

City of Rigby
Council Meeting Minutes
December 4, 2014

Mayor Richardson called the meeting to order at 7:00 pm Thursday, December 4, 2014. The pledge of allegiance was given by David Swager and Keith Hammon offered the prayer.

The Mayor asked the clerk to call the roll.

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

Also present: Robin Dunn and Chief Hammon.

City's Participation in Recharge of Aquifer:

Roger Warner from Rocky Mountain Environmental presented before the council information concerning the increase of pumping that has occurred in the Snake River Aquifer over the last 20 years. The association that he is associated with has worked with various entities to the work on a program that will allow credit for water that is recharged back to the aquifer. In 2012 the city participated in the program with 2 cfs of water which would irrigate 100 acres. The recharging credits arise from the water from the wastewater treatment plant and surface water that could be diverted back into the aquifer. There has been a court decision that the lower valley water users (Ragen Springs) could curtail cities and other entities from pumping excess water from the aquifer. The court order would not affect drinking water but could affect other uses (summer irrigation) of water. Mr. Warner mentioned the city had not in prior years been subject to call due to the process of an old concept called "trim line". The concept was abandoned with the Ragen Springs decision and in the future all cities in the upper valley could be subject to call.

Mr. Warner was concerned with the amount of water the city pumps from the aquifer versus what is used for household consumption. The difference could be subject to curtailment. Warner has filed an application on behalf of the city for water mitigation. Responding to a question from the council he indicated the city should consider the use of canal water for mitigation which could be used to transfer water in the Palisade system to downstream users. The time table for when banked water credits could be used against any call for restrictions would take approximately two years. The two years would need to be used to bank water against future curtailment.

Councilman Simonson raised the concern of the water study conducted by Keller's Engineering which to his memory had the city exceeding the use of the city's "permitted water" use in five or so years. Mr. Warner stated there is a two prong to water use: assurance that the city has water for its needs and accrual of water during times when demand exceeds availability. The city needs to accrue water for continual development. All of the cities in the upper valley are in a very poor position regarding their exposure to the Regan Springs calls.

The mayor thanked Mr. Warner for his presentation and in keeping the city informed and up to date and when the city had more information it would forward it to him. The mayor also stated he felt it important and vital to the city to continue to look at future water which the city will need in 20 to 50 year time not only for residential use but if the city were to look at expending our industrial base, the city will need an adequate amount of water to attract new industries.

Longevity Pay:

Councilman Taylor read from the employee's personnel policy regarding longevity pay. Councilman Taylor stated that the librarian has been employed for 18 years and has never received a longevity bonus. The mayor in response indicated the paragraph prior to the one Mr. Taylor read stated the council sets the pay for compensation. Being the council does not set the pay for the librarian but is set by the library board, the clause for longevity pay is not applicable to the librarian. The library board decides what if any bonus the librarian receives.

The mayor also mentioned the complete personnel policy needs to be reviewed and noted the AIC has on their web site suggested policies that the city should consider.

Review of Attorney Criminal Contract:

Councilman Taylor felt there was not a decision on the subject at last council but let it pass. He felt all contracts should be reviewed based on performance and not necessarily on price alone.

Councilman Taylor moved to advertise request for proposals for the criminal contract out for bid, motion seconded by Councilman Walker.

The Mayor asked the clerk to poll the council.

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

Being the vote was tied: three in favor of the motion and three opposed to the motion, the Mayor voted in the affirmative in favor of the motion.

After the vote the attorney referred the council to the section of the contract specifying the time in which the city can modify the contract without being in breach of the contract. The mayor read Section 12 of the contract states the contract will automatically renew for another calendar year unless either party provides written notice within 30 days prior to the end of the term of the contract. He went on to say that unless the city had provided written notice prior to December 1 of its intent to modify the contract, the contract is deemed to be renewed on January 1. After the mayor's explanation, Councilman Taylor felt it best not to break the contract.

The mayor felt the council should review all contracts and how often contracts should be reviewed. Beside the attorney the other ones mentioned was the attorney, engineer and the audit contract. The council discussed the auto renewal of the attorney as when it should be reviewed. The last time the council reviewed the attorney contract was October/November 2013 when the city entered into the current contract.

The mayor stated he has been happy with the services of Mr. Dunn in both positions he does for the city. He felt he had done a good job in keeping him current on issues concerning the city. He felt a reasonable time to review the contract would be three years, five years or some other time. Council felt the review should be done around the time when the budgets are being prepared. Councilman Taylor did not feel it needed to be done very year but maybe an evaluation should be done annually. Keller's contract was chosen for the treatment plant around twelve years ago. The mayor felt this contract should be reviewed again given the time since the last review. The attorney commented that he felt he should be reviewed

same as the council is reviewed during each election cycle. He felt the question should be are you performing well: yes or no.

Councilman Taylor wanted to kill the motion he made so as not to be in breach of contract.

Councilman Taylor moved for a vote of reconsideration of the prior motion seconded by Councilman Maloney.

The Mayor asked the clerk to poll the council.

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

Motion by Councilman Taylor to do a RFP for the attorney contract seconded by Council Simonson. The mayor stated the reason for the second vote was to avoid having a breach of contract. He stated a vote in favor of the motion would put the city in breach of contract.

The Mayor asked the clerk to poll the council.

Councilman Taylor	No
Councilman Maloney	No
Councilman Sullenger	No
Councilman Olsen	No
Councilman Simonson	No
Councilman Walker	No

Review and Approve Mobile App Application:

The stated he has received the corrected contract with the mobile app devise but failed to bring it with him. The attorney has reviewed the contract but was unfamiliar with the specific terms used in the contract as it applies to mobile devices. He reviewed dollars and form but not specific terms. The fee for the first year is \$50 per month for the first year and \$100 per month thereafter with optional renewal terms with the first month is free.

Council discussed who is to have access, what is appropriate to be posted and other items. The mayor indicated the training that comes with the app will be reviewed at that time. He felt the clerk, police chief and public works should have access to post.

Councilman Sullenger moved to approve and authorize the mayor to sign the amended mobile app contract seconded by Councilman Olsen.

The Mayor asked the clerk to poll the council.

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

Amended Plat Elite Townhomes:

Mark Olsen representing Elite Townhomes which completed the construction of 4 townhomes. The construction of the townhomes require an amended plat with the townhomes being on a property line with a common wall between the two center units. The lots are not being changed only the description. This is similar to the prior townhomes.

Councilman Taylor moved to approve the 3rd amended plat for the Elite Townhomes seconded by Councilman Sullenger.

The Mayor asked the clerk to poll the council.

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

Approval of Bills:

Councilman Walker asked about the two invoices from Keller's. The clerk explained that Keller split the work on 1st North into separate work: from 3rd West to 4th West and the second phase from 4th West to 5th West. Both phases relate to the work done on 1st North.

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

The Mayor asked the clerk to poll the council.

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

Approval of Minutes:

Councilman Sullenger made a change on page three of the minutes relating to the statement he made regarding the attorney.

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

The mayor called for a voice poll: All in favor with Councilman Walker abstaining.

Other Council Business:

- Joint Meeting with School District: The mayor indicated the city has requested a meeting with the school district regarding the quiet title suit. The school board meeting is scheduled for Wed Dec 10, 2014 at 7:00pm. The mayor indicated he has another meeting scheduled at the same time and wanted another council member to accompany the attorney to the meeting.
- City code on line: The mayor gave the council information that the city code is not available on line with a web link to Sterling Codifiers.
- Councilman Walker: Councilman Walker as a general comment, made note that in reviewing the minutes he noted that the council has never said "no" to requests for money coming before the council.

Public Comment:

Mike Jenkins: Mr. Jenkins who is a member of the airport board stated he is appreciative of the support that the city has given the airport board. He also informed the council that there is an opening on the airport board which needed to be filled. He commented that the new member need not be a pilot or have an airplane. He indicated John Anderson not being a pilot is very active with the board. He noted the funds for improvement requires more matching funds and currently the percentage has increased to 50% match which put more financial strain on the airport budget.


Adjournment:

Councilman Simonson moved to adjourn seconded by Councilman Maloney.

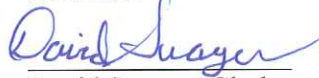
The mayor called for a voice poll: All in favor.

Meeting adjourned at 8:50pm.

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk