

City of Rigby
Council Meeting Minutes
December 3, 2013

Mayor Smith called the meeting to order at 7:00 pm Tuesday, December 3, 2013. The pledge of allegiance was given by Schyler Walker and Steve Cook 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 Olsen	Present
Councilman Simonson	Absent

Also present: Chief Hammon and Attorney Robin Dunn

Department Goals and Accomplishments:

Police Department: Chief Hammon came forward and outlined what he felt his department had accomplished last year. He listed the Walmart grant of \$5,000 which was used to complete the storage room, updated equipment and other needs in the police department. He also listed the new vehicle for the chief and code department, updated 3 of the six computers, and the officers participated in the clothing swap. He also worked on putting house numbers on homes without visible house numbers, enclosed the police compound for storage at the gravel pit and with a grant installed e-ticket system for the patrol cars. He stated reported crimes were down roughly 26% from the prior year. He stated his goals for the coming year would be update the lobby, organize and update the storage room, update and install electrical outlets in the training room.

Park/Rodeo Committee: Steve Cook from park/rodeo committee listed a number events that occurred last year: Chariot Races, 2 weekends of high school rodeos, 3 – Figure 8 Car shows, Tractor pull event, Sate Posse meet, Riding Club met three times weekly for the district and state meet, Barrel racing event, the 4-H project was the largest Rigby has ever held. The urban renewal is constructing a new grandstand with cover east of the current grandstand, they also purchased new aluminum bleachers. They are also working on a grant to fence in the race track. He also listed the new tractor and seedbed maker that was acquired this year.

Attorney Contract:

- Civil Contract: The clerk indicated that he had placed a new edited copy of the civil contract with all the changes having been corrected on each of the council desk. He briefly reviewed the changes that were corrected.

Councilwoman Hinckley inquired about section 8- Substitution/Discharge of Attorney. The clerk explained that as he reads the sentence, if the council were to change attorney the attorney would be paid for the full month in which the change occurred.

Councilwoman Hinckley had a second question on modification of agreement. The clerk stated that any changes or modification to the contract need to be in writing.

Councilman Zimmermann asked a question on conflict of interest. The attorney indicated that if a citizen were to sue the city the attorney could not represent the citizen in that action against the city.

The mayor indicated that he would like the two contracts discussed separately with separate motions on each contract.

Councilman Olsen moved to accept the contract for the civil work of the attorney naming Robin Dunn as city attorney seconded by Councilman Maloney.

Mayor Smith asked the clerk to poll the council..

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

- Criminal Contract: The clerk cited the area where changes had been made and noted that Chief Hammon had not gotten back with him for any changes the police may have with the contract. Chief Hammon indicated he had reviewed the contract and felt it was sufficient.

Councilman Sullenger moved to accept the criminal contract naming Dunn Law Offices as the attorneys for the criminal work of the city seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

Tractor Lease – Resolution #173-2014:

The clerk stated the necessary papers for the lease of the Kubota tractor have been received. The leasing company has their own resolution which is included wherein the council authorizes the leasing of the Kubota tractor. The documents contain a non-appropriation clause that would allow the city if funds were not appropriated could void the lease.

Councilman Olsen spoke where his company also has non-appropriation clauses in their leases. The attorney reviewed the technical aspects of the non-appropriation clause with the council. The attorney indicated that he has reviewed the documents and made two comments. The venue

for action if the city were to default on the lease would be in California and not Idaho. And the second is the amount of insurance coverage required.

Discussion among the council asked if the leasing company would change the venue from California to Idaho.

Councilman Maloney moved to authorize the mayor to sign the necessary documents to effect the lease of the Kubota tractor and to inquire if the venue could be changed from California to Idaho and based on information received from the leasing company, authorize the mayor to sign the documents based on his judgment seconded by Councilman Sullenger.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

(After inquiry the leasing company did change the venue to Idaho for court action.)

Other Council Business:

Midnight Madness – Councilwoman Hinckley reminded the council of Friday’s light parade and midnight madness sale.

Employee In Service Education Program: Councilwoman Hinckley asked if any employee had utilized the in service education program. Clerk responded no one has requested such assistance.

Employee Luncheon: Councilman Zimmermann reminded the council of the employee Christmas luncheon being held this Friday at noon in which he would be in attendance.

Main Street Lighting: Councilman Maloney complimented the city crew for the Christmas lighting they have done along Main Street.

Review and Approval of Bills:

The council reviewed the bills. Councilwoman Hinckley moved to authorize payment of the bills seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

Review of Minutes:

Councilman Zimmermann moved to approve the minutes as presented seconded by Councilman Olsen.

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

Public Comment:

None

Executive Session:

The Mayor explained there was two items on the agenda regarding executive sessions. They would be discussed as two separate items. The first being the code enforcement on south 2nd West.

Councilman Zimmermann moved that the council enter into executive session per Idaho Code 67-2345, subsection f- code enforcement at 121 S 2nd West seconded by Councilman Maloney.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

The mayor then asked those in attendance if they would exit the council chambers during the executive session.

Council enters executive session at 7:44pm.

Council exits executive session at 7:55pm.

121 S 2nd West:

Council discussed the reasoning behind Mr. Lamoreaux request that the city enforce its code and then later requested that the suit be dismissed with prejudice and refiled at a later date with the new owners. Council discussed the issue of the enforcement of the code may impede the sale of the property. Discussion from the council was that the action was initiated at the request of Mr. Lamoreaux and the city should complete what it was asked to do.

Councilman Olsen moved that the suit involving South 2nd West be dismissed seconded by Councilman Zimmermann.

The attorney indicated a yes vote would be to dismiss the suit and a no vote would be to leave the suit as filed.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	No
Councilman Maloney	No
Councilman Zimmermann	Yes
Councilman Sullenger	No
Councilman Olsen	Yes

Executive Session- Matter relating to law suit filed by Peck-Ormsby against the city of Rigby:

Councilman Maloney moved that the council enter into executive session per Idaho Code 67-2345 subsection F, in the pending law suit filed by Peck-Ormsby seconded by Councilman Sullenger.

Mayor Smith asked the clerk to poll the council.

Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

Council enters into executive session at 8:03pm.

Council exits executive session at 8:17pm.

Consult with attorney regarding law suit filed by Peck-Ormsby:

The Mayor indicated that the parties in the Peck-Ormsby suit have been ordered by the federal judge that a second attempt of mediation be attempted prior to going to trial. The mediation has been scheduled for December 18, 2013 in Boise, ID. The Mayor informed the council that the city did participate in mediation in July 2012, in Salt Lake City UT. The current order from the judge is that the parties that attend mediation have adequate authority to settle the dispute. The mayor requested from the council that the council give the mayor the authority to settle the dispute. He noted that the council had provided him such authority in July 2012 and he would like that reaffirmed by this council being there are new members on the council. In addition the attorney would like the council to recognize his role in the suit is as a consultant and not the lead attorney.

Councilman Maloney moved that the Mayor have the authority to settle the dispute in mediation as the mayor feels what is in the best interest of the city and that the city attorney also attend via a contractual arrangement along with city clerk seconded by Councilman Zimmermann.

Mayor Smith asked the clerk to poll the council.


Councilwoman Hinckley	Yes
Councilman Maloney	Yes
Councilman Zimmermann	Yes
Councilman Sullenger	Yes
Councilman Olsen	Yes

Adjournment:

Motion by Councilman Zimmermann that the council adjourn seconded by Councilman Sullenger.


Meeting adjourned at 8:25pm.

CITY OF RIGBY



Keith Smith, Mayor

ATTEST:



David Swager, Clerk