

City of Rigby  
Council Meeting Minutes  
July 16, 2020

Council President Datwyler called the meeting to order at 7:05 pm Thursday, July 16, 2020. The pledge of allegiance was given by Richard Datwyler and the prayer given Aliza King.

The chair asked the clerk to call the roll:

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

Also present: Chief Tower and Robin Dunn

3<sup>rd</sup> Reading of Ordinance #2020-613 – Annexation Pacific Holdings:

The chair asked that the clerk explain an issue that has arisen regarding the annexation prior to the reading and adoption of the ordinance. The clerk explained that through the planning/zoning process on the annexation and preliminary plat the arterial road assessment came up after the hearings on the annexation and plat. The arterial road assessment is based on zoning: R-1 is \$500 per acre; R-2 – is \$1,000 per acre. The property is being zoned as R-2. Involved in this is a section of ground that the city is looking to own to put a sewer lift station which is about 50 x 50 feet. As a compromise, the developer has agreed to pay the arterial road assessment at \$500/acre if the city would pay a like amount for the purchase of the lot needed for the lift station.

Councilman Datwyler moved to accept the developer's offer to pay \$500/acre for the arterial road assessment and the city would pay \$500/acre from the sewer revenue fund for the purchase of the land conditional on the city receiving a deed for the lot roughly 50x50 for the sewer lift station and city would provide water to the development. Motion seconded by Councilwoman King.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Councilman D Burke moved that the 3<sup>rd</sup> reading of ordinance be read in title and summary only, motion seconded by Councilwoman King.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Councilman D Burke moved the council adopt and publish the ordinance in summary form seconded by Councilman R Burke.

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

Public Hearing:

a. Amended Plat – Pioneer Park Estates Division #1:

The chair asked if the planning zoning administrator would come forward and review the amend plat request with the council. Mrs. Hansen came forward and explained the proposed plat amendment of Mr. Chavez splitting his lot into three separate and buildable lots just off the intersection of 3<sup>rd</sup> West and Boulder.

The chair noted no individual had signed up to speak on the hearing and asked if anyone in attendance wished to do so: seeing there was no one he closed the public hearing and moved to council discussion. Councilman D Burke liked the division making a vacate lot buildable. Councilwoman King asked about the mow strip and Mrs. Hansen explained the location of it.

Councilwoman King moved to approve the amended plat with the mow strip seconded by Councilman Datwyler.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

b. Preliminary Plat – Pacific Holdings:

Blake Jolly representing the developer came forward and reviewed the plat on approx. 22 acres with an R-2 zoning. The development will be done in four phases with twin homes being built on the site. Each home has the required off street parking consisting of a double car garage with three parking spaces in front of the garages. The development meets the open green space and set back along with a mow strip and sidewalks. The first phase will have 26 units as allowed by fire/police standards for a single road.

The chair noted no individual had signed up to speak on the hearing and asked if anyone in attendance wished to do so: seeing there was no one he closed the public hearing and moved to council discussion.

Council discussed the location of the open green space and differences in the setbacks. Council thought it was a good fit boarding the RV park.

Councilwoman King moved to approve the preliminary plat seconded by Councilman D Burke.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

RFP- Sanitation Collection Service:

The clerk explained that during the course of budget discussion the mayor brought up the issue of checking with a private contractor if they could provide the trash collection for the city at a lower rate than the city. Driving the issue was the growth the city is having in new home construction and need to add a second truck to the daily route and also the purchase of a truck for around \$260,000. The public works director reached out to a local vendor when given the basic information as to the number of residents and our billing rate felt his company could beat the rate. Having said that the city reached out to the city of Ammon who contracts their commercial trash pickup out to a private vendor is very pleased with the service.

Council discussed the city should consider a private vendor if the service could be accomplished at a lower cost. They also discussed having the proposal worked in three options: 100% of both commercial and residential; only residential and third only commercial. The clerk explained that in some areas of the downtown business district space for the number of cans is limited and side pickup with a larger bin capacity may be good option to consider.

Councilwoman King moved to send out RFP for trash collection service with the three options to be considered motion seconded by Councilman D Burke.

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

Security System:

The clerk reviewed the two bids that had been presented for consideration: Omni Security - \$9,180 and Perfection LLC - \$7,786. The system was to install camera at three different locations: City hall; the shelter on 1<sup>st</sup> West and at the Annis burn pit. They are felt needed for security and monitor illegal dumping.

Councilman R Burke explained the differences in the two bids with Omni having an extra hard drive. Both companies are reputable and capable of providing the service the city is seeking. The location of the receiver will be housed at the police department.

Councilman Datwyler moved to award the bid for the security system to Perfection LLC in the amount of \$7,786 seconded by Councilwoman King.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Abstained.

Award Bid – NOVDA Test Facility:

Marv Fielding from Keller’s came forward and presented the council with the results of the bid opening for the NOVDA test facility. There were three bids on the project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
McAlvain Contractors	\$611,540
Falken Construction	\$638,978
GSE Construction	\$733,000

McAlvain Contractors is the apparent low bidder. Mr. Fielding stated the Boise office has worked the McAlvain and find them to be a reputable firm to work with. They submitted all of the bonding and other assurances required in the bid documents. The bid amount was higher than what Keller’s indicated it would be; they estimated it for around \$500,000. The project has a completion date of Sept. 1, 2020. However, the pumps that were bid out (ABS) have a long lead time to order and receive. If the ABS pumps do not arrive within the time specified the contractor will use one of the existing pumps used in the lift stations and modify the face plate to accommodate the NOVDA system until the ABS are installed.

Councilman D Burke moved to award the bid to McAlvain in the amount of \$611,540 seconded by Councilwoman King.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

5<sup>th</sup> West Road:

Kip Manwaring representing the owners of the property east of 5<sup>th</sup> West and north of the INL bus parking lot (R&S Peterson) came forward and wanted to know why the owner’s application for zone change on the referenced property was told they could not apply for zone change. The city’s attorney, Robin Dunn, came forward and gave a brief history on the events leading the prior denial of a zone change and the resulting court’s decision imposed on the property. 5<sup>th</sup> West was constructed by the city not in accordance with the city’s own road standards, i.e. being too narrow per required collector street requirements. A law suit was initiated by the adjoining land owners who were in opposition to the land being zoned for multi-family dwellings. A court decision on the case was issued requiring that if and when a zone change other than R-1 was granted along the 5<sup>th</sup> West corridor, then “the city shall cause 5<sup>th</sup> West to be improved by widening it in accordance with collector street width standards of 48 feet.” Both Mr. Dunn and Mr. Manwaring said an application for zone change could be filed requesting a zone change. Mr. Mainwaring indicated that if the p/z commission denied a zone change based on the court’s ruling and this being the only reason provided the denial of zone change, then his client would seek judicial review on the interpretation of the court’s ruling.

No decision was made on the matter.

Summer Ad:

The chair indicated the city had in prior years paid for double page ad in the local paper summer edition. A review of the prior year's ad was reviewed. The price of the ad would be \$795.

Councilman D Burke moved to approve the ad for the year at a price of \$795 seconded by Councilwoman King.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Amending Arterial Road Ordinance:

The clerk presented the council with a draft copy of the amended arterial road ordinance. The current wording in the ordinance was confusing and not easy to follow. The second part of the ordinance was changed to payment of the fee when the assessment per acre exceeded \$2,500 per acre. The clerk felt instead of having two paragraphs relating to payment in excess of \$2,500 a single paragraph could be written. Council will review the draft copy and make suggestions to the clerk for inclusion in the next council packet. The fee for the zoning has been modified: R-1 - \$500/acre, R-2- \$1,000/acre and Commercial - \$1,500. The ordinance has also been modified from when land is annexed to at the time of development.

Public Comment:

None

Approval of Minutes:

Councilman Datwyler moved to approve the minutes of July 2, 2020 seconded by Councilman D Burke.

The chair called for a voice poll: All in favor none opposed with Councilman R Burke abstaining.

Review and Approval of Bills:

The clerk noted one bill came in Friday after the council packets were mailed out. The bill and final purchase of the airport's runway land had been added to the bill list payable to J&L Holdings in the amount of \$88,000. These funds are in the airport's account and the option to purchase the land is due to expire Friday July 17, 2020. The second bill needing explanation and council's approval is the \$500 payment to the Rigby Police Reserve acct. The reserves assisted with traffic control at the Jefferson Lake and the county paid the city \$500 for their assistance. The police chief would like approval to put \$500 funds to the reserve fund, which are not city's funds.

Councilwoman King moved to approve the bills including the payment of \$88,000 for the land purchase for the airport and the \$500 for the reserves' funds seconded by Councilman R Burke.

The chair asked the clerk to poll the council:

Councilman D Burke	Aye
Councilwoman King	Aye
Councilman Datwyler	Aye
Councilman R. Burke	Aye

Adjournment:

Councilman D Burke moved to adjourn seconded by Councilman Datwyler.

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

Meeting adjourned: 8:35 pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, clerk