

City of Rigby
Council Meeting Minutes
June 6, 2019

Council President Doug Burke called the meeting to order at 7:00pm Thursday, June 6, 2019. The pledge of allegiance was given by Nicole Weight and the prayer given Benson Taylor.

The chair asked the clerk to call the roll:

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

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

Amend Agenda:

Councilman Datwyler moved to amended the agenda and approve the minutes from item 10 to item 3. Motion seconded by Councilwoman Weight.

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

Approval of Minutes:

- May 2, 2019 – Councilman Taylor moved to approve the minutes of May 2, 2019 seconded by Councilman Hall.
The chair called for a voice poll: All in favor none opposed.
- May 16, 2019 – Councilwoman Weight moved to approve the minutes of May 16, 2019 seconded by Councilman Datwyler.
The chair called for a voice poll: All in favor none opposed.
- May 29, 2019 – Councilman Hall moved to approve the minutes the special meeting of May 29, 2019 seconded by Councilman Burke.
The chair called for a voice poll: All in favor none opposed with Councilman Taylor abstaining.

Resignation of Councilman Taylor:

Councilman Taylor read his letter to the mayor and council wherein having sold his home in Rigby and moved he felt it best to resign from the city council at this time. He stated the current and past council have had a diverse set of opinions and have worked together for the betterment of the city. He thanked the council for their support for the past five years.

With that the chair recognized Mr. Taylor and thanked him for his service and mentioned that the city would award him a plaque at a later date in appreciation of his service.

New reporter for Jefferson Star:

The chair asked the new reporter for the paper to introduce herself to the council. Nina Rydalch introduced herself to the council. She is replacing Eric Stout who has left the paper.

Reconsideration of denial PUD – Billman:

Steve Billman came forward and presented the council a revised site plan for the PUD. The new site plan clarified the confusion regarding the number of parking spaces. The revised plan has 111 parking spaces where the city code requires 108. Mr. Billman mentioned each unit in the PUD will be individually metered and the PUD will have a HOA to collect and pay the respective services: snow removal, lawn care and other services. Given the new site plan with the corrected number of parking spaces Mr. Billman is asking the council to reconsider the denial given at last council.

Council reviewed the revised site plan. Councilman Datwyler commented the revised plan clearly shows the parking spaces and thanked Mr. Billman for presenting a clearer plan. Council expressed concern with the continuity of long term management of the HOA. Councilman Burke stated the parking spaces have been addressed and the completion of the PUD would be dependent on gaining a second access from either Hwy 48 or off of South 5th West.

Councilwoman Weight moved that the denial given during the meeting of May 16, 2019 be reconsidered seconded by Councilman Hall.

The chair called for a poll of the council:

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

Councilman Hall moved to accept the Mountain Ridge PUD per attached documents seconded by Councilman Burke.

The chair called for a poll of the council:

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

Public Works:

a. Reimbursement city and LDS Church:

Mitch Bradley came forward and discussed the draft agreement issued for the upsizing of the 12 inch water line on 4000 East. Particular points of concern was the terms, 25 years and the percentage split to be recovered by the church – 100%. Mr. Bradley felt 20 years versus 25

years and a split of 50/50 over the 100%. The council directed Mr. Bradley to approach the church with the two changes and report back to the council.

b. Joint county/city agreement – Area of Impact (AOI):

Jefferson County has submitted the county's approved draft of the AOI for the city. The narrative portion of the agreement contained all of the points Mr. Bradley felt was needed for infrastructure: water, sewer, street lighting, road construction and set back. The map for the AOI had been reduced by the county from what was originally proposed. Council discussed at length the reason why the area had been reduced with no clear answer being provided. Mr. Bradley felt the narrative was more important at this point in time than the map, which was important, but could be addressed at a later date. The last ordinance was done in 1994 which is still in effect and is not up to the current standards for road construction. He felt if the city pressed the county on the map and boundary, any delay could and would in all likelihood allow a subdivision be built in the current AOI using the 1994 standards.

Councilman Olsen moved that the agreement and map and boundary of the AOI as presented be approved seconded by Councilwoman Weight.

The chair called for a poll of the council:

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

c. Water Line Extension 200 North:

The water line that ran from the intersection of 200 North and Yellowstone Hwy was thought to be a 12 inch line that ran 400 feet east off of the intersection. During construction, the line was only a 4 inch line that supplied ITD with water. After negotiation with the current subcontractor and others, Mr. Bradley was able to obtain a bid to install a 12 inch line the 400 feet from Mike Rutledge for \$17,600. The other bids ranged from \$25,000 to \$40,000. He negotiated with the school and the school has agreed to pickup one/half of the cost if the city would pickup the other one/half. He was therefore asking the council to approve the \$8,800 to Mike Rutledge. The question was asked if the school declined to pay the \$8,800 would he then be coming back to request the balance. Mr. Bradley indicated yes but he felt the school would honor the agreement.

Councilman Olsen moved to authorize the payment of \$8,800 to Mike Rutledge seconded by Councilman Hall.

The chair called for a poll of the council:

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

d. ITD Request for sewer service:

ITD has made a request for city sewer service. They have agreed to install the entire necessary sewer pipe and lift station at their expense to connect. The general conscience from the council was in agreement to allow them to connect. Being the item was placed on the agenda as informational/discussion no action could be taken at this time but would be on the next agenda.

Planning Zoning: Amending code: Adding Adult Business Restrictions:

The planning zoning director came forward and explained the reason and need to amend the city code to restrict where adult type businesses could operate in the city. The council reviewed the map and written portion of the ordinance but was confused by the map due to its size. The council also wanted to review the minutes from the planning and zoning meeting.

Councilman Olsen requested a larger map and the planning zoning minutes be provided for the next agenda.

Clerk:

a. Approval of Fireworks Permits:

The clerk presented the council with a listing of vendors requesting fireworks permits. The vendors as listed:

Broulim's	In Store - 150 S State
Paul Bradley	Parking Lot - 247 Farnsworth
Bryan Brusman	Parking Lot: Tadd Jenkins- 409 Farnsworth
Tanys Searle	Parking Lot - 289 E 1st South
Rick Barton	Parking Lot: Broulims - 150 S State

Councilman Datwyler moved to approve the 2019 fireworks permits for the vendors listed seconded by Councilwoman Weight.

The chair called for a poll of the council:

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

b. Amending City Code: Remove Multi-family homes from Commercial Zone:

The clerk indicated he and the mayor had discussed the issue raised on the re-zone of the old school property. The council was hesitant to allow the property to be zoned commercial being that multi-family homes could be built in a commercial. The mayor felt it best for the council to remove this provision from the commercial zone and thereby eliminate future concerns and building issues.

Councilman Burke moved to hold a public hearing for the removal of the R-2 (multi-family) provision from the commercial zone on July 3, 2019 seconded by Councilman Datwyler.

The chair called for a poll of the council:

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

Police Dept:

a. Request to upgrade officers computers:

Chief Tower noted that his department needed to rotate out two of the desktop computers. He needs two for an estimate of \$700 each (total -\$1,400) from the capital improvement fund. He feels he can obtain two at a lower price.

Councilman Olsen moved to approve the acquisition of two desktops from capital improvement fund with a maximum amount of \$1,400. Motion seconded by Councilman Hall.

The chair called for a poll of the council:

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

b. Reverse Motion Quit Deed Property 3rd West/Boulder:

Chief Tower explained the issues the city has had with the property on the north side of Boulder Street and N 3rd West where the council had moved to quit title the section of property on either side of the intersection on both sides of the road. The property owner on the south side had maintained the property. The owner on the north side has not. There have been numerous complaints with parking and damaging the water system. The mayor requested the council address this issue. The chief mentioned the enforcement with compliance will remain under the police department if the property remains under city ownership. Councilman Burke mentioned the owner is attempting to make the improvements as agreed between him and the city. The clerk mentioned the motion was made in 2017 to quit deed both sides: the south side has been done but nothing on the north side. Mr. Bradley said the cost of sending a crew over to mow is

time consuming to mow the two sections. Nothing has been done last year or this year as far as time spent by the city. Councilman Burke felt it should be left the way it is. Councilwoman Weight stated that the property owner on the north had been parking a flatbed trailer which is hindering visual sight for the motorists.

Councilman Hall moved to table the item seconded by Councilman Burke.

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

Other Council Business:

Hot Classic Nights: Adam Hall who is involved with the Hot Classic Nights event explained if the city could become involved in the event by way of liability insurance. The classic night event is in their 17 years of putting the event on. All proceeds from the event benefit the Rigby Sr. Citizen Center. The chamber of commerce along with the rotary club has in the past been the sponsors of the event but for the past several years Todd Stowell and Adam Hall have been the organizer and sponsor of the event. Council expressed concern over the liability and ownership of the event. The clerk will check with ICRMP insurance for what steps need be taken to ensure the city is able to sponsor the event.

Item tabled.

Public Comment:

Doug Farnsworth: Mr. Farnsworth came before the council to express his frustration with the access road that was vacated off of Pleasant County. The minutes where the proposed cul-de-sac was vacated stated that 15 feet on the north side of the road and 15 feet on the south side were to be deeded to the two property owners (Farnsworth and Shippen) with the remaining 30 feet deeded to Fox Investment. The county record shows all of the 60 feet being deeded to Fox Investment. Mr. Farnsworth built his tri-plex anticipating access from the vacated road. To date the road has not been installed and his tenants have to drive through mud to get into their apartments which are being tracked into their homes. The three owners, (Shippen, Farnsworth, and Fox Invest) cannot come to agreement to what had been agreed to in 2017. He was looking to the city for assistance being the city deeded the vacated road to Fox Invest which is not what the council had agreed to.

After lengthy council discussion it was agreed that the attorney will set a meeting for all three property owners and the item will be addressed at the council meeting of July 3, 2019 and if not resolved between the parties the council will come to a final determination.

Melanie Jones: Mrs. Jones came before the council to have the council enforce the weed ordinance behind her home (151 S 2nd West). Mrs. Jones came in the office

several days ago complaining about the weeds. Chief Tower said he would make contact with the property owner and have the weeds mowed. When questioned by the council the chief indicated he was informed the lot would be mowed sometime next week if not before June 1, 2019.

Review/Approval of Bills:

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

The chair called for a poll of the council:

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

Executive Session:

Councilwoman Weight moved to enter into executive session per Idaho Code 74-206(b)- evaluation of an employee. Motion seconded by Councilman Datwyler.

The chair called for a poll of the council:

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

Council enters executive session: 9:30pm

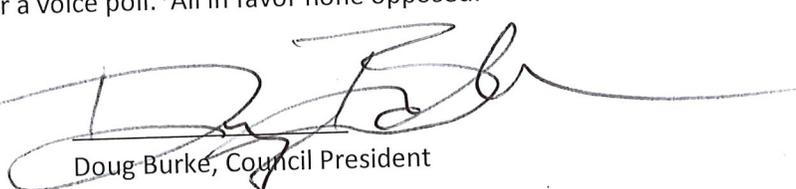
Council exits executive session: 11:04pm

Adjournment:

Councilman Hall moved to adjourn seconded by Councilman Datwyler.

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

CITY OF RIGBY



Doug Burke, Council President

ATTEST:



David Swager, Clerk