

City of Rigby  
Council Meeting Minutes  
May 20, 2021

**Work Meeting:**

Present: Richard Datwyler, Aliza King, Mitch Bradley, David Swager

Councilwoman King felt the police needed to be adjusted but perhaps extra attention given to the upper classifications and leave the beginning wage at or near the current rates. Mitch Bradley stated that from the print out of the other cities of comparable size we're near the bottom of the scale. Clerk Swager stated the public works could be adjusted 5-6% with those employees being paid from the enterprise funds are funded differently than the police in the general fund. Not one fund is hit with the increase but is spread over 4-5 different funds based on the time spent doing the job. Councilman Datwyler stated the police had an adjustment of 10% 2 years prior whereas that the other employees did not receive. The council wants all employees to get adequate pay. Councilwoman King said the other departments all receive pay adjustments annually where the police have not received annual adjustments. Councilwoman King felt the city is a training ground and after an officer is trained they move on. She would like the have the officer stay with the city for a longer period of time beyond the two years. Datwyler compared his position with the college that there are only a certain number of professorships open and for professors to move up they do transfer to other institutions. The same is true for the city with a small police staff we can't have 2-3 detectives. Clerk Swager said that while the other employees have received annual pay increases from 1.5-2.0% collectively they have not added up to the 10% the police received. Councilwoman King wants the goal of meeting expectations of increased from the 1% as shown on the step sheet. No agreement reached meeting adjourned 7:03PM.

**Regular Meeting:**

The Council President Datwyler called the meeting to order at 7:06 pm Thursday, May 20, 2021. The pledge of allegiance was given by Becky Harrison and the prayer given Aliza King.

The Chair asked the clerk to call the roll:

Councilman D Burke	Present
Councilwoman King	Present
Councilman Datwyler	Present
Councilwoman Harrison	Present
Councilman R. Burke	Arrived 7:08PM
Councilwoman Weight	Arrived 7:06PM

Also present: Chief Tower, attorney Dunn, Mitch Bradley

**Amend Agenda:**

The chair asked if the agenda could be amended to allow for public comment. Councilman D Burke moved to amend the agenda to allow for public comment after the presentation of the public hearing. Motion seconded by Councilwoman King.

The chair called for a voice poll: All in favor.

Councilwoman Weight enters meeting: 7:06pm

Public Hearing – Revised Code Titles #9 thru #14:

The chair asked if there was anyone in attendance who wished to speak on the revision of the city code being no one signed up to speak. Seeing none he closed the public portion of the hearing.

Council Discussion:

The chair asked if there was any council discussion, being none he noted the decision on the revision of the code is later on the agenda.

Public Comment:

Councilwoman Weight moved for public comment seconded by Councilwoman Harrison.

The chair called for a voice poll: All in favor.

Councilman R Burke enters meeting: 7:08pm

Chad Martin, Superintendent of School Dist #251, came forward and wanted to express his thanks to the city police department for their response to the incident that occurred May 6, 2021.

Landon Thurgood stepped forward and wanted to express his concerns over the city/county accepting subdivision without considerations to traffic study, impact on schools, and on the city's infrastructure.

Economic Development Update – Brent Tolman:

Brent Tolman, Rigby's economic director, came forward and gave a brief over view of the action he has and is working on in attracting new businesses to the city.

2<sup>nd</sup> Reading Ordinance #2021.619 – Revision of Title #9 - #14:

The chair asked if there was any discussion regarding the ordinance #619 on the revision of the city code. Hearing none he then mentioned he would entertain a motion to read #619 in title and summary only.

Councilwoman Weight moved to read ordinance #2021.619 in title and summary only seconded by Councilwoman King.

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

The chair reads the title and summary of ordinance 2021.619.

The chair mentioned that the council could waive the third reading and move to publish and adopt the ordinance. Councilwoman King moved to waive the third reading of ordinance 2021.619 seconded by Councilman D Burke.

The chair called for a voice poll: All in favor, Councilwoman Weight voice nye.

Councilman D Burke moved to adopt and publish ordinance #2021.619 seconded by Councilwoman King.

The chair asked for a roll call poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Request for Annexation – S&H Properties:

Kirk Rowland, Eagle Rock Engineering, came forward stating he was representing the owners of the property located at 356 N 3800 East. He stated they had met the city's planning/zoning commission and the commission asked for a traffic study and a study on the impact it would have on the schools. He stated the county had issued a letter on the roads requesting to have a traffic study done or put in turn lanes. The owners have decided to bypass the traffic study and install the turn lanes. As for the impact on the schools Chad Martin will address the issue. He passed out a plat of the proposed site stating that they were requesting annexation with R-1 and R-2 zones, but he felt the council needed to know the concept that they were proposing. The site will contain 60 acres with a proposed 92 single family homes, 42 twin homes and 64 townhomes units which will be platted as a PUD development. There is 3 acres of open green space in the 6 acres allocated to the PUD. The 64 townhomes units will all be contained inside the area surrounding the twin homes with the single family units being placed on the west end of the property abutting 3800 East. Sup't Martin stepped forward and stated he could not issue a statement on the property being it was a school board decision to respond to the request.

Councilman D Burke recapped the financial impact the addition would have on the city: increasing the tax base and the water/sewer connections fees. Overall Councilman D Burke felt it was a good addition and fit for the city. Council discussed the annexation but were hesitant in bypassing the planning/zoning commission.

Councilwoman Weight moved to table the request and move the discussion back to planning/zoning seconded by Councilwoman King.

The chair asked for a roll call poll of the council:

Councilman D Burke	No
Councilwoman King	Yes
Councilman Datwyler	No
Councilwoman Harrison	Yes, with comment that the p/z issue its recommendation.
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Eagle Rock Sanitation – Franchise Agreement:

Kim Galloway owner of Eagle Rock Sanitation came forward and expressed his concern with other sanitation companies contacting current business owners and contracting with them for garbage services. He cited the clause in his contract that gives Eagle Rock the franchise for garbage services for existing businesses that were not contracted with other providers prior to the date of the new contract. He has contacted the other company (ies) and was told they would not remove their containers and if Eagle Rock wanted to protest it, Eagle Rock could sue them. Galloway also cited the Idaho Supreme Court ruling in other cases where a city could contract with sanitation companies and issue similar franchise agreements.

Councilwoman Harrison moved to direct the city attorney to send a letter informing the other sanitation companies of the franchise agreement the city has with Eagle Rock and if their containers were placed after the agreement with Eagle Rock was executed the city would remove the containers that are in violation and impound them. Motion seconded by Councilwoman Weight.

The chair asked the clerk to poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Water/Sewer Line Extension – 4000 E and 200 North – Brian Lott:

Brian Lott came forward to explain the need to have a decision from the city if it would provide water service to his proposed development located on 200 North and along 4000 East. Public Works Director Mitch Bradley presented an estimate for the water lines: for a 12 inch lines on both sections and for a 4 inch and 2 inch line. Being Mr. Bradley had been ill for the most part of the week, and he had not been able to contact Mr. Lott with the proposed costs. Mr. Bradley felt a 2 inch water line would service the property on 200 N and a 4 inch water line for the 4 properties along 4000 East. Mr. Bradley felt the city should upsize the water line to a 12 inch line from what Mr. Lott needs to allow and plan for extension and additional development to the east and south of the property. Mr. Lott is on the county's planning/zoning meeting which is scheduled to meet prior to the next city council meeting and would like to have a definite answer to take to them.

Councilwoman Harrison moved to allow the public works director negotiate with Mr. Lott for a will serve letter and a percentage of cost allocation for the 12 inch and 2 and 4 inch water lines. Motion seconded by Councilwoman King.

The chair asked the clerk to poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Alternatives to WWTP Proposal:

The clerk presented the council with a proposal of a draft to allow HLE Engineers review the proposal presented by Keller Engineering has submitted. He noted no other engineering firm has reviewed the proposal unlike the one done in 2006 which had a review done by an independent engineer. He stated that while the engineering work done by Keller's may or may not be adequate and will more than likely meet DEQ minimum requirements have they considered all options? With a price of \$18 million the city should have Keller's work reviewed to get the most for the least as was done in 2006. In doing any design one can see a method and overlook any alternatives that may/may not work. Being the item was not an action item it will be considered at the next council meeting.

IPDES Permit – WWTP – Keller Eng:

Scott Humpherys stated the city needed to update their discharge permit and he needed the assistance from Keller to complete the permit. Keller's has proposed a time and material estimate not to exceed \$3,000 to complete and submit the permit.

Councilwoman King mentioned the wide range of hourly rates Keller is proposing for the same classification of work for an engineer. The rep from Keller stated it depends on who works on the permit and the pay sheet submitted is used by Keller's for all of their time based work. Councilwoman Harrison noted in all likelihood the permit will be invoiced at the contract amount - \$3,000 being it states will not exceed \$3,000.

Councilwoman Harrison moved to award the contract to Keller's to complete the IPDES permit for a fee not to exceed \$3,000 seconded by Councilwoman Weight.

The chair asked the clerk to poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

NUVODA Franchise Agreement:

The city has paid the agreed upon price of \$587,689 on or about May 1, 2021 but now need to sign the franchise agreement that goes with the purchase of the NUVODA system.

Councilwoman Weight moved to approve and sign the franchise agreement with NUVODA seconded by Councilwoman King.

The chair asked the clerk to poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

Amendment to Keller's WWTP Contact:

Marvin Fielding from Keller Eng stepped forward and presented the council with an amended contract for additions to the WWTP. The original contract for engineering services totaled \$2.2 million. With the additions and changes discussed in the May 6 council meeting the changes in engineering fees changed from the \$2.2 million to \$3.98 million. The cost of the project according to Fielding went from approx. \$10 million to slightly over \$23 million. The council had discussed utilizing the NUVODA system in the current ox ditch but adding two larger size ox ditches. The proposed cost of the two ox ditches will add \$6.86 million to the project. The council had also been told in the future the plant may need to add additional screenings and filters in the headworks building. This addition would add another \$2.9 million to the project. The additional costs (\$2.9 million) may be funded with grants from USDA.

Councilman D Burke questioned the amount of engineering fees, \$1.7 million. He stated Keller's had an agreement for fees at 15% of allowable costs. The new contract is a fixed fee but for the resident representative which appear to be higher than 15% of the allowable costs estimates.

The clerk presented additional concerns that changed from a November 19 report with one task, Biosolid Management, being added into task #2 - final design phase. He also noted there was no description of tasks as to what was being performed other than the name of the task. The amended contract also did not give a summary of engineer's costs estimates and accordingly the engineer's fees associated with the new construction but had them added together with other cost associated with the project.

The attorney asked if this was an amended contract or a change order? Council discussed the increase in fees is due to the increase and expansion of the plant. Councilman D Burke still had issues with the engineer fees which he felt exceeded the agreed upon percentage.

Councilwoman Weight moved to table the decision pending additional information and clarification from Keller's seconded by Councilwoman Harrison.

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

#### Other Council Business:

##### Vendors in South Park:

- Cory Christensen stepped forward and asked about renting space in the south park to have a mobile coffee stand. He proposed opening June 1<sup>st</sup> and operating it thru Sept 30, 2021. The prior lease which the city issued was for a snow cone stand and for the same time period charged \$300 for the space and \$50 to reimburse for electricity.

Council discussed having the vendor either close when other vendors have events at south park or pay the appropriate fee. The city will draft an agreement for Christensen.

- Carrie Monson came forward saying she has been hosting the Farmer's Market at the church on Hwy 48. But for the last year or so the traffic is so heavy, customers don't stop by. She is requesting the area north of the Veteran Memorial to host the market. The market will be held every Wednesday from 4:00 to 7:00pm.

Councilwoman Weight felt it being a community service that the area be made available seconded by Councilwoman King.

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

- Employee's Pay and Police Pay Scale:

Two of the council members met this afternoon along with the clerk and public works director. Councilwoman Harrison felt they needed something in writing to review and not to continue to have ongoing open ended discussions. Councilman D Burke stated he would put together a written plan or suggestion which could be reviewed and to narrow down the discussion by the next scheduled meeting. Councilwoman Harrison indicated she could not meet at 6:00 but could make a 6:30 meeting.

- Bracelet Sales:  
Councilwoman King asked how the city got involved in selling Rigby Strong bracelets. The city generally does not sell such items and she questioned the wisdom of doing so. The city should refrain from doing so in the future.
- Community Response:  
Sam Tower stated there will be a second community meeting in regards to the school shooting incident on Monday, May 24 in the South Fork Elementary School.

Review and Approval of Minutes:

Councilwoman King moved to approve the minutes of May 6, 2021 seconded by Councilwoman Harrison.

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

Review and Approval of Bills:

Councilwoman Weight moved to approve the bills listing seconded by Councilwoman Harrison.

The chair asked the clerk to poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilman Datwyler	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes
Councilwoman Weight	Yes

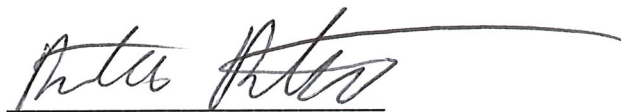
Adjournment:

Councilman Datwyler moved to adjourn seconded by Councilman R Burke.

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

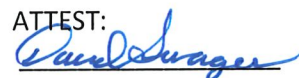
Meeting adjourned: 9:34 pm.

CITY OF RIGBY



Richard Datwyler, Council President

ATTEST:



David Swager, Clerk