

City of Rigby
Council Meeting Minutes
November 1, 2018

Mayor Richardson called the meeting to order at 7:00pm Thursday, Nov 1, 2018. The pledge of allegiance was given by Richard Datwyler and the prayer given by Kirk Olsen.

The mayor asked the clerk to call the roll:

Councilman Burke	Present
Councilman Taylor	Present
Councilman Hall	Present
Councilman Olsen	Present
Councilman Datwyler	Present
Councilwoman Weight	Arrives 7:55pm

Also present: Chief Tower, Mitch Bradley & Attorney Dunn

Public Hearing:

The mayor opened the meeting and explained to those in attendance the procedure in which the hearing will be conducted. He asked anyone in attendance if they wished to speak and had not signed in they needed to do so. He then called on the clerk to recap the summary of the planning & zoning meeting of Sept 2016.

Applicant presentation:

Mike Crank representing the Crank family came forward and presented why the family was requesting a zone change from R-1 to R-2. Since the death of his father the house has been vacate and the ground unfarmed. There have been instances of the police being called by the residents of persons entering the house and out buildings. But there has been no evidence of trespassing occurring. They have found drug paraphernalia in and around the property. The development as the family envision will not be a repeat of Caribou. The prior realtor and developer have been changed and the property will not be developed as such. He stated that a decline in property values has been mentioned but there is a not hard fact to support that assertion. The city's comp plan mentioned that vacant empty property should be "infilled" with housing. This property has been vacate for a number of years. The family envisions the property being developed as a senior citizen development or assisted living center. The comp plan also mentioned as the need to improve the housing for the city. Again this property fulfills that need. The property will also assist in providing affordable housing. The biggest problem with the property being zoned R-1 is marketability. Being the property is 6 acres the cost of installing infrastructure too costly for 12-14 homes. The property has been on the market as R-1 but have not seen any offers or parties interested. R-2 will allow more flexibility. The property will also improve physical activity within the comp plan. The west end of the property has a large mouse issue which left undeveloped will affect the adjoining homes. The property complies with the west end of property being contiguous with R-2 property.

Councilman Taylor asked Mr. Crank how long had the property been on the market. Mr. Crank responded 2 years.

The mayor turned the time over to those supporting the applicant.

Rachel Anderson: She supports the zone change even though she is a family member. She has not seen any plan as was discussed with the development having 80 doors. Any such proposal was not run past the family. Currently the property is being used as a dumping ground for the surrounding neighbors. The property prior to being incorporated into the city was zoned as R-2 in the county. After being annexed into the city and the zone was changed to R-1.

Janice Crank: She's the wife of Mike Crank and the family has come up on the weekends to maintain the property. But being vacate the buildings are deteriorating and will continue to deteriorate. The property needs to be developed.

Sheryl Coles: Supports the zone change as it will make marketing it better with more options. The farm was on the outside of the city until growth crept in and encompassed the property. The planning and zoning commission reviewed the issue and concluded the best use for the property was to allow a zone change to R-2.

Dustin Coles: As a family member and farmer he has assisted the maintaining the property. The 6 areas can handle 6-8 cows but the distance from his home to Rigby makes it impossible to put cows there plus with the death of Mr. Crank the ag exemption went away so that option is no longer available. He was okay with assisting with the maintenance of the property along with other family members until he received a certified letter from the police department complaining about the weeds on the property. The city has placed undue restrictions on the property which is causing the family undue hardships. An R-2 zoning would allow development and remove restrictions that the city placed on the property.

Speaking In Opposition:

The mayor read the names of individuals wishing to speak in opposition to the zone change. Due to the number of individuals who had signed up to speak he wanted to request if those wishing to speak not to repeat items already discussed but they could concur with what had been said by a prior speaker.

Terri Smith: Was concerned with the water/sewer demands that a development would place on the existing services of the city. She was also concerned with an increase in traffic coming onto 3rd West which already is a high traffic road. She agreed the property needed to be developed from the empty field it is now.

Aliza King: Lives across the street from the property. She has on occasion called the police when she saw suspicious activity occurring on the farm. She feels the property could be developed as an R-1 zone with 14 lots. She is opposed to an R-2 zone because once it is zoned R-2 regardless of what the Cranks

say once they no longer own the property and kind of development within the R-2 code could be done. She wants the property kept as R-1 to preserve single family homes.

Rex Sutherland: He's attended the prior meetings regarding this property and the neighbors are still opposed to any zone change from R-1. His home abuts the property and agrees the property needs to be developed but as R-1.

Don Vernon: Stated he agreed with what has been said and couldn't add anything new.

Nicolette Vernon: Stated she agreed with what has been said and couldn't add anything new.

JC Barron: Lives across the road from the farm and remember in prior years cows getting out on the road and he'd assist Mr. Crank in getting them back in the corrals. He felt it wrong for the ag exemption to end with the death of Mr. Crank and would like to the property continue as a farm as Mr. Crank farmed it. He also questioned where the drug paraphernalia was found on the property. If it was at the west end that's further indication to keep the property zoned R-1. He also felt if the city wanted it developed why not have the city purchase the property and turn it into a park.

Danielle Nielson: Stated she agreed with what has been said and couldn't add anything new.

Kale Jentzsch: Felt that when property is not owned by the owner the property falls and declines as upkeep and maintenance are not done.

Jennifer Jentzsch: Stated she agreed with what has been said and couldn't add anything new.

Fred Miller: Agreed with what had been said.

Cory Bybee: Agreed with what had been said.

Becky Harrison: Had several economic reports showing the decline in property values when multi-family property is allowed in residential zones. R-1 housing has a low impact. Listed a number of reasons from the comp plan why the property should not be zoned as R-2.

Brad Harrison: Agreed with what had been said.

David Byington: Property zoned as R-2 anything could happen beyond what the Crank's say this evening. Could be a senior housing or large apartment complex.

Rebuttal:

Mike Crank felt the character of him and his family is good and they are offended otherwise. As for the drug paraphernalia being on the property, it was found in the center of the property under and near the tree which has since been trimmed. The impact of the development on the school is not of concern to

the city council. As for lighting on Caribou not being maintained to his knowledge the lights are the city's responsibility.

The mayor closes the public portion of the hearing and turned the time over for council discussion.

Councilman Taylor was concerned the development following code as it relates to the process itself and infrastructure.

The mayor said any development would need to be reviewed by planning and zoning prior to the issuance of a building permit including roads which would need to follow city standards.

The mayor said that while a senior care facility was mentioned as a possible development, the city could not place restrictions on the zone change without the Cranks permission. The mayor outlined a number of points to consider for the council to consider from the comp plan: to preserve and maintain the community, development not to have an impact on property values; health and safety of the city; general versus specific use of the property; the needs of full time residents versus part-time residents; the property along the west end of the property is zoned R-2, the existing "use" of the property doesn't fit any classification.

Councilman Burke felt the traffic concern should not be a concern with the development and building of the bridge on 5th West will take some of the traffic from that area as opposed to them using 3rd West.

Councilman Olsen indicated the council should take the Cranks at the word on how they feel the property should be developed and allow them to explore a senior citizen development.

Councilman Hall asked Mr. Crank if he intended to just sell the property or if they would be developing the property. Mr. Crank said they would not be the developers.

Councilman Burke moved that the property be accepted with an R-2 zone. Motion seconded by Councilman Olsen.

The mayor stated that each councilmember must state a reason for their vote either aye or nay and what factors they used in reaching their decision.

Councilman Burke was opposed to considering a restriction being placed on the property. Council discussed the comp plan issues as infill, if the zone change changes the comp plan; the comp plan designated the property as R-1 in 2016. Councilman Datwyler stated that he does not know the Crank family and appreciates this is small town but making decisions based on the history is not planning and the decisions should not be made on personal feelings.

Councilman Burke moved for the council to approve the zone change from R-1 to R-2. Councilman Olsen seconded the motion.

The mayor stated prior to the vote that the council besides voting needed to give an explanation to their decision.

And he asked the clerk to allow time for the council to state the reason prior to calling on the next councilmember.

The mayor asked the clerk to poll the council:

Councilman Burke: Yes - The Cranks own the property and they should be able to develop the property the way they want and be able to sell it. It also fills in an empty parcel in the city. It's the right thing to do.

Councilman Datwyler: No – One of the points in the comp plan is to listen to the surrounding neighbors as to their input. The comp plan stated the council should take into account the wishes of the majority of the residents. There was overwhelmingly opposition to the zone change. He felt that allowing an R-2 zone would change the intent of the comp plan. The majority of the property is not contiguous to an R-2 zone. Being he represents the citizens and is voting in response to their input.

Councilman Hall: No – Stated he agreed with what Councilman Datwyler stated. He believes the land should be developed for single family dwelling which is constant with the neighbors.

Councilman Olsen: Yes – Feels the property should be able to develop the property anyway they want and be able to sell it. It's an opportunity for them to sell it and to fill in an area in the community. It's the right thing to do.

Councilman Taylor: Yes – Had no worry with the issue of city water or sewer being able to service the property as the city is prepared for it. He stated a new road has been constructed to handle the traffic. He did not believe crime would be an issue which is a city issue not the property owner. Since the property has been listed and the property owners are unable to sell it, it should be rezoned for resale.

Councilwoman Weight: Yes – Felt the comp plan encouraged this type of growth and an R-2 zone would be appropriate. The planning/zoning commission investigated the issues and unless there is a compelling reason the p/z decision should not be overturned.

The clerk reported the vote in favor of the motion: four in favor two opposed.

Increasing Septic Dump Fees:

Scott Humphreys came forward and stated he proposes increasing the septic dump fees to bring the dump fees in line with the sewer fees increase of 6% and to bring them in line with what Idaho Falls is charging. The mayor asked why it wasn't done while the city was doing the other fees. Mr. Humphreys stated he'd forgotten to do it then.

Councilman Taylor moved to schedule a public hearing for the increase fees on November 15, 2018 and to publish notice of hearing.

The mayor asked the clerk to poll the council:

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

Approval of minutes:

Councilman Taylor moved to approve the minutes of October 18, 2018 seconded by Councilman Hall.

The mayor called for a voice poll: all in favor none opposed with Councilwoman Weight abstaining.

Review and approval of bills:

Councilman Taylor asked about the bill for Teton Comm: the clerk responded that ICRMP sent the city a check in the amount of \$1,292.50 and the city was responsible for the deductible of \$500 which is why there are two invoices.

Councilwoman Weight moved to approve and pay the bills seconded by Councilman Taylor.

The mayor asked the clerk to poll the council:

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

Other Council Business:

Rigby Youth Sports: The mayor reported there had been a meeting with the parties involved in using the baseball fields and that they have come to an agreement. There had been instances where one party had not known issues that the other party was having. After the meeting both parties feel an agreement and solution could be worked out.

Hot Classic Nights: Councilman Hall stated the Hot Classic Night organization had donate \$1,000 to the city for trees in the park and donated \$6,800 to the Rigby Senior Citizen Center for the July event.

Christmas Breakfast: Councilman Taylor told the council Broulim's will be catering the breakfast on December 1, at 9:00 am location to be determined at a later date.

Public Comment:

None

Executive Session:

Being the lateness of the evening and that the council will be conducting an urban renewal meeting he would like to table the executive session.

Hearing no opposition, the item was tabled until the next council meeting.

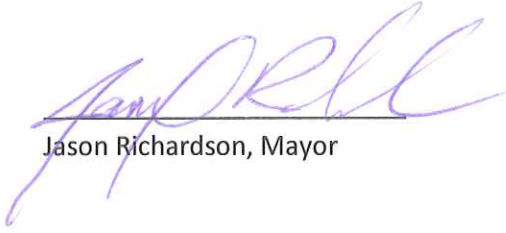
Adjournment:

Councilwoman Weight moved that the council adjourn seconded by Councilman Taylor.

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

Meeting adjourned: 9:03 pm.

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk