

City of Rigby
Council Meeting Minutes
April 18, 2019

Mayor Richardson called the meeting to order at 7:00pm Thursday, Apr 18, 2019. The pledge of allegiance was given by Richard Datwyler and the prayer given Doug Burke.

The mayor asked the clerk to call the roll:

Councilman Taylor	Present
Councilman Datwyler	Present
Councilman Hall	Present
Councilwoman Weight	Present
Councilman Burke	Present
Councilman Olsen	Absent

Also present: Mitch Bradley Public Works Director, Chief Tower, and Attorney Dunn

Public Hearing:

Downtown Overlay District:

The mayor opened the meeting by reminding anyone wishing to talk this evening to sign in on the sign in sheet. With that he asked that they be brought to him. He then called on Wes Woods to come forward to speak.

Wes Woods: Mr. Woods is the owner of the Domino Pizza building is neutral on the overlay zone. He expressed that the information presented lacked detail in which to make an informed decision; he asked if grandfathering was allowed for existing buildings; what the effect on existing signage would be. He noted that "downtown" is not historic given the word historic has been removed from the heading but everything in the language refers to "historic". He's concerned with the cost of implementing the changes to be borne by the property owners.

Barbara Mugleston: Indicated it was the first meeting and she was here to gather facts.

With that being said Councilman Taylor asked if the city was not going to present a statement on the facts of the hearing. The mayor apologized and asked the city's planning/zoning director to come forward and discuss the proposed downtown district.

Mrs. Parry: Mrs. Parry presented why the city needed a downtown overlay with zero setbacks. The ordinance is a simple ordinance with limited restrictions. She cited the 15 foot setback as a waste of property which is required in the current code. She then listed four points for the downtown zone:

- Zero setback on the front
- No fencing
- No landscaping required
- No back lighting, scrolling signs or neon signs but the ordinance favors down lighting

There are no restrictions on colors or other design features and she favors the patch work affect existing downtown similar to a quilt. She currently has the authority to approve or disapprove all commercial buildings design. She also now wants to remove the school property from inclusion in the downtown district.

Having concluded her remarks the mayor asked if either Mr. Woods or Mrs. Mugleston had additional comments.

Wes Woods: Mr. Woods asked about the fencing mentioned by the p/z director and expressed concern with limited parking if the buildings were to have zero setback.

Barbara Mugleston: Mrs. Mugleston expressed concern with how the implementation would affect the newer buildings and older buildings.

Doug Wood: Mr. Wood expressed concern with the older buildings status of brick mortar. His building mortar is starting to fail and was concerned if siding was to be applied whether or not it would be approved. His sign if he changes it would require additional electrical changes, would open conduit be approved to get the down lighting? Would his awning be required to be changed? Likes the setback change but should be based on the usage of the building. Changing the front brick will be cost prohibitive. He currently is struggling at keeping tenants in his building due to low customer support. The ordinance needs definition as to what are "design standards" which need to be presented before passage not after.

Kris Stringham: Commented that more rules brings on more rules. Her main issue is the lack of parking, doesn't see how the new ordinance addresses anything about providing more parking but only adding to the congestion. The ordinance does not define what an old building is.

Jim Voyles: Mr. Voyles said the downtown area is a mismatch of buildings. He likes his current awning and does not want to have to change it. He feels the new Mavrick store sign is not representative of anything historic nor is the building. He is opposed to the ordinance.

Randy Waters: Mr. Waters represents the developer for the proposed new store coming at the intersection of Main and 1st West. He said that if the zero setback is applied to the property the developer will pull his plan to build. Asked if the school property could be pulled from the historic district. Zero setback will not be feasible. Having zero setback will create eyesore with trash being placed on the street side of the property. Feels a better approach would be for the city to offer incentives to the property owners to affect change. The current plan for the new building will be for 50 onsite parking spaces with additional parking on 1st West. The 50 spaces exceeds what the current code requires. Prefers a committee based developed ordinance versus government based ordinance.

Bart Riley: Questioned the statement in the articles that the ordinance will maintain and improve property values. He doesn't see how this statement is correct when if a building is sold and a proposed

change is not in compliance will that affect the selling price. He felt it will or limit the potential to only a limited number of parties. He felt adding restrictions without offering incentives will lower price not maintain or improve property values. He dislikes adding rules without defining what the rules are beforehand. The city needs to provide copies of what federal guidelines are before stating the district will comply with them. The ordinance is vague and undefined in its present state.

Chad Martin: Mr. Martin representing School Dist 251 supports removing the school property from the downtown zone. If the downtown zone is applied to the school property, it will have a negative effect on marketing the property to potential buyers.

Ray Clement: Declined to comment.

Jody Schmardebeck: Declined to comment.

Darla Peterson: Stated that any restrictions will affect her business and tenants. She wants to maintain the current building codes but is opposed to adding any new restrictions. Wants new development without complications.

Jason Averill: Currently he would vote no on the ordinance

Ending public comment the mayor asked if the planning/zoning director would like to comment.

Mrs. Parry: Stated that the ordinance is very simple with little restrictions. In fact there are no restrictions for downtown owners. She would be glad to work with a committee to develop a plan for however long it takes. She just needs guidance from the council. She only needs one tool: zero setback.

Mayor: The mayor indicated he was not in favor of forcing zero setback. He agreed the school district that this would not work for them due to "X" factor. The same thing could be said for any other development. If a building were to come down on the east end of Main they wouldn't have the option to have zero setback. He would like to at least have the option. With the restrictions regarding signage and only being enforced on the downtown businesses is too restrictive.

Councilman Burke: Commented that a developer coming in would like to mirror the existing buildings. He's not opposed to the zero setback.

Councilman Taylor: Asked about the restrictions being discussed on the awnings. The p/z director responded that there is nothing in the code regarding awnings. The owner has the option.

Mayor: The mayor requested that development agreements and design guidelines could be available for the public.

Councilman Taylor: Councilman Taylor understood the only item being forced would be the zero setback. The mayor read from the ordinance saying such with reference to limited business uses. Councilman Hall after reading the limited business uses he felt the list was pretty all inclusive.

Mayor: After hearing the discussion he asked Councilman Hall, Datwyler and Councilwoman Weight their thoughts.

Councilwoman Weight: Favors going with the committee to develop the district and restrictions. Felt the residential zone which had been discussed in prior meetings would be removed from the zone but see they have not. Still feels they should be removed. Felt too much subjective discretion is being granted the p/z director. The city has had four directors this past year and the next director may have entire different take on wants acceptable or not acceptable. The decision is too subjective to one person spin.

Councilman Datwyler: After listening to the patrons felt the lighting and signs were of concern. He felt the allowance for optional setback would be preferred over the existing language.

Councilman Burke: Felt the district should include all the businesses in Rigby not just the downtown area. Everyone should have say in how the city is being developed. He stated there could be separate sections with different developments in the various parts of the city.

After hearing the comments the mayor tabled the item.

Public Hearing:

Variance/Final Plat – 325 W 1st South:

The mayor asked the p/z director to come forward and discuss the application for variance. She review the three instances that qualify for a variance that's unique to this land. The site is boarded with 12 sides, land locked and with a single entrance to the site. The proposal that was submitted to the p/z commission was to allow for zero sidewalks within the development, narrower lots width than specified in city code, and allow narrower access road. The p/z director commented that this parcel had been before the council number times before and all prior proposals have been denied. The current proposal has 4 buildings each containing a duplex to each of the 4 units for a total of 16 single family homes which is allowed under the R-1 code. The fire and emergency department has given the okay to the access and hammer head inside the development. The road will be a private road covered by a HOA agreement. The buildings have the required setback on the back of the development, will consist only of single story buildings, and have double garages with 10 additional parking spaces for guests.

The mayor asked about sidewalks leading into the development. Felt they should contain pedestrian access.

Les Birch: Commented that the area is insufficient in size for the development, insufficient road width per city code; the site needs a traffic study performed; needs ITD approval for the added traffic; the site

contained no hardship to the owner that wasn't known prior to it being purchased. Indicated duplexes weren't allowed in an R-1 zone.

Rick Bingham: The mayor read a letter submitted to the council by Les Birch on behalf of Rick Bingham. (copy attached)

Kathleen Layton: Mrs. Layton indicated she was unsure as to her position. Felt 1 acre is insufficient for the 8 units. Her home sits on ½ acre for one home. She could see two homes but not 4 duplexes. She expressed concern with emergency vehicles on prior hearings now nothing has changed and the entrance still is a narrow as it was then as it is now. She's opposed to the development.

Melinia Jones: Indicated the fire chief had granted permission but she showed the council pictures she taken at 121 S 2nd West which has a fire lane designation with cars being parked in the fire lane. She felt the same thing will happen on the road even being marked "fire lane" will have cars parked in the road.

P/Z director: Public works has reviewed the development and has signed off. The fire dept. has reviewed the access and passed off on the development. Everything contained in the 1.3 acres is within code but for the three listed variances. Fire dept stated the driveway will be signed – fire lane no parking.

Mayor: Was concerned with the lack of sidewalks. He felt the grass on either side would not be mowed and there is be sufficient width to install sidewalks and forego the grass. Felt a stronger HOA would need to be initiated and as happened in prior areas in the city they have fallen short of their expectations. Needed enforcement of the fire lane restriction which the city does not have. Asked about snow removal and areas where it will be used.

Question arose if ITD would allow the development with 8 units. No one has contacted ITD regarding this.

Blake Jolly enters meeting. The mayor recapped the discussion prior to his appearance. Mr. Jolly indicated that Idaho Falls has agreement with the property owners that allows cars parked in a fire lane can be towed. A similar agreement could be done in Rigby. As for snow removal, there is green space on the south west and south east which will be used for snow. If that area is insufficient, then the snow would be hauled off. Addressing ITD, Mr. Jolly has not contacted ITD but will follow through on this. Discussion on development agreements allowing enforcement of fire lane restriction. Mr. Jolly said yes as long as there was an agreement in place to allow it. Questions on sidewalks: Mr. Jolly said a sidewalk could be installed but he has been in talks with the adjoining property owners to install trees as a buffer to the road.

Councilman Taylor moved to approve the development with the three variances (lot width; no sidewalks inside the development; narrow road width) subject to a development agreement containing: HOA agreement, pedestrian access from Hwy 48 through the access road on one side; obtain DOT approval

for access/egress; fire lane enforcement agreement between city and property owner; buildings limited to single story; fire hydrant inside the development. Motion seconded by Councilman Burke.

The mayor asked if there was any discussion on the motion. Hearing none he asked that each council member express reason for their decision.

Councilman Burke: Yes – felt the development was a logical use of the acreage. Meets the hardship due limited size and access, parking and snow have been addressed.

Councilman Datwyler: Yes – the three variances have been addressed, needs a development agreement
Councilman Hall: No – felt the area would be too crowded given the lot size.

Councilman Taylor: Yes – complies with the code.

Councilwoman Weight: Abstained

Council took a 10 minute recess.

Amend Agenda:

The mayor stated the agenda needed to be amended to allow for the opening and awarding of bids for the 2019 chip seal project.

Councilman Datwyler moved to amend the agenda for the bids seconded by Councilwoman Weight.

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

Bid Opening:

The attorney opened the two bids the city had received. The results are:

TMC Contractors - \$194,488.42

HK Contractors - \$237,212.50

Councilman Taylor inquired about the contract specs and other items usually contained in a contract. Mr. Bradley replied that the bid specification that was sent out for the bids contained the specifications which the contractor would be held to. He also indicated based on per ton price the amount of chip seal could change up or down.

Councilman Taylor moved to award the low bidder, TMC, the chip seal contract of \$194,488.42 with the provision of changes up/down in quality seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Datwyler	Yes
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes

Public Works:

2nd Reading Ordinance #2019-602:

Councilman Hall moved to read ordinance #2019-602 in summary seconded by Councilman Burke.

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

The attorney reads the summary of ordinance #2019-602.

1st Reading of Ordinance #2019-603:

Mitch Bradley came forward and explained that during the recent area of impact meeting a phase in the code referring "large lots subdivisions" be stricken from code 11-6-2(C).

Councilman Taylor moved to read ordinance #2019-603 in summary with the addition of #11-6-2 (C) be added seconded by Councilwoman Weight.

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

The attorney read the summary of ordinance 2019-603 adding the phrase striking "large lots subdivision."

French Drain:

Mitch Bradley indicated that during the rehab of Claremore Drive a french drain got dropped from the design. After this year's winter there is insufficient drainage along the east side of Claremore and a French drain is needed. He obtained a bid from Edstrom for \$11,920 which is the lowest he's been able to obtain.

Councilwoman Weight moved to approve the contract for the French drain to Edstrom Const in the amount of \$11,920 seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Datwyler	Yes
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes

Joint city/county area of impact agreement:

Tabled due to lack of information.

Well & Pumphouse- Funding Options:

Rick Miller from the Development Co. came forward and explained the DEQ offer for the well and pumphouse needed to be committed to as soon as possible. Their loan offer is for \$1.0 million at 2.75%

interest for 20 years. After brief discussion it was decided to commit to the DEQ loan until the price of the well and pumphouse is known. Mr. Miller estimated the loan would increase the fees by \$3.80 per month per resident.

Councilman Hall moved that the city commit to the DEQ loan offer of \$1 million seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Datwyler	Yes
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes

Planning/Zoning:

Ordinance #2019-604 – Amending Planned Unit Development:

Councilman Burke moved to read Ordinance #2019-604 in summary seconded by Councilwoman Weight.

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

Adding Downtown Overlay:

n/a

Other Council Business:

- AIC Spring Meeting: the clerk indicated Councilman Burke and Olsen had indicated they would be attending. Councilman Hall indicated to add him to the IF registration.
- Library: Councilwoman Weight said the library is now signed on to the overdrive ebooks system.
- Summer bar-b-que: discussion on hosting the summer picnic in late Aug/Sept.

Public Comment:

None

Approval of Minutes:

Councilman Hall noted a spell correction that needed to be changed. Councilman Taylor moved to approve the minutes with correction seconded by Councilwoman Weight.

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

Approval of Bills:

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

The mayor asked the clerk to poll the council:

Councilman Taylor	Yes
Councilman Datwyler	Yes
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes

Adjournment:

Councilman Burke moved to adjourn seconded by Councilman Hall.

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

Meeting Adjourned: 10:15pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk