

City of Rigby  
Council Meeting Minutes  
Aug 1, 2019

Mayor Richardson called the meeting to order at 7:00pm Thursday, August 1, 2019. The pledge of allegiance was given by Nicole Weight and the prayer given Benson Taylor.

The mayor asked the clerk to call the roll:

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

Also present: Chief Tower, and Attorney Dunn

The mayor opened the meeting and requested that item #6d (Cul-de-sac) be moved prior to the public hearing.

Councilman Burke moved that the cul-de-sac agenda item be moved for council discussion before the public hearing. Motion seconded by Councilwoman Weight.

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

Cul-de-sac – Farnsworth/Shippen/ Fox

The mayor then recapped the item concerning the cul-de-sac in the Willard Price Development – Rigby Town Square. In prior council meetings the council abandoned the cul-de-sac to the three adjacent property owners. The bulb of the cul-de-sac would be deeded to Fox Investments. The lane would be divided between Farnsworth on the north, Fox Invest in the middle and the south portion to Bob Shippen. In further discussions and in a meeting held about a week ago, between the three parties, it was agreed that the bulb would be deeded to Fox Invest and the lane between Farnsworth and Shippen would be deeded to them with restrictions. The restrictions on the lane would be sidewalks on either side of the lane, east fronting Pleasant Country Lane and the west adjoining the Fox Invest property would contain a sidewalk to delineate where the lane is from the parking lot on the west. The property on the west would have a rolled curb. The mayor stated that there would also be a permanent access from Pleasant Country Lane to the Fox Invest property on the Farnsworth/Shippen lane with the required easements for emergency ingress and egress and the change in access will not prevent any approved building in the PUD.

Councilman Burke asked if assurances had been provided Fox Invest that the change in the approved plan would not affect their approved development. The mayor answered that in discussion with the attorney and p/z director that if the items mentioned – sidewalks, rolled curbing – were in place with no

physical barriers it would not impede Fox Invest development as to what has already been approved. Councilman Burke reiterated that he would want that assurance in writing. The mayor said it will be in writing again subject to the restrictions mentioned. This will not change the PUD. The attorney entered the discussion and stated that he had everything drafted as to what he thought was agreed to but he was waiting for a person to respond if anything else needed to be added.

Bo Porter of Fox Investment came forward did say he had spoken with the attorney and the attorney would stop by his worksite later but they never met up. Mr. Porter's concern was that his development had been threatened a number of times that the project would be shut down as early as this week. Mr. Porter recapped the original agreement in 2018. The first problem was that the road required parking and the planning zoning director called Mr. Porter with Mr. Shumway present, said that unless parking was allowed on the street the project would be shut down. The only requirement that the PUD needed was road width as a private lane and water. The mayor interjected that the road would be built to meet to the spec as a city road which is higher than the specs for a private lane. Mr. Porter understanding was that the road specs would be for a private lane as to width. The actual recording of the discussion is not available but only the posted minutes of the meeting. The difference is the cost of building the road to the city specs versus the specs for a private lane. This is the major reason for not having the road in place currently. Due to this issue, Mr. Farnsworth said he would put the road in which Fox Invest agreed to if the change would not affect the PUD as approved. Fox Invest tried to get on planning zoning in the August and Sept meeting to seek assurances and was told they would not be allowed on the agenda for either meeting by the planning zoning director. The p/z director said there was no need for the p/z commission to give the assurance she could do it but when asked for it in writing, she declined to give written assurances. Once assurance is given, in writing, Fox will deed the land over and proceed with the agreement as stated between the three parties. They want assurances, in writing, that the changing of the road will not affect the development. They will not sign over the road prior to having the written assurance in hand. Mr. Porter again stated the p/z director said to Mr. Porter that Fox would not be placed on the Aug or the Sept p/z commission agenda and the only thing I will discuss with you is you signing the road over.

The mayor then had the attorney read an email that the mayor sent the attorney that the changing in the road would not affect the PUD development. Mr. Farnsworth spoke in favor of the agreement and Bob Shippen also concurred with the agreement. The attorney mentioned Mr. Porter needed to respond to him on the restrictions for certain utilities that run under the lane. Mr. Porter will get back with the attorney on Monday for the changes – water and sewer.

Councilman Olsen mentioned that someone needed to talk with the p/z director about this agreement. The mayor said the motion will supersede anything coming before or after. Councilman Burke asked about the fire dept signing off on this and the mayor the fire dept sees nothing wrong with the change if they have access.

Councilman Taylor moved accept the cul-de-sac as accepted by Fox, Farnsworth, Shippen with Fox taking the bulb and Farnsworth/Shippen taking the lane allocated 50% each; with easements for EMS

and utilities; emergency egress; with a letter sent to Fox Invest stating there is no impact on their PUD as previously approved. Councilwoman Weight seconded the motion.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

Public Hearing: Adding new code Adult Business Restrictions:

The mayor noted no one signed up to speak either for or opposed. He asked if anyone in the audience wanted to speak. Seeing none he closed the public hearing.

Council discussion:

The mayor stated there was a change that needed to be made in section 3-6-24 –Public Nudity Prohibited- sub section D-2 with the deletion of the following statement: “an infant under two (2) years of age”. This deletion brings the city into compliance with state code.

Public Works:

- Squealers Rec Center – Kent Hansen. Indicated he is in the process of acquiring the land west of the squealers rec center. He is proposing to build an RV park west of the Squealers center. He is looking for the RV park to be connected to city water and sewer and needs a letter of will serve from the city. He is also willing to be annexed into the city but the current owner is not willing to be annexed. He will pledge to be annexed within six months after he purchases the property. He would like to have the RV park opened by April 2020. The attorney indicated a letter could be provided subject to the annexation.

Councilwoman Weight moved to issue a will serve letter for water and sewer contingent upon annexation and water/sewer would be provided. Motion seconded by Councilman Olsen.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

- Surplus Equipment – Rodeo lights: The urban renewal agency changed out the arena lights and there are 28 old light housing and bulbs. The park rodeo director is looking at selling the lights/bulbs but need council’s approval to dispose of the lights.

Councilman Taylor moved to declare the lights as surplus and authorize them to be sold for as much as Mr. Cook can get from them. Motion seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes

Councilman Burke                      Yes  
 Councilwoman Weight                Yes

Clerk:

- June '19 financials and journal entries: The clerk reviewed the excel spreadsheet recapping the actual revenues to budget and actual expenditures to budget. He commented that revenues were exceeding budget and expenditures were running below budget. He felt comfortable with how the 9 months results are falling in line. He reviewed the journal entries recapping that the rodeo had most of the entries followed by the internal service fund and the normal accrual of investment earnings.
- Preliminary Budget Review:  
 The clerk presented the council with a summary of the enterprise fund's fee schedule showing the current rates and a new rate with a 5% increase. Included in the presentation were the proposed rates for the sewer bond and new water bond. He had received the property tax rates showing the new tax levy. He informed the council the full budget would be available prior to the 15<sup>th</sup>.

- Qr. Interfund Transfers: The clerk indicated two interfund transfer needed to be approved:

<u>TO:</u>	<u>FROM:</u>	<u>AMOUNT</u>
Capital Impr Fund	General Fund	200,000.00
Airport Fund	General Fund	3,000.00

Councilwoman Weight moved to authorize the transfer seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Taylor                      Yes  
 Councilman Olsen                        Yes  
 Councilman Burke                        Yes  
 Councilwoman Weight                Yes

Legal:

- Pediatric Center: the attorney after reviewing the right of way east of the Pediatric Center informed the council the land had been deeded to the state highway department who later deeded the land to the Pediatric Center. So the center can do what they want on the landscaping keeping in mind the easement for water and sewer line running along the property. No MOU is needed.

Councilman Olsen moved to rescind the prior council authorization to participate in the landscaping of the Pediatric Center's right of way. Motion seconded by Councilman Taylor.

The mayor called for a poll of the council:

Councilman Taylor                      Yes  
 Councilman Olsen                        Yes  
 Councilman Burke                        Yes  
 Councilwoman Weight                Yes

- 1<sup>st</sup> Reading amending ordinance #2019-598 – Exempting Lot 1 Block 1 (Dansie Dental) from annexation.

Councilman Taylor moved to read the ordinance in summary seconded by Councilwoman Weight.

The mayor called for a voice vote: All in favor none opposed.

Councilman Burke moved to publish ordinance #2019-598 as amended in summary and title form seconded by Councilman Olsen.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

- 2<sup>nd</sup> Reading Ordinance #2019-607 – Adding adult business restrictions:  
Councilman Burke moved ordinance #2019-607 be read in summary form as amended for the deletion of “an infant under two (2) years of age” seconded by Councilman Olsen.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

#### Other Council Business:

- Non-Commercial Kennel License – J. Monroe:  
After the last council meeting the application was denied due to lack of 75% concurrent acceptance from the adjoining neighbors. The applicant has obtained the needed 75% consent from the neighbors.

Councilman Taylor moved to approve the non-commercial kennel license seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

- Police Dept – Options on Building:  
Tammy VanWagoner wanted to discuss the possibility of her purchasing the current police dept. building. They would like to expand their business being they own the east side of the building. Mrs. VanWagoner discussed the changes they would like to make if they acquire the building. The current lessee has expressed interest in expanding their footprint and the police station would fit in with their plans.

The council would like to explore the sell but it would have to be a zero cost to the city and for a similar building. The mayor felt another location would work for the police and if that building could be put back in a commercial enterprise it would enhance east Main. Before the city moves forward other properties and costs would need to be reviewed.

- Ad in local paper:  
The mayor stated the city has for a number of years sponsored an event page in the local paper. The cost of doing so is \$795.

Councilman Burke moved to approve the sponsor the event/calendar page featuring all of the events happening in the city including the car show in the local paper. Motion seconded by Councilwoman Weight.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

- Upcoming city elections:  
The mayor reminded everyone of the calendar for city elections. Comment made to post the calendar on the city's media page. The mayor presented Councilman Taylor for his years of service on the city council knowing that the dates may change given his reappointment on the city council.

Following the presentation, Councilman Taylor mentioned the need to increase city council pay to entice more interest in serving on the council. He mentioned increasing the pay from \$300 a month to \$500 a month and also includes offering health insurance. The mayor mentioned the date set for a council to consider salary increase must be done by ordinance prior to August 22. It was felt the time line is too short to consider this year, but left it open for the future.

- Summer Lunch:  
The mayor asked Councilman Burke if he had done any planning on the summer lunch. Councilman Burke indicated he had not done any planning. It was suggested to have the department heads assist in the planning.

#### Public Comment:

- Russ Sanderson – indicated he had recently purchased an empty lot on Annis Highway. He complimented the city's staff for their openness and willingness to assist them having just purchased the lot. His complaint is the developer driving over his survey stakes and trespassing without permission. Mr. Sanderson appearance before the council was to ask for the city's help in ending the trespassing and damage being done by the developer entering and driving on his property. Mr. Sanderson is asking the city to have the developer install the sediment/erosion fence around the perimeter of his property.

#### Review and Approval of Minutes:

Tabled

Review and Approval of Bills:

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

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

Executive Session:

Councilwoman Weight moved to enter executive session per Idaho Code: 74-206(b) – To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Motion seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Taylor	Yes
Councilman Olsen	Yes
Councilman Burke	Yes
Councilwoman Weight	Yes

Council enters executive session: 8:50 pm  
Council exits executive session: 9:20pm

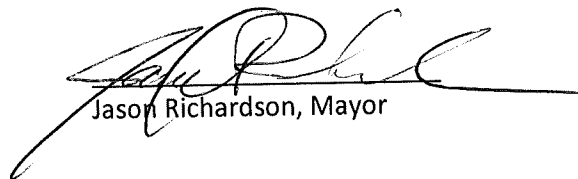
Council Discussion/Decision: None

Adjournment:


Councilman Taylor moved to adjourn seconded by Councilman Burke.

The mayor called for a voice vote: All in favor none opposed.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk