing was based on a unit price not included in the base bid.

Councilman Walker asked about the tree on the Lewis property. Councilman Walker thought the tree should have been in the contractor/engineers scope when they did their elevation or was it an oversight on the part of the contractor/engineer which the city had to pay. Lamoreaux explained the tree was above the sidewalk and he felt it was best to remove the existing tree and replace with one placed at ground level. He felt he used his best judgment in correcting the problem.

Councilman Taylor questioned if the retainage of \$25,000 was sufficient to cover the work. He also asked about the sewer manholes being replaced. Lamoreaux stated the manhole covers were not expected and needed to be replaced. Lamoreaux then stated the contractor has been good to work with in the past regarding warranty items. There will be settling over the winter and he assured the council DePatco would honor their warranty.

Councilman Maloney moved to approve the payment of the bills seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Walker	Yes
Councilman Taylor	Yes
Councilman Maloney	Yes
Councilman Sullenger	Yes

Councilman Olsen

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.

Other Council Business:

- AIC Meeting – The mayor asked who would be interested in attending: Councilman Walker and Olsen would be interested in attending. The mayor indicated he would be interested in attending the Friday session in Pocatello.
- Update 1<sup>st</sup> North- Rick Lamoreaux noted the walk through was completed this week. Most of the items were mainly cleanup in nature with some lowering of curbs and manholes. Overall he felt it just needed a final sweeping and cleanup. Asked about the speed signs, he noted he has asked DePatco to give him the signs they took down and he would erect the signs as needed. Most of the property owners are pleased with the project. Warranty is for twelve months and they would be back to repair any items under warranty.
- Library Audio ebooks: Councilman Taylor noted the library has audio ebooks available.
- Swap Meet: The library will be conducting a swap meet this Saturday in the library. This is the third year of the swap meet.

Public Comment:

None

Lamoreaux and scouts exit meeting at 7:35.

Community Review Presentation:

Jon Barrett and Mike Field came forward and gave a power point presentation of the four areas which the community review focused their attention. The four focus areas were: economic development, arts, historic & recreation, civic life & community involvement and downtown revitalization. The fourth focus area is being discussed because it kept coming up in the discussion. They commented that the theme was how not to allow the city to become a “bedroom community.” The report included ways, suggestions and references on how to implement the goals. The report collectively amounted to a \$50,000 report in hard dollars plus time which the volunteers put into the report.

The mayor and council thanked Mr. Barrett and Field for their presentation.

Executive Session:

Councilman Maloney moved to enter into executive session per Idaho Code 67-2345(f) to communicate with legal counsel pending litigation seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

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

Council entered executive session: 8:25pm.

Council exit executive session: 9:48 pm.

Suit filed against city by school district:

Council discussed the suit brought against the city by the school district revolving around quiet title on Block 7. Under count three the school offered to as relief would be for the city and school to revert back to the original contract and the return of the city hall property to the school district and the city take possession of the school property.

Councilman Taylor commented the offer for the school to give up the property was a great jester on their part. He noted the buildings on the property could be utilized by the city.

Mayor Richardson noted the city had four options:

- Comply with the suit in which the city quite title over any interest in the property.
- The contest the suit to protect the Call family's reversionary interest in the property.
- Accept the land exchange which voids the original exchange.
- Assign any rights the city may have in the school property to the Call family and let them bear the cost of protecting any reversionary interest.

After stating the four options the mayor asked what would be in the best interest of the city regarding the land swap. Would the exchange benefit the city more with having the property along with the buildings?

Councilman Taylor felt one of the buildings could be used to house the art council and named after the Mr. Call.

After various discussions: Councilman Walker stated he was concerned with the liability of assuming the property and buildings without knowing the cost of maintenance. Would the buildings be of benefit to the city? Could the ag building be used as a city shop? He was hesitant at this point in time without have a tour of the buildings and having some idea of what the maintenance cost would be to operate the buildings. There was a lot of unknowns right now.

Councilman Olsen concurred that the city should consider the exchange after due diligence.

The mayor asked the attorney if the city could obtain an extension of time to respond to the suit. The attorney said the city could request a 30-day extension in which to obtain more information.

Councilman Sullenger moved to instruct the attorney to file for an extension of 30-days to answer the complaint filed by the school against the city seconded by Councilman Maloney.

The mayor asked the clerk to poll the council:

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

Adjournment:

Councilman Maloney moved to adjourn seconded by Councilman Sullenger.  
The mayor called for a voice poll: All in favor none opposed.

Meeting adjourned: 10:10pm.

CITY OF RIGBY



\_\_\_\_\_  
Jason Richardson, Mayor

ATTEST:



\_\_\_\_\_  
David Swager, Clerk