

City of Rigby
Council Meeting Minutes
February 15, 2018

Mayor Richardson called the meeting to order at 7:06pm Thursday, February 15, 2018. The pledge of allegiance was given by Kirk Olsen and the prayer given by Benson Taylor.

The mayor asked the clerk to call the roll:

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

Also present: Chief Tower and Attorney

Public Hearing- Rigby Town Square – Planned Unit Development:

Bo Porter representing Fox Townhomes came forward and presented a power point presentation on the proposed development being considered in Rigby Town Square. He had three items for discussion: vacating the unbuilt cul-de-sac in the development; eliminating the exiting lot lines and boundaries making four individual lots into a single lot and accept the preliminary concept being presented under the planned unit development.

Mr. Porter reviewed the reason to vacate the cul-de-sac and highlighted the saving to the city in not having to fund the road which was left uncompleted by the prior developer. The advantage to his development would be to have increase green space in not having to have the end of the cul-de-sac extend into the development. The road would meet city code in width and construction and in addition would be a private road for the development. He also stated that they are working with Mr. Farnsworth who owns the property north of the cul-de-sac in finding common ground between the two as to what would be beneficial to both parties.

The need to amend the plat from four lots into a single lot will allow the construction of the buildings without having to worry about the lot lines and the required setbacks as required in the city code.

The planned unit development would consist of twelve buildings consisting of individual units of one, two or three bedrooms units with each unit having a double car garage. In addition there would be an additional 54 open parking spaces which exceeds the minimum as required by city code. The complex will have 30 percent of green space in addition to a dog park and spaces available for tenant's trailers. They have met with the adjoining neighbors that have voiced opposition to prior development in the area and have addressed their concerns. One of the qualifications for occupancy will be require the tenants to park their vehicles in the garages and not be used for storage. On Ruth Carter home her

concern was having tenants looking directly down on her back yard. The have addressed that with having the units abutting the residential zone be single story and those facing the west not to have windows on the west side of the buildings which affect either Carter's or Barber's. The units facing Pleasant Country Lane and Courthouse Way will have the required setbacks and be landscaped per city code. The interior roads have been widened from 30 feet to 35 feet to accommodate emergency vehicles. All of the unit's fronts will face inside each other with a park between the units, but for the units running along Pleasant Country Way and Courthouse Way the front side will face the street. He presented a slide show of units taken in Utah which shows the concept and how the complex will be built.

In conclusion: he requested the council vote to vacate the cul-de-sac, allow the amending of the plat for a single lot and accept the preliminary plan for the planned unit development.

Public Comment – Opposition:

Morgan Lake came forward and stated that he is not opposed to growth and development but he is opposed to this development for a number of reasons. One, the preliminary site plan is not according to city code with all the required engineering plat as is required. Second, the vacation of the cul-de-sac should be apportioned to the adjoining land owners and not to the developer. Third, the amount of traffic entering and exiting onto the Annis Highway is excessive given the current road conditions. Fourth, the resubmission of the project is not in accordance with city code 10-3-8 which requires a 12 month waiting period prior to any resubmission. The prior proposal was denied on October 27, 2017 and the required 12 month period has not run.

Rebuttal:

Mr. Porter came forward to address the concerns raised by Mr. Lake. He stated the site plan presented was only a preliminary plan and that a final site plan would be submitted if the council accepted the concept and the preliminary plan being shown this evening. If the council were to deny the development then they would not have to incur costs developing an unsuccessful project. The city code for planned unit development allows for only a preliminary plan pending approval and that a final site plan would be submitted at a later date which would need to be approved prior to construction.

As to the cul-de-sac, he mentioned that they have been in talks with Mr. Farnsworth who was in attendance and working towards an agreement acceptable to both parties. The other party, Bob Shippen, they are also working with him. The road off of Pleasant Country Way needs to be as a minimum 50 feet and that requirement would be kept.

As to traffic concerns- the other project had a street coming onto the Annis Hwy. and with more units than what their project is planning. Mr. Porter's project has two streets coming onto Courthouse Way. Based on the traffic study they completed most of the residents will exit onto Highway 20 or go downtown Rigby. Higher density is allowed under the planned unit development but even with the higher density allowed their project has not max that percentage out. They could build 96 units, they are only constructing 58 units.

Council Discussion:

Councilman Olsen asked about the rent that would be charged. Mr. Porter said they plan on having the one bedrooms rent for \$550/month; two bedrooms - \$750 and three bedrooms \$1,150.

Councilman Burke asked about the spacing between buildings and garages. Mr. Porter indicated they have seen the similar units in Rexburg and have increased the spacing and road width to 32 feet.

Councilman Datwyler asked if the project would be built in stages. Mr. Porter said the first units would be construction on Pleasant Country Way and Courthouse Way being those two roads are or would be finished. As the development is built up the interior units would follow thereafter.

Councilman Hall asked the time frame they were looking at. Mr. Porter indicated they hoped to have everything completed in 4-5 years.

The mayor asked about the concern raised by Mr. Lake on the resubmission of the plan and the twelve month period. Mr. Porter indicated their plan was under the 12 month time period there was substantial differences between the two projects. The first plan had a higher density and a single road exiting onto the Annis Highway with part of the road going through a residential zoned property. And the prior plan had requested an amended plat without lot lines between a commercial zone and a residential zone. Their plan has two driveways exiting onto Courthouse Way. All of the development is under a commercial zone without affecting any R-1 zones.

Councilwoman Weight appreciated the developers for working with and talking to the neighbors.

Councilman Olsen asked if p/z had reviewed the project. The mayor replied yes they had and they recommended a "to approve" to the council.

Councilman Taylor asked the attorney could respond to the resubmission based on code 10-3-8. The attorney briefed the council on the ordinance and what they needed to decide if the current plan was sufficient to be a significant change from the prior project.

The mayor addressed the density which is defined in the code and where this property allows for 90 plus units as allowed under the planned unit development and with the green space being 30% meets the minimum requirements.

Councilman Olsen asked if the original developer had this concept in mind when he developed the site. The mayor replied the parcel was zoned as commercial and any project which is allowed under the commercial zone designated would be permitted then or now.

Councilman Datwyler commented that after looking at the current plan and the prior plan which was denied, he felt there are substantial changes in design and density to allow a resubmission without violating 10-3-8.

Councilman Hall moved that the council approve vacating the cul-de-sac motion seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

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

Councilman Datwyler moved to approve amending the plat from four lots to a single lot and to approve the preliminary plan for the planned unit development motion seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

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

3rd Reading of Ordinance #2018-593:

Councilman Datwyler moved to read the summary of ordinance #2018-593 seconded by Councilman Hall.

The mayor asked the attorney to read the summary of the ordinance.

Councilman Burke moved that Ordinance #2018-593 be approved and that the summary of the ordinance be published. Councilman Taylor seconded the motion.

The mayor asked the clerk to poll the council:

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

Audit Report:

Cancelled until March 1, 2018.

Jefferson Historical Society:

Leon Guymon, president of the historical society, came forward and informed the council the historical society had reviewed their records and the last time they paid the \$10 annual lease was in 2004. They would like to bring the account current. The mayor indicated he was not opposed to that but wanted to know about the severability of the lease if the building was to be sold. The attorney reviewed an old copy of the lease and indicated a 30-day notice was needed to terminate the lease. Discussion then followed about the roof and the need to get it fixed. The mayor indicated he did not want to expend the cost of the repairs (\$30-\$50,000) if the building was going to be sold in the near future. If the building was to be sold then the budgeted amount set in the budget for the roof repair could be used for the new building. He indicated he would reach out to the parties interested in the building and see if he could narrow down the time. In the mean-time, the public works director could obtain bids on what it would take to repair the roof and hopefully at the next council meeting will have more information concerning the building.

Councilman Taylor moved to renew the lease seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

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

The clerk mentioned the need to update the lease so both parties sign the lease. The attorney indicated he had a copy of the lease drafted in 1998 on his computer and he could update the lease so both parties can have signed copies.

5th West Street Bridge:

Marvin Fielding from Keller Engineering came forward with two bids he received on the bridge under structure. The two bids: Big-R - \$34,735 and Contech - \$55,000 were similar but in material. Big-R was with galvanized steel and Contech was constructed using aluminum. Mr. Fielding felt the life of either material was between 50-75 years. The canal company wanted free flow which required a wider span from 16 feet to 20 feet. Delivery time for either structure would take around 6-8 weeks which would put the installation date around April 1, 2018. This date would be close to when water is let in the canal.

Councilman Taylor moved to approve the Big-R bid of \$34,735 seconded by Councilman Olsen.

The mayor asked the clerk to poll the council:

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

Mr. Fielding asked if the mayor would sign the quote so he could get it sent off tomorrow.

Vacating Partial roadway along Farnsworth Way:

The mayor said he has been in discussion with the owner of the undeveloped lot between Wendy's and the motel and Idaho Transportation Dept. The highway department is moving forward on the planned round-about at the intersection of Stockham and Farnsworth. As part of the project the city owns a portion of land directly north of the paved road east of the motel entrance. The road along the boundary was to link to the access road to Jefferson Lake. However, the developer of the Rigby Town Square change the intersection to where it is today which cut off the access road. The owner of the vacate property would like the city to vacate that portion of the road that is located east of his property so it could be used in the modification of the round-about. The city will still maintain the dead-end road in front of the motel.

Councilman Burke moved to sell the land in question to the owner, price to be determined by the mayor. Motion seconded by Councilman Hall.

The mayor asked the clerk to poll the council:

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

Approval of Minutes:

Councilwoman Weight noted that Councilman Hall may be absent on the May 17 meeting and his name was omitted from the minutes.

Councilman Olsen moved to approve the minutes as corrected for the omission seconded by Councilman Burke.

The mayor called for a voice poll: All in favor none opposed, Councilman Hall abstained.

Review and Approval of Bills:

Councilman Hall moved to approve the bills as listed on the Feb 15 2018 bill list seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

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

Other Council Business:

Philo Farnsworth Statute: The mayor stated that the Utah congressional delegation has changed the state's statute in the Capital Building. He has been in contact with a Utah senator requesting how Farnsworth is tied to the city of Rigby and if the statute could be moved and located in the Farnsworth Museum. As part of this, he received a phone call from a Mr. Wiggley whose father used to work for KID TV and had a radio station located in Rigby. Mr. Wiggley in his discussion with the mayor wanted Philo to be brought back to Rigby. The mayor would like the community to get behind the drive to "Bring Philo Home" and asked if the Rigby Youth Advisory Committee could get involved in getting public support.

Trees in city park: The mayor was asked what the status was with the trees in the park. Were the stumps going to be left or what? The mayor said two thoughts have been discussed: 1) Remove all the stumps 2) leave the stumps and offer them for carving. Councilwoman Weight felt the tree carving could be susceptible to vandalism. The mayor said the city crews have been busy and left the trees for now to attend to other matters.

Public Comment:

Hallie Porter: Miss Porter came forward and expressed concern on how the baseball diamonds were being utilized and how the coordination between the Rigby softball association and the city was being handled. She felt the travel team was getting an undo advantage of the use of the ball diamonds and the other teams had to travel to Rexburg and other cities to practice and hold meets. The council indicated the Rigby softball association was not associated with the city but was strictly a volunteer organization. The city assists with the maintenance of the ball fields but other than that there is no other involvement. If the other parents feel the travel team is monopolizing the ball fields then they as a group need to discuss the issue and bring suggestion back to the city and the city would assist where it could. The city could or would schedule the fields to what would be an equitable arrangement for all involved.

Doug Farnsworth: Came forward and asked what portion of the cul-de-sac was being apportioned to whom. The mayor said that Mr. Porter would need to get with you and Mr. Shippen, the owner of the property south of the cul-de-sac, and bring back to the council how the property would be split. All the city did this evening was to agree to vacate the cul-de-sac but to whom and how was left for a later date.

Adjournment:

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

All in favor none opposed.

Meeting adjourned: 9:20pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk