

City of Rigby
Council Meeting Minutes
Nov 2, 2017

Mayor Richardson called the meeting to order at 7:00pm Thursday, October 19, 2017. The pledge of allegiance was given by Benson Taylor and the prayer given by Nicole Weight.

The mayor asked the clerk to call the roll:

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

Also present: Chief Tower, Attorney Dunn

Public Hearing- Amended Plat Rigby Town Square and Addition of Unplatted Land:

The mayor opened the meeting and asked if anyone in attendance who had not signed the sign in sheet and wished to speak to do so now. He noted one person wished to remove his name from the sheet which left 5 individuals who signed up to speak.

Kevin Thompson came forward and presented the applicants plan and reason for the amended plat. Mr. Thompson presented an amended plat before the council which showed the changes that were being considered. Mr. Thompson reviewed four points on the amended plat: 1) the vacation of the cul-de-sac and road way off of Pleasant Country Land; 2) redefined the southern property line with a means and bounds legal description; 3) deeding a portion of the west property line off of the Annis Highway to the city; 4) removing the east property north/south line from the unplatted land and merging it into lot 7A.

He stated the reason for wanting to vacate the cul-de-sac and road off of Pleasant Country Lane was to allow for more building space. Due to the set back that the city code requires the circular area of the cul-de-sac takes an additional 20 feet circumference around the cul-de-sac. In addition the future plan is to run a private road off of Pleasant Country Lane back to the Annis Highway. The southern property line needed to be redefined being that the owner sold off 45 feet and without adjusting the line the original property description is off without a correct boundary line description from Lot 6 to Lot7. The same reason is for the elimination of the east property line description on the unplatted lot and the deeding of the frontage of the unplatted lot to the city.

The elimination of the cul-de-sac and road from the plat removes the responsibility of the city having to install the curb/gutter/road surface and sidewalks and places the cost on to the owner.

The council asked about the future of the plat going forward. Mr. Thompson stated they were considering a road from Pleasant Country Lane through the property and exiting onto Annis Highway. He noted they were not considering or requesting a zone change of the unplatted lot from the existing R-1 zone. The original plat for Lot 7 has it being zoned commercial.

That concluded Mr. Thompson's presentation.

Public Comment:

Morgan Lake: Mr. Lake questioned the legality of the city abandoning a city street without following due process. He asked if the city did in fact own the road and cul-de-sac and if there had been any prior work on abandoning the road. The mayor said there has not been any action to abandon it. The attorney will respond to his question at the conclusion of his comments.

Mr. Lake had sent a letter to the council which he was explaining in further detail. He commented on the number of units being proposed and felt the 14 4-plex were too dense for the area contained. Parking spaces would require 3 spaces per unit. He also questioned the unplatted lot which has a current zone of R-1. The code does not allow for a re-zoning of an existing zone of an unplatted lot. He also expressed concern with the traffic entering and exiting onto Annis. He concluded that the project be rejected by the council.

The mayor asked the attorney to respond to the question asked by Mr. Lake concerning the abandoning of streets. The attorney first noted that he owns property that abuts the property in question but he has no opinion in the issue before the council and feels he does not have a conflict of interest.

He then detailed the process that a city usually follows when vacating a road in that each of the property owners split the road based on the frontage. The council may also change the method when deemed in the best interest of the city. The attorney stated the issue before the council was the four items discussed by Mr. Thompson. The mayor stated that splitting the road way and cul-de-sac with the owners on the north and south would land lock the lot and city cannot legally to do that.

Cody Hendrix: Mr. Hendrix asked if the road were to be abandoned and the road way given to the two adjoining property owners then the vacating of the road is not possible. The mayor explained that splitting the road to the owners to the north and south could not be done. The proposal is not about splitting to the north and south owner but to the current owner of Lot 7. Mr. Hendrix has the same concern as Mr. Lake as to traffic coming onto Annis Highway. He mentioned the road width is currently 60 foot and once a narrower road is installed fire trucks on the road is concern. He has concern with the transition of the R-1 property to the commercial zoned property. The homes along Annis Hwy are single family and changing the lot to anything other than R-1 goes against the current zone for the area. The addition of a third road all within a 200 foot of each other is going to be a safety concern.

Bo Porter: Mr. Porter stated he owns the three lots directly south of the project. At first he was in support of the project but as he got more involved he became opposed to the proposed change. He is

opposed to the inclusion of the unplatted lot into a C-1 lot which will allow the developer use the lot in a commercial nature. By adding more parking spaces and green spaces that are not normally seen or used in an R-1 zone. The use of the R-1 lot will allow a higher density for the C-1 lot by 30%. Fourteen units on the lot is over building and a more realistic amount would be nine to ten units. The unplatted lot should be re-zoned for its planned use.

Jake Shumway: Commented that he was part owner along with Mr. Porter in the three lots to the south of the project. He felt that if the city were to give the cul-de-sac and road roadway to the developer it amounts to about an \$80,000 gift. The road way could be sold and the \$80,000 used on the LID being discussing as the overage of construction costs.

Doug Farnsworth: Listed the properties he owns that borders the north of the project and owns the lot directly north of the cul-de-sac. He felt he should have been approached about the vacating the road and does not want another "Caribou" behind his apartments. He is opposed to the change. He felt the discussion being limited to just the four items but without informing the public of the ultimate end product with the proposed road and other development being sought is not fair to the public or adjoining property owners.

Rebuttal – Kevin Thompson:

Mr. Thompson wanted to restate that amended plat was not to have the cul-de-sac or the road split between any of the other property owners, due to the reason stated by the mayor, access to the interior of the lot. He also stated that he had left voice messages with Doug Farnsworth about setting up a meeting with him and Mr. Farnsworth indicated he was too busy to meet which was verified at the planning zoning hearing.

Mr. Porter had earlier this year had the lot he purchased rezoned from R-1 to Commercial. They are not requesting a re-zoning of the unplatted lot and intend to keep it R-1.

Vacation of the road will relieve the city of footing the bill for the road, curbs, gutters and sidewalks. The developer is accepting the responsibility for the infrastructure. Mr. Thompson noted that unless the amended plat is approved as drafted the plat will not be recorded and the property will stay as currently is with the city obligated to foot the bill for the road and cul-de-sac.

Mr. Thompson concluded his rebuttal.

The mayor then opened the discussion for council discussion.

Mayor: Asking Mr. Thompson that if the city does not approve the amended plat neither the strip of land off of the Annis Hwy nor the cul-de-sac would be done. Mr. Thompson said yes, the plat as amended would not be recorded and the unplatted lot and Lot 7 with the south property boundary being off. He also confirmed that until the second phase is approved with the apartments and driveway/road it may be approved now but subject to final approval of phase II.

The mayor mentioned there were four points to consider with this proposal:

- 1) The merits of the project. Any road going through the project would still need to be approved by the fire and safety but the road is not part of the discussion this evening.
- 2) With the developer installing the infrastructure it takes take cost burden off of the city.
- 3) Any building within the city must have as a minimum 50 feet of frontage. Vacating the road to any other property owner other than Hoskin would make his lot land locked and create liability to the city if it was done.
- 4) Mr. Farnsworth who owns the lot north of the inlet came to the city and complained that his access to his lot and Mr. Shippen's lot coming off of the cul-de-sac. The planning and zoning granted Mr. Farnsworth a variance to allow him to gain his access off of Pleasant Country Lane and not the cul-de-sac. Mr. Shippen will need to do the same if the cul-de-sac is vacated.

Councilwoman Weight: Asked if the road on the east side of the property could be left a road and abandon just the cul-de-sac portion. The mayor responded no, the cul-de-sac was needed to allow fire and other vehicles to exit the road. The road could not just dead end with a method to turn around.

If the road was kept but vacate the cul-de-sac would that give the developer enough land to do what he needed for his project? The mayor said either it would be a road with cul-de-sac or a private road running through the property.

Councilman Burke: Has issues with a single lot having two zones – R-1 and commercial. The mayor also expressed concern with the two zones for a single lot.

Mayor: The mayor noted the amended plat presented before the council is different from what was presented to the planning and zoning. He asked the attorney if the change with the deletion of the lots owned by Bo Porter a significant change to have it re-submitted back to p/z. The attorney answered is the change material or minor. The attorney said that was a matter for the council to make. The council could approve all four changes of the proposal or bits and pieces of the four and the developer may or may not accept anything but all four changes.

Councilman Datwyler: Councilman Datwyler said the p/z board had the same discussion that are being expressed this evening. They decided to address issues during the second phase.

Councilman Burke: Councilman Burke indicated the project needed a road study of having the road exit onto Annis. This was answered that the study would need to be done at the next phase of development.

Councilman Datwyler: Councilman Datwyler asked Mr. Thompson why the unplatted lot was being left R-1, why not leave the east lot line and have two lots. Mr. Thompson answered that it would create two amended plats, one for Lot 7 and one for the unplatted lot. It's a matter of money two amended plats versus one.

Councilman Datwyler commented that road width is based on use. The cul-de-sac width of 60 feet was determined based on the property having high density and use. A private drive may be narrowed which may create a safety concern. He's opposed to giving them the road for that reason.

Councilman Olsen: Is somewhat opposed to the application for two reasons: he feels there's some smoke and mirrors going on and his uncomfortable about it and the lines between the two lots being eliminated. And secondly, he's dead set against another road coming onto Annis. He drives that road daily and there's just too much traffic on it now without adding another road. Annis Highway is 28 feet wide.

The mayor said the Town Square Development was planned with wide roads based on the planned use and development of the development. Anything narrower with more density entering onto Annis (which is 28 feet in width) is a concern. He also is opposed to abandoning the lot line. Discussed having an option other than abandoning the lot line if there was something to protect R-1.

Councilman Taylor moved to deny the application for amended plat.

Mayor asked if there any discussion. Councilman Datwyler asked that the council give reasons for the decision on the vote and the reason may provide the developer a way to take a second look at the development. Councilman Taylor feels the application needed to either approve as presented or be denied. Councilman Burke had issues with some of it but is okay with other parts of it – that being the R-1 zoning.

The mayor said a vote of "aye" is to deny the application a "nay" vote would approve the application. The mayor then called for a second.

Councilman Olsen seconded the motion to deny the application.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes – as stated earlier – mixing of R-1 with commercial.
Councilman Datwyler	Yes – wants development but the development needs more planning.
Councilman Olsen	Yes – Agreed with what Councilman Datwyler stated.
Councilman Taylor	Yes - Has issue with combining R-1 with C-1 in the same lot.
Councilwoman Thomas	No – the development needs access from both roads and leaving the one lot R-1 preserves the homes along Annis.
Councilwoman Weight	Yes - Informed the council she has family on either side of the development but felt her decision would be unbiased. Wanted the R-1 zone preserved but would like it developed in a more comprehensive method.

Contract with Complete Office Care:

The mayor explained the current contract with Complete Office Care (COC) which services our computers, server and printers. After discussion with COC and the access and timeliness in which they respond felt the contract was acceptable. The mayor asked the clerk his opinion and he said COC has been working on our system for a number of years and for a new vendor to come in at this stage would be completely new to the mechanics and operation of the system. COC has been very responsive in addressing our problems and by having remote access are able to respond without a visit on site.

Councilman Olsen moved to approve the contract with Complete Office Care seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

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

Renewal of Employee’s health, dental and vision insurance plan:

The mayor indicated the employees who expressed preference for either of the two plans were evenly split. The police chief said his department was also split between the two plans. Councilwoman Thomas asked if the city could have both plans for the employees to choose from. The clerk responded that the city only has 18 employees and feels the administration of two plans, if available, would be troublesome to administer for 18 employees.

Councilwoman Weight moved the council approve option #1 – Regence Silver 3000 seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	Yes
Councilman Datwyler	No - Felt we should ask if two plans were available.
Councilman Olsen	Yes
Councilwoman Thomas	Yes

LID #9 and Sewer/Water Projects:

Keller Engineering came forward and presented the council with a breakout of the various costs to the different projects including a new spreadsheet on the LID #9 assessment to homeowners. A summary of the costs by project is below:

Summary of Projects Costs:

LID		Const	Engineer	Total
	Courthouse Way	288,751.90	27,545.00	316,296.90
	3rd West	67,412.00	7,094.00	74,506.00
	Claremore	<u>473,914.00</u>	<u>51,299.00</u>	<u>525,213.00</u>
		830,077.90	85,938.00	916,015.90
Sewer	North 48	30,406.00	2,817.64	33,223.64
	South 48	67,769.50	6,280.02	74,049.52
	2nd West	79,087.50	7,328.83	86,416.33
	West Alley	92,663.90	8,586.91	101,250.81
	East Alley	185,365.20	17,177.29	202,542.49
	State St	<u>57,006.50</u>	<u>5,282.64</u>	<u>62,289.14</u>
		512,298.60	47,473.33	559,771.93
Valley Gutter		17,251.50	1,623.67	19,145.17
Contingencies:				
	Trees	10,000.00		10,000.00
	Other	<u>4,740.00</u>	<u>-</u>	<u>4,740.00</u>
		1,374,368.00	135,035.00	1,509,673.00
	Edstrom Bid	1,371,658.20		

Council discussion was focused on the increase costs being put on the homeowners of Claremore. One homeowner's costs increased from \$17,198 to \$22,778. Councilman Taylor expressed concern with the 32% increase with the changes. Further discussion on the costs of doing it later time with increasing construction costs versus the current costs if the roads were delayed later. The city needed to correct the sewer which would mean excavating 13 feet of the road and leaving the balance with basically a gravel surface. If that were to occur the resurfacing of the road/curb/gutter would fall entirely on the homeowners at that point in time. Councilman Burke stated that his home is on Claremore but he does not have a conflict. He commented the project needed to get done and has concern with some of his neighbors being able to afford it financially. Council feels it is a burden for most if not all of the residents. The increase in construction costs have been reallocated upward by 20% to the homeowners but it still leaves the city paying \$298,291.

The clerk indicated the budget would have to be reopened with the addition of the State St sewer project. The problem with it was known in July and August but no costs estimates were provided during the budget hearing. So that would need to be amended. Also, the same budget figures were used from the 2016/17 year and carried over to the 2017/18. The increases in construction costs would also need to be added with an amended budget. He indicated the enterprise funds do have sufficient funds to cover the added costs.

The mayor asked if the county were to do the in-kind work if that had been provided for in the contract with Edstrom. Mr. Fielding said that clause has been written into the contract for that in-kind work.

Councilwoman Thomas moved to accept the Edstrom bid and issue the Notice of Award to Edstrom, motion seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

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

Ratify Purchase Agreement on the Stowell Property:

The mayor per council consent issued a purchase agreement with the Stowell family for the road way west of 5th West. The purchase price is for \$50,000 plus three addendums to the contract: a) seller has the right to remove any trees described under parcel #3 prior to the city beginning construction of the road; b) seller is granted an easement for ingress and egress on the property until such time as the road is constructed; c) seller is granted a waiver up to \$12,000 of hook-up fees for utilities for any real property. The waiver expires December 31, 2027.

Councilman Olsen moved to approve the agreement and ratify the contract seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

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

Appraisals on museum building:

There were two bids for appraisal services to conduct an appraisal on the museum building.

Curtis Boam \$1,800 and take around 2-3 weeks to complete.

Kelly Appraisals \$2,500 and be completed around December 10, 2017.

The mayor mentioned the problem the school district had had with Boam and the with them having to re-do the appraisal on the school property.

Councilwoman Thomas moved to approve Kelly Appraisal Services for the appraisal on the museum building seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilwoman Weight	Yes
Councilman Taylor	No - Has issue with going with the higher bid.
Councilman Datwyler	Yes
Councilman Olsen	Yes
Councilwoman Thomas	Yes

Approval of Minutes:

Councilwoman Thomas moved to approve the minutes of October 19, 2017 seconded by Councilwoman Weight.

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

Approval of Bills:

Councilman Taylor moved to approve the bills seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

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

Other Council Business:

Planning and Zoning: The mayor indicated the planning and zoning administrator has tendered his resignation effective November 6, 2017 and the city will be looking for a replacement.

Sale of Ford Tractor: The mayor said that on March 18, 2014 the council approved and authorized the sale of the rodeo grounds Ford tractor. The sale was never completed and the director is now looking at selling it. The mayor wanted to make the council aware of this sale and unless council objected, the sale will continue. No opposition was expressed.

Museum Lease: The mayor had asked to clerk to review the files to see if he could locate the lease between the museum and the city. The clerk has not been able to locate the lease but has found excerpts from the minutes of the city. He noted a minute entry dated March 16, 1993 noted that Jay Furniss had several items of concern with the museum lease but the minutes noted the term was a year to year lease with \$10 per year being paid by the museum board to the city for the lease. The minute

entry on June 15, 1993 indicated that Councilwoman Johnson gave the signed museum lease to Clerk Rainey on the Bond building.

Recording Machine: The mayor indicated the recording machine may need to be replaced with an updated machine that replaces the disc system. The new system may include video streaming. The clerk has located a system used by other cities. A MP3 recorder may also be reviewed.

Vaping: Councilman Datwyler asked what the city's policy was for vaping. Council indicated they could come during public comment. The rodeo board considers vaping the same as smoking.

Highway signage: Councilman Burke indicated he had talked with ITD on the illumination of the welcome to Rigby highway signage and ITD did not have a problem as long as they don't shine into the traffic.

Old Play Ground Equipment: The old play ground equipment has been painted by Cody Stanger as his Eagle Scout project. Pictures of the completed equipment was presented to the council.

Public Comment:

None.

Executive Session:

Councilman Taylor moved that the council enter into executive session per Idaho Code 74-206 (a) to consider hiring an employee whose qualities of the individual are to be evaluated to fill a vacancy. Motion seconded by Councilwoman Thomas.

The mayor asked the clerk to poll the council:

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

Council enters executive session: 9:25pm

Council exits executive session: 10:17pm

Council discussion:

The mayor noted the position for the public works director had been offered to Mitch Bradley. Council discussed having the public works director position on a probation period of 6-9 months. Others discussed 12 month. Councilman Olsen noted the city was an at-will-employer and therefore any employee could be terminated at any time.

Councilman Olsen moved that the mayor negotiate an agreement/contract including salary and other expectations with Mitch Bradley to the position of public works director. Motion seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

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

Executive Session: 74-206(c):

Tabled lack of motion.

Adjournment:

Councilwoman Thomas moved to adjourn seconded by Councilwoman Weight.

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

Meeting adjourned: 10:25pm.

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk