

City of Rigby
Council Meeting Minutes
October 29, 2013

Mayor Smith called the meeting to order at 7:00 pm Tuesday, October 29, 2013. The pledge of allegiance was given by Clark Lemmon and Councilwoman Hinckley offered the prayer.

Mayor Smith asked the clerk to call the roll.

Councilwoman Hinckley	Present
Councilman Maloney	Present
Councilman Zimmermann	Present
Councilman Sullenger	Present
Councilman Simonson	Present
Councilman Olsen	Absent - but requested to be present via telephone

Also present: Attorney Robin Dunn and Chief Hammon

Amended Agenda:

The Mayor mentioned that Monday afternoon there were two items that needed to be added to the agenda this evening: The employment contract for the Park/Rodeo Director and Assistant Director and an executive session to discuss labor negotiation on the renewal of the attorney contract.

He requested that these two items be added unless there was objection from the council.

Councilwoman Hinckley moved to amend the agenda as presented seconded by Councilman Zimmermann.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

In Kind Donation – ICDBG – Rigby Urban Renewal

Ted Hendricks representing the urban renewal agency and The Development Company came forward and explained the project that the urban renewal was seeking. He explained the agency was completing Phase II of the downtown project which includes south State Street with lights and trees and the expansion of a parking lot south of the Veteran Memorial. He requested that the council approve the resolution authorizing the mayor to sign the needed documents in preparation of the application for the community development application which is due in about four weeks.

He also stated that the agency is looking at in-kind donation in the excavation of the parking lot for around 300 spaces with removal of the grass and grubbed down to allow pit run to be added

for the base of the parking lot. This will not take place until 2015. The agency met with the county and they indicated they would look at participating. The participation does not obligate either the city or the county but would show stronger support of participation in the grant application.

The mayor read the resolution #170-2014 (Copy attached to these minutes) into the record.

Councilman Maloney moved to accept the authorizing resolution authorizing the mayor to sign documents pertaining to a community development block grant application seconded by Councilman Sullenger.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Review of Employment Contracts:

Park/Rodeo Employment Contract:

The mayor indicated the council had copies of both employment contracts in their packets. He then asked the council if there were any questions.

Councilman Zimmermann asked if the vehicles the two employees were using had insurance coverage. The Mayor indicated the vehicles were covered by ICRMP insurance policy being there were city owned vehicles.

The Mayor indicated the two employees needed pickups because they were constantly making trips to the rodeo grounds at various times of the day.

Councilman Zimmermann moved to accept the employment contract issued to Steve Cook, seconded by Councilman Simonson.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Councilman Maloney moved to accept the employment contract issued to Brad Johnson, seconded by Councilwoman Hinckley.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes

Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Attorney Contract:

The Mayor informed the council it was his opinion that discussions on the attorney contract should be done in executive session and asked the council for their thoughts.

Councilman Zimmermann said he felt it would appropriate to discuss the attorney contract in executive session as well.

Councilman Maloney moved that the council go into executive session under Section 67-2345[c] To conduct deliberation concerning labor negotiation regarding the attorney contract seconded by Councilman Simonson.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

The mayor then explained that Councilman Olsen indicated that he would like to enter the discussion via telephone and he then requested the audience leave the council chambers so the speaker phone could be used.

Council enters into executive session at 7:13pm.

The mayor phoned Councilman Olsen and Councilman Olsen entered into the discussion at 7:13 pm. The mayor informed Councilman Olsen who were in the room and that the council was in executive session to discuss negotiations involving the city attorney contract.

Council exit executive session and the mayor open regular session at 7:45pm.

Open Council Discussion:

The mayor indicated they have a suggestion where the contract for the attorney services is split between criminal and civil. He reminded the council that in years prior the city attorney was Stephen Clark who did the civil work, and the law firm Dunn & Clark performed the criminal work for the city. He stated he would like an extension until Dec 3, 2013 of the current contract where the attorney would separate the current contract into two separate contracts: one for the civil work and one for the criminal work. He indicated the civil work would be done for at a monthly amount for \$1,500 with no benefits or PERSI applicable and the criminal work contracted with Dunn Law Office for \$3,500 per month as contracted employment also with no benefits or PERSI. The civil portion is an appointed position subject to Idaho Code. The criminal position would be a yearly contract due to the extension of cases lapping over and

taking more than 30 days to conclude. He would also like an outside attorney to review the contract prior to passage.

Councilman Simonson felt it was a good compromise in separating civil work from criminal work and having two contracts. Being an appointed position the position could be terminated according to state code.

The attorney explained why he was putting this forth was due to the contention that has been brought forth over the last few months. If a council chooses to change civil attorney he was alright with the decision. He enjoys doing the criminal side and has done so for the past 25 years. He feels the police department will support his work in the prosecution of criminal violations. He briefly recapped the issues involving the wastewater treatment plant. He has 30 years' work experience and seven years of education.

Councilman Sullenger recapped various salaries that he found on "pay scale.com" where in the population of a city and the position as an attorney would earn a median salary. For east Idaho and a non-metro area the average mean salary is \$90,000. For Rigby being the county seat of the county the median salary with four years' experience would be \$69,000. For Shelley which is not the county seat the median salary would be \$64,000. For St. Anthony also a county seat the median salary would be \$62,000. He felt the current salary of the attorney is not being over paid. He also felt the proposal is a good compromise.

Councilwoman Hinckley felt the proposal is a good compromise and is good for both sides.

The mayor would like a motion to accept proposal subject to review by an outside attorney and the council made a decision at the December 3, 2013 meeting.

Councilwoman Hinckley made a motion to extend the current contract until December 3, 2013 and review two separate contracts subject to both being reviewed by an outside attorney seconded by Councilman Simonson.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes
Councilman Olsen	Yes (via telephone)

The mayor then disconnected the phone connection with Councilman Olsen.

Reappointment of Rigby Urban Renewal Agency Board Members:

The Mayor recommended the reappointment of Clark Lemmon to a second term on the Rigby Urban Renewal Agency Board, Bruce Marler has requested not to be reappointed to the board. Mr. Lemmon is the current chair of the urban renewal and has been very active in the current programs the agency is working on.

Motion by Councilman Simonson moved to reappoint Mr. Clark Lemmon to the urban renewal agency board seconded by Councilman Zimmermann.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Building Official:

The clerk informed the council that Rexburg had not responded to the request. The last communication he had indicated Val Christensen requested a copy of the ordinance and was going to have the Rexburg's attorney review it. But as of today had not heard back.

Councilwoman Hinckley indicated that in a training session that she and Councilman Zimmermann attended that they were informed that government at times moved extremely slow. So is this issue. She has been approached by a resident and asked for the city to please help with this issue.

The Mayor requested the clerk to continue working on it and have something for the next council.

Motion by Councilman Maloney to table the topic seconded by Councilwoman Hinckley.

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

Drying Pad at Wastewater Treatment Plant:

The waste treatment plant would like to have a drying pad installed to assist in the drying of the product coming out of the plant. The pad would be around 9,000 square feet which could be spread out and dried to save in shipping tonnage fees. They have solicited three bids with DePatco being the lowest bid at \$15,286.00.

Councilman Zimmermann moved to approve the expenditure for the asphalt pad at the waste water treatment plant seconded by Councilman Sullenger.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Copier Lease:

The clerk told the council the current Ricoh copier lease expired August 2013. The copier was leased five years ago by the recreation center. The proposed new copier lease has a non-appropriation clause and is equipped the same as the existing copier. The lease for the new copier is for \$146.72 versus the old lease at \$111.50.

Councilman Simonson moved to approve the lease of the new copier seconded by Councilman Maloney.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Park/Rodeo Tractor Lease:

The clerk explained that during last council meeting the purchase of the Kubota tractor was approved with Agri-Services could finance at zero percent interest. The one drawback was that the loan would require a personal guarantee. Not wanting anyone to guarantee such an endeavor he has contacted a leasing company. Their proposal is slightly higher per month by \$70 and meets the state code of non-appropriation and does not require a personal guarantee. The lease with Leasesource Financial Services, Inc. is similar to that done on the police vehicles.

Councilman Zimmermann moved to approve the lease of the Kubota tractor seconded by Councilman Simonson.

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Other Council Business:

- The Mayor reminded those that due to elections being held next Tuesday, the next council meeting will be held November 19, 2013.
- Councilwoman Hinckley would like the police to review the lots around town and check on the weeds whether they have been cleared or not prior to snow.
- Councilwoman Hinckley would also like a report prior to year end from all the department heads concerning what during the year had been accomplished during the year and in particular the police department. She would also like a similar report being done in future years.

Approve of Bills:

Councilman Sullenger asked about the UV bulbs being used. Public work indicated the bulbs were used at the treatment plant to kill the bacteria as it flows through the plant.

Councilwoman Hinckley asked about the lease of the police vehicles. The clerk indicated that was the third payment of five on the purchase of the four police vehicles acquired in 2011.

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

The mayor asked the clerk to poll the council:

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Simonson	Yes

Approval of Minutes:

Councilman Zimmermann and Councilwoman Hinckley reviewed the minutes and recommended changes in various sections of the minutes.

Councilman Zimmermann moved to approve the minutes of the October 15, 2013 meeting as corrected seconded by Councilman Sullenger.

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

Public Comment:

Darwin Dinsdale: Came forward and questioned why the council went into executive session to negotiate the attorney's contract, why the attorney was present in the executive session. Mr. Dinsdale felt the attorney should not have been present during the executive session if the attorney wrote his own contract.

Having no further business, Councilman Simonson moved to adjourn seconded by Councilman Zimmermann.

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

Meeting adjourned at 8:25pm.

CITY OF RIGBY


Keith Smith, Mayor

ATTEST:


David Swager, Clerk