

City of Rigby
Council Meeting Minutes
January 19, 2023

The mayor Datwyler called the meeting to order at 7:00 pm Thursday, Jan 19, 2023. The pledge of allegiance was given by Val Orme and the prayer given by Mike Wilder.

The mayor asked the clerk to call the roll:

Councilwoman King	Present
Councilman Orme	Present
Councilwoman Harrison	Present
Councilman R. Burke	Present
Councilman D Burke	Present
Councilman Wilder	Present

Also in attendance: Mitch Bradley, Chief Fullmer, Ione Hansen, Attorney Angell

Public Comment:

Wayne Rogers Jr. – Stepped forward and stated he had not heard back from either the mayor or the attorney concerning his last conversation with the council. He handed the council a new tort claim that he intends to file against the city and mayor.

2021 Road Report:

The clerk reviewed the 2021 annual road report stating it was an annual filing requirement that needs to be published, approved by the council, and sent to the state controller's office.

Councilwoman King moved to approve the 2021 annual road report seconded by Councilman Wilder.

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

Conditional Use Permit – Rigby South Commercial Park:

The clerk stated the conditional use permit is necessary as the council gave implied consent to the conditional use, but the application had not been submitted with the consent and the council could not really approve a use permit without an application being submitted.

Councilman Orme moved to approve the conditional use permit for Rigby South Commercial Park development seconded by Councilwoman King.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilman D Burke	Yes
Councilman Wilder	Yes

Conditional Use Permit – 185 W 1st North:

Adam Hall owner of the property at 185 W 1st North came forward and informed the council he would like to move his current spa from its current location at 190 N 1st West. Being the new location was a quilt shop and located in a residential zone a change in the type of business requires a conditional use permit for the spa.

Councilwoman King moved to approve the conditional use permit for 185 W 1st North seconded by Councilman Wilder.

The mayor asked for a roll call poll:

- Councilwoman King Yes
- Councilman Orme Yes
- Councilwoman Harrison Yes - had concern that's its located in a residential zone.
- Councilman R. Burke Yes
- Councilman D Burke Yes
- Councilman Wilder Yes

Purchase of Police Dept Rifles:

Allen Fullmer presented the council new prices from Guns N Gear and Javelin Arms for the purchase of 12 rifles for the police department. Guns N Gear quoted a price of \$27,935 and Javelin Arms quoted two different prices with different options: #1 \$29,916 and #2 \$27,972. Javelin price #2 matches Guns N Gear item for item while price #1 added options preferred by the police department. Fullmer summarized the three prices presenting pros/cons for each. Council discussed the Guns N Gear offer of using their indoor shooting range for one year at no cost, differences in night sights, rifle slings attachments, officers preference for the Javelin Arms rifle. Jefferson County sheriff officers use Javelin Arms, the city of Idaho Falls and Bonneville County uses Guns N Gear for their weapons.

Councilwoman Harrison made a motion to approve the Javelin Arms price of \$29,916 proposal.

Councilwoman King made a counter motion to approve the purchase of the Guns N Gear proposal based on best value for the city with the free gun range. The mayor called for a second on the counter motion – hearing none he then called for a second on the first motion.

Councilman Orme seconded the motion for the purchase of the Javelin Arms for \$29,916.00.

The mayor asked for a roll call poll:

- Councilwoman King Yes
- Councilman Orme Yes
- Councilwoman Harrison Yes
- Councilman R. Burke Yes
- Councilman D Burke Yes
- Councilman Wilder Yes

Update on Police Department:

Chief Fullmer reviewed the police activity log that he pulled from the data system. He is planning on having a similar report monthly. The first report needs to have some refinement done to it as he feels some of the items have been missed classified.

Change Order in Work Directive No. 1 – WWTP:

Marv Fielding from Keller’s came forward and reviewed the change in scope of work needed at the WWTP plant new addition. The design of the pump room assumed the outer wall had a footing sufficient to remove the wall and gain access from the new addition to the existing room. When the contractor exposed the footings the footings that were installed they were not the same footings as the design showed as being in place. The change requires the contractor to construct a new wall against the existing footing and extending it deeper to support the new wall and floor.

Councilwoman King wanted an explanation as to why the footings in the recorded drawings were not installed as directed by the original plans. She was concerned the contractor in 2008 or 2009 not following the building plans and the on-site engineer from Keller’s not noting the change on the as built plans. Mr. Fielding could not explain why as he was not employed by Keller’s at that time. He explained the new process Keller’s uses to make changes that affect the original plans showing the “as built” plans. He further explained the on-site engineer is more a liaison between the contractor and Keller’s project engineer to facilitate issues that arise during construction and to obtain clarification with record drawing and actual construction, not a building inspector. Councilwoman King felt Keller’s should bear part of the costs due to the error. Fielding explained had the change been noted during the design phase the contractor would have added the \$12,000 to his base bid. Councilman Wilder questioned the 15% home office overhead and profit of \$1,405.

Councilman Wilder moved to approve the work directive No.1 in the amount of \$12,460 seconded by Councilwoman Harrison.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilman D Burke	Yes
Councilman Wilder	Yes

Protocol of Approving Change Orders:

Mr. Fielding explained the contractor expressed concern with having to wait for council’s approval on future change order that may delay the completion of the project. Mr. Fielding wanted the city to adopt a more streamline system to approve change orders outside of council meetings. The mayor asked what the standard was used in other cities, Fielding did not know. Fielding further stated that the contractor has used \$25,000 to \$30,000 as guideline. Mr. Bradley stated he did not feel comfortable approving change orders more than \$25,000 without council’s approval. Mr. Fielding commented DEQ and USRD requires prior review and consent prior to council approval on any changes made in the plans.

Councilman Wilder moved to authorize the mayor and the public works director to approve change orders up to \$25,000 outside council approval process subject to DEQ and USRD approval seconded by Councilman D Burke.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes

Councilman R. Burke	Yes
Councilman D Burke	Yes
Councilman Wilder	Yes

Request for Qualifications for Engineering Services:

Mitch Bradley stated that several engineering firms have approached him wanting to be on the city’s approved list for engineering services. As the council heard during the last council meeting when the city did advertise for an RFQ in 2020 not all the engineering firms were aware of the notice posted in the Jefferson Star. Councilwoman Harrison asked if Mr. Bradley needed more firms to consider engineering work which he stated absolutely he needed more than two. Councilwoman King felt the period for response should be longer than 30 days.

Councilwoman King moved to advertise for qualification for engineering services for the response period to be held open for 45 days and the city to advertise the RFQ in addition to the Jefferson Star another paper or venue. Motion seconded by Councilwoman Harrison.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilman D Burke	Yes
Councilman Wilder	Yes

Other Council Business:

Change in Web Page Hosting Vendor:

Adam Hall representing Marketable Media expressed interest in providing the city with a more progressive web page than what the city currently has. He presented slides of what the current city’s web page is and showed what other entities have. Being involved in the city he felt the site could be made more user friendly. He also wanted to integrate the city’s Facebook page in the web page. He proposed a web design and development fee of \$3,000 with a monthly fee of \$75 for assisting and hosting the site. Council discussed the need for expand and improve the site and agreed to upgrade the site.

Councilman D Burke moved to approve Marketable Media LLC to host and assist the city in the development and maintenance of the city’s web page seconded by Councilwoman King.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	No – concerned with not seeking other vendors.
Councilman R. Burke	Abstained
Councilman D Burke	Yes
Councilman Wilder	Yes

LID #10 Update:

Marvin Fielding from Keller Engineering came forward with a corrected assessment roll for LID #10. He made changes to the assessments on 310 Tall Ave, 390 Tall Ave, 510 Marian St, and 490 Marian Street. The assessment for 310 Tall decreased the lineal feet for the sidewalk and

increased the cost of installing a driveway that was not included in the assessment roll. The assessment at 390 Tall Ave decreased the lineal footage for the curb/gutter, increased the lineal footage on the sidewalk, and deleted the assessment of the driveway. The assessment on 490 and 510 Marian Streets were deleted as no work was done at those two sites.

Council discussed how the changes would affect the property owners on Tall and 4th North. Fielding had not recalculated the charges to the other property owners for the cost of asphalt, concrete or credit for the penalty assessment charged against the general contractor. Council believed all costs should be allocated using the correct assessment for both streets.

WWTP Monthly Updates:

Councilman Orme stated that given the recent discussion on the change order and hearing reports of other changes that have taken place, with the contractor taking it upon himself to perform the work without going thru the change order process, should not the council be having a monthly report from Keller's for changes taking place? Discussion followed that the council will be getting updates as change orders are reviewed and approved and when necessary, special council meeting will be called.

Approval of Minutes:

Councilwoman Harrison moved to approve the minutes of January 5, 2023, seconded by Councilwoman King.

The mayor called for a voice poll: all in favor none opposed with Councilmen D Burke and Wilder abstaining.

Review and Approval of Bills:

Councilwoman King moved to approve the bills seconded by Councilman Wilder.

The mayor asked for a roll call poll:

Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilman D Burke	Yes
Councilman Wilder	Yes

Adjournment:

Councilwoman King moved to adjourn seconded by Councilwoman Harrison.


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

Meeting adjourned: 9:46 pm

CITY OF RIGBY


Richard Datwyler, Mayor

ATTEST:


David Swager, Clerk