

City of Rigby
Council Meeting Minutes
December 15, 2016

Mayor Richardson called the meeting to order at 7:00pm Thursday, December 15, 2016. The pledge of allegiance was given Kirk Olsen and the prayer given by Emily Thomas.

The mayor asked the clerk to call the roll:

| | |
|---------------------|-------------------------|
| Councilman Olsen | Present |
| Councilman Burke | Present |
| Councilman Datwyler | Present |
| Councilwoman Weight | Present |
| Councilwoman Thomas | Present |
| Councilman Taylor | Absent – Arrived 8:18PM |

Also present: Attorney Dunn and Chief Tower

Second Reading of Amended Beer, Wine, Liquor Ordinance:

The mayor asked if the attorney would read the proposed ordinance. Attorney reads the complete ordinance.

Councilwoman Thomas asked if the attorney would re-read the section pertaining to wine sales. It was discussed the section restricting sales on Sunday. It was discussed if the change and striking of the restriction would be deemed major and would require republication of the ordinance.

Councilman Thomas moved that Article C; sub paragraph 3-2C section A be stricken:

ARTICLE C. WINE SALES

3-2C-13: OPERATING HOURS:

- A. Wine: The hours that wine, other than packaged wine, **by the drink** can be sold by any licensee shall be from ten o'clock (10:00) A.M. to one o'clock (1:00) A.M., ~~save on the first day of the week when wine to be consumed on the premises cannot be sold or given away on and after one o'clock (1:00) A.M. Saturday and before ten o'clock (10:00) A.M. Monday morning.~~

The mayor indicated this was the second reading and asked the attorney if change was made would it require to be republished. The attorney indicated it was a clerical error with the intent of allowing beer, liquor and wine on Sundays and would not require republication.

Motion seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

| | |
|---------------------|-----|
| Councilman Olsen | No |
| Councilman Burke | Yes |
| Councilman Datwyler | No |
| Councilwoman Weight | Yes |
| Councilwoman Thomas | Yes |

The mayor commented that the public is wondering why the council is ignoring the polling done in the last city election. He wondered if the process is not backwards and should not the change be put in the hands of the bar owners, using the language presented. He felt it best to have the saloon owner's petition to have an initiative and getting the support of the public. By so doing it would be less divisive and more unifying if they (the bar owners) would request the change.

Councilman Datwyler commented that Councilman Taylor suggested that same thing earlier. Councilman Olsen didn't want to continue to draw this decision out.

Subscription to ICRMP's Police Policy/Procedures Manual:

Chief Tower came forward and explained the manual the department is currently using from Lexipol . He indicated the bulk of it contains procedures that the city doesn't have i.e. swat team. ICRMP has developed a far simpler and smaller policy and procedure manual that more similar to what the city needs. The ICRMP manual was developed and adopted by the Idaho Association of Police Chiefs and county sheriffs'. The price of the ICRMP manual for an annual subscription of \$1,500. The department needs a policy and procedures manual but feels the Lexipol manual is overkill. The last active update of the Lexipol manual was done around 2012.

Councilman Datwyler noted the need for a manual but asked if the annual renewal could be renewed every other year versus annually. The chief will check with ICRMP on that option. He felt it was core base policy which must be followed for all agencies. Other policies can be developed in-house and added in addition to the ICRMP manual.

Treasurer's Report:

The treasurer came forward and reviewed the year-end financial statements. He reviewed with the council his management letter sent to the council. The first review consisted of the comparison of actual revenue versus actual expenditures. For the most part all of the funds ended the year with positive revenues exceeding expenditures but for debt service, park and the sanitation fund. For both the park and sanitation fund the expenditures exceeded revenues due to the purchase of capital outlay items. For the debt service fund the city made an advanced payment of \$500,000 in bond redemption from accumulated saving within the debt service fund.

For budgetary control he compared budgets with actual for all funds and noted all the expenditures were within budgets except the capital improvement fund and airport fund.

His last analysis was the computation of 90-day working capital. Based on his worksheet all of the funds have funds in excess of their established goals. He concluded his remarks by saying the city needs to continue its work on the 5-year capital facility plan. The year 2021/22 needs to be reviewed with planned projects – city wide. He cautioned against the "knee jerk" spending/budgeting. Only looking at the cash available at any one point in time without long term planning put the city at risk and created the "financial crisis" of the past. The audit report should be available mid-February and the auditors completed their field work this past week. He feels the city is in excellent financial position.

He also discussed the year-end journal entries. He failed to copy them for the council but if anyone wanted to review them they were available.

Interfund transfers:

The treasurer also reviewed with the council the quarterly interfund transfers and the three semi-annual transfers that needed to be done at this time. The transfers are as follows:

| | <u>To</u> | <u>From</u> |
|-----------------------------|-----------|-------------|
| General Fund | 18,750 | |
| Water Revenue | | 6,250 |
| Sanitation Fund | | 6,250 |
| Sewer Revenue | | 6,250 |
| Jefferson Historical Museum | 2,500 | |
| Rigby Airport | 3,000 | |
| Rigby Sr Citizens | 4,500 | |
| General Fund | | 10,000 |

Councilwoman Thomas moved to approve the interfund transfers as reviewed seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

- Councilman Olsen Yes
- Councilman Burke Yes
- Councilman Datwyler Yes
- Councilwoman Weight Yes
- Councilwoman Thomas Yes

Correction prior council decision –Reconsideration of zone change:

The mayor mentioned that on the November 3 meeting the council held a public hearing on a requested zone change on the Kee Cranks property and voted to deny the zone change from R-1 to R-2. The vote in denying the zone change needed to specifically state why the zone change was denied. Then after that decision was written the parties could request a “reconsideration” of the vote. Not having the written decision provided the party prior to the reconsideration hearing was deemed incorrect. The mayor therefore was requesting that each of the council that voted in denying the zone change state his/her reason in doing so, so a written decision can be provided the party. Then after having a written decision in hand, the Cranks could request reconsideration hearing per Idaho Code 67-6535.

Councilwoman Weight: Read the attorney’s decision and feels it expressed her reason to oppose the zone change.

Councilman Datwyler: Added to his comments in saying that after reviewing the comp plan he cited where citizen’s participation needed be considered in their decision. He also noted the comp plan in granting a zone change should not impact an individual’s property values. The re-zone should not adversely affect one property over another. He also noted that R-2 housing is needed in the city but this is not the correct location.

Councilwoman Thomas: Concurred with the written statement but also wanted to add to her comment what Councilman Datwyler said.

Councilman Taylor: Not being in attendance, the mayor indicated he would contact him and have him provide the reason for his decision to the attorney so the attorney could write the decision.

Approval of the Minutes:

Councilwoman Weight moved to approve the minutes of December 1, 2016 seconded by Councilman Olsen.

The mayor called for a voice poll: All in favor with Councilwoman Thomas abstaining.

Review and Approval of Bills:

Councilwoman Thomas asked about the Caselle and Sterling Codifiers bills. Councilman Olsen moved to approve the bills seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

| | |
|---------------------|-----|
| Councilman Olsen | Yes |
| Councilman Burke | Yes |
| Councilman Datwyler | Yes |
| Councilwoman Weight | Yes |
| Councilwoman Thomas | Yes |

Other Council Business:

- Employee Christmas Dinner: The mayor indicted the Sr Citizen Center building on Jan 4, has been reserved but Jan 11 could be available. After comments from the council, the mayor will look for another place to host the dinner on January 4, 2017.

Public Comment:

Councilman Datwyler questioned why the 20 minute time limit was being placed on the agenda. He felt this may be the only time the public had to address the council on their concern. Councilwoman Thomas felt the same. The council debated the issue among themselves. The mayor indicated if that was the consensus in the council the time limit would be removed in the future. The period for public comment is not a time for question and answer between the public and council.

Councilman Datwyler moved to remove the 20 minute time limit on public comment for this meeting and future meetings seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

| | |
|---------------------|-----|
| Councilman Olsen | No |
| Councilman Burke | No |
| Councilman Datwyler | Yes |
| Councilwoman Weight | Yes |
| Councilwoman Thomas | Yes |

Glenn Blake: Declined to speak

Valerie Blake: Declined to speak

Fred Miller: Felt the re-zone to R-2 was not appropriate and felt what Councilman Datwyler said was appropriate.

Aliza King: Opposes the change on the zone change. Brought in two letters (James Barron and Lee Jephson) who were also opposed to the zone change. Wanted the council to listen to the public and why they are opposed to the zone change.

James Southerland: Opposed to the zone change. Realize the development of the property will in time occur but to develop as R-2 property is not appropriate. He built his home knowing the acreage was zoned as R-1 should be kept as R-1.

Jorge Spat: Opposed zone change to R-2. Felt the comp plan is not being followed by allowing for pockets of R-2 zone within R-1 zone.

Garth Cordon: Not in attendance.

Becky Harrison: Provided written studies from the Portland area which noted the decline in property values when R-2 zones are brought into an area. Pockets of R-2 zoning do occur but should only be areas allowing for R-2 zones and such development did help the community.

Robert Gulden: Opposed to the R-2 zone. Felt the area could be bid out as R-1 zone which could be done and all property owners would accept. Win-win for both the city for added development and citizens.

Linda Baker: Is opposed to a change in the liquor ordinance. Read from an article highlighting the negative effects of alcohol to the human body.

Councilman Taylor enters meeting: 8:18pm

Marvin Baker: Is opposed to a change in the liquor ordinance. Read a story of a man mad over the death of this daughter by a drunk driver and later learned his daughter obtained the alcohol from his home.

Jerry Simonson: Opposes the zone change to R-2. The property is not contiguous. Felt Councilman Datwyler explanation was appropriate.

Christa Widdison: Is opposed to a change in the liquor ordinance. The council is not listening or working in keeping the harmony of the city with what the founding fathers intended it to be- a family community. A family community includes family values. Family values do not include bars.

Linda Simonson: Opposed to the change in zone to R-2. Once it's zoned as R-2 you lose control of the type of buildings that can be built on the property.

Opposes to the council dictating when a business can and cannot be opened. If the state allows bars to be opened on Sunday the city should also allow the owners to decide if they want to be opened.

Corey Wells: Opposes the R-2 zoning. Supports what Councilman Datwyler cited. Also noted that a second piece of property could be rezoned to R-2 – end of West 2nd North. Feels the citizens have a lack of faith in the council and the city ordinances thru your recent actions. Doesn't feel the new laws will protect their investments.

Kent Ward: Opposes to apartments being built. See problems on Caribou. Opposes to changing the liquor ordinance. We voted in opposition and it keeps coming up even after the vote showed the public did not want Sunday sales.

Elaine Ward: Opposed to the change in liquor laws. Need to set an example for our youth without alcohol.

Lisa McKinney: Concurs with the statement made by Corey Wells. 2nd North will be the next issue that will be requested to rezone R-2. There will be nothing to stop such development. 9 years ago, this same property was brought before the council for an R-2 zone and it was denied then as it should be now.

Ron Jepsen: Opposed to R-2 zoning. The property is surrounded on three sides with R-1 homes and doesn't fit. The one side is not contiguous.

Adjournment:

Councilwoman Thomas moved to adjourn seconded by Councilman Taylor.

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

Meeting adjourned: 8:48PM

CITY OF RIGBY


Jason Richardson, Mayor

ATTEST:


David Swager, Clerk

WRITTEN DECISION
FOR

Zoning Ordinance Request for Zone Change-359 N. 3rd W.

A public hearing was scheduled for November 3, 2016 with the Rigby City Council at the City Building in Rigby, Jefferson County, Idaho. Notice was sent to the Rigby Jefferson Star News for Publication as required by State Statute (I.C. 67-6511) and the Rigby City Ordinance.

Kevin Thompson (215 Farnsworth Way, Rigby, ID) presented the application to the City Council. Thompson explained that the reasoning for the proposed change was to allow multi-family buildings. He believed the zone change would be consistent with the area.

Thompson was questioned on the definition of contiguous by Councilman Taylor.

Councilman Datwyler had issues with egress and ingress on the property onto 3rd West.

Councilwomen Thomas had questions on other uses for the property consistent with the current R-1 designation.

Councilwoman Weight had issues with parking and visitor parking if the zone was changed.

Councilman Olsen was concerned with apartments abutting single family homes and desired buffer space.

Public Comment:

For: Jessie Byrum-desired a financial transaction as the selling agent.

Joel Robison-developer desires financial gain.

Against: Barry Lewis-water and sewer concerns.

James Southerland-concerned over crowding and road traffic.

Jerry Simonson-believes does not meet code because the area is primarily R-1. Traffic concerns. Children safety.

Linda Simonson-not consistent with surroundings.

Melissa King-petition of 60 people against. Would not have purchased if believed apartments would overcrowd the area.

James Barron-does not want overcrowding.

Becky Harrison-pets, crime, traffic with more dense population were her concerns.

Misty Stoker-wants buffer as the majority is R-1 housing.

Michelle Robison-does not want to be surrounded by apartments.

Scott Stoker-home values and mixture of Zones was his major concerns.

Stacy Byington-theft, car traffic, canal safety not appropriate for apartments.

Rebuttal: Kevin Thompson-adequate size of roads, discussed contiguous, change inevitable.

In Conclusion:

Upon discussion, the Board of City Council of Rigby discussed all of the items brought up from the individuals as stated above. The Council had mixed opinions.

Those council persons against the zone change reasoned as follows:

Datwyler: The best interest of the community would not be served as the proposed zone was in an inappropriate location. The area was predominately R1 housing and was abutted on three sides by R1. The property values would be affected adversely by a mixture of multi-family and single family. The majority of residents did not favor the concept of a zone change.

Thomas: written statements with community input were opposed to the R2 changes. The area was inappropriate and was predominately zoned R1. The R2 was questionable as contiguous as it was crossed a street and did not abut a full side of the proposed change.

Weight: agreed with the speakers that their points were valid, to-wit: overcrowding , infrastructure, pets, traffic, density, not consistent with the comprehensive plan,

Taylor: did not conform to comprehensive plan; was mainly R1 on three sides; the R2 side was separated by a roadway; not the appropriate location for a R2 zone.

Motion by Councilman Datwyler to deny the zone change; seconded by Councilwoman Thomas. Ultimate vote was 4 in favor of denial and 2 against denial. The Zone Change was denied.

Section I.C. 67-6511 of the Idaho State Code was considered.

The applicant has the right to request a regulatory takings analysis pursuant to Idaho State Statute 67-8003. A motion for reconsideration may be filed with detailed statements of how the council decision was incorrect.

Document completed this 30th day of December, 2016.


MAYOR


ATTEST: CITY CLERK