

City of Rigby  
Council Meeting Minutes  
June 20, 2019

Council President Burke called the meeting to order at 7:04pm Thursday, June 20, 2019. The pledge of allegiance was given by Richard Datwyler and the prayer given Adam Hall.

The chair asked the clerk to call the roll:

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

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

Amend Agenda Order:

Councilwoman Weight requested that item #12- executive session be moved to item #4. After concurring with the city attorney Councilwoman Weight withdrew her motion and made a motion to move item # 11 – MOU – School Dist after #12 – executive session. Motion seconded by Councilman Hall.

The chair asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes
Councilman Olsen	No

Public Hearing:

Final Approval of PUD – 359 N 3<sup>rd</sup> West:

Kirk Rowland of Eagle Rock Eng came forward representing the developer and updated the council on the planned unit development at 359 N 3<sup>rd</sup> West. He informed the council the project was for 56 units on 6.6 acres. The project has been reviewed and approved for development by the p/z commission with a number of special conditions attached. The second site plan as presented to the council was changed to meet the conditions specified by the planning zoning commission. Parking has been expanded to exceed the requirements specified by the planning zoning commission. Councilman Burke noted the cluster mail boxes were not identified on the site plan but the site will have cluster mail boxes. Question on the road on the south side near the canal was discussed. This concluded the presentation.

In favor:

Greg Nelson – developer stated the project was being developed for first time home buyers and retired individuals. The units will be sold individually with 56 individual water meters.

Neutral:

None

Opposed:

Aliza King – Spoke in opposition. She attended the last p/z commission hearing and one of the items discussed was that a traffic study be done. Planning and zoning concurred that the commission wanted the traffic study done. She felt it was needed with the number of units being constructed traffic will increase and a study will so indicate. She was also concerned with turn lanes on 3<sup>rd</sup> West.

Public hearing closed.

Rebuttal:

Kirk Rowland commented that in speaking with the Mr. Nelson, it was agreed between Mr. Nelson and the mayor said that the traffic study would not be required that they should put the cost of the traffic study into the development. 3<sup>rd</sup> West will be stripped for turn lanes.

Greg Nelson came forward and said the 5<sup>th</sup> West bridge has reduced the amount of traffic that used to use 3<sup>rd</sup> West. Those exiting the west end of Pioneer Park now use 5<sup>th</sup> West. The bridge reduces the amount of traffic using 3<sup>rd</sup> West.

Councilman Datwyler stated that on the conditions the p/z commission placed on the development, the traffic study was not included. The planning zoning administrator commented on the issue.

Councilman Hall noted the feedback from the city and citizens were positive on the overall concept versus the prior ones presented. The units will be privately owned but any rentals will be limited to long term rentals not short term rentals. This will be included in the CC&R document.

Councilwoman Weight moved to approve the Sweatwater PUD Subdivision seconded by Councilman Olsen.

The chair asked the clerk to poll the council:

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

Public Works:

Reimbursement Agreement city and LDS Church:

Mr. Bradley stated he had been in contact with the church regarding the split and term of the agreement for reimbursement to the church for them installing the water line on 4000 East. After

discussion among the council, Councilman Datwyler moved to counter offer the church a 60/40 split on new connections and a 10 year term. Motion seconded by Councilwoman Weight.

The chair asked the clerk to poll the council:

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

Joint Area of Impact Agreement:

Mr. Bradley said the joint city/county AOI agreement needs to be completed by the council. The narrative and the 14 points needed for new subdivisions was the important item to be contained in the AOI. The boundary of the impact zone can be adjusted later. Council discussed the size and the reason for the reduction but no explanation as to why was given.

Councilman Hall moved to publish in summary form Ordinance #2019-605 seconded by Councilman Burke.

The chair asked the clerk to poll the council:

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

Councilman Hall moved that the attorney read the summary of ordinance #2019-605 in summary form, this being the 1<sup>st</sup> reading. Motion seconded by Councilman Burke.

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

Attorney reads the summary of ordinance #2019-605.

Purchase of tires exceeding protocol amount allowed:

Mr. Bradley stated that he needed to buy tires for the loader and backhoe. The tires will cost over \$6,000 and the amount allowed before council approval is needed is \$5,000.

Councilman Olsen moved to approve the purchase of tires for \$6,000 seconded by Councilman Hall.

The chair asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Hall	Yes

Councilwoman Weight	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

Planning-Zoning:

Adding new code section- Restricting Adult Business: The chair mentioned the request that an updated and enlarged map be included in the council packets. The planning zoning administrator stated the person over the GIS for the county has been out on sick leave with the county and the map is not available. After a discussion by the council: Councilman Hall moved to table the item seconded by Councilman Burke.

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

Clerk:

1<sup>st</sup> Reading of Ordinance #2019-606 – Delete R-2 (Multi-family) in Commercial Zone:

Councilman Hall moved that the reading be done in summary form seconded by Councilman Burke.

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

Attorney reads the summary of ordinance #2019-606

Inter fund Rec'd/Payable:

The clerk had two transfers that needed council approval:

1. Interfund Rec'd/Payable – LID and Capital Improvement fund:  
The two LID accounts had borrowed funds from the capital improvement fund to fund the costs of the street improvements:  
LID #8 has \$4,517 that needed to be transferred back to the capital improvement fund and  
LID #9 has \$125,803 that needed to be transferred back to the capital improvement fund.

Councilman Datwyler moved to authorize the transfer of the amounts listed from LID #8 and LID #9 to the capital improvement fund. Motion seconded by Councilman Hall.

The chair asked the clerk to poll the council:

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

2. Quarterly Interfund Payable:

The three enterprise funds have quarterly amount of \$6,250 set from the water, sewer and sanitation fund to reimburse the general fund for administration services.

Councilman Datwyler moved to authorize the transfer of \$6,250 each from the water, sewer and sanitation fund to the general fund for a total of \$18,750 seconded by Councilman Hall.

The chair asked the clerk to poll the council:

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

Other Council Business:

- a. Pediatric Center: Eric Gravatt from the Pediatric Center came before the council to discuss the improvement the center wanted to make on the city's right of way east of their building. As was discussed in the April 4 meeting the center asked for a memorandum of understanding (MOU) and a land use agreement which would allow the center to install grass and a sprinkler system on the city's right of way. They are requesting that the city participate on the installation cost. The center will maintain the area and acknowledges the risk if the area needs to be torn up. He has met with Mr. Bradley and has come up with the details involved. They have obtained an estimate of the cost would be \$23,329. They would like the city to participate with half of the cost - \$11,664. They estimate the annual costs for the grass maintenance would be between \$2,500 to \$3,000 which they would be willing to do. They are proceeding with the parking lot upgrade and installation of a storm system which should begin the end of July. They would like to have an answer as soon as possible.

The council discussed future concerns with the maintenance if the center should sell the property. The attorney mentioned an agreement could be drafted which incorporates the maintenance responsibility with a deed restriction. The center wanted the city attorney to draft the agreement to the city terms. Mr. Bradley said the upgrade has his support. His only concern is the dollar cost not being in his park budget. He also wanted to have a meter pit installed should something change in the future and that the connection be done on the 12" water line. Councilman Burke suggested it be tabled until the financing could be arranged and an agreement drafted. Mr. Bradley will work with the attorney to draft an agreement.

- b. Hot Classic Nights: Councilman Hall asked if the city has heard back from ICRMP concerning insurance coverage for the Hot Classic Night. The clerk informed the council that Jim McNall had telephoned today while Councilwoman Weight was in the office and said that if the city sponsor the event the city would be covered under the ICRMP policy. He mentioned any food vendors would need their own insurance when selling food products as they would not be covered.
- c. Fiber Optic: Councilman Hall stated the urban renewal agency has been in discussion about bringing fiber optics services into the city. He knows the mayor has been doing some work in

this and wanted to know if fiber optic would or would not be available within the city. If the city drops the concept then urban renewal would be interested into looking in to it. Discussion on placing this topic on the July 3 agenda.

Public Comment:

Steve Parry: Stated he is an attorney and is married to Sharon Parry. Mr. Parry stated that yesterday Sharon had been contacted by the paper that she had been named as a subject of this evening executive session and that the letter Mr. Parry sent would also be discussed. He stated this was grossly negligent and has placed Sharon in an impossible situation. He further stated that the paper is planning on reporting on this. The current treatment of Sharon is highly toxic and is creating a hostile work environment. All of her actions have been done with the direct supervision of the mayor. As of this date she has not been informed as to what she has done wrong or so aggressively attacked. Nor has she been asked about any of her actions. She is very much an ambassador for the city and cares very much for the city. The situation came to a head when the school requested a special use permit. She had contacted the city attorney regarding this and followed his advice. Everyone needs to take a step back and all the differences can be resolved.

James Sutherland: He is a current member of the city's planning/zoning commission. During his short tenure he has worked with four administrators. He feels Sharon is the most capable of any of the four and she has the support of the planning/zoning commission.

Approval of Minutes:

Councilman Hall moved to approve the minutes of June 6 seconded by Councilman Olsen.

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

Approval of Bills:

Councilman Hall moved to approve the bills seconded by Councilwoman Weight.

The chair asked the clerk to poll the council:

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

Executive Session:

Councilman Hall moved to enter into executive session per Idaho Code: Per Idaho Code: 74-206(b) – Consider the complaint/charge brought against a public official/employee and 74-206(f)- To communicate with legal counsel on legal ramifications. Motion seconded by Councilman Burke.

The chair asked the clerk to poll the council:

Councilman Datwyler	No
Councilman Hall	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes
Councilman Olsen	Yes

Council enters executive session: 8:25pm

Council exits executive session: 9:40pm

MOU – Granting Special Use Permit – Harwood Elem:

The attorney reviewed the process that the school to seek a special use permit. The attorney referred to a letter the city received from Hawley/Troxell which represents the school district. The school attorney's did not feel a public hearing was necessary after reading the city code. The city's planning/zoning administrator did as he had recommended and called for a public hearing. The city attorney felt the city code is vague in outlining when a public hearing is needed. After discussion with the school sup't an alternative to the public hearing was agreed to. The p/z administrator waived the public hearing with a MOU being drafted outlining all of the conditions being addressed in the school addition. The school felt the delay for the public hearing is causing the school additional money. This delay was addressed in the Hawley/Troxell letter.

Councilman Hall moved that the city precede with the MOU and waiver the public hearing.  
(Motion died lack of a second.)

The planning zoning administrator came forward to address the council. She felt the compromise with the MOU was a "masterful" idea. However, she felt the MOU could go forward coupled with the public hearing. She wanted input in the MOU setting forth the conditions. She stated the city council needs to know the points that are contained in the MOU. The city attorney stated the school district's attorney will submit a draft copy which will be reviewed by himself and the city's p/z administrator. The attorney did not want to hold up the school and their contractors. The p/z administrator indicated the school could continue work pending the MOU. Concern expressed about the public objecting to the work and the p/z reverses the decision. She felt the p/z commission will approve the special use.

Councilman Datwyler moved that the city proceed with the MOU with review by the attorney and p/z administrator with a public hearing.

Council discussed the need for a hearing and a MOU if the hearing is going to be conducted prior to the completion of the MOU. The attorney indicated the school attorneys will draft the MOU and he would review it and re-write if necessary. Planning zoning administrator said the MOU is a simple one page agreement written at the 8<sup>th</sup> grade level that corrects a series of mistakes. Discussion if the CUP needed to come back to the council: the attorney said no, the final decision rests with the planning zoning commission. It will not come back to city council for a decision.

Motion seconded by Councilman Hall.

The chair asked the clerk to poll the council:

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

Attorney will contact the school's supt. concerning this decision.

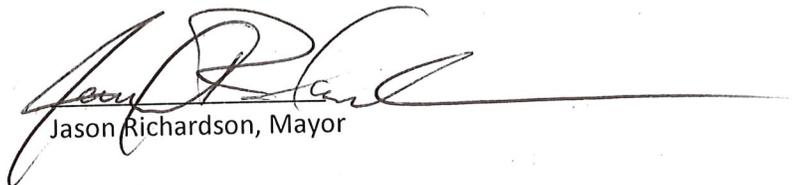
Adjournment:

Councilman Hall moved the council adjourn seconded by Councilman Datwyler.

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

Meeting adjourned: 10:00pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk