

City of Rigby
Council Meeting Minutes
March 21, 2019

Council President Doug Burke called the meeting to order at 7:00pm Thursday, Mar 21, 2019. The pledge of allegiance was given by Benson Taylor and the prayer given by Dr. Datwyler.

The mayor asked the clerk to call the roll:

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

Also present: Mitch Bradley Public Works Director, Chief Tower

Public Hearing: Excavation Permit Fee:

Mitch Bradley came forward and discussed why a fee was needed along with a permit whenever anyone dug into the city's roads. His main concern was making sure that he knew who was digging and that when they are completed the road surface is restored to the same or better condition that it was prior to the excavation.

The chair asked if anyone in attendance wished to speak concerning this. No one came forward.

Councilman Hall moved that resolution #192-2019 be read in summary seconded by Councilman Datwyler.

Councilman Taylor read the resolution.

Councilman Taylor moved to approve the adoption of Resolution #192-2019 seconded by Councilman Hall.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

Public Hearing: Impact Map:

Sharon Parry planning & zoning administrator came forward and discussed with the council the reason for the new impact map, the requirements imposed by the state for an impact zone and how the map boundaries were configured. She mentioned that the city along with the county has met on numerous

occasions and the boundaries have changed at the request of the county. Council asked various questions concern annexation; what the difference is between city standards for roads versus the county standards; how a single residence would or would not be affected; if being in the impact zone would residents taxes change; the effect of when or if a home would need to be connected to city services; what happens if water/sewer services are not available; what affect would this have on existing subdivisions; partially completed subdivisions; platted subdivisions without having construction begin; and unplatted subdivisions; what is forced annexation and voluntary annexation.

Attorney Dunn enters meeting (7:17PM).

Mrs. Parry answered the questions stressing that the impact zone is not an annexation, and annexation could only occur if the property was contiguous to existing city boundary. The city cannot annex and leave voids between boundaries. There is no time table if and only if annexation would occur it would be a voluntary annexation. She mentioned that the narrative section of the impact zone is still in draft form and being worked on by the city/county and as of now it is not complete.

The asked if there were any other questions from the council to the planning zoning administrator. Being none he then opened the meeting for public comment. The chair reviewed the procedures that would be followed concerning public comment.

James Tibbets: Commented that while he will be in area impact he could not see anything that affects him at the present time and was therefore neutral on the subject.

Curtis Nielson: Felt that the taxpayers will be paying for the added development costs associated with any subdivision. Being such he was opposed to the expansion of the zone.

JoAn Wood: Asked for clarification if a single family home were to be built would the home be subject to the rules as subdivisions.

Brad Goody: Expressed concern with his farm being included in an impact zone as to what it may or may not affect the sale ability of his farm if he were to sell it. Opposed to the zone has always lived in the county and intends to stay in the county and not the city.

Robert Goody: Also is concern with limitations being placed on ag ground due to the impact zone. He is opposed to being included. He also expressed concern with the control of canal water. Wished the city would grow but to the east and north.

Dena Goody: Is opposed to the impact zone. Has concern with the increase traffic that is occurring.

Mickey Cupkie: Is opposed to the zone. Moved to the Rigby area but wanted to live outside the city. Has a business downtown but wants to retain his county lifestyle for his family.

Shauna Allred: Commented that their farm will be in impact zone wonder how the boundary went as far north as it is and why it didn't stop at 400 North. Presently her land is zoned Ag 10 in the county and was concerned with losing the land for subdivisions being Ag 10 is considered prime ag ground for soil and water rights.

Being no one else indicated they wanted to speak the chair closed the public hearing.

Council discussion:

Council asked the planning zoning adm to address the following questions: Ability of city to zone: only the county can rezone county land. Added costs for developers to comply with city standards: tear out and replace usually costs more the install only. Councilman Hall commented he felt equal number wanting nice subdivisions who were in favor as those opposed. Upgrades of those subdivisions outside of the city help the county by prolonging the replacement of lower standards. The county planners wanted a larger impact zone than what the city wanted. Traffic is happening regardless of what happens to the city.

Councilman Taylor moved to approve the impact map as presented seconded by Councilman Hall.

The chair called for a roll call poll:

Councilman Burke	Aye	- felt the zone benefits city, school, churches, and county.
Councilman Taylor	Aye	- Map years ago went to Lorenzo which was too much, this map is good and we should continue with it.
Councilman Datwyler	Aye	- Thinks the map has been well thought out and based on good standards
Councilman Hall	Aye	- Assist future subdivision being built in the future.

Ordinance #2019-598 – Annexation J&A Legacy LLC:

Councilman Hall moves ordinance #2019-598 be read in summary seconded by Councilman Taylor.

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

Councilman Hall reads the summary of ordinance #2019-598.

Councilman Taylor move to approve and adopt ordinance #2019-598 seconded by Datwyler.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

April's Fair Housing Proclamation:

The chair reads the 2019 April's Fair Housing Proclamation and signs the proclamation.

Well/Tank Land Acquisition:

The attorney reviewed the status of the land purchase. The contract has been signed and waiting the title policy. Everything is in order and waiting for the church to complete their side of the sale.

Planning/Zoning:

Old Business: -

- Amend Title 10-2.1 – Requires Development Agreements – Ordinance #2019-599:
Councilman Taylor moves to read in summary form seconded by Councilman Hall.
The chair called for a voice poll: All in favor none opposed.
Councilman Hall reads summary of ordinance #2019-599

Councilman Hall moves to waive the required three reading and approve and publish seconded by Councilman Taylor.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

- Amend Title 1-12.1 – Include comp plan in area of impact – Ordinance #2019-600.
Councilman Datwyler moves to read in summary seconded by Councilman Hall.
The chair called for a voice poll: All in favor none opposed.
Councilman Datwyler reads ordinance summary #2019-600.

Councilman Taylor moves to waive the required three reading and approve and publish seconded by Councilman Datwyler.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

- Amend Title 11.15.18A(1) – Delivery of Irrigation Water – Ordinance #2019-601.
Councilman Taylor moves to read ordinance #2019-601 seconded by Councilman Hall.
Councilman Taylor reads ordinance #2019-601.

Councilman Hall moves to waive the required three reading and approve and publish seconded by Councilman Taylor.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

New Business: -

- Purchase of overhead projector:
Councilman Taylor moves to approve the purchase of an overhead projector for \$730 seconded by Councilman Datwyler.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

- Add new code section: R-Ranch to city code:
The planning zoning admin handed out new information from what was included in the packet for adding parcels of land which have low aspects of farm. A R-Ranch zone will accommodate rural areas which have ag use but are annexed into the city.

Council reviewed the new handout; reviewing the special use permit, reviewed the various examples of permitted uses. After discussion: Councilman Hall moved to table this code seconded by Councilman Taylor.

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

- Add new code section: Historic Downtown Overlay Zone:
The planning zoning admin handed out new information regarding the creation of a historic downtown overlay zone. The handout included a map encompassing East Main - to the alleys on either side of Main to 2nd West; East and West Clark to Fremont – map attached.

The downtown district is to encourage retail buildings, promote unique and aesthetically pleasing building; encourage on street parking versus off street parking; with new buildings having a zero setback requirement on the front.

Concern was voiced about parking in the downtown area. Diagonal on-street parking discussed with East Main being controlled by IDT who will not allow diagonal parking. Councilman Taylor

expressed concern with the handout was the first time he's seen this. Councilman Burke concurred with Councilman Taylor on the handout being rushed without prior review. Councilman Datwyler felt a public hearing would be acceptable. Councilman Burke noted that the council has not received a report from the planning zoning commission regarding this. Council and planning zoning admin began back and forth exchange with various persons talking over each other. Council felt further information was needed.

Councilman Burke moved to delay action until next council. Motion failed to receive a second.

Councilman Taylor moved that a public hearing be held on the April 18. Motion seconded by Councilman Datwyler,

The chair asked the clerk to poll the council:

Councilman Burke	No
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Recused himself being he owns a building in the proposed district.

- Amending Planned Unit Developments:

Comment from the council was the handout has changed from that in the council packet. The planning zoning admin stated that in conversation with the mayor, Councilman Datwyler and the pz commission that the current PUD allows higher density and an under achievement in moderate income housing. The handout before the council will change large lots, open space and significant amenities shall not exceed six units per gross acre. The pz commission after reviewing the two PUD applications before them want them to be turned down but were unable to so under the current code allows high density. They felt tighter restrictions are needed on the number of units in a PUD.

Councilman Taylor feels the mayor need to be in this discussion. Councilman Taylor moved to table the discussion until the next council seconded by Councilman Hall.

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

Park/Rodeo Committee – Expanding beer garden:

Mitch Bradley report that the park/rodeo committee is asking that the bleachers on the west end of the north side of the track to be opened for beer garden in addition to the ones on the east side.

Councilman Taylor moved to allow the north east and north west bleachers be opened for beer seconded by Councilman Burke.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

Public Works:

- Purchase of Pickup – Mitch Bradley said he has located a pickup from Tadd Jenkins for a price of \$20,951 for a 2012 Chev pickup with extended warranty of 36 month/ 50,000 miles. Councilman Taylor moved to approve the purchase for \$20,951 seconded by Councilman Burke.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

- Amending code exemption for excavation permits: Mitch Bradley stated that since the city has adopted an excavation permit the exemption for companies excavating less than 15 inches need to be eliminated being they are cutting into the road which will need to be brought back to standard. He was asking the council to approve with him moving forward with this deletion to the code.

No objections were voiced – he will move forward with the proper code amendment.

City Clerk:

The clerk came forward and indicated the quarterly interfund transfers were needed to be authorized at this time as follows:

	<u>To</u>	<u>From</u>
General Fund	18,750	
Water Revenue		6,250
Sanitation Fund		6,250
Sewer Revenue		6,250

Councilman Taylor moved to authorize the interfund transfers seconded by Councilman Datwyler.

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

Other Council Business:

Councilman Burke thanked Councilman Hall for his assistance on the St Patrick Day breakfast at the Rigby Sr Citizen Center.

Public Comment:

Ruth Miller like the zero set back being discussed.

Approval of Minutes:

Councilman Taylor moved to approve the minutes of March 7, 2019 seconded by Councilman Datwyler.

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

Approval of Bills:

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

The chair asked the clerk to poll the council:

Councilman Burke	Aye
Councilman Taylor	Aye
Councilman Datwyler	Aye
Councilman Hall	Aye

Adjournment:

Councilman Taylor moved to adjourn seconded by Councilman Datwyler.

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


Meeting adjourned: 9:28 pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk