

City of Rigby  
Council Meeting Minutes  
March 19, 2020

Mayor Richardson called the meeting to order at 7:00 pm Thursday, March 19, 2020. The pledge of allegiance was given by Nicole Weight and the prayer given Richard Datwyler.

The mayor asked the clerk to call the roll:

Councilman Datwyler	Present
Councilman Davis	Present
Councilman D Burke	Present
Councilwoman Weight	Present
Councilman R. Burke	Present
Councilwoman King	Present

Also present: Chief Tower, Mitch Bradley, and Robin Dunn

Public Hearing - Special Use Permit – Planned Unit Development – 360 S 3<sup>rd</sup> West:

The mayor opened the meeting and reviewed the proposed development as recommended by the planning zoning commission. The mayor noted the code requires a minimum acreage of 3.0 acres and this development is 2.5 acres. He then requested the P/Z administrator to come forward and review the plan with the council. The mayor asked Mrs. Hansen that without a special use permit what could be built. Mrs. Hansen noted the developer has had several meetings with the p/z commission and at the final meeting the commission gave the project a “to recommend to approve.” The project meets every item in the PUD code but for lot size. Its 1/2 acre short of the minimum 3.0 acres as stated in the code hence the special use permit. The development meets the 30% green space, adequate parking, dumpsters and mail box collector as well as setbacks. The mayor also inquired about the number of trees to be planted. Councilwoman King asked about the snow and if they would flood adjoining property. Luke Bloxham came forward and said they would be built as an eco-swell to prevent flooding along with French drains. He mentioned it would be part of the development agreement.

The mayor then asked if there were any comments from the public. Being none the mayor then asked Mr. Bloxham to discuss the development with the council. Mr. Bloxham reviewed the number of changes they made to comply with the planning zoning request.

Having no further discussion: the mayor then called for a motion on the development.

Councilwoman Weight moved to approve the development with a development agreement seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
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Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

#### 2019 Audit Report:

Sheri Poulsen of Poulsen and Jensen CPA came forward and presented the council with the 2019 audit report. Her overall comment was the city continues to improve its financial position which has been a consistent trend for many years. Net assets of the city increased \$2 million over the previous year. Liabilities for the year decreased by \$1,195,000 and the cash/investments balances of the city increased \$2.159 million. The general fund continues to improve with actual revenues exceeding budgeted revenues by \$65,000, expenditures under budget by \$188,000. Cash and investments in the general fund increased \$270,000 to \$1.931 million which represents 176% of the total general fund expenditures and transfers. The enterprise funds (water, sanitation, and sewer) with revenues exceeding budgets and expenditures under budgets. Mrs. Poulsen complimented the clerk in his efforts to achieve the financial position of the city thus far. She did note there is a deficiency in internal control being lack of segregation of duties between the clerk and deputy clerk. As discussed in the meeting one method to achieve more segregation would be to have the clerk not sign account payable checks. This was discussed and would more than likely be initiated going forward.

Councilwoman King moved to approve the 2019 audit report seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

#### Sno-Shack Contract:

Council reviewed the contract with sno-shack to place a snow cone facility at the Scotty's South Park. After discussion: Councilman Datwyler moved to approve the contract for the period April 15 through August 31, 2020 in the amount of \$350 for the season, motion seconded by Councilman Davis.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

2<sup>nd</sup> Reading – Ordinance #2020-609 – Modifying R-1; R-2; police vehicular regulations:

Councilman Datwyler moved to read ordinance #2020-609 in summary and title seconded by Councilwoman Weight.

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

The mayor read the title and summary of ordinance #2020-609.

2<sup>nd</sup> Reading – Ordinance #2020-610 –Adding RV park regulations to city code:

The mayor commented there was one change to the original and first reading of the ordinance in the length of stay: it was changed from eight months to three months. Discussions on “sun birds” staying at the park and they usually stay longer than 3 months. Discussion to add provision to allow longer stay if approved by agent of the city in writing.

Councilwoman King asked about animals in the park. Discussion if the dog ordinance would apply. Discussion to modify the ordinance to address animals in the RV park.

Due to the changes the mayor indicated the property owner has yet to make application of annexation into the city this ordinance could be addressed in the next council and passed after the above changes have been made.

Councilman D Burke moved to amend ordinance #2020-610 to added the provision for animals and extension of time to be added to the ordinance and the 3<sup>rd</sup> reading be done at the next council meeting on April 2, 2020. Motion seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

2<sup>nd</sup> Reading – Ordinance #2020-611 –Authorizing Upgrade of Sewer Facility via Judicial Confirmation:

Councilwoman Weight moved to read ordinance 2020-611 in title and summary seconded by Councilwoman King.

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

The mayor reads the title and summary of ordinance 2020-611.

The mayor commented that usually a third reading is done however due to having a public hearing with little public comment he would entertain a motion to suspend the rules and adopt and publish the ordinance.

Councilman D Burke moved to suspend the rules for a third reading, approve Ordinance #2020-611 and publish said summary of the ordinance. Motion seconded by Councilman Datwyler.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

Vacating alley – east of museum west of convenience store:

Brad Hall came forward and presented the council with a petition to vacate the alley east of his convenience store. The pizza shop located on the west side of the building needs to have a drive thru to allow the franchise to expand to a full service pizza shop. To do so would require the use of the alley for the drive thru and expand the services. Mitch Bradley when asked about utility services in the alley commented there were no services in the alley. Councilman D Burke asked about a limitation of construction a building in the existing alley. Mr. Hall had no objection to a deed restriction prohibiting any building on the vacated alley way. Mr. Mickle stated the petition is requesting a full vacation of the alley to him.

Councilman D Burke moved to approve the petition to vacate the alley seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

Sewer Line Extension – Annis Hwy:

Mitch Bradley has been working with Harper Leavitt Engineer to design a new pressure sewer line from 400 N to 500 N on the Annis Hwy. He stated the city currently has but one sewer line on 3<sup>rd</sup> West to handle 100% of the sewer going into the headworks sewer plant. With the city expanding on the east side of the city, he feels a new line on the Annis Hwy would allow all of the sewer east of State Street to be diverted from 3<sup>rd</sup> West to the new Annis line. He was looking for council consent to work in obtaining bids for the installation of the line prior to the time when the county will be widening and doing new

pavement on Annis Hwy. which is planned being done in 2022. He would like to have the work done this fall.

He mentioned that in conjunction with this project there is a need to re-do the sewer lines on 4<sup>th</sup> West and from the intersection of 4<sup>th</sup> West and Annis to the intersection of 400 North. Which he was looking at doing under a LID program the two projects would need to be tied together. He also mentioned doing new water/sewer lines along Tall Ave. (also under a LID project). The mayor mentioned Tall Ave. would not be tied to the new Annis sewer line but would continue to use the 3<sup>rd</sup> West line and the water line is not affected by the proposal.

Councilwoman Weight moved to proceed with the needed requirements to bid the Annis Hwy sewer line, seconded by Councilwoman King.

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

Proposed LID – 4<sup>th</sup> West and Tall Ave:

The mayor mentioned Tall Ave. would not be tied to the new Annis sewer line but would continue to use the 3<sup>rd</sup> West line and the water line is not affected by the proposal. The mayor mentioned that he needed to discuss the LID on Tall and 4<sup>th</sup> West with all the residents before proceeding. Item tabled until the mayor and Mitch could discuss the proposal with the residents.

Expansion of WWTP Plant:

Marvin Fielding came forward and gave an update on the requirement that DEQ may place on the city to reduce phosphorus limits. He still feels the requirement will be 15 years away. And given the change and exact number that would be placed on the city is unknown any plant built at this time may be under built or over built or change in technology in phosphorus removal and is not recommending any consideration to add phosphorus to the project at this time. The Nuvoda system does assist in phosphorous removal.

Mr. Fielding mentioned that by adding the duplication of ox ditch along with the Nuvoda system the city could double the plant capacity for an estimated \$1 million dollars. The doubling of the plant would allow 40 years of growth to the plant instead of the 20 years of projected growth. The additional funds of \$1 million would come from city funds and not from debt financing. There would be additional costs to expand the Nuvoda system but those costs would be contained within the \$1 million added costs.

No decision made.

Dansie Property Assistance with infrastructure:

Mr. Bradley indicated that the developers have expressed concern with getting water and sewer services to the Dansie property. The closest sewer line in is off of Hunter Cr Drive and access would require easement from two property owners. The two property owners have no objection to the city obtaining an easement as long as it doesn't hinder their farming operations. Mr. Bradley estimated the

cost of running the sewer lines from Hunter Cr to the edge of the Dansie property would cost around \$75,000. The mayor said the city has the connection fund to assist with the expansion of services which this would do. In addition, as the two adjoining properties are annexed and/or developed the cost could be reimbursed to the city for the use of the existing lines. Council felt it was a way to get development moving and it would in the long term benefit the city and encouraged Mr. Bradley to obtain more information before committing any funds.

#### WWTP Pre-treatment Plan:

Scott Humphreys mentioned he had not received the number of bids as requested and the one item holding everything up is the exact specs that DEQ would be placing on the city. The individual at DEQ is out for a while and he does not have the needed checklist for the engineers to work from to obtain an estimate.

#### Approval of Keller Eng Contract – 2020 Sewer Collection Projects:

Mr. Bradley stated the projects as mentioned during the last council meeting that were being planned on doing this year. He did not have the Keller's contract at that time but he now has a copy of the proposed contract from Keller's for \$37,890. Mr. Fielding then came forward to answer questions of the proposed contract and how Keller's arrived at their fee. The mayor mentioned the engineer's estimate for the 2020 sewer project totaled \$267,000 including engineering fee of \$34,189. The fee of \$34,189 was computed at 15% which includes mob fee of \$26,299 and contingency fee of \$26,299. The mayor said no engineering would be required on mob fee and on funds not spent. Why would Keller then include in their engineer fee of 15% of these two items. Mr. Fielding said the mob and contingency were part of the contractors bid and are part of the overall bid process.

The clerk asked to express his concern with the bid and the mayor indicated for him to do so. The clerk said the bid excluding mob and contingency would be around \$175,000 which required engineering services so his feeling would be this would be the more reasonable figure to use for the engineering fees and then if any contingency were added to the project they would be added to the engineer final contract. If the contingency funds were not used, under the current contract, the city would pay out the 15% to the engineer as well as 15% on the contractor mob fee and as the mayor stated did not require any engineering services but is part of the contractors cost.

Councilman D Burke stated he felt the explanation as stated by the clerk sounded reasonable versus the contract before the council at this time.

The mayor asked if the contract could be amended to consider these items. Mr. Fielding yes or it could be done on a time/material basis. He commented that the engineering fees when compared to total construction in prior jobs would come in below 15%. He thought a new contract could be done at the next council meeting. Mr. Bradley wanted to proceed with the bids as soon as possible.

Councilman Davis moved to proceed with a contract similar to the existing contract but consideration for the mob and contingency fees be considered and the mayor can proceed with the contract. Motion seconded by Councilwoman Weight.

The mayor asked the clerk to poll the council:

Councilman Datwyler	No – would like to see the contract
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes
Councilman R. Burke	Yes
Councilwoman King	Yes

Other Council Business:

- Ball fields – Councilwoman Weight met with various baseball teams and felt a better arrangement needed to be initiated to better schedule the ball fields. There is a calendar reservation system she's located on the internet which can be used to allow other groups to reserve the ball fields. To add fairness to the scheduling, Councilwoman Weight offered to oversee the scheduling and allow for different groups to use the fields at different times.

Two coaches discussed the issues incurred last year where the group overseeing the ball fields reserved all the time but in several cases none of the fields were being used. Austin Farmer mentioned that some of the fields are not designed to the required regulations the kids use and when they go to other city's fields the pitching mound is further than those they use in Rigby which is causing issues. Both coaches support a scheduling system which could be shared and used by all.

- Expansion of urban renewal district - Adam Hall representing the Rigby Urban Renewal Agency discussed with the council the possibility of expanding or creating a new urban renewal district. He mentioned the growth and potential of what's coming along Rigby Lake Road. Mr. Hall mentioned the URD did not want to pay for the study (\$40,000) only to have it turned down by the city council. They will also need county support/participation being that some of the property is not within the city limits. Council was in support of expanding the urban renewal district.
- Mid-Night Madness Car Show – Adam Hall representing the Mid-Night Madness show wanted to explain the need to increase the power facility in the central park. The car show is growing and the existing power is insufficient to serve the current needs. The city would support adding more power in the park utilizing volunteers, city effort and seek grants to assist in increasing it.
- June rodeo/beer in grandstand - Mitch Bradley has canceled the Bull War event for this year. They are looking at the rodeo, scheduled in June, but waiting for a couple of weeks to see how the coronavirus turns out. Dr. Ellis who puts on the car show in the south park has approached

the rodeo board about hosting concert in the rodeo arena the weekend of the car show. He would like to have beer sold in the grandstand as the musician would be facing the grandstand on flatbed trucks. Discussion as to the type of concert being held, input from the police department, and other items needed to be clarified. Item tabled pending more information.

- Emergency Declaration – The mayor stated the county has issued an emergency declaration and being that the city is within the county any declaration would apply to the city as well. Being that the city provides water, sewer and sanitation services he doesn't feel there is a need at this time for such a declaration that can't be handled via the county.

Public Comment:

Brian Junke: Wanted to ask some questions regarding the proposed sewer bonds. He felt the issuing new bonds without retiring the old bonds is a catastrophe waiting to happen. He wants the connection fees to be increased the same amount as the residents fees are increasing. He also questioned why Fox Investments is being given credit for the LID and why aren't they paying their own project without a subsidy from the city. The bonds are creating a burden on the residents. Why aren't funds being setting aside to fund the expansion?

The mayor answered Mr. Junke concerns: as to the sewer bonds. Yes we have yet to retire the existing bonds but with the mandate sent down to the city by DEQ. One of the items under consideration is the expansion of the plant to doubling the size where the size would allow a doubling the growth for 40 plus years and allow the bonds to be retired without having new bonds issued. (Mr. Junke kept interrupting the mayor and the mayor said he would discuss his concerns after conclusion of the meeting.)

The mayor wanted it said on the record that no city funds went to Fox Investments and he would address Mr. Junke's concerns at the conclusion of the meeting.

Approval of Minutes:

Councilwoman Weight moved to approve the minutes of March 5, 2020 seconded by Councilman D Burke.

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

Approval of Bills:

The clerk stated the Verizon bill came in after the bill list was printed and the bill for \$558.23. Councilwoman Weight moved to approve the bills including the Verizon bill seconded by Councilman Davis.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Yes
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes



Councilman R. Burke                      Yes  
Councilwoman King                      Yes

Adjournment:

Councilwoman Weight moved to adjourn seconded by Councilwoman King.

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

Meeting Adjourned: 10:05 pm

  
Jason Richardson, Mayor

ATTEST:

  
David Swager, Clerk