

City of Rigby
Council Meeting Minutes
April 1, 2021

The Mayor called the meeting to order at 7:00 pm Thursday, Apr 1, 2021. The pledge of allegiance was given by Aliza King and the prayer given Roarke Burke.

The Mayor asked the clerk to call the roll:

Councilman D Burke	Present
Councilwoman King	Present
Councilman Datwyler	Present
Councilman R. Burke	Present
Councilwoman Weight	Arrived 7:49PM
Councilwoman Harrison	Absent

Also present: Chief Tower, attorney Dunn

Revised city code: Title #9 (Building Regulations), #10 (Zoning Regulations), #11 (PUD), #12 (Signs), #13 (Appeals/Variance), #14 (Enforcement):

Ione Hansen, planning/zoning administrator, came forward and recapped the joint council/planning zoning commissioner's review of the proposed changes being made to the city's building code. The city's consultant, Val Christensen, had sent her the revised changes that were discussed in the meeting held March 30. One item was the map outlining and/or defining the "downtown area" was discussed at length. The code refers to a downtown area but the area needs definition as to the area in question.

Councilman Datwyler moved to publish notice of proposed changes to the city's building code, call for a public hearing on the proposed changes and a map defining the downtown being Main Street from Clark Street to 1st West; from the intersection of Main St north to 1st North; and State Street from the intersection of Hwy 48 to Fremont Ave and the permitted uses in a downtown area to include funeral homes. Motion seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes

Request City Services – Impact Zone – James Boone:

James Boone came forward and stated that he owns the property on the intersection of Yellowstone Hwy and 200 North. He is in the process of relocating his business at that location to Idaho Falls. Being he is in the city's impact area he would like to have water/sewer services provided to his property. He has discussed his situation with the AIC attorney Jerry Mason who indicated that he could draft an agreement wherein services could be provided and if and when annexation is available or the property is within the area to be annexed the property would be annexed without opposition. He further stated that Jim Bernard has property north of the transportation dept. and he is also looking at developing it and requesting annexation with water/sewer services. Mr. Boone has spoken with ITD about the state land being annexed and the representative he talked with see no opposition with ITD being annexed.

Mr. Boone would like to develop the two sections he owns for R-2 and R-3 homes. But prior to proceeding he would like an indication from the city whether the city would serve the site.

The mayor indicate the city had discussed that area several years ago and felt development needed to be done in the area so he was in favor of proceeding but wanted the property in question to petition for annexation as a first step. Councilman D Burke also felt the area needed development and was in agreement with the mayor in looking at providing utility services to the two areas. The question arose about some of the frontage property along Yellowstone Hwy not seeking annexation. A second question arose about what the definition of adjoining property means being the north east corner of the ITD land touches the land owned by Jim Bernard, how "much" land needs to be adjoining to fall within the definition of adjoining and included in annexation.

Councilwoman King moved to allow water/sewer services to the proposed site subject to an agreement that the property if not annexed now would and will be annexed without opposition when it meets the criteria for annexation. Motion seconded by Councilman D Burke.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes

Councilwoman Weight enters meeting: 7:49PM

Bid Review/Award Contract - LID #10

Jaden Jackson from Keller Eng. presented the council with the bid tally of the proposed construction work on the LID #10 project. The summary of the bids are attached to these minutes. The low bidder was Avail Valley Const. with the low bid of \$1,224,133.09 and the alternative bid of \$1,236,843.29. The difference of the two bids was for the curb/gutter on 4th North. The base bid was to piece work the curb/gutters as needed and the alternative bid was for full replacement of all curb/gutter on 4th North. The council decided to go with full replacement of the curb/gutter.

Councilman D Burke moved to award the contract to Avail Valley Const for \$1,236,843.29 seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Discussion on Notice of LID #10 Assessment: Discussion turned to the notice of the bid that needed to be sent to the property owners in the LID district. The legal notice needed to be published twice with 15 days prior to the hearing. Based on the timing of the next council meeting being scheduled for April 15 the next available date would be in May. Being time is of the essence to move on the project Councilman Datwyler moved to cancel the regular council meeting of April 15 and move it to April 22, 2021 with the legal notice of LID #10 assessment to be published April 7 and April 14 with individual

notice of the hearing and assessments being mailed to the property owners in LID #10. Motion seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Authorize purchase of Boom Truck:

The mayor stated the public works has located a boom truck which is needed to replace the two boom trucks the city currently own. The older trucks are questionable in operation and in dependability. The new truck has a higher reach than either of the two. The public works had budgeted for its replacement. Councilman R Burke said the new truck sits on a larger truck chassis than either of the two older ones making it more stable in operations. Councilman Datwyler asked if the city would be better off renting a boom truck when we needed one. General comment was the cost of renting one and how often the city uses one. They use it at the rodeo grounds, install flags in the light poles and prune trees in the parks.

Councilwoman Weight moved to authorize the purchase of the 2008 Ford F-550 boom truck from John Adams for \$45,057. Motion seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	No
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Clerk's Item:

Feb '21 Financials/Journal Entries:

The clerk reviewed the Feb '21 financials budget vs. actual for revenues and expenditures. The majority of the funds had revenues exceeding budgets while expenditures were running below budget in total however some individual lines items were exceeding budget which he would explain later. He then moved to a review of the journal entries made for the month.

Quarterly Interfund Transfers:

The clerk indicated the quarterly interfund transfers needed to be made at this time as follows:

	<u>To:</u>	<u>From:</u>
General Fund	18,750.00	
Water		6,250.00
Sewer		6,250.00
Sanitation		6,250.00
Airport	3,000.00	
General Fund		3,000.00

Councilman Datwyler moved to approve the transfers seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Digitize City Records:

The clerk handed out an information sheet that he had received from Docutopia. He explained the city needs to digitize all of the city's minutes, agendas, planning/zoning records and in time the account payable invoices. There are funds available from the COVID relief funds to pay for the service. Once the records are digitized they will be on line and searchable by keyword recognition. The cost is \$32,000 for Docutopia. The fee is a retainer based on hours Docutopia works on the city records based on \$45 per hour. There is a licensing fee of \$16,945 for Treeno to host the documents on the cloud. The license will allow 5 concurrent users to access the records. After the 1st year fee with Treeno the annual renewal fee is \$5,988.

Councilwoman Weight moved to approve the fee to Docutopia for \$32,000 seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Audit Contract:

The audit firm of Jensen/Poulsen submitted a contract for the audit service of the city's records ending Sept 30, 2021 in the amount of \$23,100.

Councilman D Burke moved to approve the contact seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Settlement Agreement:

The council reviewed the settlement agreement that was drafted by the attorney between the city and Richard Marler. The agreement stipulated that Mr. Marler who had been connected to the city water system at his home address (400 Church St.) which is not currently nor has it ever been inside of the city boundary to pay \$4,775.64 for water service based on the time he built his home (2003) until it was discovered (Dec, 2020) he had been connected but had never been billed for the water service. Former

city employee, Jim Anderson, verified that he was directed by Public Works Director Doug Nelson to allow Mr. Marler to connect to the water line on 3rd West and run the service line to his home.

Councilman Datwyler felt the address of the home should be stated on the agreement which was not being referenced but in name only. Councilwoman Weight questioned the last sentence in the agreement which it stated: "It is believed that Richard Marler has his own private well and has discontinued any use of the City of Rigby water system." The attorney explained he was thinking of the home as being inside the county when he drafted the agreement which should have the address of the home in question listed.

Councilman D Burke moved to approve the agreement as drafted and the city should investigate if more homes were being serviced and not being billed. Motion seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	No

2nd Reading Amending Ordinance #2021-618:

The mayor read Ordinance #2021-618 for the seconded reading.

Police Department – Council Liaison:

The mayor nominated Councilwoman Weight to be the police department liaison. Councilwoman Weight indicated she would be willing to accept that responsibility.

Councilman Datwyler moved to accept the nomination of Councilwoman Weight to the position of police department liaison seconded by Councilman R Burke.

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

Review of Police Pay Scale:

Councilwoman King distributed the current pay scale for the police department (copy attached). She commented that her review of the surrounding cities pay scale for the police department in comparison to Rigby's we were below par. She felt that the city should increase the pay to keep officers retained and not be a training ground for other agencies. Councilwoman King was requesting a \$2.00 per hour increase across the board for all classes. The mayor indicated that a major increase in the pay scale for the department was made two years prior which accounted for roughly an 18% increase. The increase being proposed would be an additional 10-11% increase which would mean a 31% increase in under two years. The other departments of the city would need to be evaluated prior to acting on the request. Councilman D Burke was concerned with this increase, while indicating it was needed, needed to be considered across all city employees. Being the budget is approaching now would be the time to review the pay for all employees but delay implementing any increase until the beginning of the new budget year. Councilman Datwyler stated he only receives a 1.5% annual increase. Councilman R Burke stated a 10% increase in one year was unheard of. Councilwoman King felt a review was needed for all employees but wanted the increase for the police department initiated now. She stated the department does not use its entire budget and asked why those unexpended funds could not be used now. The mayor replied that each budget years stands on its own and prior unexpended funds cannot be rolled

over from one year to the next and all of the police funding comes from the general fund and other funds cannot be used to fund the police department.

After extended discussion, it was decided to review all employees pay at 6:00pm on April 22, 2021 during a work meeting for the review of employees pay.

Back Pay:

Councilwoman King stated that two police officers should have been granted pay increases based off of the pay scale that the officers were given but had not been granted when they were due. The sergeant should have been granted a pay rate of \$20.76 on Jan 2019 but his pay was only adjusted from \$19.26 to \$19.50 on Oct 2019, and then on Oct 2020 it was increased from \$19.50 to \$20.76. He has a total underpayment of \$4,772.55. The second officer was under paid from his pay scale from \$18.86 to \$20.00 for a total of \$2,456.21.

Councilman D Burke stated that we underpaid any employee we should fund the underpayment. The mayor indicated the pay was not paid per the pay scale due to the increases that were done two years prior and they were increased so as not to break the budget. Councilman Datwyler agreed the city should follow the pay scale.

Councilman Datwyler moved to approve the two officers under payment and pay the amount owed seconded by Councilwoman King.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Lights in the Park:

Councilman D Burke stated that he has been in contact with both Todd Stowell and Adam Hall about getting more electrical power and lights in the park for the annual car show. He had been in contact with one individual who offered to dig the trenches if either Todd or Adam would give him the material needed. He'll provide more information at the next council meeting.

Review and Approval of Minutes:

Councilman Datwyler moved to approve the minutes of March 18, 2021 seconded by Councilman D Burke.

The Mayor asked for a voice poll: All in favor none opposed with Councilwoman Weight abstaining.

Review and Approval of Bills:

Councilman Datwyler moved to approve the bills seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes

Councilman R. Burke Yes
Councilwoman Weight Yes

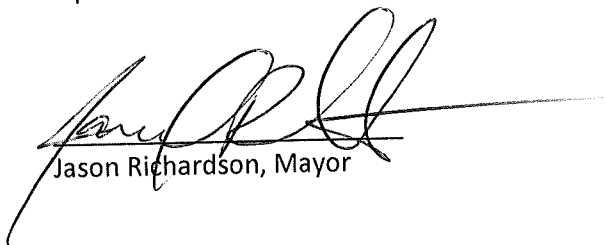
Adjournment:

Councilwoman King moved to adjourn seconded by Councilman D Burke.

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

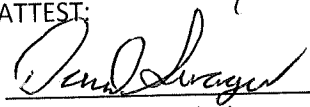
Meeting adjourned: 10:00pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk