

City of Rigby  
Council Meeting Minutes  
September 1, 2016

Mayor Richardson called the meeting to order at 7:00 pm Thursday, Sept. 1, 2016. The pledge of allegiance was given by a scout who was in attendance and the prayer was offered by Richard Datwyler.

The Mayor asked the clerk to call the roll.

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

Attorney Dunn also present

Public Hearing:

Amending 2015/16 Police Budget:

The mayor opened the meeting with stating the purpose and need to amend the police budget for the receipt of a grant in the amount of \$8,500 and to allow for the expenditure of the grant.

The mayor asked if there were any members of the audience in attendance who wished to comment on amending the police budget. Being none he then moved to next item on the agenda.

Ordinance #2016-586 – Amending 2015/16 Police Budget:

The mayor then stated the need for the ordinance is to formalize the amendment as discussed earlier.

Councilman Taylor moved that the rules be suspended regarding the required three readings of Ordinance #2016-586 be suspended seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council. .

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

Councilwoman Thomas moved the council adopt Ordinance #2016-585 seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council. .

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

Ordinance #2016-586 – Adopting Appropriating Ordinance for fiscal year 2016.17:

Councilman Datwyler moved that the rules be suspended regarding the required three readings of the ordinance seconded by Councilman Olsen.

The Mayor asked the clerk to poll the council. .

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

Councilman Taylor moved Ordinance #2016-586 be adopted seconded by Councilman Burke.

The Mayor asked the clerk to poll the council. .

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

Urban Renewal:

The mayor called forward Christie Burdis to be sworn in as a board member of the Rigby Urban Renewal Agency. Mrs. Burdis came forward and was sworn in by the mayor.

Highway Advertising Sign:

Ben Davis, representing the Rigby Urban Renewal Board, came forward and wanted to discuss two items with the council. The first discussion was the proposed electronic sign that the urban renewal agency is proposing to place it along the south exit ramp of South State Street. He is looking at having the city use the sign to advertise upcoming local events. The chamber of commerce has expressed support in the sign to sale advertising on the sign to offset the operating costs of the sign. He would like the city to accept responsibility for the maintenance of the sign and express the preferred location of the sign. He proposed the sign be within 100 feet of the Cordon home either north or south of the home site.

Discussion on the costs of the sign: It was brought up that the estimated monthly costs would be around \$460 per month. The sign has an existing warranty on the sign (it is a used sign) that is good until February, 2018. The proposed sale of advertising space on the sign would be used to offset the monthly costs. Steve Abbott, representing the Rigby Chamber and a member of the Urban Renewal, indicated the chamber supports the sign. They want something to encourage development and the Chamber feel this will assist in this regard. Question on the state's right- of-way it was thought was the exiting fence but it will need to be confirmed with ITD. The mayor commented that if the advertising doesn't cover the cost of the maintenance the city will be responsible for the difference. Davis mentioned that the RURB would like the sign as a minimum of 25 feet in height so the sign is visible for traffic going north and south on Highway 20.

Councilman Taylor moved that the city accept the sign on condition: 1) Chamber supports in the maintenance of the sign, 2) ITD accepts the location of the sign along South State, 3) the location of the

sign be south of the Cordon home, and 4) the sign be a maximum of 60 feet in height. Councilwoman Weight seconded the motion.

The Mayor asked the clerk to poll the council.

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

#### Splash Park:

The second item Mr. Davis wanted to discuss was the consideration of a city splash park. Mr. Davis noted there has been a desire in the community for a splash park. Mr. Davis wanted to know if the council would and will support a splash park. The mayor indicated the major concern for the council is the annual cost of operating the park. Costs estimated were distributed to the council which indicates the cost to run a local splash park to be \$15,000 annually. The mayor said based on this estimate the \$5,000 per month given a three month operating period is a major concern. His second concern is the location of the park itself in the south park.

Mr. Davis mentioned the urban renewal has the funds to construct the park itself and as early as Memorial Day 2017. With the idea as time dictates the park is able to expand. The two locations that the agency is looking at in the south park: the southeast corner of the park along the Burgess Canal and the second site is north of the Veteran Memorial. Councilman Burke has been looking at Idaho Falls and Rexburg park dirt and grass are the two major maintenance issues with the park with clogged filters.

The mayor questioned if the proposed expenditure of \$252,000 is the most ideal use of funds: a splash park or a play structure. A play structure could be used more months of the year or is having splash park? Which would generate higher economic benefit? Mr. Davis said the agency deferred consideration of play equipment because he had heard the city was working on getting grants for playground equipment and they didn't want to compete with the city. Councilwoman Weight felt handicapped play equipment was a high priority for her.

Councilman Taylor expressed support for the splash park but had concern of what the future operating costs and operation of the equipment after 10-15 years from now. Mr. Davis then showed an architectural concept of a proposed park with dimension of 3,500 sq. feet.

Councilwoman Weight moved to table the discussion pending additional information relating to operating costs estimates. Motion seconded by Councilwoman Thomas.

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

#### Survey Grant Contract:

The contract will conduct a survey among the city to obtain a percentage of low to moderate income families. The survey results could be used on upcoming water and/or sewer grants.

Councilman Taylor moved to approve the contract provided by The Development Company seconded by Councilman Burke.

The Mayor asked the clerk to poll the council.

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

Allowing Liquor Sales on Sunday:

Councilwoman Thomas said she had been approached by the local bar owners that even though the council had discussed allowing liquor sales on Sunday, she has been approached to have the council reconsider the ban on Sunday liquor sales.

Doug Murray, owner of the Top Cat Pub, came forward and presented argument in favor to allow bars to have the option of dispensing beer/liquor on Sunday. He noted the Maverick Store can sale beer on Sunday but none of the local bars can sell beer. Rigby is one of the last cities in east-Idaho that still bans Sunday bar sales. No other business is regulated as to when they can and cannot be opened. Two the largest events (Super Bowl and NASCAR) are held on Sunday and the bars can't be open. Mr. Murray mentioned the prior advisory vote the city held but only the city residents were allowed to vote. His patrons come from outside the city not just inside the city. Society today runs 24-7 for any kind of services. How would it be if all the gas stations in town were told to be closed on Sunday? How would the public react?

Councilwoman Weight felt the advisory vote was misleading in the wording. The mayor felt the vote was still 2/3 opposed with banning Sunday sales. The bars owners knew the law that they couldn't sell beer on Sunday when they purchased the business.

Councilman Taylor felt times have changed and he's opposed with government dictating when a business can or cannot be open. He feels there needs to a compromise.

The mayor asked the attorney what a change in the law would affect. He responded that the state put the regulation of liquor sales back on the community. They have eased restrictions but for Christmas Day. Other than that, cities can elect to regulate themselves.

Councilwoman Thomas moved that the restriction against Sunday sales be stricken from ordinance 3-2A-7 and 3-2B-11; that the proposed amended ordinance be published and a public hearing be held on the amended ordinance. The motion seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

Councilwoman Thomas	Yes
Councilwoman Weight	Yes
Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Olsen	No
Councilman Datwyler	No

Councilman Taylor moved that the public hearing for the proposed amended ordinance on allowing beer/liquor sales on Sunday be held October 6, 2016. Motion seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council.

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

Building Inspector Service Provider:

The mayor explained that the city of Rexburg has been providing the city all of the building inspections for the last several years. Rexburg has notified the city that due to their work load they wish to withdraw from the agreement beginning October 1, 2016. The council has two proposals before them one from the Building & Safety Division of the State Idaho and one from Jefferson County. The one from the State will be able to do all inspections: building, electrical, plumbing, and HVAC. And the State uses electronic media similar to what Rexburg uses. The county uses paper generated inspection's reports and does not have electronic media. The county will only be able to perform building inspections and the builder will have to contact the State for the plumbing, electrical and HVAC inspections.

Councilman Datwyler noted the fees charged for the county is about \$500 less than what the State charges. The mayor noted that in discussing the building fees with various contractors they would prefer that the fees paid remain within the county. The county currently does not have a building inspector and Rexburg has agreed to continue with the inspections until Jefferson County hires an inspector.

Councilman Olsen moved that the city contract with the county for the building inspections. Motion seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

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

Treasurer's July Financial Reports:

In the interest of time, the treasurer noted that he would bypass the management letter and review briefly the spreadsheet recapping the various funds activities with actual and budget. He noted the funds were exceeding revenues projections and expenditures are under projections but for a couple of funds.

He reviewed the journal entries and noted they were less in type with the prior month's entries for the rodeo having been recorded last month.

Councilman Datwyler asked about the reference in the management letter for the forecast of ending fund balance and asked if the surplus stayed in the fund or was transferred to the general fund. The treasurer noted they remained within each fund.

Creation of the Intent to Create LID District:

The mayor noted the three sections under consideration of an LID: Claremore Drive, completion of Courthouse Way and the east side of Lemmon Lane to the walking path of the rodeo grounds. To do the projects with an LID the steps needed will be first to create the intent to create an LID district.

Claremore Drive residents were in support of the project but for two. The completion of the Courthouse Way involves two homeowners abutting Annis and two behind those two: on the side which is privately owned and Jefferson County along the south side of the road. The mayor felt the two residents abutting Annis Hwy should not be asked to participate in any costs of the road. The privately owned parcel on the north side, the individual is willing to participate with consideration in other area for the completion. The mayor has not contacted the county.

The public works director presented cost estimates for the extension of south 3<sup>rd</sup> West totaled for the 288 feet of \$86,500- \$70,150 for the owner of the apartment complex and \$16,400 for the city. The owner of the apartment complex has not been contacted about the project.

Councilman Datwyler questioned the cost difference between the apartment owner's portions versus the city with the apartment owner's portion of 88 feet versus the city's portion for its 200 feet. Lamoreaux said the apartment had a partial curb/gutter along his side. In addition if a sidewalk were to be installed a power pole may have to be relocated and the city would install a storm drain.

Councilman Datwyler moved that the city proceed with the intent to create an LID resolution for Courthouse Way, Claremore Drive and south 3<sup>rd</sup> West extension. Motion seconded by Councilwoman Thomas.

The Mayor asked the clerk to poll the council.

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

Scoreboard for Anderson Field:

The public works director came forward and presented three costs estimates to replace the existing score board in the Anderson Field. He noted the park fund has \$12,000 for the scoreboards in the budget and he has four estimates:

- BSN - \$10,392
- Athem Sports - \$12,382
- Achillion Sports - \$9,518
- Daktronics - \$7,992

He recommended going with Daktronics and vouched for the reliability of Daktronics as being in business for a number of years with a good track record.

Councilman Taylor moved to accept the recommendation of the public works on the scoreboard and award the contract to Daktronics. Motion seconded by Councilwoman Weight.

The Mayor asked the clerk to poll the council.

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

Approval of Minutes:

Councilwoman Weight noted two corrections on the August 18, 2016 minutes. Councilman Taylor moved to approve the minutes as corrected seconded by Councilman Burke.

The mayor called for a voice poll: All in favor with Councilman Olsen and Datwyler abstaining.

Approval of Bills:

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

The Mayor asked the clerk to poll the council.

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

Other Council Business:

- Willard Price:

The mayor has spoken with Willard Price and noted they have come to the following agreement. The city negotiated a two-thirds and one-third split (Two-thirds going to the city and one-third to Mr. Price.) Upon the sale of the property and if the previous two liens that have been filed ahead of the city's lien, have been satisfied then the percentage allocation would be applied up to \$450,000. If the property sells more than the prior two liens and in addition exceed \$450,000 the city allocation would end after the city has received \$450,000 of the percentage split.

- Rigby Library:

Councilwoman Weight commented that the library recently hosted an author from California and would like to have subsequent events similar to this later on. She also said the Summer Reading Program had 520 students participating. The library is also doing a survey and the wants and needs of the users.

Public Comment:

The mayor invited anyone in attendance who wanted to come up and make a statement to the council. Councilman Taylor noted the item is not required and that the speaker may ask questions but the council need not answer. The time is for comment and not questioning and the time is limited to 3 minutes.

Marc Hammon:

Asked why the mayor cancelled the scheduled "thank you" at the Monster Truck event for Keith Hammon? The mayor responded the statement that Mr. Hammon said he had cancelled the event was incorrect. Mr. Hammon then asked if the city was going to have a thank you or was the city going to shut them down for every event in the future? He also asked if it was "personal" between the mayor and the chief. The mayor said that he couldn't throw acquisition out. Mr. Hammon said that Chief Hammon was a very good chief and felt the city should honor him in some way. At which point there was applause from the audience. The mayor said such a response was not appropriate and asked Mr. Hammon to sit down.

James Davis:

Mr. Davis asked that if the maintenance on the highway sign would be bid out and if so his company would like to be considered. The council indicated such an agreement would be bid out.

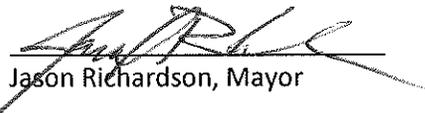
Adjournment:

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

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

Meeting adjourned: 9:20pm

CITY OF RIGBY

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk