

City of Rigby
Council Meeting Minutes
October 15, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, Oct. 15, 2015. The pledge of allegiance was given by David Swager and the prayer was offered by Skyler Walker.

The Mayor asked the clerk to call the roll.

Councilman Walker	Present
Councilman Simonson	Present
Councilman Olsen	Present
Councilman Burke	Present
Councilman Taylor	Present
Councilman Maloney	Excused

Also present: Keith Hammon.

Treasurer's Report:

The city's treasurer gave a summary report on the city's financial statements for the month ended August 31, 2015. In summary he stated that all of the funds of the city revenues to expenditures to date were positive but for the general fund and sanitation fund. These two funds while having a negative net operation are under the anticipated budgeted amount. Both are negative due to the transfer from the general fund and the purchase of the new garbage truck in the sanitation fund.

The departments within the general fund for expenditures are below their budget allocation which at August would be around 92% of budget.

Revenues to budget for all funds are exceeding budget as of August and in some cases are 150% (rodeo committee) of budget. Only sanitation is below expected budget at 85%.

Budgeted expenditures to actual for all of the funds are tracking below 92% but for rodeo which is at 127% of budget. He noted that the revenue for the rodeo is exceeding budget and that the fund has a net result through August of \$13,000.

The treasurer then reviewed the projected year end results for the year with the comment that he felt all of the funds would end the year exceeding the budget.

He noted during his review that since becoming clerk he established a financial goal wherein all funds of the city would have a 90-day reserve fund equal to the next succeeding budget. He reviewed the summary which shows the estimated year end fund balance with the 2015 budget and the 90-day reserve needed for the 2015 budget. All funds for the first time have excess of 90-day including the library fund.

He concluded his presentation by saying that he felt the city is headed in the right direction financially but still needs to work on the 5-year infrastructure capital improvement plan.

He noted that the rodeo committee had hosted a monster truck show August 21 & 22 which drew a large attendance. As of this date the sponsor of the event had not paid their agreed fee to the rodeo which should be around \$3,000. He informed the council that the rodeo committee would be meeting

Friday evening and the non-payment of fees would be discussed with the executive board. He has informed Steve Cook that the committee may have to seek performance of the contract in small claim court and such action may involve the city attorney being the amount due is coming on 60 days past due. The contact person for the committee, Rick Lamoreaux, has been in contact with the event sponsor with no result forthcoming.

He also reviewed the journal entries he made during the month with the council. He noted they were routine entries to record accrued interest and charges involving the internal service fund.

Advanced Bond Payment:

The second item the treasurer reviewed with the council was the status of the sewer bond account. He noted the bond account as of September 30 had \$1.3 million in assets. He was recommending that the city make an advanced payment of \$500,000 on the USDA bond. The bond interest is 2.75% which is higher than any investment he could invest the \$500,000. The fund has sufficient cash reserves on hand without affecting the next bond payment. He presented an amortization schedule which showed the early payment alongside of the scheduled payment. With the advanced payment of \$500,000 it would save the city \$382,159 in interest over the term of the loan and retire the bond 5 years ahead of schedule.

Councilman Taylor moved to authorize payment of the \$500,000 on the USDA bond seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Review of Revised Police Budget:

Chief Hammon came forward and offered to the council a revised budget for the current year. He noted that even if the budget changes are made the police department is committed to providing service to the city what is deemed necessary and continue working with the mayor and council. He also stated that he did not want to lose any of his officers and the proposed budgets were only that.

He presented the council three different proposed budgets: one with budget cuts and no change in staffing; a second with budget cuts along with a reduction in force of two officers. Of the second, the reduction in force could be either through attrition or firing. The proposed cuts ranged from \$82,750 to \$170,700. Budget cuts only amounted to \$82,750 and the \$170,700 budget cut would be achieved with the firing of two officers. The third budget, reduction through attrition, would equal the budget cut being the he could not anticipate when attrition would be initiated.

Councilman Olsen commented that the cuts made in computer may not be the best place to cut. Councilman Olsen felt technology needed to be maintained and kept current. The mayor commented that the police had upgraded their computers over the years and some cuts could be made in the current budget but over the long term would need to be increased as technology changed. The mayor also reviewed the line item "fatpot" which he felt needed to be kept and not cut. The fatpot tech assists in writing tickets versus hand writing the tickets. Discussion involved using air cards or iPhone to achieve the same effect as using the current system and if any difference in price could be realized.

Mayor and council discussed the 10-year plan for car replacement and the dollars involved with the 10-year plan. Patrol car costs \$20-30,000 and a K-9 unit costs plus \$40,000. Discussion on the cuts made in fuel, guns and ammo, drug testing, training, and capital expenditures misc. The mayor stated that the cuts should not be reactive but solutions in the long term. He also has concerns with moral with cuts being constantly made.

Chief Hammon noted that he had sat with the mayor yesterday and the figures the council have in front of them have changed after his discussion with the mayor.

Discussion on the difference in straight budget cuts only and budget cuts with attrition. Being that attrition couldn't be determined due to when the attrition would occur. Council felt the second proposal "cuts with attrition" shouldn't be used in the discussion.

Councilman Taylor asked about coverage with the cuts of two officers. With the cut of two officers there would four on and four off. Any extra shift would need to be filled by the chief. He currently works 5 8-hour shifts. The sergeant works a split shift evenings and days. The detective could be available to assist covering of shifts depending on his case load. Hammon indicated that with the cut of two officers he would have to assist more with patrol coverage. The chief indicated that with the cut of two patrol officers there would not be a second patrol.

The mayor asked about the staffing of four patrol and two staff. Hammon indicated it would be hard to cover the shifts and it would be hard to sustain coverage over the long term due to training, sick leave and vacations. A cut of only one officer would be easier to cover and work through than a reduction of two.

Councilman Simonson asked if there is a need for an administrative assistant. Chief indicated without her he would be in the office all the time and would not be available for other duties. The only cuts being shown would be the two officers. One option would be to have the administrative assistant as part time (3 days week) and eliminate the compliance position (2 days week) and not have an administrative assistant for all 5 days.

The mayor recapped the options with the grants and capital expenditures being adjusted the budget cut only would result in savings of \$37,250. Reduction in force of one officer would have net savings of \$81,000. The mayor felt that the reduction of two would not be sustainable. Hammon said cutting even one officer would still create issues with vacation leave.

Chief Hammon reviewed the prior budget versus actual since 2007. Every year actual spending has been below budget from anywhere of 72% to 99% of budget. The current year looks like 85% of budget.

Councilman Walker noted that even with the budget cuts being discussed the actual expenditures in prior years have been below the actual budget so in effect no cuts have been made being the department has come in below budget for the past several years.

Hammon reviewed the items he has acquired outside of budget from the Walmart grant, government surplus funding and funds from the incentive grants.

Jefferson County Police Contact Proposal:

The mayor that the draft copy dated Oct 10, 2015 is the latest draft copy of the proposed agreement between the city and Jefferson County regarding the police department. The mayor wanted to review the inaccuracy that was contained in the police flyer and he felt it needed clarification. He recapped the

items that continually being incorrect for whatever reason. He indicated that he would like a clarification if not a retraction of the flyer. He then recapped the items that he felt are incorrect.

The use of city funds to reduce debt: City funds can be used to retire and pay off debts. The flyer is flat wrong in this statement.

The city will be left without an officer is wrong: Under the contract under item #6- Personnel- The contract provides under services that there will be five dedicated officers to the city. Under the same section the contract states an officer will be in the city limits at all times 24/7. This is one item that people continually misstate in almost every conversation. Any emergency inside Rigby will come from the officer that is on duty inside Rigby's city limits. The five officers will be assigned exclusively to the city. Emergency calls outside of the city needs to be added to the contract to allow instances when it occurs. The officer on duty plus the supervisor will be available during day shifts to do the second shift as is currently being done. There are three detectives in the county and the sheriff has assured the mayor that those three detectives will be able to handle the cases where a detective is needed. The sheriff has extensive knowledge of law enforcement and has worked in Jefferson County and he knows what his detectives can and cannot handle. In addition to the five officers and there is a depth within the sheriff office to support the city plus handle administrative support to the city. This is stated in the contract under command services in addition to office space and material needed by the city officers.

County can't absorb the city division: The county is not absorbing the Rigby police department. The city is paying for the officers and they are not coming from the sheriff's office existing personnel except for the supervisor. The sheriff is required by state statute to provide law enforcement for the city if the city does not. Being that the city is denser than other cities within the county, the city needs additional services not provided to other cities. The county will enforce city code and ordinances with the five officers and the city is paying for that extra level of service.

What if the contract doesn't work, can the city ever go back? The mayor countered this by saying yes, by learning from the mistakes of others. One of the difficulties in going back is the upfront costs. This can be overcome by saving the cost saved by city ordinance. Any cost savings achieved with the contract versus the original budget can be set aside and used to pay for the equipment and material needed to begin enforcement. In addition whatever cars the city has provided the sheriff will revert back to the city of like value if there is a severance of the contract. By having the funds saved with the contract on hand, and if or when the contracted is severed, we would have the funds on hand that other cities have not saved.

The other item is what about a dedicated detective? The contract has a provision under footnote #1 that a detective/patrol officer could be added whenever the need should arise. If it is determined that their detective service is not keeping up with the service the city deems necessary we can add a detective at any point it is deemed necessary.

Looking at the figures provided by the chief and the contract the net saving would be around \$300,000. If the detective were to be hired, the savings drop by \$50-55,000.

It is beneficial in having the police over the sheriff but at what point is it worth it? The question becomes: Is \$300,000 cost difference worth having a police department. Is \$225,000 not worth having a police department? The mayor's feeling is that \$300,000 or \$225,000 in cost savings is preferable to having a police department. This is the most efficient use of tax dollars.

There has also been concern with the contract in not making the officers live in the city. The city currently does not require our officers to live within the city. The mayor then opened the discussion to the council.

Councilman Taylor asked what happens if out of the five officer they cannot cover a shift due to illness, vacation or whatever, who covers the shift? The mayor indicated that in that case the sheriff would assign a deputy to cover the shift out of his existing officers. He has sufficient depth in his office that it would be covered. If the city were to cut the force by two, the city would be in trouble to cover the same instance. The county has the depth to cover shifts.

Councilman Simonson asked about the difference in dispatch fees? The mayor said we have an offsite machine and it's one of cost savings that comes when you consolidate services. It's more efficient to operate one.

Councilman Burke asked about vacation time. The mayor said the vacation time will follow the county's personnel policy along with pay.

Councilman Walker had concern with the inflation clause of 5% in the contract. Section #9 explains the steps needed when this takes effect. The city always has the ability to negotiate a lower rate or even say no, we're ending the contract and will start up our own force. That discussion will happen at the council level. The city is always in a position of saying no and with the savings saved plus the return of the cars we are in a position to negotiate with them. The 5% is subject to negotiation within the contract.

Councilman Simonson asked about special events services. The mayor said those costs for special events are covered in footnote #3 and he has included those costs in his analysis. The county contract could happen at around \$360,000 and the savings achieved would depend on the number of officers retained.

Councilman Olsen expressed concern with the county commissioners having control over the contract. The mayor said the sheriff runs his department and the commissioners have oversight but not day to day say in his office. The sheriff has the final say on the contract. The mayor has talked with the commissioners and they are okay with the idea. The commissioners approve the contract but the sheriff has input into the detail of the contract. The commissioners have not reviewed the final numbers because we are still working on the numbers.

The mayor also referred to footnote #2 concerning unexpended costs. Any unexpended expenditures will be credited back to the city in the succeeding year. This article was proposed by the sheriff.

Councilman Taylor couldn't see in the contract a date for renewal or a provision for automatic renewal. Attorney Weston Davis from the firm Nelson, Hall & Parry responded that the item was covered in section #9 where a letter would be sent to continue the contract each year with any changes for the old.

Councilman Olsen asked why the difference in operating expenses with the county being is so much less than what we're doing. The mayor said the merger of two offices can be done cheaper than having two separate offices. Overhead items are not being duplicated, shared personnel. Councilman Olsen asked if the sheriff was confident in administering his budget. He's only been in office a short time. The mayor said that after the sheriff came into office he did go before the commissioners and recommend changes and cuts in several items in the budget. There have been increases in areas as well as cuts made since

he's been in office. So yes, the mayor felt the sheriff understands and knows his department and budget. Also there will be a second set of eyes reviewing the sheriff's figures on the proposed contract.

Discussion on when the decision will be made on either the contract or keeping the force. The mayor felt a decision needed to be made at the next council meeting.

Question about severance was raised. The mayor suggested 2 months including vacation and sick leave time. Attorney Weston Davis indicated the personnel policy needed to be reviewed prior to answering the question and the council needed to follow the personnel policy. Any severance pay will cut into the net savings.

The mayor also said that he had heard that the county would not enforce city code and ordinances. The mayor indicated the contract specifically states the county will enforce all city code and ordinances. And all fees and fines due the city will still be retained by the city.

Councilman Simonson noted there was nothing in the contract on the right of first refusal. The mayor said he felt it not correct to say that the sheriff has to hire from the city force. He felt it was dictating to the sheriff his hiring policy. Councilman Walker felt the right of first refusal should be in the contract but not as a mandate to the sheriff. Councilman Taylor felt it should be a mandate.

Review and Approval of Bills:

The clerk noted there were four late bills that have been added to the bill list that was mailed out Friday. The bills were Jefferson Star, sales tax for rodeo and library, Verizon and Fleet Services.

Motion by Councilman Taylor to approve bills and addendum seconded by Councilman Simonson.

The Mayor asked the clerk to poll the council.

Councilman Walker	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilman Taylor	Yes

Review and Approval of Minutes:

Councilman Olsen moved to approve minutes seconded by Councilman Burke.

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

Other Council Business:

Councilman Taylor – Requested that comments this evening be new and not repeat comments from the last meeting.

Councilman Olsen – Objected to the statement and felt public comment is public comment- open to any item the public wanted to bring before the council.

Mayor – Agreed with Councilman Taylor and did not want to rehash comments made October 1.

Public Comment:

Kathy Wheeler:

Has a high regard for the police officers. Noted that there are 46 sex offenders registered in the city.

With the population of 4031 feels one patrol officer is not sufficient. Concern with backup of the patrol officer from the county. Concern with the difference being discussed between the county and city in

operating budgets with the city's budget running at 80% is saving the city money. What will be done with the savings: saved or used on the bond?

Leslie Hendrickson:

Asked who on the council had reviewed the contract. He has contacted the commissioners and indicated that the county commissioners have not seen the contract. Nor is the sheriff in favor of the contract. Why hasn't the sheriff attended these meetings? Sheriff needs to answer questions that have come up regarding the contract. Questioned the startup costs associated with starting the department if this doesn't work out.

Councilman Taylor responded that he would like to see the email that Mr. Hendrickson received regarding the sheriff not wanting the contract. He requested that the email that Mr. Hendrickson had received could be emailed to the council. Mr. Hendrickson said he would do so.

Christopher Scott:

Current Rigby patrolman and former security officer with the Navy. He has given extensive training to junior officers and commissioned officers. Has seen a change in policy during his years in the Navy and feels dropping the police department is a bad idea. Cited the city of Middleton as example why county enforcement doesn't work being they are restarting their city department.

Anna Marie Hammon:

Has received phone message from both Sheriff Anderson and Deputy Wolf, neither are in favor of the contract. Stated that the sheriff had been requested not to attend this evening meeting.

Mayor's response: The mayor said he had talks with the sheriff yesterday. The mayor had asked each councilmember if the sheriff's presence was needed this evening. Each councilmember indicated they did not think so at this time. The sheriff was not told not to attend. The sheriff's and his deputy preference were the same as the mayor's that it is preferable to keep the police department but given the cost difference is a major factor. Neither the sheriff or the county commissioners have seen the draft copy of the contract that's before the council this evening and that is why some of the dollar items are left blank because changes in extent of service is still ongoing.

Councilman Olsen interjected and asked if the sheriff is saying he does not want to do the contract. The mayor stated that the sheriff's preference is that the city not dissolve the city force but if the city were to do so, the county could and would handle it. The mayor and chief had a conversation yesterday over the projection of cutting two officers, and its implementation would be difficult to put in operation. The rest of the budget cuts are just putting the figures more in line with what actual expenditures would be. The mayor will ask the sheriff to attend the next meeting.

Ryan Day:

Felt a solution would be worked on: contracting a single employee to cover vacations. Also asked what dollar amount did the sheriff use in budgeting the salaries. Why is the sheriff doing this? In his opinion, if the city were to dissolve the force the county by law would have to provide law coverage to the city. Since the county would have to cover the city, they will be looking at getting funds to cover the cost associated with the coverage. He feels that the mayor has also misrepresented information on budget figures versus hard money costs, felt the two were not comparable. The police have returned money to the city by not using their entire budget for most prior years. Mr. Day also felt the conversation that

occurred during tape changes between the mayor and the attorney is inappropriate and such conversation should have been held open to the public being this is an open meeting.

Linda Breckenridge:

Mrs. Breckenridge read an article from the local paper regarding the placing of the attorney's contract out for bid. She asked if the police department had an opportunity to put his department out for bid. Also felt other departments expenditures should be reviewed as is being done with the police and library.

Chris Martin:

Mr. Martin is a current police officer with the city. He went to the white board and diagramed the coverage on an 8-day shift using an 8-day time line chart. He diagramed what the city is providing by way of officers coverage on/off duty and what the county's coverage would be using the same 8-day time line chart.

Officer Martin was questioned by Councilman Taylor as to the number of felony cases he works per week. Detective Martin replied that he is assigned anywhere from 3-4 cases per week. Also stated the county does not have a K-9 unit.

Jorelle McClellan:

Is currently building two homes on 1st South. Understand why the city is looking at cutting the budget and saving the money. Her concern was with the water and sewer. The two homes she's building the pipes are so old that they have to install pumps to handle the sewer. She has since learned that within a couple of years they will have to replace the pumps when the city gets around to upgrading the aged infrastructure. Why isn't this issue of the infrastructure being discussed and addressed? The saving should go into the infrastructure. Rigby can't grow without adequate infrastructure.

Terry Smith:

Based on the financial report the city appears to be doing well. Understand the need to save money, but doesn't understand why cut the police when the county never provides support to the city be it the bed races or trick treat evening.

Karen Scott:

Her husband is Officer Scott. While he hasn't been with the city for very long he has and is being involved in the community. She has not seen that involvement from the county. The involvement with the community builds trust between the city and the citizens.

Being no further comment.

Adjournment:

Councilman Simonson moved that the council adjourn seconded by Councilman Burke.

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

Meeting adjourned: 9:45pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk