

City of Rigby
Council Meeting Minutes
December 1, 2016

Mayor Richardson called the meeting to order at 7:00pm Thursday, December 1, 2016. The pledge of allegiance was given Doug Burke and the prayer given by Richard Datwyler.

The mayor asked the clerk to call the roll:

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

Also present: Attorney Dunn and Chief Tower

Amend Agenda:

The mayor indicated the agenda needed to be amended for an unforeseen item. The airport has been notified that another city was to be awarded a grant from the Dept. of State Aeronautic for seal coating of airport runways. However another city did not have the matching funds and withdrew from the project. The Dept. of Aeronautic informed the city that Rigby could participate in the grant if they completed the necessary paper work prior to December 31, 2016. The mayor wanted this to be added to the agenda.

Councilman Taylor moved to amend the agenda to consider the grant from the Dept. of Aeronautic for the airport. Motion seconded by Councilman Burke.

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

Solar Eclipse:

Rebecca Squire representing Jefferson County came forward and presented a power point presentation of the August 2017 solar eclipse. She informed the council of the possibility of the city having an influx of a large number of people to view the eclipse. The corridor of the eclipse has a width of approx. 65 miles with the total eclipse occurring between Rexburg and Rigby. Southeast Idaho also has a high probability of having less cloud coverage during August which makes it one reason why Rigby is the prime site. She informed the council there will be a regional meeting December 14, 2016 hosted by the City of Idaho Falls. She encouraged the city to begin preparing for the anticipated influx of people two or three days prior to August 21.

Intent to Create LID #9:

Keller's has corrected the costs estimates to separate the cost of the sidewalks that will be removed for the water/sewer lines. The first cost estimate did not breakout the costs associated with the water and sewer lines which is being borne by the city.

The council reviewed the budget estimates and allocation of cost to the residents. Councilman Burke asked for clarification if the entire sidewalks were being replaced one way or the other. The mayor indicated all would be replaced during the construction. The residents were aware of the project.

Councilman Taylor moved to proceed with the intent to create LID #9, hold a public hearing on January 5, 2017, publish said notice and provide notification of hearing and costs to the individual residents. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

- Councilman Olsen Aye
- Councilman Burke Aye
- Councilman Datwyler Aye
- Councilwoman Weight Aye
- Councilman Taylor Aye

Abandon intersection on 4th West and 5th West:

Councilman Datwyler stated that from the discussion during last council meeting there was a proposal submitted to the council to abandon two intersections in Hunter Creek subdivision on 4th West and 5th West. Councilman Taylor asked what the benefit of abandoning the intersections would be to the city. Benefit would be to keep the two subdivisions separate and forego the costs of building either one or two bridges. Councilman Burke stated that when Cedar Meadows is developed all of the traffic will need to egress one to 3rd West. The only exit from Cedar Meadows would be off of 3rd North or Boulder both exiting onto 3rd West. A bridge would and should be built on the intersection of 5th West. His concern was one of safety from fire and EMS to provide an alternative route into and out of the subdivision.

The comment was made that none on the council could say that there would never be a need for bridge on 5th West. Councilman Olsen commented the discussion has moved from a footbridge to now discussing a bridge and a footbridge. Councilwoman indicated she still favored a foot bridge on 4th West. Councilman Olsen favored foregoing a abandoning either one of the two intersections and he's opposed to a bridge at this time but this is not to say one may be needed in the future.

Councilman Datwyler commented that most of the growth has occurred in the Hunter Creek subdivision since 2008. Councilman Taylor asked what thoughts the public works had on the topic. Rick Lamoraux came forward and stated that he could foresee a need for a bridge at both locations. He cited safety and flow of traffic as a reason to put in the two bridges. If Cedar Meadows is built out without a bridge it forces the traffic onto 3rd West which degrades the road with more traffic being placed on it.

The mayor said he saw no need to install a traffic bridge on 4th West since it dead ends into 1st North. A bridge on 5th West, he can't see any benefit arising from it currently and is uncertain on it in the future. He can see the arguments on both sides for and against it. He felt a foot bridge would be more amenable at 4th West. Councilman Datwyler noted the growth in the county has occurred because people want a secure and quite neighborhood with limited traffic.

The mayor said the only comment he has heard was from a developer who said the elevation on the 4th West intersection could be a problem. Councilman Taylor felt neither of the two intersections should be

abandoned. Councilwoman Weight said the growth from the city has historically been from the inside out. Currently both subdivisions are now inside the city and the growth will grow outward from them. The mayor stated the question should be what benefit the community/neighborhood and we need to maintain what the residents have and build out from there.

Councilman Burke stated he had talked with various realtors about values of homes being degraded due to traffic and they all said it was not factor.

Councilman Olsen felt no further discussion was needed and felt the item should be tabled. The mayor asked if there was any further discussion, hearing none he moved to the next item.

VFW Club:

The clerk mentioned that for years the VFW has rented their shelter out and retained the rental fees. Last year they asked the city if they would take over the responsibility of renting it. The shelter, which the VFW Club built and owns, leased it out four times at \$25 per event for a total of \$100. The clerk asked if the city would donate the \$100 back to the VFW Club.

Councilman Olsen moved to refund the rental income to the VFW Club seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Vacation Time:

The mayor explained that when the city changed its vacation policy it created an error in the method of computing vacation time. Under the old policy there was a waiting period of 12 months after which time the employee was credited with 40 hours of vacation time in the 13th month. That policy was a little stiff in making an employee wait 12 months before having any vacation time. In the new policy that was changed from 12 months to 6 months which somewhat matches the probationary period of 6 months. What is missing is any protection for the city during the 6 month period. The mayor expressed his desire to change the policy to provide for 19.98 hours to be provided to the employee after completion of the 6 month probationary period wherein if prior to the expiration of the 6 month the employee is either terminated or leaves, nothing accrues nor is any time available until after 6 months. The way the policy is currently allows for the accrual but the employee can't use them. It could cause confusion during the transition period. The time accrues but would not be available for use.

Councilman Taylor moved to approve the change as described seconded by Councilman Burke.

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

Treasurer's Investment Account:

The clerk explained the city has surplus funds in the Zion's checking account and Zion's Bank money market funds at September 30, 2016 of \$1 million. The Zion's money market account is paying 00.23% interest. The State Investment Fund is paying interest 00.6291%. He would like council's approval to move \$1 million from Zions bank to the State Investment Fund. Funds are available within 24 hours via a phone call and deposit into the checking account.

Councilwoman Weight moved to approve the transfer of \$1 million from Zion's Bank to the State Investment Fund seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

1st Reading of the Amended Beer, Wine, Liquor Ordinance:

The mayor asked the attorney to read the first reading of the amended ordinance for the beer, wine and liquor ordinance. The attorney read the proposed ordinance in full.

Employees/Volunteers Christmas Gift Cert:

The clerk said that in the past the city had presented the employees and the volunteers a gift certificate from the Rigby Chamber of Commerce in the amount of \$25.

Councilwoman Weight moved to that the city present the employees and its volunteers with a \$25 gift certificate from the Rigby Chamber of Commerce. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Airport Grant:

Councilman Burke indicated that airport board chair John Anderson had received a phone call from the State Dept. of State Aeronautic indicating that Rigby could receive a grant for runway seal coating. The seal coating was expected to occur in the next year or two after but due to another city cancelling out of the project, the city if it so elects could participate in the grant. The only stipulation being that city must commit to the project prior to December 31, 2016 or the funds the state have on hand would be turned back to the FAA. The airport board has the funds to do the project it just needs council's authorization to precede with the grant.

Councilman Burke moved that the council approve the airport grant seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Reconsideration of Zone Change on 359 North 3rd West:

The mayor began the discussion by saying the owners have requested a reconsideration of the vote in denying the proposed change from R-1 to R-2 which they are entitled to do. He also expressed concern over the confusion taken in the last vote where a vote was taken and later changed. He then asked Jesse Byram to come forward.

Jesse Byram, realtor representing the owners of the mentioned property came forward and asked the council give reconsideration of the denial of the zone change from R-1 to R-2. He cited the council needed to follow the law in the reason why the zone change was denied. If they have not followed the law, tell them where they have not.

He recapped several of the reasons stated by the residents: 1) Apartment don't pay taxes. He said the owners of the complex do pay taxes equal to or greater than \$5,000 per year which most of that going to the city. 2) Utility billings: The number of apartments roughly 32 will add \$3,200 per month to the city's utility services. 3) Increased traffic on 3rd West. 3rd West is one of the widest streets in town and an additional 60-70 cars per day should not affect traffic flow. 4) Over crowding of schools. Any overcrowding of school is not a concern of the council. 5) Hunter Creek residents were opposed to the apartments. The tenants of the proposed complex will have little if any but for church attendance to enter the Hunter Creek subdivision. 6) Conflict of interest. He stated that if any one member of the council has a conflict of interest they should excuse themselves in this decision. He stated that the city wrote the laws and if the proposal violates the laws, show where they violated the law.

The attorney gave the council four bullet points to use in their deliberations: 1) Consistent with the comp plan. 2) Contiguous to existing zone. 3) Zone change usually done on large tracks of land not small tracks. 4) Best interest for the city and council's discretion for traffic, safety and other concerns.

Councilman Burke argued the infusion of property tax and utilities is considerable given the size of the proposed complex. The mayor indicated any increase in property taxes net effect is a reduction in everyone taxes a nominal amount.

Councilwoman Weight after discussing the issue with planning and zoning administrator Hathaway his comment to her was that he was baffled and surprised that the council rejected the R-2 zone. He stated all of the requirements have been met. All of the issues expressed in the hearing: parking, traffic etc. would be addressed in the R-2 zone regulations and they would be held to the letter of the law for R-2 zoning. People are opposed to apartments because of Caribou.

Councilman Taylor indicated the west side of the property is contiguous to existing R-2 zone. The comp plan shows the property being zoned as R-1. The mayor asked the council: does the comp plan allow for

a zone change. This is the question that the council needs to decide. The current zoning for R-2 is significantly different that when Caribou was built.

Councilman Datwyler stated the decision is service to the community and what better the lives and helps the most for the community.

The attorney stated that the statement made by the planning zoning administrator that he was surprised by the decision by the council is incorrect. He should be neutral in his opinion, same as the attorney, and only give facts: Do they meet the criteria of the zone change and the decision needs to be made based on all the factors in the case. There is discretion involved in this case. He felt there was a deficiency in that a written decision was not provided in which they could appeal which would extend the time frame to file an appeal. Since the written decision was not provided the owner's that was the reason they were given the reconsideration vote this evening.

Councilman Burke moved that the council reconsider the decision and accept the zone change to R-2.

Councilman Burke feels it meets all the criteria and it meets code. Councilman Datwyler expressed the city has fear of R-2 zone due to Caribou. The area is an island inside an R-1 zone. There needs to be transition from commercial to residential which is usually done thru R-2 zoning.

Motion seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	No
Councilwoman Weight	Aye
Councilman Taylor	No

The mayor indicated the motion passes with a zone change from R-1 to R-2. A new decision will be written and provided the parties.

Approval of Minutes:

Councilman Datwyler moved to approve the minutes of November 17, 2016 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 Olsen.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilman Datwyler	Aye

Councilwoman Weight Aye
Councilman Taylor Aye

Other Council Business:

Midnight Madness and Light Parade: The mayor reminded the council of Friday's evening events and light parade.

Christmas Dinner: Discussion on having an employee Christmas dinner for the employees. Due to the lateness of the remaining days this month a dinner is planned for January 4, 2017. The mayor will make the arrangements.

Public Comment:

Discussion on limiting public comment period to 20 minutes or allow extended time.
Councilman Datwyler moved to extend public comment period and eliminate the 20 minutes limitation.
Motion seconded by Councilwoman Weight.

Mayor called for a voice poll: Four in favor – one opposed.

Kevin Cowley: Lives just south of the canal. Concerned with the traffic being increased if the bridge is put in on 4th West. The bridge along with the traffic will decrease his home value. He's also concern with the increased traffic with his kids riding in the subdivision. Feels the city code is not be followed. The neglect of the city in not putting in the bridge for 12 years but now it's becoming an issue. 5th West would be a viable alternative.

Megan Cowley: Cites the city council needs to do what best for all citizens and not a select few. Lack of parking on Caribou is a minor issue. Safety of the neighborhood is of higher concern and council should plan for emergency. Opposes statements made in prior meeting are reprehensible to call one area of the city diseased. Make the community better: put in a road.

Stacy Grant: She put the petition together and obtained signatures in favor of a foot bridge with over 200 signatures. Overwhelming support for the foot bridge city wide. But if a foot bridge goes in, it needs to be fenced. Having living on 1st North for 15 years, the idea of having seclusion forever is not going to happen. In favor of a foot bridge on 4th and road bridge on 5th.

Deanna Dinsdale: The bridge on 4th was never engineered correctly. 1st North and 4th West were in place prior to Pioneer Park. All of the traffic going to the church comes down 1st North. The residents paid for the road on 1st North. 5th West is designated as a corridor road. Favors bridge on 5th West.

Mike Wilder: He has no opinion on the foot bridge. Opposes a road bridge and if one is put in would move out of the area. Feels the city keeps spending when funds are not available for a bridge. Feels the comments made by the council are at times inappropriate. Suggested parking limitations to certain days of the week versus no parking.

BJ Edwards: As a mortgage underwriter the values of homes in Hunter Cr versus Pioneer Park are valued differently if the same home is valued in Pioneer Park versus Hunter Cr., in Pioneer Park it would be

different in valuation. Having access to R-2 housing does affect valuation of adjoining homes. Hunter Creek is the highest taxed subdivision in the city.

Melissa Kilpatrick: When asked what could be done to strengthen relationships in the community: A bridge at both intersections would help. One road bridge and one foot bridge would help interaction between the two subdivisions.

Rob Webb: Highest concern is safety of children. After having been hit by a car he knows firsthand how easy it is for kids to forget safety. Strongly opposes the bridge on 4th West. Second concern is how the council keeps changing its decision. Constantly changing decisions by the council, tells him he has lack of confidence in the council. Is this decision going to change a week, month from now?

Rebecca Stucki: Favors putting in a footbridge. Would like her kids to be able to walk to church or to visit their friends without having to walk on 3rd West. 3rd West has high traffic with no sidewalks.

Melissa Eckersell: The overall tone of this evening has been lowered from the last meeting. Has concern with safety involving the canal. She is alright with changing opinion if better information comes forward. Safety of the canal should be first concern with the council including fencing. There is a loud and overwhelming public support for a foot bridge.

Scott Stoker: Concern with the differences between the two sides of the issue. Neither side wants more traffic in their neighborhood. Both sides argument is safety of the children. Is the only way the city can have growth is by apartments. It appears the council favors apartments over single family homes. He does pay high taxes for living in the city of Rigby which he accepts.

Candice Perry: Asked what is best for the community as a whole. She doesn't want her kids near the canal. She has lived in apartments and single family homes. Her experience in living in apartments is there is a high crime and theft rate.

Jenny Wilder: Expressed frustration when they come to the meeting to discuss a foot bridge and the discussion turns to a road bridge. Why discuss a bridge at this time when there is no growth on the north side. Appears to be prolonging the decision.

Shaunee Quirl: Noted that the plans for both subdivision shows a planned bridge on 4th West. That's why the road has an address of 4th West on north and south side of the canal. 3rd West is busy and lacks sidewalks. A bridge, in her opinion, won't increase traffic. The two subdivisions need to be connected.

Nicolle Nebeker: The traffic of cars on a road can be controlled with the installation of speed bumps. Concern with drownings and the canal needs to be fenced.

Mike Holm: Agrees with both sides on what's being said. Comes down to value. Council is not listening to the public and saying rude comments like if I don't like something we can move is not appropriate. When you come in here it appears your opinion is not valued.

Dave Grant: Need to get rid of the anger and contention that's being shown. Don't stereotype a whole section of town as causing crime and theft. He doesn't want any child injured. Traffic and growth goes hand in hand. Just needs to be done right. Needs a foot bridge and consider a road bridge.

Chad Larsen: Sad about the comments that being said this evening. Comments are being expressed from passion. Concern with safety of children and values of homes being affected.

Ruth Miller: As an apartment owner – her tenants are good people. Many of her tenants are students at BYU- Idaho. Apartments are needed in the city. A vast majority are good and you will get a few thieves but only a few.

Travis Smith: Being the first time attending a council meeting he's heard the same thing being said on both sides. The decision being discussed is tough and the council needs to make the best choice. Can't make everyone happy.

Concluding public comment:

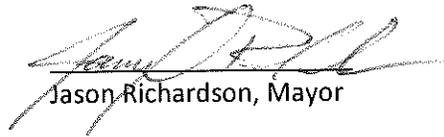
Adjournment:

Councilman Burke moved to adjourn seconded by Councilwoman Weight.

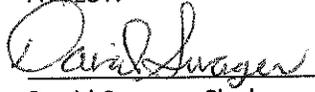
The mayor called for a voice poll: All in favor none opposed.

Meeting adjourned: 9:50

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk