

City of Rigby
Council Meeting Minutes
May 21, 2015

Mayor Richardson called the meeting to order at 7:00 pm Thursday, May 21, 2015. The pledge of allegiance was given by Robin Dunn and Schyler Walker offered the prayer.

The council lacked members for a quorum, the mayor called Councilman Maloney who was able to attend via teleconference. The meeting was called to order at 7:00pm.

The Mayor asked the clerk to call the roll.

Councilman Walker	Present
Councilman Taylor	Present
Councilman Maloney	Present - via phone
Councilman Simonson	Present
Councilman Sullenger	Absent
Councilman Olsen	Absent

Also present: Keith Hammon, Attorney Robin Dunn, Rick Lamoreaux.

2014 Comp Plan Hearing:

Jeff Patlovich came forward and gave an overview of the 2014 Comp Plan. He reviewed the process that the planning and zoning commission had done on the plan, the dates when they held open houses, and the dates of the public hearing done at the planning and zoning level. Mr. Patlovich then reviewed the work session the city council held on April 16, 2015 and the additions that the council added for the transportation and airport compliance.

Concluding his remarks, the mayor then opened the floor to public comment. The mayor requested that those wishing to comment should add their name to the sign in sheet at the front of the room.

Bryan Call – 3535 Nathan Place, Ammon, ID.

Spoke as being neutral to the plan. He owns land east of the railroad and borders Hwy 48. His concern was the map that the planning and zoning administrator showed him, was the land was being changed to light industrial and the current zone is commercial.

The mayor responded that the land is still zoned commercial and is not being changed with this comp plan. The city may in the future wish to allow for a light industrial zone but currently nothing is being changed.

Barry Lewis: 560 W 1st South:

Mr. Lewis has concerns with the areas on the map that were designated as commercial along Hwy 48 on 3rd West and 3600. He understood the concept that those areas may be developed as commercial properties but wanted to know if they could have a classification beside commercial or into sub-categories. .

The mayor stated that the property owner would need to come before the city for zone change. The planning and zoning commission would assess the request by answering is this change beneficial to the area? The mayor addressed the sub-categories which currently the city has but one commercial zone. This will more than likely be changed in the future to allow for other commercial zones being defined. He felt the areas as identified would not change in the foreseeable future.

Bob Stirling – 4011 E 26 North:

Stated he is opposed to the plan. Mentioned that the map he received shows a “light industrial zone”. The mayor indicated the map on the comp plan shows all residential. The map Mr. Stirling was referencing was the proposed zone map. He is opposed to light industrial zone around his area because he feels the change would affect his

property values. Mr. Stirling was what benefits they would receive if they are annexed into the city. The Mayor indicated that he was probably receiving the net benefits of the city streets already. His property taxes would probably double. Access to water and sewer would be available if the property was annexed into the city. He was concerned after attending a meeting a couple months ago and being informed that annexation and the zone change would happen. He was opposed to being annexed and not receiving any benefits.

Richard Jacobsen – 346 N 4000 East:

His property lives across the street which is included in the city. He commented that he had received a letter from Mr. Bingham that with a general type of plan would be included in an annexation and included in an industrial zone. The map that is posted on the wall does not show the industrial zone. His question was has that changed?

The mayor stated that the industrial zone being discussed is a future zone for consideration. The best growth for a city is from industrial. The mayor does not see an industrial zone that has smoke stacks but light industrial. If such an industry were to come in, then it would behoove the city to discuss the pro and cons with the landowner of having such a business locate in the area. One such business did look but decided to look elsewhere. He stated that he in his personal view is opposed to “forced annexation”.

Mr. Jacobsen expressed his opposition to be annexed unless there is a need and a change. Currently his land is a farm and until something changes he doesn't see any benefit to being annexed.

Dayton Lewis – 3882 E 400 North:

Asked if the comprehensive plan was available.

The mayor indicated the plan is available on the city's web page.

Being no further public comment, the mayor closed the public comment period.

The mayor said looking forward 40- 50 years the city will grow and will need to expand. In his personal view, property ownership is scared and the city is not reaching out and grabbing property. If and when there is potential that a change is viewed as being beneficial to the city then the leadership of the city should have an argument so pervasive that the change is seen as benefitting all. He also noted the area highlighted in purple on the map is commercial due to the proximity to the railroad tracks. Having said that:: he opened discussion to the council.

Councilman Taylor asked about the zoning on the former junior high school property on 1st West. He inquired what would be the process to change the property from it being zoned a school. The mayor stated the school would need to come in and request a zone change and a change in the comp plan map. He said he has not heard anything from the school so he's uncertain what plans they have.

Jeff Patlovich stated the next step in the process would be to update the city's development code. The development code would explain possible uses that the school zone could be used. The updating of the development code would be to re-define what would be allowed.

Resolution #175-2015- Adopting 2014 Comprehensive Plan:

Councilman Taylor moved to adopt Resolution #175-2014 titled 2014 Comprehensive Plan and Comprehensive Map seconded by Councilman Walker.

The mayor asked the attorney to read the resolution.

The mayor then asked the clerk to poll the council:

Councilman Walker	Aye
Councilman Taylor	Aye
Councilman Maloney	Aye - via phone

Treasurer's Report – March 2015 and Journal Entries:

The treasurer gave a brief overview of the management letter he sent to the council. He noted all the expenditures for the most part were at or under 50% of budget. Most of the funds revenues were at 50% or more to revenues.

He reviewed the journal entries indicating they consisted of accruing interest or posting internal service fund charges that occurred in the month of March.

In closing he said budget worksheets had been given the department heads for the upcoming budget cycle. The road fund will be getting \$30,000 more from highway users revenues based on revenues estimates he had received from the state last Friday. He also noted that in April, 2013 the city commissioned a capital facility report with Keller's and Associates. Marvin Fielding noted the study in an email dated in November, 2014 but as of this date, the city has not received the report after paying \$6,500 towards it. The report needed to be issued or request that the fees paid be refunded.

1st North Sewer and Water Line Upgrade:

Marvin Fielding from Kellers and Associates reported that the bid opening on the 1st North water and sewer project were opened this morning. Eleven companies participated in the walk through and three bids were presented. The three bids are as follows:

Bidder	Bid Sch #1	Contingency	Total Bid
DePatco	195,073.88	48,065.00	243,138.88
TMC Contractor	241,260.00	31,560.00	272,820.00
A+ Contractors	209,492.20	39,775.00	249,267.20

Mr. Fielding recommended the council approve DePatco's bid. They have been deemed to have met all the requirements for bonding and insurance after review by the attorney. Mr. Fielding noted the contingency amount is not expected to be used but is in the bid in case of something unforeseen arises during construction. One item, dewatering in the amount of \$24,500 is not expected at all. The work schedule is for 30 working days and work will not start before June 22, 2015.

Councilman Taylor moved to award the 1st North water and sewer bid to DePatco and authorize the mayor to sign the notice to proceed and other documents as deemed necessary seconded by Councilman Simonson.

The mayor then asked the clerk to poll the council:

Councilman Walker	Aye
Councilman Taylor	Aye
Councilman Maloney	Aye - via phone
Councilman Simonson	Aye

Amend Agenda:

Due to limited battery life on Councilman Maloney's cellphone Councilman Maloney moved to amend the agenda to allow for the review of bills and minutes as the next item of business. Councilman Simonson seconded the motion.

The mayor asked for voice poll: All in favor.

Review and approval of bills:

The bill list was reviewed along with an addendum of the library bills. Councilman Simonson moved to approve the bills including the library bills seconded by Councilman Walker.

The mayor then asked the clerk to poll the council:

Councilman Walker	Aye
Councilman Taylor	Aye
Councilman Maloney	Aye - via phone
Councilman Simonson	Aye

Minutes of April 16, 2015:

Councilman Taylor moved to approve the minutes of April 16, 2015 seconded by Councilman Simonson.

The mayor asked for voice poll: All in favor.

Minutes of May 7, 2015:

Councilman Walker moved to approve the minutes of May 7, 2015 seconded by Councilman Maloney.

The mayor asked for voice poll: Councilman Walker and Maloney in favor, Councilman Taylor and Simonson abstaining.

Amending City Code:

- **5.2.3 – Firearms** – Council reviewed the revision in the firearms code covering: Definitions adding definition of a firearm and definition of a weapon. The revisions were modified from the city of Idaho Falls code. The council also reviewed the exception of unlawful discharge. Consensus of the council was acceptance of the revisions.
- **5-4-4 Non-commercial kennel license** – Council reviewed new section proposed 5.4.4(E) – Revocation. The council discussed conditions when a kennel license could be revoked. Councilman Taylor expressed concern with the wording that allowed the mayor or police chief to revoke a kennel license and under what conditions a kennel license could be revoked. The attorney indicated he would review the clause and add restrictions and rights to the owner with the final decision on any revocation of the kennel license being decided by the council. Council also reviewed failure to pay the annual kennel license may or shall be cause for revocation.

Idaho Falls Chukars:

The city was asked by the IF Chukars baseball team if the city would like to participate on July 6 “Jefferson County Nite”. After discussion the council felt the purchase of tickets would be supporting private enterprise and did not feel comfortable doing so.

Other Council Business:

- AIC Convention – Association of Idaho Cities will be holding their annual summer conference in Boise June 10-12. The mayor commented that the meeting he attended last fall was very informative. Any council members wanting to attend should notify the clerk so he could make the reservation.
- Councilman Sullenger – Councilman Sullenger has moved to Utah and the city will be looking for a nominee to succeed him. The mayor as several names he’s considering and wanted the council to add names of individuals who may be interested in serving.

Public Comment:

- Marvin Fielding – Kellers & Associates:
Responding to the comment made by the clerk on the completion of the capital facility study he indicated most of the work has been completed but needs his final review of the report. He noted the studies on the water, sewer and transportation will be incorporated into a single report. Councilman Walker asked about the time frame when it would be issued and Mr. Fielding indicated it could be issued in about a month.

Councilman Maloney ends phone participation at 8:20pm.

Executive Session:

Councilman Taylor moved that the council enter into executive session per Idaho Code 67-2345(f) – to discuss with legal counsel options of litigation likely to be litigated, seconded by Councilman Simonson.

The mayor then asked the clerk to poll the council:

Councilman Walker	Aye
Councilman Taylor	Aye
Councilman Simonson	Aye

Council exit executive session at 8:45pm.

Councilman Taylor moved that the council enter into executive session per Idaho Code 67-2345(c) to conduct deliberations concerning labor negotiations seconded by Councilman Walker.

The mayor then asked the clerk to poll the council:

Councilman Walker	Aye
Councilman Taylor	Aye
Councilman Simonson	Aye

Council exit executive session at 9:17pm.

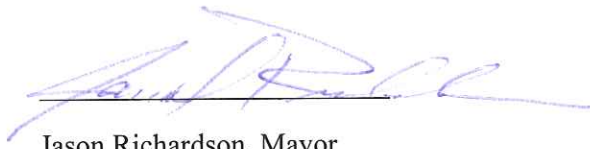
Adjournment:

Councilman Simonson moved that the council adjourn seconded by Councilman Taylor.

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

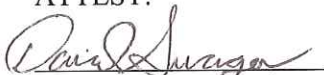
Council adjourned at 9:18pm.

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk