

City of Rigby  
Council Meeting Minutes  
June 1, 2017

Council President Burke called the meeting to order at 7:00pm Thursday, June 1, 2017. Council President explained the mayor was called out of state yesterday and he would therefore conduct the meeting. The pledge of allegiance was given Nicole Weight and the prayer given by Dr. Richard Datwyler.

The chair asked the clerk to call the roll:

Councilman Burke	Present
Councilwoman Thomas	Present
Councilman Datwyler	Present
Councilman Olsen	Present
Councilwoman Weight	Present
Councilman Taylor	Absent - Enters meeting 7:06

Also present: Chief Tower, Attorney Dunn

Oath of Office:

Mike Wilder: Mr. Wilder came forward and city clerk administered the oath of office as Rigby's planning and zoning board member to Mr. Wilder.

Tonya Hillman: Not present.

Public Hearing – Zone Change – Vacant lot Rigby Towne Square:

The chair asked the council if it was acceptable with the council that Mr. Dunn conduct the public hearing on the zone change. The chair asked for council acceptance and hearing no opposition turned the time over to Mr. Dunn.

Mr. Dunn wanted to disclose that he owns a building within the impact area of the lot in question and he has no opinion either for or against the zone change. He then went through the procedure to be followed in the public hearing according to city's resolution #101-2003.

Applicant:

Jake Shumway representing Fox Investing LLC (the applicant) came forward and explained the reason for the request of the zone change. Mr. Shumway presented to the council the zone map of the city showing the affected property and the lot that is in question. He noted the lots surrounding the one lot are zoned as commercial but for the one which has a single family home built on it. His company owns two lots directly north of the one lot and they are zoned commercial. He contented the R-1 zone for the one lot is inconsistent with the city's comp plan which makes use of the best use of the undeveloped lot. Another reason for the request would be being zone R-1 would prohibit building across lot lines from commercial to R-1. He questioned that with the lot being zoned R-1 and all the surrounding lots being

zoned commercial who would want to build a single family home on it. Mr. Shumway commented that his company was undecided on building professional office buildings or multi-family housing.

In Opposition to Zone Change:

Avrey Hendrix: Read the petition she submitted containing the signed names of 27 residents. Adding her own thoughts she commented that the letter from the planning and zoning office referenced the applicant wanted to build multi-family housing. The building of multi-family housing will increase the traffic entering Annis Highway leading to more congested traffic. She also reminded the council to consider the opposition of the 27 residents opposed to the zone change.

Morgan Lake: Mr. Lake commented to the council that the lot was originally purchased by the prior owner Don Archibald. He purchased the lot to protect his home as a buffer from encroachment by commercial development. Rezoning the lot from residential was never the intent. Zoning of commercial property was not the intent to have multi-family construction. Multi-family residences should be kept in R-2 zones and not commercial. He reminded the council of the petition signed by the 27 residents affected by this zone change.

No other person in attendance wished to speak on the subject.

Applicant's rebuttal:

Jake Shumway: Mr. Shumway was aware of the issue and he had been briefed on the changes that have occurred over the years and changes in the green space requirement. Whether the development be multi-family or professional offices buildings his company will follow the rules as set forth in the code.

Councilwoman Weight: - Asked if they were trying to skirt the R-2 zoning requirements. There are differences between commercial and R-2 requirements. Mr. Shumway said no that was not their intention. They were merely trying to get the three lots zoned the same being two of the three lots are zoned commercial. If multi-family homes are built the requirements as stated in the R-2 zone would be followed.

Councilman Olsen: Asked if the applicant's intent were to build apartments or commercial buildings. The attorney interjected saying the question before the council was a zone change from residential to commercial not what the applicant was going to build. The commercial zone restrictions as stated in the code will apply to whatever is built on the property.

Councilman Taylor asked what the buffer restriction is between commercial and residential. The attorney stated there are restrictions and a setback requirement but he did not know that without looking up the code. Councilwoman Weight noted there are setback restrictions and building height restrictions.

The rebuttal period was concluded.

Council's Discussion:

Councilman Taylor asked about the letter sent to the residences by the planning zoning office. The clerk handed the council a copy of the March letter for the council to read.

Councilwoman Thomas asked if there was a requirement for a fence to be built. Mr. Shumway responded yes or trees/shrubs.

Councilman Olsen commented the planning zoning member had recommended to the council to approve the change and asked why the council shouldn't be more consistent with the p/z board.

Councilman Taylor said in prior decisions the split has been 50/50.

Councilwoman Weight stated the council has been told there is a buffer of R-2 between R-1 and commercial.

Councilman Taylor moved to approve the zone change from R-1 to C (commercial).

The attorney asked if Councilman Taylor had any comments for the change: Councilman Taylor stated he felt the change is consistent with the comp plan. Councilwoman Thomas seconded Councilman Taylor's motion.

The chair asked the clerk to poll the council:

Councilman Burke:       yes – Felt the way the road that will be built and to even out the zoning for that area

Councilman Datwyler:   Yes – The comp plan is being followed and it recommends following public Sentiments

Councilman Olsen:       No

Councilman Taylor:      Yes – for the reasons previously stated.

Councilwoman Thomas:  Yes – concurred with the previous statements.

Councilwoman Weight:  Yes – the change fits with the comp plan.

The attorney indicated that he would draft a final written decision after the minutes are approved and his written decision would take about thirty days.

Special Needs Playground Equipment:

Mikelle Bronson came forward and updated the council on the current status of the playground equipment. The sponsoring organization is the Midway PTO organization. The playground equipment has been ordered with an estimate installation date of July 28/29. The PTO is locating the handicapped equipment in a central part of the area to maximize the access for those with special needs.

Councilwoman Thomas felt the need was present and the city should contribute to the project.

Councilman Olsen was opposed to contributing since the city was trying to install its own playground equipment for around \$250,000. Felt donating city funds it goes away from the city.

Councilwoman Weight likes the idea of ADA equipment and is working on getting ADA equipment for Rigby's.

Councilman Taylor questioned donating city funds to a private enterprise.

Councilman Burke felt donating on a personal level would be more appropriate than donating public funds.

Councilman Taylor moved not to donate to the PTO seconded by Councilwoman Weight.

The chair asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Thomas	No
Councilman Datwyler	Yes
Councilman Olsen	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes

Police Safety Vests:

Chief Tower presented the council with request to purchase two police safety vests. Each vest costs \$920 which is partially funded with a 50% match. The life of the vests is around 5 years. Being the vests are new capital outlay council approval is needed per the city's protocol.

Councilman Olsen moved to authorize the purchase seconded by Councilman Taylor.

The chair asked the clerk to poll the council:

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

Approval of Minutes:

Councilman Taylor moved to approve the minutes of May 18, 2017 seconded by Councilwoman Thomas.

The chair asked for a voice poll: All in favor none opposed with Councilwoman Weight abstaining.

Review and approval of bills:

Councilwoman Weight moved to approve the bills for payment seconded by Councilman Olsen.

The chair asked the clerk to poll the council:

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

Other Council Business:

Community Garden: Councilwoman Thomas stated the city owns a vacant lot west of the Harwood Elem School which is being converted to a community garden.

Cordon Property: It was noted the money has been received for the sale of the Cordon House. The house movers are ready to move the house off site and the only item holding them up is Rocky Mountain Power to disconnect the power.

Public Comment:

None.

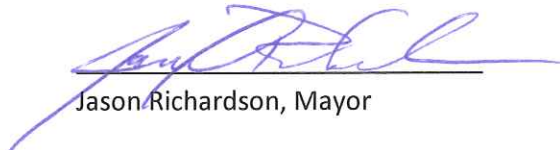
Adjournment:

Councilwoman Thomas moved to adjourn seconded by Councilman Burke.


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

Meeting adjourned: 8:05 pm.

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk