

City of Rigby
Council Meeting Minutes
July 3, 2019

Mayor Richardson called the meeting to order at 7:03pm Thursday, July 3, 2019. The pledge of allegiance was given by Adam Hall and the prayer given Richard Datwyler.

The chair asked the clerk to call the roll:

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

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

Public Hearing: Delete R-2 (Multi-family) construction in C (Commercial Zones):

The mayor opened the discussion explaining the purpose of deleting multi-family construction in the commercial zones. He noted the city now has established R-2 (multi-family) zones in the city and the mixing of the multi-family into commercial zones does not seem to be a proper fit with the current established zones.

Public Comment: No one signed up to speak one way or another. The mayor asked members of the audience if anyone wished to speak on the item: no one spoke up or came forward.

The mayor then closed the public hearing.

Council Discussion:

Councilman Hall commented that the council had discussed the change in prior meetings and also there have been no public comment one way or another on the item.

Councilman Hall then moved that the city adopt Ordinance #2019-606 deleting R-2 homes in commercial zones seconded by Councilwoman Weight.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Public Works:

Reimburse Agreement – city/church: No information available. Discussion still in ongoing.

2nd Reading of Area of Impact – city/county:

Councilman Datwyler moved to read the summary of Ordinance #2019-605 seconded by Councilwoman Weight.

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

The attorney reads the summary of ordinance 2019-605.

Councilman Hall moved to suspend the rule regarding three reading and moved to adopt after the second reading and adopt seconded by Councilman Olsen.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Pediatric Center – MOU upgrade city's right of way:

Eric Gravatt from the Pediatric Center came forward to discuss the council's decision on the center's intention of upgrading the city's right of way east of their building. Mr. Bradley said the city has funds available from the capital improvement fund for the \$11,664 as the city's portion of the project.

Councilman Olsen moved the move forward with a memorandum of understanding (MOU) for the project with the Pediatric Center being responsible for the annual maintenance right of way and the city attorney will draft the MOU. Motion seconded by Councilman Hall.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Seal Coat South Park Walking Path:

Mitch Bradley said he has been reviewing the south park walking path. Since it was installed years ago it has never been seal coated. The asphalt path has several surface cracks in it and without the path being seal coated the cracks will continue to spread. He's obtained two bids one for \$7,956 and a second one for \$6,177. He has the funds in his budget. The county has a portion of the path which the county should cover.

Councilman Datwyler moved to approve the seal coating in the amount of \$6,177 seconded by Councilwoman Weight.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Dumping Grass in Canals:

With the installation of the 5th West bridge the city is seeing a buildup of grass being caught on the edges of the bridge which is causing a backup of water. The grass is something that you can't pull out like a branch and takes the crew time to get it to flow under the bridge. Mr. Bradley would like to have an ordinance with penalties attached for those caught dumping grass in the canal.

The mayor has seen similar instances of grass being dumped and supports something that penalizes those who dump grass. The attorney indicated the city would need the canal support being that it's their easement that is being violated.

Item tabled pending more discussion and a draft of an ordinance.

Wastewater Treatment Plant Study:

Marvin Fielding from Keller Engineering came forward with the cost proposal of two feasible proposals for the upgrade of the sewer wastewater treatment plant. The IFAS system which the city has been looking at comes in at \$15.7 million and the Oxidation ditch, same design that the city currently is using, comes in at \$17.9 million. The mayor expressed concern with the IFAS system given the issues with the low winter temperatures that other cities that use the system do not have. Mr. Fielding acknowledges the temperature concern and they are looking into it. Mr. Fielding's analysis in the review of the two system noted the only difference in the components between the two is in the cost of the basic system. (Summary of proposal attached to these minutes.) His analysis projected the costs out from 2020 to 2023 when the final systems will be up and operating.

Councilman Olsen expressed concern over the costs given the current wastewater treatment plant being outdated and/or under performing at the time it opened in 2009. He's having a hard time signing on to it now without more information. The cost (\$22 million) is just overwhelming to the residents. Mr. Fielding indicated that the \$22 million figure includes two projects (headworks improvements (\$2.9 million) and the new maintenance shop building (\$840,000) not be included. Rick Miller from the Development Co has been reviewing funding options available to the city. Mr. Fielding said the two options are the ones currently being considered. He will continue to review the temperature concerns on the IFAS system and see if they can get more information. Eric from the Boise office is looking into it. Mr. Fielding stated the advantage of the ox ditch is that the city only needs to build a third ox ditch which will accommodate the city if the city were to double in size by 2040.

The mayor is concern with the IFAS system working and the additional costs the city will be paying. Councilman Olsen in talking with prior council members indicated that they would not have approved expansion of the current system which when operational would be operating at 80% capacity.

Councilman Hall commented his concern with the city adding debt upon debt without any progress being made. Will the system require more upgrades from now until the retirement of the current debt before more upgrades will be required?

Rick Miller from the Development Co presented the council with a spreadsheet of funding options. Mr. Miller said the city has been placed on DEQ priority list and has funds available up to \$18 million. Given the current rates being charged DEQ will forgive \$1 million to \$1.2 million of the final cost of the project. The loan is at 1.5% for 30 years. USDA has approved the city for a loan at 2.75% over a 40 year term. USDA will also award a "grant" from \$3.1 million to \$3.6 million. In both instances Mr. Miller indicated they would seek a community grant of \$500,000. Projected increase in debt will range from \$40.28 per EDU to \$30.38 depending on grants and forgiveness awarded. He has not heard back from Corp of Army Engineers who also has funds for this type of project available. The city will need to go through the judicial review process with either funding agency. Mr. Miller reviewed the dates for submitting an application for the block grant and dates.

The next step will be for the engineer to submit the draft study to DEQ for their review and there will be a public comment period and the city selects which of the two projects the city will seek to construction and then to a judge for judicial review.

Planning Zoning: Adding adult business restriction to city code:

The city's planning zoning administrator completed the larger map as requested and the map includes the comp planned use map and uses. She explained requirements of 2,500 feet from a school or church as stated in state code.

Councilwoman Weight noted several instances referencing "city of Idaho Falls" in the copy along with Bonneville County. Discussion on the restrictions on breast feeding.

Councilman Datwyler moved to publish a summary of the ordinance, publish summary of ordinance on July 17 and 24th with a public hearing set for August 1, 2019. Motion seconded by Councilman Olsen.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Clerk:

May '19 Financial Report and Journal Entries:

The clerk reviewed the spreadsheet comparing budgets with revenues and expenditures. His general comments were that the funds were within budgets expectation and commented no concern.

He reviewed the journal entries he made for May noting several included the activity in the rodeo account for the bull war and the usual monthly posting of interest earning and the internal service fund.

2019 Audit Engagement Letter:

The clerk presented the council with the 2019 audit engagement letter for the council. The fee is slightly higher than last year but below prior years.

Councilman Datwyler moved to approve the audit engagement letter with Jensen/Poulsen CPA seconded by Councilwoman Weight.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Legal:

Review MOU – city/school dist: the mayor noted all financials obligations that were included in an earlier draft have been removed and the current copy is available for council’s information.

2nd Reading Ordinance #2019-606: (Covered and discussed in prior agenda item)

Amending Ordinance #2019-598 – Exempting Property from annexation: The clerk explained that when the Dansie property was annexed the legal included a portion of real estate that was not in the original request. Council discussion was to check with the property owners to see if they wanted to be annexed.

Item tabled at this time.

Final Plat Amendment – Rigby Town Square:

A final plat was presented before the council for a portion of Rigby Town Square that has been sold and the new owners are adjusting the property lines between their property and that of another owner. P/Z commission has reviewed the changes and recommended the amended plat be approved.

Councilman Hall moved to approve the amended plat for Rigby Town Square #5, 2nd Amendment per resolution #193-2019 seconded by Councilwoman Weight.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes

Councilman Olsen Yes
Councilwoman Weight Yes

Other Council Business:

- Fiber Optics: Councilman Datwyler asked the mayor as to the talks he has had the with various fiber optics companies and whether the URA should look in to the service. The mayor stated there are currently five companies looking at providing the city with fiber optics. The city needs something in the code to prevent companies digging up the street over each other. He felt it was an unnecessary push for either the city or URA to pursue. Two companies that are looking at providing service into the residential areas.
- Doug Farnsworth- Mr. Farnsworth came forward to explain that since the last discussion with the city over the vacating of the cul-de-sac. A meeting that was to take place between the Fox Investment/Doug Farnsworth and Bob Shippen has not taken place. The entrance off of Pleasant Country Lane was to have been deeded with 15 feet to Doug Farnsworth on the north, 15 feet on the south to Bob Shippen and the remaining 50 feet to Fox Investment. All of the cul-de-sac and road has been deeded to Fox Investment. This is not what the council had approved. Since that date Mr. Farnsworth indicated Fox Investment now want to narrow the road from 50 feet to 25 (as shown on a proposed map). And Fox was not going to pave the road until after completion of the final phase and they were looking at making the 25 foot road as "no parking". This seriously affects Mr. Farnsworth access to his apartment building. Mr. Farnsworth cited the state code of vacating roads to 50/50 to adjacent property owners.

The mayor and Councilman Hall recited a meeting held in late fall with the parties and thought the agreement had be met. Mr. Farnsworth said no nothing has been done. The mayor said he would review the issue with the attorney and Mr..Porter.

- Parking on Courthouse Way and Pleasant Country Lane: Councilman Olsen said he travel the roads and there are RV parked along the road which blocks the view at the intersection. The mayor discussed parking in a residential zone and commercial zone. Parking needs to be addressed. Vacant Council Seat: The mayor said Benson Taylor is moving back into the city and it is his intention to nominate him to fill the seat he resigned last month.

Public Comment:

- Morgan Lake: concerned with the lack of green space that should be installed on the Fox Investment PUD. He feels any future building permits issued for the development should be stopped until the green space is installed for the units completed.
- Meliane Jones: Stated the commitment regarding weeds on the Brady property has not been done. Mowing has been completed but only on the middle ground nothing along the fence line. Officer Scott will look into this.
- Shela Larsen: Asked if she could operate a snow shack at the South Park. Council indicated to get a contract for next council meeting.

- Doug Farnsworth: After listening to the discussion on weeds noted the weeds on the Fox Investment property need to be included in the list to mow.

Council Minutes:

Councilman Datwyler noted a date error in the heading of the notes. Councilwoman Weight moved to accept the minutes of June 20, 2019, with the heading date change to June 20, seconded by Councilman Datwyler.

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

Approval of Bills:

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

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Executive Session:

Councilman Hall moved that the council enter into executive session Idaho code 74-206(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Motion seconded by Councilwoman Weight.

The mayor asked to clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes

Council enters executive session: 9:28pm

Council exits executive session: 10:46 pm.

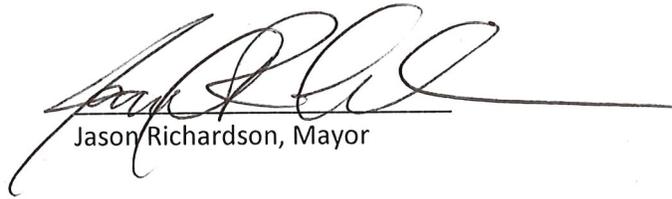
Council discussion/decision: None

Adjournment:

Councilman Hall moved to adjourn second by Councilman Datwyler.

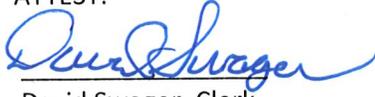
The mayor called for a voice poll: all in favor none opposed.

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk