

City of Rigby
Council Meeting Minutes
November 17, 2016

Mayor Richardson called the meeting to order at 7:00pm Thursday, November 17, 2016. The pledge of allegiance was given Councilman Taylor and the prayer given by Councilwoman Weight. The mayor asked the clerk to call the roll:

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

Also present: Attorney Dunn and Chief Tower

Water Grant Project:

Rick Miller representing the Development Company came forward and discussed with the council two items: amending the authorizing resolution and ranking of engineers for the water grant project. The original authorizing resolution passed by the council on November 3, 2016 failed to include the estimated cost of the project, \$2.5 million and how the city will fund the project. The resolution before the council currently has added the phrase, "WHEREAS, cost for said infrastructure has been estimated to be \$2,500,000" and "The Council also commits up to \$2,000,000 cash and/or loan for said project."

Councilman Datwyler moved to approve the amended resolution #184-2016 "authorizing resolution" with match seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Procurement of Engineer for water project:

Three engineering firms have submitted proposals: Keller, Forsgren and Schiess. The council forwarded their individual rankings to the mayor who reported the following tabulation: Keller total 551 followed by Forsgren total 498.

Councilman Taylor moved the engineering firm of Keller be accepted as the engineering firm for the water grant project seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Play Ground Equipment:

Councilwoman Weight discussed the various playground equipment that they were looking at that would be paid via the urban renewal agency. She distributed a flyer with two proposed playground equipment to the council. Councilman Burke indicated the urban renewal agency would leave the decision on the particular equipment with the council. Councilwoman Weight stated several suggestions have been received: speed bumps around the driveway; foam ground cover; items for toddlers; benches; trees. The existing equipment is being planned to be relocated to the Pioneer Park. The removal would be paid by urban renewal and the relocation and placement would come from the park fund. Grant matching was discussed from outside sources. The city has the contingency/discretionary fund which has a limited amount of funds which could be used for matching.

Resolution of Intent to Create LID #9:

The council reviewed the costs estimates for the three proposed improvements: Courthouse Way, South 3rd West and Claremore Drive. Courthouse Way and South 3rd West is straight forward. Claremore Drive is more complicated due to the sewer and water service being involved in the project. One option on Claremore that would affect the cost would be the sidewalks. Either having the homeowners pay for the sidewalks or have the city pay for the sidewalks.

Discussion on the sidewalks being removed for the sewer and/or water line and the appropriate costs of each section had not been segregated out of the total cost of the sidewalk nor included in the cost associated with the sewer or water lines.

Councilman Taylor commented the costs associated with the sidewalks are significant - \$60,000. The mayor said then the consideration would be who will pay and the applicable service line. The public works commented that approximately 10 feet or 5 feet of the sidewalks would be removed to put the service line into the property.

Due to the cost associated with the individual service not being identified in either the water and sewer cost's the item was tabled pending the cost of the sidewalks for the water/sewer lines being allocated to the cost of the water/sewer lines and not borne by the property owner nor city.

Councilman Olsen moved that the costs of the individual service lines for water/sewer be refigured with the cost being tied to the respective service seconded by Councilman Taylor.

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

Redraft of Beer, Wine and Liquor Ordinance to allow sales on Sunday:

Councilwoman Thomas presented a correction on the ordinance prohibiting the sale of alcohol on Sunday. Discussion on the changes among the council on the changes made. The mayor commented that he feels the public concerns needed to be followed. Discussion on whether to have a public hearing was discussed and the attorney commented a public hearing was not needed. The mayor felt the three reading of the ordinance still needed to be done. The mayor wanted a public hearing on the issue.

Councilman Taylor referred to state code (#34-18) allowing for the citizens to petition the city to hold either a referendum or initiative vote on the restriction of alcohol sales on Sunday and wanted the proposed ordinance to sunset December 31, 2017 wherein if a petition was received a ballot vote could be done during the November 2017 election.

Councilwoman Thomas moved to publish the draft of the beer, wine and liquor ordinance #587 as corrected seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Nye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Amending Personnel Policy – Allow accrued sick leave time to Health Saving Acct:

The clerk indicated the tax code had changed wherein companies that have employees accrued sick leave can elect to have such time paid into a health saving account. The clerk indicated the resolution is done annually and at the open enrollment 15 of the 18 employees voted to allow the change. The change is binding for the year. The benefit of doing the change is it will save the employee on his/her personal income tax for both federal and state taxes as well as the FICA tax. The benefit to the city is that it also saves the city's match of the FICA tax burden.

Councilman Taylor noted that Sam Tower voted in opposition of the change and asked him why. Mr. Tower indicated he felt it was his money and he should be able to use it where he felt best. It was his personal opinion and he had no opposition to following the majority.

Councilwoman Weight moved to amend the personnel policy to allow for the payment of accrued sick leave to a health saving account. Motion seconded by Councilman Olsen.

The mayor called for a voice poll: Five in favor one opposed.

Placement of Footbridge between Hunter Cr and Pioneer:

Councilwoman Weight contacted the canal company and need to comply with their setback requirements along with the other agencies. She commented that when she first proposed the footbridge she had no idea that it would fought with such opposition. She started the discussion in May and finalized it in the August budget meeting. She along with Councilwoman Thomas has contacted those opposed to the bridge in Hunter Creek. They also contacted those in Pioneer Park who spoke in favor of the bridge. Those in Pioneer Park, 17 were in favor and one neutral. Those in Hunter Creek – 20 were opposed, 8 for the footbridge. Councilwoman Weight commented that many persons she contacted thought it was going to be a traffic bridge.

The mayor reviewed the number of citizens signing the petition – 70 which included both spouses. Councilman Taylor read the letter attached to the petition which referred to a traffic bridge. Discussion among council as to traffic bridge and footbridge both was being having been referenced in the last council meeting. Councilman Weight recapped the prior minutes of 2004-05 on discussion on the Hunter Creek development. Discussion of when the development that occurred on Caribou of townhomes or apartments before or after Hunter Creek. Councilwoman Weight stated that she was aware that Scott Stoker favored closing off 4th West. The mayor commented that he thought it prudent to abandon that portion of the road North 4th West and deeding the road to the two property owners. Councilman Datwyler recapped the discussion on the subject that occurred in the planning and zoning meeting. The p/z concern was for the long term growth of the city. The mayor stated that when the walking bridge was first discussed he thought it should be located at 5th West. Councilwoman Weight said the kids use the 4th West Street.

Councilman Burke brought up the concern of when Cedar Meadows gets developed the number of cars entering and leaving that subdivision through Boulder or having an alternative route accessing a bridge off of 5th West. The Cedar Meadows development will create more traffic and will need more access. The mayor felt there is a benefit to having a subdivision separated from other subdivisions. He didn't think it was a "given" that the roads need to cross the canal on each and every street. Councilman Burke stated a bridge was supposed to have been built when the development went in and instead the city put in the access along 5th West.

Councilwoman Weight stated that when the Pioneer Park was put in, access to that park is limited to those living in the Pioneer subdivision or by having to walk down 1st North and along 3rd West (where traffic speeds on that street). The reason for the foot bridge was for church meeting and just allowing kids from either development getting together.

Councilman Olsen feels a bridge will draw kids and create more danger for kids. He had a brother drown in the canal and feels a bridge could create more accidents. A bridge will allow kids to walk back and forth but it will also allow them to play around and off of the bridge.

Councilman Taylor felt with the street being "disjointed," it does create issues with safety. Councilwoman Thomas noted the north side resident's favors the bridge and those living south are opposed to the bridge. Councilman Taylor said that looking at the plans for both subdivisions there is an indication that the streets would be connected.

The mayor felt there are alternatives that are available. The first would be to abandon the intersection on 4th West and Fox hill Drive. And rename the road something other than 4th West from 1st North to Fox hill Drive. Another would be to place the foot bridge across the canal at 5th West. A road bridge

across 4th West doesn't make sense because it dead ends into 1st North. A walking bridge across 5th West makes the most sense because the church is located there where that is the intended destination. Currently he does not feel there is no solution. Councilwoman Weight favor 4th West and over the long term she feels there will be a bridge at 5th West. Councilwoman Thomas concurred.

Work to continue with the canal company for design and permission at either location.

Police Infractions and Misdemeanors:

Chief Tower came forward and reviewed the various infractions that he provided the council at the last meeting. Councilwoman Thomas stated that in her training with AIC that a resolution could be made instead of redrafting each ordinance that needs change. Chief Tower concurred and the whole text could be published in summary form. Most of the changes in the code are in definition of what is an infraction or a misdemeanor by way of punishment. There also needs to have a scale for the number of repeat offenses a single party receives. Councilman Taylor, the mayor and the chief will continue to work on the ordinances.

City Domain and Host Server:

The clerk came forward and mentioned that his computer had been hacked twice in the last two weeks from infected emails. The current providers "ida.net" and "fybercom.net" neither have filters for encrypted emails. He has discussed the issue with Complete Office Care who assisted in cleaning up the computer and their recommendation was to change email server using a domain name of "city of Rigby.com" with an email host server that has filters for encrypted emails. The cost of the change is \$4 per email account.

Councilman Taylor asked about the domain name of city of Rigby.gov. The clerk indicated the web page uses cityofrigby .com which is transfer from that.

Councilwoman Thomas move to approve the change of email to a domain name with an estimated cost of \$4 per email account. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Councilman Taylor voted aye but felt there is a better solution.

Approval of Minutes:

- November 10, 2016: Councilman Datwyler moved to approve the minutes of November 10, 2016 with Councilwoman Weight seconding the motion.

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

- November 3, 2016: Councilman Taylor moved to approve the minutes of November 10, 2016 with Councilwoman Thomas seconding.

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

Pay of bills:

Councilwoman Thomas asked about the “fatpot” expense. The chief said it was a joint expense with Madison County for communication equipment.

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

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Other Council Business:

- Appeal of Council Action to deny zone change:
The mayor noted he and the council were in receipt of the written notice of reconsideration of the denial of zone change on 359 West 3rd North. The attorney will write a “reasoned” decision why the zone change was denied based on the minutes of the meeting.
- 2010 Water Study:
Each of the council received a copy of the 2010 water study. During the discussion of the water project reference has been made to this study which only two or three of the council were aware of.

Public Comment:

Misty Stoker:

Stated certain misrepresentations have been made and some of the comments have been taken out of context. There has not been a clear definition between a “foot bridge” and a “drive bridge”. Both have been used interchangeability. She is opposed to the walking bridge. Safety is a concern. Kids shouldn’t cross the canal. Connecting the two subdivisions will cause more problems.

William Peterson:

Moved into Hunter Creek from Arizona because it was planned and developed. It’s a closed neighborhood without a lot of interconnecting streets. He is opposed to a thru street/bridge.

Scott Stoker:

As developer of Hunter Cr. Subdivision he is offended by having Hunter Creek classified as a mess. Caribou is a mess. A foot bridge will in time turn into a traffic bridge. The apartments along Caribou were not built when Hunter Creek was developed. The townhomes were built but not the apartments. Apartments were not allowed on the Crank property because it was in the middle of residential homes. More growth has occurred in Hunter Creek not elsewhere in the city. There is nothing wrong with having something quite and nice.

Ben Davis:

Lives in Pioneer Park and feels a footbridge would be convenient to go to and from church. The foot bridge would allow both subdivisions to be connected to the park in Pioneer Park. Safety is a concern. He also noted that alcohol sales on Sunday, the council needs to pay attention to the morals of the community. As a member on the urban renewal agency their vision of the south park will be have it an "iconic" feature in the community.

Todd Grant:

Is opposed to any changes in the law allowing the sale of alcohol on Sunday. Read from an article of the ill effects alcohol has on the community. Communities that have control over their liquor laws see a decrease in crime.

Chad Larsen:

Moved into Hunter Creek a little four years ago. They selected Hunter Creek because it a "closed" subdivision. Is opposed to having a thru street. His children play night games along the road and a bridge would affect their way of life and safety. There is an increase in theft when one can cross the canal when the water is turned out.

Sue Kenny:

Wanted to thank the council for their donation to the fair. It was much appreciated. She also recapped the upcoming solar eclipse occurring August 2017. It will bring a lot of visitors into the city as Rigby is a prime viewing site.

Dan Broers:

Feels there is a need to integrate the community. He likes Hunter Creek for its seclusion. Didn't want to move into the city but consented with his wife but is tired of fighting the seclusion of Hunter Creek which was the reason they moved into the city. If it continues he may be forced to move to a subdivision in the county. He is opposed to a foot bridge as it invites the kids to the area.

Tiffany Clifford:

Was told that the foot bridge would in time become a traffic bridge by members of the council. A bridge entices kids which causes concern with safety. Connecting Pioneer with Hunter Creek would be nice but not at the expense of kids safety. It only takes three minutes to drive to Pioneer Park.

Aaron Nebecker:

Moved from Texas to Hunter Creek because he liked the way it was planned and developed. Had lived at an end of a street in Texas and saw the same thing happen there as is happening here. The use of the bridge is one sided in favor of the north side. Feels the council needs to look at whose at this evening meeting and the numbers opposed to the bridge.

Mike Wilder:

Reminder the council to watch what is said during council meetings. Statements are misleading and offensive to certain members of the audience. Respect what is said. Need to save instead of spending. Adding a new park but the cost of maintenance will be high and he's opposed to such spending. If a thru street is put thru he will move to the county. The canal needs to be fenced off and no to a road bridge.

Mike Holm:

Also moved into Hunter Creek strictly because of the type of neighborhood it is. Doesn't understand why bring the positive values of the subdivision need to be brought down. When the water goes out of the canal items disappear from his yard. Safety for the kids is a concern. Lives near the canal but he hasn't seen kids running back and forth.

Skyler Walker:

Used to live in Hunter Creek across from the church. Moved into a subdivision that backed up against a trailer court. The trailer court tried to expand into a lot behind his and he and his neighbors fought against the expansion. The county commissioners listened to the neighborhood and denied the expansion. It's okay to say no. While living on Sundance he could see kids gathering in the church parking lot and would notify the police when he saw things happening. The kids weren't from Hunter Creek. A bridge will only create more problems. It's okay to keep Hunter Creek the way it is and the reason people are moving into the subdivision.

Michelle Robison:

Was told by the council that a foot bridge would turn into a road bridge. The council is confused about a foot bridge versus road bridge, even this evening. There is not a constant flow of kids crossing the canal. It's the older high school kids and she doesn't want the older kids coming into her neighborhood unless they live in Hunter Creek. The only reason being stated is to make it easier for people to attend church. A bridge should not be built with the only use is to allow residents to attend church. She conducted the petition and of those that signed they are opposed to a bridge.

Erin Davis:

She sees kids crossing the canal including her own kids. Footbridge will not cause problems as being stated. Pioneer Park will not be the only residents using the bridge. Need to teach the kids water safety. Supports fencing off the canal. Need to see what is best for the city and should not be based on religious affiliation.

Todd Housley:

One of the reasons for the bridge is the long walk along 3rd West. If putting a bridge in, it will turn 4th West into a 3rd West with a constant flow of traffic. Stoker's are an advocate for the subdivision even after the sale of the lots. He sold it as being a quiet subdivision and is fighting to keep it that way. He is opposed to a foot bridge.

Jen Housley:

A foot bridge will encourage more traffic. A foot bridge will cause more accidents with more kids accessing Hwy 48 without a cross walk on #48. She is opposed to foot bridge.

Brad Robinson:

Irrigation canals has state law that enforce trespassing on canal right of ways. It would be safer not to have a bridge. Connection of a foot bridge will turn into a traffic bridge. It was brought up this evening about a future subdivision and a bridge. A foot bridge does not provide commerce. The only people being hurt with a foot bridge will be the property owners of Hunter Creek.

Melissa Eckerzell:

As a working mother and she lives on Caribou. She is concerned with her kids and their safety. Sees it a benefit to those living in Hunter Creek with the new park being developed. Feels all kids within walking

distance could use the park and the bridge. There are benefits from both sides of the canal. Does see kids crossing the canal.

Public comment closed at: 9:35pm

Executive Session:

Councilman Burke moved that the council enter executive Session: 74-206(c) – to acquire an interest in real property not owned by a public agency. Motion seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye
Councilman Taylor	Aye

Council enters executive session: 9:35pm

Council exits executive session: 9:53pm

Discussion/Decision:

Councilman Taylor moved to donate up to \$20,000 to the urban renewal for the purchase of property seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Olsen	Aye
Councilman Burke	Aye
Councilwoman Thomas	Aye
Councilman Datwyler	Aye
Councilwoman Weight	Aye !!!
Councilman Taylor	Aye

Willard Price Property:

The mayor indicated he had forgotten to discuss the status of the Willard Price property. The city has secured a promissory note and recorded a deed of trust on the property owned by Willard Price in Idaho Falls. The city is in third position on the property. The promissory note is split 1/3 -2/3 (city) for the first \$450,000 after payment of the 1st and 2nd lien holders. After the \$450,000 the city interest ends and Mr. Price will receive the remaining proceeds. The issue was complicated when Mr. Price filed for bankruptcy. Since that time he filed a motion to discharge his bankruptcy filing.

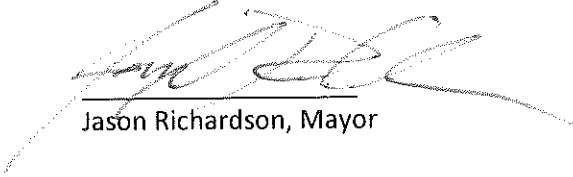
Adjournment:

Councilman Datwyler moved the council adjourn seconded by Councilman Burke.

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

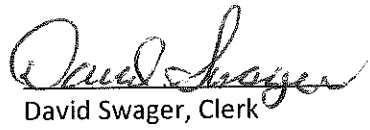
Meeting adjourned: 9:58pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk