

City of Rigby
Council Meeting Minutes
February 19, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, February 19, 2015. The pledge of allegiance was given by Gae Lynn Hinckley and Patrick Sullenger offered the prayer.

The Mayor asked the clerk to call the roll.

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

Also present: Keith Hammon, Robin Dunn and Rick Lamoreaux.

Amend Agenda:

Councilman Maloney moved to amend the agenda to move the public comment period after the discussion on the LID assessment. Motion seconded by Councilman Olsen.

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

Airport Board Nomination:

The airport board has forwarded the name of Howard Woods for an open position on the airport board. Mayor Richardson read a summary of Mr. Woods' bio.

Councilman Sullenger moved to accept the nomination of Mr. Howard Woods to the airport board seconded by Councilman Simonson.

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

Airport By-laws:

The council reviewed the revised by-laws that have been approved by the airport board. Councilman Taylor moved to adopt the by-laws as presented seconded by Councilman Sullenger.

The mayor asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Ordinance #2015-579 – 2nd Reading – Airport Ordinance:

The mayor indicated the second reading of the airport ordinance #2015-579 needed to be read. Councilman Simonson moved to read the summary of the ordinance seconded by Councilman Olsen.

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

The mayor asked the attorney to read the summary of ordinance #2015-579.

Motion to Waive and Adopt:

Councilman Maloney moved to waive the required three reading of the ordinance 2015-579 seconded by Councilman Sullenger.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Councilman Taylor moved to adopt Ordinance #2015-579 seconded by Councilman Maloney.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Third Reading Ordinance #2015-575 – LID #8

Councilman Sullenger moved to read the summary of Ordinance #2015-575 seconded by Councilman Simonson.

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

The attorney read the summary of Ordinance #2015-575.

Councilman Simonson moved to adopt Ordinance #2015-575 seconded by Councilman Olsen.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Public Comment:

The mayor reminded those in attendance that there is a three minute time allowed for public comment. He then opened the floor to those wishing to speak.

Diana Wilson: Stated her concern was what the effect of allowing alcohol on Sunday would convey to the children. She felt that some put money ahead of values. Rigby is a friendly town for children and we should not allow alcohol sales on Sundays. Parents should be at home with their family and children on Sunday not in bars.

Linda Baker: Is opposed to sale by the drink on Sunday. Sunday is the Lord's Day and adults should be encouraged to come to church, visit the sick and lonely, or, just rest and relax. She is opposed to allowing alcohol sales on Sunday.

Janet Wilson: Feels Sundays should be peaceful and quite. People should enjoy the outdoors and observe nature with children. She's opposed to the change.

Jill Peterson: Feels people don't always have the same beliefs nor belong to the same religion. Freedom of choice should prevail. Alcohol is already being sold on Sunday. What difference where a person can drink if they so choose. The issue is not about money but freedom of choice. Should not be a controlling thing where everyone has to follow everyone else.

Marvin Baker: The majority of the population has a responsibility to let their feeling be known. He doesn't agree with allowing the sale of liquor on Sunday. The idea that they are forcing this upon everyone is not what he is opposed to. He is opposed to allowing something that is not in the best interest of the community, which to allow sale of liquor on Sunday is not in the best interest of the community. He is opposed to the change to allow the sale of liquor on Sunday.

Christa Widdison: Mrs. Widdison grew up in Germany during and after WWII. She saw the effect of how bars affect the family when the men went into the bars to drink. Leaving the family outside and later having the family take care of them when they completed their drinking. Keep Rigby a nice clean city without the sale of liquor on the Sabbath.

Tom Bryson: Feels it's not a matter of money. Nor is the restriction going to be the end of the world. Feels the change shouldn't change and look at what is most beneficial for the community overall.

Doug Murray: Feels the community is great but should keep separate church and state. Convenience stores are allowed to sale on Sunday and the only difference between the stores and his business is that he opens the beer for them. He noted the Community Review stated the need to make the community business friendly.

Marvin Risch: Grew up in a small town similar to Rigby. Years ago, all of the stores were closed on Sunday until one of the three grocery stores began opening on Sunday. Slowing the other two stores also began to remain open on Sunday and as a result the "flavor" of the town changed over time. He wished all stores in the city were closed on Sunday.

Gae Lynn Hinckley: Mentioned that there could be a compromise where during special events Sunday sales could be allowed.

Garth Cordon: Stated the state allows the sale of liquor by the drink on Sundays and feels cities should not be allowed to override the state. Business's pay taxes and should be allowed to operate their business as they see fit.

Kirk Scott: Feels the county should be more business friendly. If a business is open on Sunday it's not going to affect anyone else. Feels the bars should make the choice to open on Sunday or not and not the city.

Being no further comment, the mayor closed public comment.

3rd Reading of Ordinance #2015-575:

Councilman Simonson moved to read the third reading of ordinance 2015-575 in summary form seconded by Councilman Sullenger.

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

The mayor then requested that the attorney read the summary of ordinance 2015-575.

After the reading the mayor opened the floor for council discussion.

Councilman Simonson indicated that it was a hard decision to make because he could see both sides of the discussion. He respects what has been said this evening from all who spoke. Government does regulate business at times too much. The county allows the sale of liquor within the county on Sunday. Individuals should have the freedom of choice. There is a mixture of what families do on Sunday: some attend church, go to the park, stay at home, and go golfing, any number of items. Some people work on Sunday. Feels the free market system should be allowed to operate. Businesses should be the factor in the decision not government.

Councilman Maloney feels the atmosphere that Rigby currently enjoys should continue. The state allows the city to make the decision what is deemed is in the best interest of the community. He is not in favor of changing.

Councilman Olsen grew up in Rigby and then moved away for several years. When the decision was made to move back to southeast Idaho he could have chosen Rexburg, Idaho Falls or anywhere. But he and his wife selected Rigby due to the community it is. He feels Rigby is unique and one of the reasons is because of the mixture of religious beliefs in the area. Feels the bars should not be allowed to change from the current restriction.

Councilman Sullenger after thinking over the issue he has tried to separate his beliefs from the issue and tried to look at the issue at what is best for the community. He grew up in Rexburg but feels the things that made him move to Rigby is what he wanted to continue.

Mayor Richardson stated that when he was running for mayor one of the comments he heard was that the citizens like the culture in Rigby and didn't want changes and to keep things the way they are. He feels this change is not what the public had expressed to him. He likes Rigby the way it is and the change could significantly alter the current community culture.

Councilman Taylor has been looking at both sides. He feels the sale of liquor is wrong regardless of when it's sold but also doesn't feel government should impose restrictions. Mentioned the owner always has a choice to sale the business if they wish. He is split on the decision.

Councilman Simonson moved to adopt Ordinance #2015-575 seconded by Councilman Taylor.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	No
Councilman Olsen	No
Councilman Maloney	No
Councilman Simonson	Yes

The motion to adopt fails.

Surplus Property:

Rick Lamoreaux came forward and wanted to have the council declare three Verbatim auto dialers declared surplus and allow the city to sale them. The auto dialers have been changed over to newer technology using smart phones application and are no longer being used. He is looking at selling them for \$500 for all three. They have been advertised on the rural water users web site at no charge.

Councilman Taylor moved to declare the auto dialers as surplus property and allow for the sale seconded by Councilman Simonson.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Approval of Bills:

The mayor asked the clerk if there was anything that needed to be brought to the attention of the council. The clerk indicated that included in the bill list was two purchases for certificate of deposits. As stated in a cover letter concerning the CD's the purchase of \$500,000 to Idaho Central Credit Union and \$500,000 to Westmark Credit Union is being done to reduce risk exposure at Zions Bank and to earn a higher rate of interest. Zions' Bank is paying .13% on its money market funds and both Idaho Central and Westmark will pay 1.25 % for a 13 month CD.

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

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Approval of Minutes:

Councilman Simonson made note of a correction referencing a comment made by Chief Hammon that needed to be made.

Councilman Sullenger moved to approve the minutes as corrected seconded by Councilman Olsen.

The mayor called for a voice poll: All in favor none opposed with Councilman Maloney and Simonson abstaining.

Other Council Business:

City Code – Title 5 & 6:

5-1-6: Residency Requirements. Discussed the residency requirement of being able to respond within 15 minutes in time. The current code specifies the officer shall live within ten miles of the corporate limits of the city.

The new provision changes the mileage limit to be replaced with a time limit (15 minutes); have off-street parking available at the residence and vehicles locked when not attended.

Council and the Chief discussed the difference between mileage and time. Ten miles and 15 minutes are almost the same in relation to both. Concern over the fuel budget if more officers live outside the city limits. Rough estimate of 4,800 miles per year per vehicle was discussed and what the affect would be on the budget. Not all officers live outside the city limits. Presently two officers live outside the corporate limits of the city. This also needs the approval from their sergeant.

The council felt the change should be made as noted.

5-1-7: Police Training. The current code on training specifics Title 19 Chapter 51 and referencing the Law Enforcement Planning Commission as the standard for training. Idaho Code now cites that all officers shall receive peace officers standards and training council (POST) and the officer shall receive such certification.

The council felt the change should be made as noted.

Title 6: 4-19: Oversized Vehicles and Parking Restrictions:

City code defines vehicles in excess of six feet such as buses, tractors, trailers, trucks, camp trailers and motor homes shall be parked on city streets having a width of less than thirty five feet measured from curb to curb for a time not to exceed one hour for loading and unloading purposes. The following streets are subject to the restriction: Bonham, Clairmore, and Tall subject to a fine of Fifteen dollars (\$15.00).

The proposed change will be the inclusion of Bennett Street and Annis Highway. The clerk suggested removing the dollar fine as being stated in the code and set the fine by resolution.

The mayor indicated this change shall also be sent over.

Code: 5-2-3 – Firearms:

The mayor stated the state has changed the statute and only the state can set the restriction of where firearms can be carried. So 5-2-3(a) (b) and (c) needs to be stricken from the city code since it is covered by the state statute.

Under D .Exceptions – Certain exceptions can be granted for shows which can be allowed upon application to the city council. This provision can stay.

5-4-4 – Noncommercial Kennel License:

The current code specifies one hundred (100) feet measured on street lines. The code needs to change street lines to a “radius of one hundred (100) feet of the outside edge of the property boundary”.

5-4-4(3) Application Fee: Said fees are stated in city code; proposed change is to set fees per city resolution.

Executive Session:

Councilman Taylor moved that the council enter into executive session pursuant to Idaho Code 67-2345(c) seconded by Councilman Sullenger.

The asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes
Councilman Maloney	Yes
Councilman Simonson	Yes

Council enters into executive session at 8:35pm.

Exit executive session:

Council exist executive session at 9:45pm.

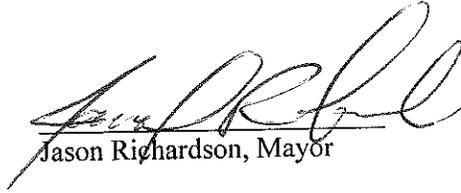
Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Olsen.

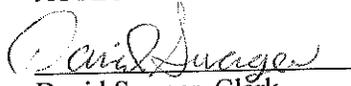
The mayor called for a voice poll: All in favor none opposed.

Meeting adjourned at 8:55pm.

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk