

City of Rigby
Council Meeting Minutes
August 15, 2019

Mayor Richardson called the meeting to order at 7:00pm Thursday, August 15, 2019. The pledge of allegiance was given by Doug Burke and the prayer given Kirk Olsen.

The mayor asked the clerk to call the roll:

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

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

Nominations Vacant Council Seats:

Tonya Hillman: The mayor nominated Tonya Hillman to fill one of the vacant council seats vacated by Councilman Hall. He cited her work on the urban renewal agency and involvement with elections and other community service to the city.

Councilwoman Weight moved to accept the nomination of Tonya Hillman for city council seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

| | |
|---------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilman Taylor | Yes |
| Councilwoman Weight | Yes |

The mayor then administered the oath of office to Mrs. Hillman.

Councilman Taylor: Councilman Taylor stated that he has purchased a home out of the city and therefore is ineligible to continuing serving on the city council. He therefore submitted his verbal resignation effective now. With that being said, the mayor thanked Mr. Taylor for his prior service and his abbreviated service this time.

Blake Davis: The mayor nominated Blake Davis to fill the council seat that was vacated by Councilman Taylor. The mayor indicated Councilman Taylor recommended Mr. Davis to the council. He is a general contractor and has lived in the city for a number of years.

Councilman Burke moved to accept the nomination of Blake Davis for city council that was vacated with Councilman Taylor resignation. Motion seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

| | |
|----------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |

The mayor then administered the oath of office to Mr. Davis.

Realignment of Council:

The mayor reviewed the responsibility of the council assignments with Councilwoman Hillman assisting the senior citizens and park/rodeo. She acknowledged she would work with those departments. Mr. Davis's responsibility is to work with the police which he accepted and would be willing to do.

The mayor then indicated the council usually reappoints the council president after a change in the council. Councilman Burke stated that with the election in November that perhaps a better time would be in January after the new council is seated. The mayor then asked for nominations for council president. Councilwoman Hillman nominated Councilman Datwyler. Motion failed due to lack of a second. The mayor stated the current council president will remain as council president.

Public Works:

Upside of Water/Sewer Line Fees:

Public works director Mitch Bradley came forward and presented the council with the issues concerning large developments being developed in the city namely planned unit developments (PUD). The city currently has three PUD that are requesting and needing larger water service pipe to service their development. The city code only allows for a single water connection of \$3,000 with either a ¾ inch service line or a 1 inch service line on a residential home and on a business either a 1.5 inch or 2.0 inch water line. Some of the buildings need a 2 inch or larger water service line however our code only allows for a connection fee of \$3,000 regardless of the size of the service line. He reviewed the fees charged by Idaho Falls and noted that their code allows for different connection fee based on the upsizing of the water service line from 1 inch to 8 inch. He would like to update Rigby's code to a similar fee based on volume and water pipe size. After council discussion, Mr. Bradley will draft a copy of the proposed new fees which will require a public hearing after the council's approve them.

Clerk:

Preliminary Budget Review:

The clerk presented the council with a draft copy of the 2019 budget for all funds. He reviewed the general fund along with the other special revenue funds highlighting the changes from prior years to the proposed budget and reason for the changes. He noted the majority of the funds were at a balanced budget with revenues equaling expenditures but for library, park/rodeo, the three construction funds, and the police trust fund. All of the funds with expenditures exceeding revenues had sufficient cash reserves to fund the deficit with many of the deficits having a one-time capital expenditure. After the review of the general accounts he turned the discussion to the three enterprise funds – water, sewer

and sanitation. He noted they were also at balanced budget but with proposed increases for a residential user as follows:

| | Current Rates | New Rates | % Increase |
|------------|----------------------|---------------------|-------------------|
| Water | 21.00 | 22.00 | 4.76% |
| Sewer | 44.00 | 46.25 | 5.11% |
| Sanitation | 11.00 | 12.50 | 13.64% |
| Sewer Bond | <u>32.00</u> | <u>32.00</u> | 0.00% |
| | 108.00 | 112.75 | |

After the clerk's presentation the mayor acknowledged the upcoming cost of the water and sewer projects that being considered for the city. He asked the question if the city should be implementing rate increases over a period the next few years versus a big jump all at one time?

Councilman Olsen expressed concern about raising the fees now until after the public has had a chance to enter the discussion. He was concerned with what he has seen and been told thus far on the sewer and does not have a "warm and fuzzy feeling" over it. He is concerned with the old plant being built at 80% capacity and after 12 years having to invest an additional \$17 million in upgrades and still owe \$6-8 million on the old. He is opposed to it until the public gets involved and even then may still be opposed. But this is just his opinion.

The mayor felt it best to begin the increase now instead of waiting until the final bill comes in then hit the public with a substantial increase all at once.

Councilman Burke felt an increase was needed in the water fund to \$23.00 and on the sewer revenue fund increasing it to \$47.75. He feels the costs are going to increase and we need to begin planning for the future. Councilwoman Weight thought an even increase over time although she doesn't like the increase sees the need is better than a big jump all at once. The mayor wanted to get ahead of it but commented that perhaps it should go higher.

Councilman Burke thinks the council will have more information as to costs a year from now. He would prefer going a third, a third and a third over the next three years. The mayor mentioned increase it to \$52 would put the bill around \$120.00. We could put the bill at \$52 until the public hearing and see after that what happens. During the public hearing Councilman Olsen's concern could be expressed then and see what the public has to say. The mayor reminded the council that the sewer bond would be from \$34 on the low end to \$40 on the high end. Councilwoman Hillman felt a staged increase is better than a big jump all at once. Councilman Burke felt the issue should be addressed now instead of a \$70 jump all at once.

Councilwoman Weight moved to set the rates as follows:

| | |
|------------|--------------|
| Water | 23.00 |
| Sanitation | 12.50 |
| Sewer | 52.50 |
| Sewer Bond | <u>32.00</u> |
| Total | 120.00 |

Councilman Burke seconded the motion.

The mayor asked the clerk to poll the council:

| | |
|----------------------|----------------------------------|
| Councilman Burke | Yes |
| Councilman Olsen | No Disagree with the sewer raise |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |
| Councilman Davis | Yes |

Councilwoman Hillman moved to set the public hearing on the budget and rates for September 5, 2019 seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

| | |
|----------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |
| Councilman Davis | Yes |

2nd Reading of Amending Ordinance #2019-598 – Exempting Lot 1 Block 1 – J&A Legacy LLC:

Councilman Burke moved to read the ordinance #2019-598 in title and summary only seconded by Councilwoman Weight.

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

The attorney reads the summary and title of ordinance #2019-598.

3rd Reading of Ordinance #2019-607 – Adding to code Adult Business Restrictions:

The mayor noted that a line had been struck concerning breast feeding to comply with state statute. Councilwoman Weight moved to read the ordinance #2019-607 in title and summary only seconded by Councilman Burke.

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

The attorney reads the summary and title of ordinance 2019-607.

Having had the three readings of Ordinance #2019-607 the mayor asked if there was a motion to adopt said ordinance. Councilman Burke moved that the council adopt ordinance #2019-607 seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

| | |
|----------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |
| Councilman Davis | Yes |

Other Council Business:

Councilman Olsen: Councilman Olsen referring to the comments made during the last council meeting by Councilman Taylor about increasing the pay for the council he felt the reason behind the statement to be sound and he supported the council look into it when permitted. He stated that he would not have any "skin in the game" as he would not be a member of the city council after January, 2020. But he supported the increase.

Public Comment:

Todd Grant: Mr. Grant read a statement in opposition to ordinance #2019-607. He read a statement where the community standards should be allowed to ban all adult type business from the community. He felt allowing an adult type business to be opened, even in a restricted zone, is against the public standards of the community.

The mayor thanked Mr. Grant for his comment and he agrees with Mr. Grant but felt the city could not make a total ban on adult type businesses and ordinance #2019-607 is a way to comply with federal and state law to make such a business discouraged.

Bree Brockman: Ms. Brockman questioned the status of the deeded property at the intersection of Boulder and 3rd West. She stated the city had deeded the south portion of the road to the owners on the south and were told the city would deed the north section to them. She wants to know if that is going to be done and if so when. If not, then they will no longer maintain the property.

Mr. Bradley entered the discussion and stated there is a problem with the north section in that the water irrigation system for the island and the south property starts on the property. He indicated his preference would be to cap the water line on the north and abandon the island landscape and replace it with rock and allow the property on the south to water and irrigate that section of land. He would retain right of way access for any future use on the north but to do away with the city having to maintain the island and north side of the road.

The mayor said he would contract Ms. Brockman at a later date.

Flex Fernandez: Mr. Fernandez addressed the council with his concern the noise coming from the day care center north of his home – 467 N 3rd W. The complaint is children crying and screaming early in the morning and during the day disturbing his elderly mother. Snow plowing in the winter as early as 5:00am is also a concern.

Chief Tower indicated they have been working with both parties this past week to address the issue.

Approval of Minutes:

July 18, 2019: Councilman Burke moved to approve the minutes of July 18, 2019 as corrected seconded by Councilman Olsen.

The mayor called for a voice poll: Councilmen Burke and Olsen voice aye with the other council members abstaining or not voting.

August 1, 2019: Councilwoman Weight moved to approve the minutes of August 1, 2019 seconded by Councilman Olsen.

The mayor called for a voice poll: Council members Burke, Olsen and Weight voiced aye with the other council members abstaining or not voting.

Review and Approval of Bills:

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

The mayor asked the clerk to poll the council:

| | |
|----------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |
| Councilman Davis | Yes |

Executive Session:

The mayor stated that he needed to amend the agenda to allow for an executive session on a possible or pending issue that could involve litigation that just came up this evening. And the executive session 74-206(b) is not needed.

Councilwoman Weight moved to amend the agenda to allow for an executive session per Idaho code 74-206(f) – to discuss with legal counsel legal options on pending or possible litigations seconded by Councilwoman Hillman.

The mayor called for a voice poll to amend the agenda: all in favor none opposed.

Councilman Burke moved that the council enter into executive session per Idaho code 74-206(f) – to discuss with legal counsel legal options on pending or possible litigation seconded by Councilman Davis.

The mayor asked the clerk to poll the council:

| | |
|----------------------|-----|
| Councilman Burke | Yes |
| Councilman Olsen | Yes |
| Councilwoman Hillman | Yes |
| Councilwoman Weight | Yes |
| Councilman Davis | Yes |

Council enters executive session: 8:45pm

Council exits executive session: 9:04pm

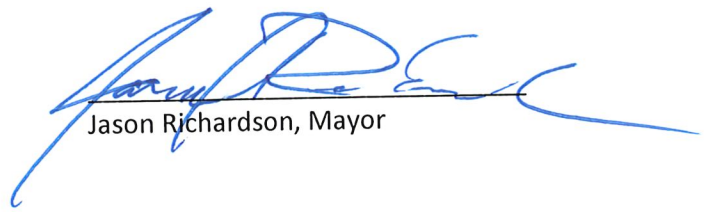
Adjournment:

Councilwoman Weight moved to adjourn seconded by Councilman Davis.

The mayor called for a voice poll to amend the agenda: all in favor none opposed.

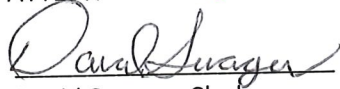
Meeting adjourned: 9:04pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk