

City of Rigby
Council Meeting Minutes
January 5, 2017

Mayor Richardson called the meeting to order at 7:00pm Thursday, January 5, 2017. The pledge of allegiance was given Doug Burke and the prayer given by Benson Taylor.

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	Present

Also present: Attorney Dunn and Chief Tower

Public Hearing – Intention to Create LID #9

The mayor indicated the first order of business would be to hear public comment on the proposed intention of the city to create LID #9 for infrastructure improvements. He commented that no one had signed in for the comment period. Mrs. Sherman stated she wanted to ask questions on the LID but was unaware of having to sign in. The mayor called Mrs. Sherman forward and asked if anyone else in attendance wanted to speak. One gentlemen indicated he just wanted to hear what is being discussed on the LID.

Mrs. Sandra Sherman:

Stated she had various questions regarding the improvements on Claremore. How was Claremore selected for the improvements and why? Where are the sewer and water lines going to be placed? What is the guarantee of the plastic pipe from leaking? She has lived in her home for 15 years and has not had any problems with the sewer or water lines. Why did the city change its mind on doing away with the police department to save money now the city is spending \$225,000? When the Mayor and Rick Lamoreaux came to her home, neither asked if she had had problems with her sewer or water. How will each home be connected to the water and sewer lines? How long with the construction take to complete and how will access be handled? She stated that she felt the citizens were not fully informed with the full scope of the work. Her neighbor across the street said she was informed by either the mayor or Mr. Lamoreaux, that Mrs. Sherman had had problems with the sewer. Mrs. Sherman countered that she has never had problems with her sewer. Mrs. Sherman concluded that three or four of the homes along Claremore have been sold since the mayor came door to door and the new owners were not aware of the pending costs.

Being no other person wanted to present testimony the mayor closed the public hearing.

The mayor responded to Mrs. Sherman stating there have been problems with the sewer on several of the homes on Claremore. The sidewalks and curbs and the road are disintegrating. He cited one child fell through a storm drain while a riding trike. The reason for going door-to-door to get citizen's input and to incorporate the sewer/water project into a single project for the road/sidewalk and curbs. If the city were to only do the sewer/water project only that portion of the road being excavated for the sewer lines would be replaced. The city wanted to piggyback the full road restoration in conjunction with the sewer work. Or, in four, five, six years down the way the city could come back and replace the full road bed along with the sidewalks and curbs all of the costs would be borne by the residents. He further stated the difference involving the police department involves the general fund while the water, sewer and garbage revenues and expenses are maintained within each of the respective departments. It would be illegal to take money from the three funds for the police department. Rick Lamoreaux came forward and stated there have been several homes with sewer problems. The sewer lines are in the back yards making servicing the lines difficult. With the project the sewer lines will be moved to the streets with the sewer lines being re-routed from the back to the front. The water lines from the main to the curb would be replaced with one inch poly pipe with a new brass shutoff valve. Construction time would be estimated to run three to four months. If the city were only do the sewer part of the project the time period would be six to eight weeks. Lamoreaux also stated Claremore was identified in a sewer study conducted a number of years ago. Mrs. Sherman stated that the study information would have been informative had it been presented or discussed to her by either the mayor or Rick Lamoreaux.

Councilman Taylor asked about the process the LID goes through. The mayor asked the attorney to review the process. The attorney briefly stated this is the first phase with the intent to create. The next step would be to create an ordinance specifying the legal boundaries of the LID district with a public hearing and call for bids. There will be another public hearings which will be held after the bids are received and the amount that will be assessed each property owner. The process is available at city hall.

Mrs. Sherman had concern with her husband being an amputee he would have difficulty walking from the home to the church parking lot during the construction. It was noted that special accommodations would be made to those individuals with special needs.

Councilman Taylor moved to approve resolution #186-2016 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
Councilman Taylor	Yes

The mayor indicated the next step would be creation of an ordinance calling for bids.

Third Reading of the Amended Beer, Wine, Liquor Ordinance:

The mayor stated this would be third and final reading of the proposed amendment of the beer, wine and liquor ordinance allowing for the sale of alcoholic beverage by the drink on Sundays. He asked the attorney to read the proposed amending ordinance.

With the attorney having read the ordinance, the mayor opened the floor for council discussion.

Councilman Taylor wanted to restate his wanting to want a “sunset” of the ordinance for sometime after November for the citizens to proceed with an initiative to reverse the selling of alcohol on Sunday if they were so inclined. The mayor felt the bar owners should lead the change being they are the ones wanting the change. Councilman Taylor concurred but felt issues with the counter arguments will be higher crime, etc. The sunset provision will allow a review of the issues with crime and higher DUI to prove or disprove the arguments of those opposed to Sunday sales.

Councilwoman Thomas asked what the implication of a sunset provision would be. The mayor indicated the provision allowing for Sunday sales would end at the end of the sunset provision; the old law would then become effective. The mayor asked the attorney if such language could be inserted to allow the sunset as discussed. The attorney said such language could be added to the ordinance and unless there was an initiative or a referendum placed on the ballot which would override the sunset provision one way or another. Councilwoman Thomas knows of two petitions that have been circulated and felt it unjust to ask the bar owners to carry the petition.

Councilwoman Weight commented that the council could review the overall effects of the Sunday sales during the next twelve months and at the end of December based on a report the police can provide of the effects, the council could reverse the ordinance or continue with it if there is no effect on law enforcement. She further added to leave the ordinance as it is being proposed the way it is but do a review in December.

The mayor commented that he has heard from the patrons that if this is changed, they will do a petition with an initiative to reverse the Sunday sales. Councilman Burke liked the idea of the council review in December. Councilwoman Thomas felt there are citizens who want the change and if those are opposed to the change they can carry the ball to do the initiative then the language on the ballot will clear and not misleading. Councilman Burke felt it unjust to allow one business to be open on Sunday and another not open on Sunday. The mayor felt the wishes of the majority of citizens do not want to see alcohol sales on Sunday and we should respect those wishes. Councilwoman Weight said she had heard from a person that St. Anthony allows Sunday sales and over time it self-regulated itself where it is now mostly a coffee hour on Sunday. The mayor said our ordinance doesn't allow the bars to be open for any reason on Sunday, but this can be changed. Councilman Olsen also had heard that St. Anthony sales on Sunday ended how Councilwoman Weight stated.

Councilwoman Weight moved to approve ordinance # 2016-586 seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

Councilman Datwyler	No
Councilman Olsen	No
Councilwoman Thomas	Yes
Councilman Taylor	Yes – Wanted the sunset provision and he’s not supporting consumption of alcohol
Councilwoman Weight	Yes – Seconded what Councilman Taylor stated and disapprove of alcohol.
Councilman Burke	Yes

The amendment is passed and will become effective after it is published on January 11, 2017.

Waiver of Connection of Water/Sewer Fees on Courthouse Way:

The explained to the council that there are two lots on Courthouse Way that have been purchased and are ready for development but with the road not being in place the lots cannot be developed. The owner of the two lots has requested a memorandum of understanding that he will pay for the road, sidewalks and lighting in consideration of waiver of connection fees for water and sewer. The mayor supports the idea and wants to see some development. The waiver would only be to the extent of the cost of the road (roughly \$86,000). If and when the city receives the funds for the road through the lien the city has filed, a pro-rata share would be paid back against the fees waived and the costs paid for the road. The council discussed having a sunset provision on the waiver of connection fees if no buildings are constructed within the time period specified. The mayor indicated the developer would like to begin building this spring.

Councilman Taylor moved to allow the mayor to proceed on an MOU seconded by Councilman Olsen.

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

Agreement to Participate in 2017 Water Mitigation Agreement:

The mayor asked the clerk to clarify the relationship that the city had with the city of Pocatello. He recapped the process the city went through last year and the effect on the city if the water district called for an early restriction on our water rights. Last year the AIC along with a number of cities (Pocatello and Idaho Falls being the larger cities) formed a coalition to protect cities water rights. Pocatello holds water rights in Palisade reservoir which the participating cities used against any early water calls. The same agreement is being proposed this year. The cost of the program last year was around \$2,500. The program acts as insurance for the city.

Councilman Olsen voiced support for the participation.

Councilman Olsen moved that the city participate in the 2017 water mitigation with the city of Pocatello seconded by Councilman Burke.

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

Letter of Interest – Wastewater Treatment Plant Study Grant:

The mayor presented to the council an application for a grant to fund a study on the city's wastewater treatment plant which is needed to come into compliance with the proposed DEQ discharge regulations. The grant will fund 50% of the engineer fees (\$35,000) with the city paying the remaining 50%. The city will need to come into DEQ compliance by 2023. Currently the plant is out of compliance in meeting the ammonia levels. Keller Associates prepared the letter of interest. Marvin Fielding from Keller indicated there is no commitment one way or the other. The mayor asked if the submission of the grant was there a cost associated with the application? Mr. Fielding indicated there is no fee involved for the application from his firm. Councilman Olsen asked what the approximate cost would be. Roughly the costs will run from \$500,000 to \$1 million depending on what is deficient and what is needed to come into compliance. The clerk asked Mr. Fielding if the \$35,000 fee violates code 67-2806 in the bidding of services in excess of \$25,000 but less than \$50,000. Mr. Fielding indicated no it would not as no contract has been issued.

Councilman Taylor moved to submit the letter of intent for the wastewater planning grant seconded by Councilwoman Thomas.

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

Letter of Intent- South Rigby Interchange:

The mayor presented to the council a draft letter to the department of transportation. The focus of the letter is to draw attention of the need that the city needs an improved south interchange access. With the limited access off of Highway 20 both on and off, development south of Rigby is limited.

Councilman Burke felt the north interchange needed attention as well. The mayor indicated he would leave the letter open to either end. Councilman Burke wanted to look at expanding the city boundary south of town to allow for development. The mayor said that as commercial development comes in, they will need city services which the city can provide.

Councilman Thomas moved to proceed with the letter of intent to ITD seconded by Councilman Olsen.

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

Approval of Minutes:

Councilwoman Thomas asked for a spelling correction on page two.

Councilwoman Thomas moved to approve the minutes as corrected seconded by Councilwoman Weight.

The mayor called for a voice poll: All in favor with Councilman Taylor abstaining.

Review and Approval of Bills:

Councilman Taylor moved to approve the bills seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

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

Other Council Business:

Councilman Olsen commented on last evening employee's Christmas dinner and thanked those involved.

The mayor informed the council he would be missing the next two council meetings and Council President Burke will chair the meeting.

Public comment:

None

Adjournment:

Councilman Datwyler moved that the council adjourn seconded by Councilwoman Weight.

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


Meeting adjourned: 8:28pm

CITY OF RIGBY



Douglas Burke, Council President

ATTEST:



David Swager, Clerk