

City of Rigby  
Council Meeting Minutes  
December 16, 2021

The council president Datwyler called the meeting to order at 7:00 pm Thursday, Dec 16, 2021. The pledge of allegiance was given by Aliza King and the prayer given Doug Burke.

The chair asked the clerk to call the roll:

|                       |         |
|-----------------------|---------|
| Councilman D Burke    | Present |
| Councilman Datwyler   | Present |
| Councilwoman King     | Present |
| Councilwoman Weight   | Present |
| Councilman R. Burke   | Absent  |
| Councilwoman Harrison | Absent  |

Also present: Sam Tower - Mitch Bradley (via phone) – Robin Dunn

Amend Agenda:

The chair noted that Broulim's had just requested an application to sell fireworks for the New Year Day celebration. They were not aware of the requirement to apply for a permit until they came in. The chair requested the agenda be amended to allow for a decision on the application.

Councilwoman King moved to amend the agenda to consider the fireworks application from Broulim's to sell fireworks for the New Year Day celebration. Motion seconded by Councilwoman Weight.

The chair asked for a voice poll: all in favor none opposed.

(Councilwoman Harrison enters meeting: 7:16)

Public Hearing: Appeal Annexation 244, 206, 198 N Yellowstone Hwy.

James Boone representing the three applicants for annexation came forward to explain why they were appealing the decision from the planning zoning commission. During the planning zoning public hearing the commission wanted to have an EPA test done on the soil which was a car wrecking yard. Mr. Boone contacted EPA and was informed by them that after annexation and/or prior to the issuance of a building permit a soil test could be conducted. A test prior to annexation would not be appropriate. This was the main reason for the appeal with the new information being presented. He then reviewed the plans for annexation with zone change. The property will be split between commercial (which is the present zone) and R-3 for the back section of the property to be built as a PUD.

Public comment:

None for or neutral

Opposed:

Todd Porter – 192 N Yellowstone: Mr. Porter residing at 192 N Yellowstone is opposed to having residential housing next to his business. He feels the residents will begin complaining about the noise coming from his business. He also expressed concern with traffic on the hwy and 200 North. More residents will create more traffic with the new school and existing traffic.

Terry Ray – 196 N Yellowstone Hwy. is opposed. His business which he opened in 1976 is also concerned with the area being used for residential housing. Complaints will come when you have residential next to commercial. Feels the property should be kept commercial.

Craig Hart – 32908 E 200 N – operates a potato packing shed to the west of Yellowstone Hwy. His main concern was residential being built in a mainly commercial zone. Traffic with the school and more houses will only increase congestion. He has refrigerated trucks coming in during the night with the cooling systems running and will create complaints from the residential homeowners.

Cindy Gilson 3928 E 200 N – has lived there for 40 years. Feels commercial is the correct zone and should not include residential homes. The traffic has increased with the school and with more housing it will only increase.

Public comment closed:

Rebuttal:

Mr. Boone said ITD will address traffic when it becomes an issue. Traffic and growth will continue and is part of the community. Stated he had not contacted Mr. Porter and apologized for not doing so.

Council Discussion:

Councilwoman Harrison: ITD will review the traffic issues. Feels the property should stay commercial but said the plan does fit with the comp plan that has been discussed (which is still in the discussion stage).

Councilwoman King: the question of the soil test has been addressed.

Councilman D Burke: has mixed feelings about changing to residential but feel annexation would be beneficial.

Councilman D Burke moved to accept the annexation with zone designation as stated in the application. Motion seconded by Councilwoman King.

The chair asked the clerk to poll the council:

|                       |   |
|-----------------------|---|
| Councilman D Burke    | Yes – plan fits the zone and future growth pattern.                             |
| Councilman Datwyler   | No – site should remain commercial.   |
| Councilwoman King     | Yes – hopes the developer will be good neighbors.                               |
| Councilwoman Weight   | Yes – plan fits with the future comp plan of mixed use.                         |
| Councilwoman Harrison | Yes – recognizes issues with the traffic however plan fits the future comp plan |

Public Comment:

- Dennis Gilson – Stated again that he was opposed to the property west of him being permitted to build family housing on the property.
- Todd Porter – Stated the mixed use of the property in that area was not a good fit. Recapped his experience working with DEQ and the problems they brought up.
- Craig Hart – Asked when the new comp plan the council was talking about would be available.
- Terry Ray - Concerned with soil contamination in the old wrecking yard and how it's going to get cleaned up.

2<sup>nd</sup> Reading Ordinance #2021-625 – Annexation Henry Property:

Councilwoman King moved to read the ordinance in title and summary only, seconded by Councilwoman Weight.

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

Councilman Datwyler reads the title and summary of the ordinance.

Year- end Financial Statements:

The clerk recapped the Sept 30, 2021 year-end financial report with the council. Recapped budgeted revenues with actual and budgeted expenditures with actual. Noted the auditor had been in to conduct their field work and would be issuing the audit report in January/February, 2022.

2020 Road Report:

The clerk presented the council with the annual road report for the year 2020-2021. As required by state code, the council is to review and report and upon acceptance have the report published.

Councilwoman Harrison moved to accept the 2020/21 road report and to publish same, seconded by Councilwoman King.

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

Water Line Extension – 4000 East:

The clerk had received the engineer's estimate of cost for the construction of the water line along 4000 East. He commented that although we have an estimate of the costs, we do not have a signed agreement from the developer to his comment to the project. Mr. Bradley indicated he would contact the developer next week and see where he stands now that he has a cost estimate to review.

Councilwoman Harrison moved to table the decision on the contract seconded by Councilwoman King.

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

Nomination of planning zoning member:

The chair indicated that Mayor Richardson wants to put forth the name of Lacy Post for the position of planning zoning commission member. Mrs. Post has lived in the community and is an assistance coach at the school. Councilwoman Harrison stated she knows Mrs. Post and supports her nomination.

Councilwoman Weight moved to approve the nomination of Lacy Post to the city's planning zoning commission seconded by Councilwoman King.

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

Fireworks Permit:

The application for the sale of fireworks over the holidays by Broulim's was discussed. The fireworks will be inside the store and will require inspection by the fire department.

Councilwoman King moved to approve the fireworks permit for the Broulim's store seconded by Councilman D Burke.

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

Other Council Business:

- Councilwoman King thanked Councilwoman Weight for her years of service on the city council.
- 4-way stop on Annis/400 North: Mitch Bradley said he had spoken with Dave Walrath from the county and he is going ahead with the 4-way stop on Annis and 400 North. Walrath noted Rocky Mountain Power will assist in getting funds for a flashing stop signs.

Approval of December 9, 2021 Minutes:

Councilwoman Harrison moved to approve the minutes of December 9, 2021 seconded by Councilwoman Weight.

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

Review and approval of bills:

Councilwoman King moved to approve the bills seconded by Councilwoman Weight.

The chair asked the clerk to poll the council:

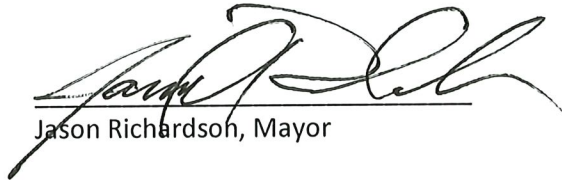
|                       |     |
|-----------------------|-----|
| Councilman D Burke    | Yes |
| Councilman Datwyler   | Yes |
| Councilwoman King     | Yes |
| Councilwoman Weight   | Yes |
| Councilwoman Harrison | Yes |

Adjournment:

Councilwoman King moved to adjourn seconded by Councilwoman Weight.

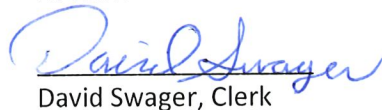
The chair called for a voice poll: all in favor none opposed.

Meeting Adjourned: 8:25 pm



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk