

City of Rigby  
Council Meeting Minutes  
February 7, 2019

Mayor Richardson called the meeting to order at 7:00pm Thursday, Feb7, 2019. The pledge of allegiance was given by Doug Burke and the prayer given by Kirk Olsen.

The mayor asked the clerk to call the roll:

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

Also present: Chief Tower & Attorney Dunn

Public Hearing – Annexation J&A Legacy LLC:

Ted Whyte representing J&L Legacy LLC came forward and discussed the reasons that the party felt it would be advantageous to be annexed into the city. He explained the reason behind the three zones being requested: commercial, multi-family and single family. He stated that the frontage along Hwy 48 is not conducive for single family. The frontage is better suited for commercial development. The next third of the acreage transition into multi-family with it being a buffer from commercial and single family. He stated that the citizens as discussed in the planning/zoning meeting were concerned with their homes being affected with multi-family housing but this is a better alternative than having the property developed as commercial as the county currently has it zoned. Mr. Whyte reviewed the access points that ITD has granted for the development with the major access being placed in the middle of the frontage and two smaller access on the west side Lynn Dansie home and one on the east side along the property boundary. The current driveways to the two homes will be closed to a single driveway with access to both homes.

Council reviewed the map and reviewed the access as discussed granted by ITD. The council also asked if the property to the east had been approached to being annexed. Mr. Whyte stated he had approached them but they were not interested at this time.

The mayor stated that on any annexation coming into the city is usually is annexed as R-1 unless a different zone is requested. Being that the county had zoned the property as commercial it could be zoned as commercial but the applicants are requesting the three zones.

Opposed:

Erica Jones is opposed to the R-2 zoning because it abuts her property. She was concern with the number of children that will be living in R-2 housing crossing Hwy 48 to get to school and this is a safety concern.

Neutral:

Marvin Fielding signed as being neutral but he echoed Mrs. Jones concern with children crossing Hwy 48 and he is opposed to the R-2 zone. He stated the development needs to follow the city's comp plan.

Council Discussion:

Councilman Burke commented that he has seen a large number of kids playing dodge ball to cross the highway but the issue needs to be addressed through ITD. Councilman Taylor asked why the two different access widths being allowed by ITD – 60 foot and 30 foot. Councilman Hall said the state has already placed driveways cuts on the two 30 feet. The access to the east is 30 foot but it may be expanded if and when the adjacent property owner wants an access along the property line. Discussion on placing either a crosswalks or pedestrian overpass needs to be formal request initiated by citizens, city and school to ITD. The mayor stated the property will in time be developed and traffic will always be an issue. Having the property developed as full commercial is not likely to happen. Councilman Hall asked Mr. Whyte if the zone designated as presented if any other configuration had been reviewed. Mr. Whyte said no, the design as presented was the best fit given the property. The mayor stated the setback between R-1 zones and R-2 zones is 50 feet. Councilman Taylor stated the single access will require that the side road for all three zones will be focused on the major access versus having 14 separate driveways exiting onto Hwy 48.

Rebuttal:

Mr. Whyte stated the R-2 zone is a transition between commercial and single family housing. He stated the next step would be to find a buyer and the buyer would present a plan that would be accepted by the city. R-2 zone will allow twin homes to be built which is a nice transition between R-1 and Commercial. The homeowners purchased their homes adjacent to development which has a zoning of commercial which could be storage units, auto garage and whole host of other commercial businesses. He noted that in the Sunbrooke subdivision there is a dead end road which could have been a planned access to the Dansie property. Mr. Whyte said the R-1 zone is the largest of the three zones.

Further Council Discussion:

Councilwoman Weight was comfortable with the concept and that it is responsive. Councilman Taylor the new development being done at the end of Caribou isn't as tight and the older ones. He likes the new R-2 regulations. Councilman Datwyler was concerned with the R-1 zone only having access through R-2 and the commercial zone. Mr. Whyte said the design is not before the board.

Councilman Taylor moved to approve the annexation along with the zones as designated.

Discussion on motion: Councilman Hall said the zone designated is obtained through the legal. Councilman Datwyler said the R-1 zone is roughly 15 acres for the, 12 acres for the R-2 zone. Councilwoman Weight seconded the motion.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes
Councilman Olsen	Yes

Review and approve publication of ordinance for annexation:

The council reviewed the draft copy of the ordinance.

Councilman Hall moved the council approve the publication of the annexation ordinance #2019-598 seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes	
Councilman Taylor	Yes	Like the new R-2 restriction/regulations
Councilman Hall	Yes	
Councilman Datwyler	Yes	Has concern with single access for R-1 off Hwy 48
Councilwoman Weight	Yes	Is comfortable with concept
Councilman Olsen	Yes	

The mayor asked the attorney to clear up a couple of issues in the draft copy prior to it being published.

Mayor's Items:

Airport Board: The mayor nominated Richard Lee to serve on the airport board.

Councilman Hall moved to accept the nomination of Richard Lee to the airport board seconded by Councilwoman Weight.

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

Urban Renewal Board: The mayor nominated Tanya Hillman to the urban renewal board.

Councilman Hall moved to accept the nomination of Tanya Hillman to the urban renewal board seconded by Councilman Burke.

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

The mayor nominated Steve Abbott to the urban renewal board.

Councilman Olsen moved to accept the nomination of Steve Abbott to the urban renewal board seconded by Councilman Hall.

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

The mayor nominated Doug Corbett to the urban renewal board.

Councilman Hall moved to accept the nomination of Doug Corbett to the urban renewal board seconded by Councilman Olsen.

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

The mayor moved to retain Councilman Hall and Councilman Taylor on the urban renewal board.

Councilman Taylor moved to accept the nomination of Adam Hall and Benson Taylor to the urban renewal board seconded by Councilman Hall.

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

The attorney will draft the ordinance for the creation of a new urban renewal commission.

Planning/Zoning: Roger Warner has served on the planning zoning board for the last eight years. The mayor stated that with the city going through a revision of the impact area felt Mr. Warner's experience and expertise during this change is needed. He had consented to serve a third term which is allowed by state statute if the council votes two thirds to approve.

Councilman Hall moved to approve Roger Warner to a third term on the planning zoning commission seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes
Councilman Olsen	Yes

Councilwoman Weight mentioned a person interested in serving on the planning zoning commission.

Public Works:

USDA grant/loan Program:

Lana Duke from US Dept. of Ag – rural development came forward and reviewed with the council various programs USDA has for municipal water/sewer projects. For water projects there is a requirement that for grants the municipal have metered water. However, there is an exception to this under for two reasons: 1) an opinion from the city bond attorney that the judicial confirmation did not contain wording that allows for meters and 2) an opinion from an engineer as an addendum that the cost of installing meters is cost prohibitive to the city.

If the city could meet those two exceptions then the city could qualify for USDA grants up to 40% of the project costs. But most of the grants are awarded at 20/30% of eligible costs. However, the water rates the city charges (\$22.00) must be comparable with other cities. Rigby's rates are significantly lower than comparable cities. Preston is raising their water rates by \$50.

If the city elected to not raise their water rates to the \$40/\$45 month rates then loans would be available. Currently funds are available at 3 3/8% for 40 years. If the city sought a USDA loan under the loan program the debt per month would be around \$12.30 month.

The mayor and council expressed concern with given what's happening in the sewer plant that an increase of \$40/50 would not be acceptable to the public. The mayor stated that even though he is opposed to debt a debt of \$5 million to fund the project with a monthly increase of \$13 month plus an additional amount would be a better alternative because you'd have the \$40 month increase plus a portion of the project not funded by grant having to have debt to fund it.

The mayor thanked Mrs. Duke for the information and thanked her for her assistance on this.

Sewer Lift Pumps:

Scott Humphreys from the wastewater treatment plant came forward and explained the need to replace the main sewer lift pumps installed in 2013. The pumps have never worked as spec by Keller's and had to have two modifications. And even after the modification were made have not functioned as warranted. The warranty for the pumps should have been for 5 years but the written warranty was only for 2 years. The company that gave the warranty is no longer in business. Mr. Humphreys stated that other cities are replacing the Hydromantic pumps with the Flygt pumps he has spec'd. The cost to replace the old pumps is \$62,928.

Council discussed the situation and expressed concern with the short life of the pumps. They asked for assurances that they would not need to be replaced in the next 5 years. Mr. Humphreys stated he was confident that this would not happen. Mr. Humphreys stated that Keller's has assisted him in the pumps.

Councilman Taylor moved to approve the pumps and installation up to \$65,000 seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes
Councilman Olsen	Yes

Excavation Permit:

The mayor reviewed the excavation permit that the public works director discussed last council. He had a couple of issues with it and wanted the attorney to review it prior to discussing it further.

The topic was tabled for further information.

Clerk's Report:

Copier: The clerk reviewed the current Ricoh copier whose 60 month lease has expired. He obtained three bids: Valley Office - \$73.65/month; Yost Office - \$77.90/month and Ricoh USA from Logan, UT - \$110.00/month. All three bids were bidding on a Ricoh MP2504EX copier. The per copy maintenance were the same for Valley and Yost with Ricoh USA being lower on per copy price for both black/white copies and color. The clerk recommended the firm of Valley Office with the lowest bid.

Councilman Olsen moved to accept the Valley Office copier seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes
Councilman Olsen	Yes

Financial Statements:

The clerk reviewed the financial statements for the period ending December 31, 2018. He noted that all of the funds as presented on the excel spreadsheet were with the budget for revenues and expenditures as were the departments within the general fund.

Approval of Minutes:

Councilman Taylor moved to approve the minutes of January 17, 2019 seconded by Councilman Datwyler.

The mayor called for a voice poll: All in favor none opposed, Councilman Olsen abstained due to nonattendance.

Review and Approval of Bills:

Councilman Hall moved to approve the bills presented February 7, 2019 seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes
Councilman Olsen	Yes

Other Council Business:

URA Ordinance: The mayor will have the city attorney draft the ordinance re-establishing an urban renewal board and if any changes were needed the council needs to contact him prior to drafting and publishing the ordinance.

Area of Impact: The Mr. Bradley is currently meeting with the county's planning zoning commission on updating city's impact zone. The city has 14 points that need to be addressed for any new subdivision that will mirror the city's requirements. A public hearing will be held at the planning zoning commission as well as at the city council. Due to the time crunch the city is facing prior to the expiration of the moratorium the county has placed on issuing building permits the publication of the notice for public hearing will be done prior to the council reviewing the preliminary impact zone on March 21. The city attorney mentioned that since the county's p/z administrator and county attorney worked on the impact zone they will be drafting the city's ordinance.

Library: Councilwoman Weight reported the library has issued their 2018 annual report wherein 105,000 were check out with an inventory of 30,000.

Public Comment:

None

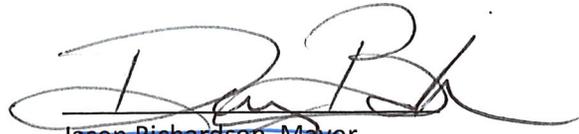
Adjournment

Councilman Hall moved to adjourn seconded by Councilman Datwyler.

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

Meeting adjourned: 9:05

CITY OF RIGBY



Jason Richardson, Mayor

Doug Burke Council Pres

ATTEST:



David Swager, Clerk