

City of Rigby  
Council Meeting Minutes  
July 18, 2019

Mayor Richardson called the meeting to order at 7:08pm Thursday, July 18, 2019. The pledge of allegiance was given by Doug Burke and the prayer given Kirk Olsen.

The mayor asked the clerk to call the roll:

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

Also present: Mitch Bradley Public Works Director, Chief Tower, and Attorney Dunn

Vacant Council Seat:

The mayor nominated former councilman Benson Taylor for the vacant council seat. Mr. Taylor has moved back into the city and is therefore eligible to serve on the city council.

Councilman Burke moved to accept the nomination of Benson Taylor to fill the vacant council seat seconded by Councilman Hall.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

The mayor then had Benson Taylor step forward and administered the oath of office to him.

Councilman Hall:

Councilman Hall read a letter of resignation effective today. He has purchased a home out of the city of Rigby and therefore is not a resident of the city and can no longer serve on the council. He will continue to serve on the board of the Rigby Urban Renewal Agency. The mayor and council thanked Councilman Hall for his service to the city and hopes he will continue to support the city.

Public Works:

Proposed Ordinance – Grass/Trash Dumping in Canals:

Mr. Bradley had proposed writing a city ordinance that would penalize residents that dump grass and trash in the canals. The grass that is being dumped is causing issues with the new bridge on 5<sup>th</sup> West. In talking with representatives from the Rigby Canal they brought in state statute -18-7031 that the city

can use in lieu of writing a city ordinance. The mayor discussed the escalating fees for violations cited in the state statute. Concern was also expressed about long-time residents dumping grass. Mr. Bradley said a campaign will be done to all homes bordering the canal showing them the state statute and encourage them to stop dumping if they are dumping.

Legal:

a. Review of MOU Fox Investment – Pleasant Country Way.

The attorney presented a draft copy of the memorandum of understanding (MOU) between the city and Fox Investment. The MOU covers the deferral of water/sewer connection fee for the PUD being developed by Fox and Fox Invest waiving any right to proceeds if and when funds are recovered from the sale of the Willard Price property located in Bonneville County.

Councilman Burke moved to approve the MOU subject to review of the dollar cost of the Fox Investment PUD (Item #4 of the MOU) and waive of connection fees for a period not to exceed 10 years pending disposition of the Price lien. Motion seconded by Councilman Taylor.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

b. Pediatric Center – MOU – Maintenance of right of way:

No information available – item tabled.

c. 3<sup>rd</sup> Reading Ordinance #2019-606 – Amending city code removing R-2 homes in Commercial Zone:

Councilman Datwyler moved to read the summary of ordinance #2019-606 in summary form, Councilman Burke seconded motion.

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

Attorney reads the summary of ordinance 2019-606.

d. Amend ordinance #2019-598 - excluding certain property from annexation:

The mayor indicated that Dansie Dental did not want to be annexed into the city and due to an error in the legal their property was included in the annexation.

Councilman Burke moved to publish ordinance #2019-598 in summary form excluding Dansie Dental from the annexation seconded by Councilman Datwyler.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes

Councilman Olsen Yes

- e. 1<sup>st</sup> Reading Ordinance #2019-607 – Adding city code Adult Business Restrictions:  
Councilman Datwyler moved that the 1<sup>st</sup> reading of ordinance #2019-607 be read in summary form seconded by Councilman Olsen.  
The attorney reads the summary of ordinance #2019-607.

Other Council Business:

- a. Idaho Bench Co:

Ken Hopkin from the Idaho Bench Co. presented the council with a new contract for a new term of 10 years. The fee per bench will be \$10 each, for not less than 10 or more than 50 benches. Currently there are 18 benches.

Councilman Olsen moved to approve the contract subject to the attorney's review seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

- b. Snow Shack Stand:

Blake Larsen came forward with the contract to operate a snow cone shack at the Scotty's South Park. The contract is to run for two months – July/August. Additional time past August 31 would be at \$10 per week.

Councilman Taylor moved to approve the contact seconded by Councilman Olsen.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

- c. Non-Commercial Kennel License:

Jessa and Mathew Monroe (who were not present at the meeting) presented an application for 3 dogs in the home at 520 W 1<sup>st</sup> North. The council reviewed the application and determined the Monroe's were 1 resident short of meeting the 75% rule of consent from the adjoining home owners. The application was rejected pending the addition of 1 additional home owner within the 100 perimeter boundary.

Public Comment

- Adam Hall – speaking on behalf of the organization “Midnight Madness” event this coming weekend he complimented the public works crew for all the work they did in the park. The park looks fantastic and he wants the guys to know their work is appreciated. Mr. Hall also spoke of the need that the Rigby Sr. Citizens center has and lack of support/volunteers. He really feels the center needs help in all aspect of their operation.

Approval of Minutes:

Councilman Datwyler moved to approve the minutes of July 3, 2019 seconded by Councilman Olsen.

The mayor called for a voice poll: All in favor none opposed with Councilman Burke and Taylor abstaining.

Review and Approval of Bills:

Mitch Bradley asked the bill for Rocky Mtn Sealers be approved. The bill was received after the packet was mailed. The work was approved at the last council for \$6,177 and the job is completed.

Councilman Taylor moved to approve the bills including Rocky Mtn Sealers seconded by Councilman Olsen.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

Executive Session: 74-206(f) – to communicate with legal counsel:

The mayor tabled the item.

Executive Session: 74-206(b) – to consider the evaluation, dismissal or disciplining of an employee:

Councilman Taylor moved that the council enter into executive session per Idaho Code 74-206(b) to consider the evaluation, dismissal or disciplining of an employee seconded by Councilman Burke.

The mayor called for a poll of the council:

Councilman Datwyler	Yes
Councilman Taylor	Yes
Councilman Burke	Yes
Councilman Olsen	No

Council enters executive session: 8:10 pm.

Council exits executive session: 8:34 pm.

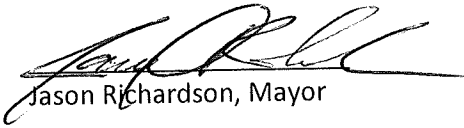
Council discussion/decision: None.

Adjournment:

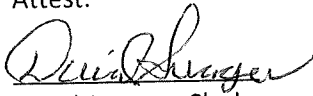
Councilman Datwyler moved to adjourn seconded by Councilman Taylor.

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

CITY OF RIGBY

  
Jason Richardson, Mayor

Attest:

  
David Swager, Clerk