

City of Rigby
Council Meeting Minutes
March 5, 2020

Mayor Richardson called the meeting to order at 7:00pm Thursday, March 5, 2020. The pledge of allegiance was given by Aliza King and the prayer given Blake Davis.

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, and Mitch Bradley – Public works director City of Rigby

Public Hearing:

The mayor opened the meeting and reviewed the reason for this evening's public hearing. He explained the recent development that the city has received to meet EPA's discharge levels for ammonia. Currently the city is not meeting those levels and in order to meet the level an upgrade of the wastewater treatment plant is needed. The city has reviewed several options: duplicating the current system in ox ditches or the new Nuvoda system. The est. cost of duplicating the ox ditches will run cost \$11.4 million and the est. cost of using the Nuvoda system will cost around \$7.4 million. In addition to the ammonia treatment system the plant itself needs upgrading due to increase in solids. Those costs will run around \$6.5 million. The city is running a test pilot this coming year to test the Nuvoda system and in the process see if the city could save an estimated \$4 million. The public hearing this evening is to get public comment regarding the proposed upgrades and proceed with judicial confirmation to obtain the needed funds. He explained the order and time allowed for the public to comment and with that he opened the public hearing.

Speaking in opposition:

Laura Richter: Commented that during the last plant upgrade she heard from the operator that the city could not get it into compliance. She asked if the same condition was going to happen again. She also expressed her concern if everyone in the city was paying their fair share.

Harry Richter: Questioned why meters were not used to charge those how use the most pay for what they use. What to know how the city accounted for use.

Speaking neutral:

Alex Espinosa: Asked about the use of the city's connection fees and why those fees are not being used for the project. Asked about the cost of the bonds, duration of the bonds, and if the city had considered other options. He also requested that more information be provided the city regarding this.

Lewis Hamblin: Noted that Ririe's city utility bill is around \$70 and questioned why their bill is so much lower than Rigby's.

Austin Farmer: Wanted the city to solicit more commercial business in the city to help offset the cost of to the residents. Rexburg rates are lower than Rigby and he wonders if the city is doing all it can to get more commercial businesses in town.

No other person wished to speak and the mayor closed the public portion of the hearing.

In response to the patrons concerns he asked if Marvin Fielding of Keller Eng would come forward and address some the concerns raised. Mr. Fielding reviewed the process that the city went through in evaluating the EPA mandate and came down to the Nuvoda system being the least costly and most efficient if it can remove ammonia during the colder periods of the year. The city has elected to conduct a test this coming year to evaluate the effectiveness of the system. The city's permit for discharging in the dry bed is due to expire in 2022. Mr. Fielding also estimated the cost per month for each resident would run around \$35-\$45 per month per resident. This is based on 1600 connections. As the city grows rates could either be reduced or surplus funds used to pay ahead on the bonds. The issue with the prior plant he was not associated with Keller at the time but noted the current operator is operating the plant as well as anyone could and know of no prior issues.

The mayor interjected and stated two items: the filtration system was and is still not working and the plant was under built to handle suspended solids.

Mr. Fielding indicated the prior council used a growth projection under the actual growth that occurred over the past 10 years. The growth projection that the city is using is 3.25%. The city had a growth of rate 3.17% from 2000 to 2010. The school had a growth of 5.8% from 2017 to 2018.

The mayor then address several items: metering of commercial business, use of connection fees, rates other city's charge (Ririe does not have a wastewater treatment plant), the issues on the first plant with the filtration system not working which caused issues; reviewed the current bonds and their expiration dates.

Councilwoman King addressed Mr. Fielding if any more unknown or estimated mandates would be coming down on the city. Mr. Fielding stated that he felt given the growth of 3.25% that the city estimated over the next 20 years no additional work would be needed on the plant. She followed up with a question/concern over the phosphorus being an issue. Mr. Fielding stated the current plant has bowls built into the ditches which could be used if phosphorus became an issue. He stated that cities

south of Idaho Falls have been issued phosphorus limits but so far Rigby has not being that they discharge in to the dry bed and not directly into the Snake River. The cost to add the phosphorus removal is very expensive.

Several patrons wished to offer follow up questions and the mayor then allowed those with follow up questions to come forward.

Leon Guymon: Asked about the differences between the two systems but now understand the differences. He stated that the \$35 a month increase will cause hardship on him being he's on fixed income.

Alex Espinosa: Questioned what the current connection fees are being used for.

Todd Grant: Asked if the city considered hiring a constitutional attorney to fight the EPA on this mandate.

Austin Farmer: Asked if the city could increase users to allow for more users paying for the bond.

The mayor asked if Mitch Bradley would come forward and explain how the connection fees are being used. Mr. Bradley indicated they are only used to extend service on upgraded lines and not used as routine expenses.

Angie Hill explained the method the city uses to charge those on meters against those on flat rate system.

The mayor/council addressed concerns with patron's ability to pay and could offer no clear solution being all residents including council members are facing the same issue. Suggestion made to add a URA code to the bill to allow a link to the city's web page and/or insert a single page with information into each of the utility bill.

Councilman D. Burke moved to proceed with the filing of a petition with the district court to allow the city to seek judicial confirmation for the needed funds of \$18 million. Motion seconded by Councilwoman King.

The mayor called for polling of the council:

Councilman Datwyler	Yes – Commented that he felt the city has sought to do its due diligence on this matter.
Councilman Davis	Yes
Councilman D Burke	Yes
Councilwoman Weight	Yes – Felt along with Councilman Datwyler that the city has sought to do its due diligence.
Councilman R. Burke	Yes
Councilwoman King	Yes

Pretreatment System for the wastewater treatment plant:

Scott Humphreys came forward and stated the city is now being mandated to have a pretreatment process in place with an estimated time due of 16 months when EPA issues a letter mandating the pretreatment. After a brief discussion, Mr. Humphrey indicated he had been working the Kellers' and have attended several meetings on the pretreatment. He indicted the cost would run around \$50 - \$70 thousand. The mayor asked if three informal bids could be obtained towchich Mr. Humphreys indicated yes.

Councilman Datwyler moved to proceed with the pretreatment plan and that Mr. Humphreys obtain three informal bids. Motion seconded by Councilman Davis.

The mayor called for polling of the council:

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

Current sewer collection projects:

Mitch Bradley public works director for the city came forward and reviewed with the council the 4 projects that he was looking to do this year. The estimated cost for the four areas is \$267,000.

Councilwoman King moved that the public works director obtain formal bids for the proposed project seconded by Councilwoman Weight.

The mayor called for polling of the council:

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

Building Inspection Contract:

The mayor handed out the completed building inspection contract that has been executed. Under prior council consent, the council allowed the mayor to proceed with the agreement between the city and Jefferson County. The mayor asked if there was any concern with the contract. Hearing none he then moved to the next item.

Reappointment of Urban Renewal member:

The mayor indicted that the term of Ryan Hall on the urban renewal agency. The mayor commented that Ryan as a former member of the city council is very much involved in the urban renewal and has expressed interest in staying in the position.

Councilman D Burke moved to reappoint Ryan Hall for a second term on the Rigby Urban Renewal Agency seconded by Councilwoman King.

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

Reappointment of Parks/Rodeo Committee Board:

The mayor noted the city has been lack in keeping current on the board with the parks/rodeo board and with the listing provided would like to re-appoint those listed for the terms indicated. The list and terms is as follows:

	<u>Reappoint</u>	<u>Term</u>	<u>Expires</u>
Carl Anderson	3/5/2020	1-yr	12/31/2020
Ione Hansen	3/5/2020	1-yr	12/31/2020
Stephanie Shaffer	3/5/2020	2-yr	12/31/2021
Brent Robinson	3/5/2020	3-yr	12/31/2022
Rick Wade	3/5/2020	3-yr	12/31/2022

Councilwoman Weight moved to appoint the individuals as listed to the terms listed to the parks/rodeo committee board. Motion seconded by Councilwoman King.

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

1st Reading of Ordinance #2020-609 - R-1, R-2, Road right of way; Police misdemeanors/Infractions; addition of RV trailer parks to code:

Councilman Datwyler moved that the ordinance #2020-609 be read in summary seconded by Councilwoman King.

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

The attorney, Michael Whyte, read the summary of the ordinance #2020-609.

The clerk noted that after the reading of the summary of Ordinance #2020-609 the agenda contained the addition to the city code for RV parks but was not included in the summary as read. The mayor then began discussing the reason why the city needed a code for RV being the city does not have one and a individual is looking at putting one in and we therefore need a code for RV. The mayor then proceeded with the reading of the full draft.

Noting that the ordinance was read prior to a motion to read, Councilwoman King moved to allow that the reading of the proposed ordinance #2020-610 act as the first reading seconded by Councilman R. Burke.

The mayor called for a voice poll: All in favor none opposed with Councilwoman Weight voting no.

Councilman D Burke then moved that the ordinance #2020-610 be read in title and summary with the suspension of rules of the third reading. Motion seconded by Councilwoman King.

The mayor then called for a voice poll: Councilmen R Burke, D. Burke, Davis, Councilwoman King voting in the affirmative with Councilman Datwyler and Councilwoman Weight voting no.

Review of Financial Statements:

The treasurer came forward and reviewed the financial summary for the period ending January 31, 2020 with the council. He noted the percentages of revenues to budget were over budget and expenditures to budget were below budget but for a couple of funds. He then reviewed the journal entries made for the month for recurring interest earnings and charges in the internal service fund.

Resolution #195-2020 – Signatory on city’s cash and investment funds:

With the change of council president the city needs to update its officers authorized to sign on the city’s cash and investment accounts. Resolution #195-2020 hereby authorizes Mayor Richardson, Council President Datwyler and Treasurer David Swager be the new authorized individuals to sign on the city’s cash and investment accounts.

Councilwoman Weight moved to approve Resolution #195-2020 seconded by Councilwoman King.

The mayor called for polling of the council:

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

Other Council Business:

- Farmer Merchant Banquet: The mayor asked if any council would be attending the Farmer Merchant Banquet Tuesday, March 17. Council member D Burke, King and Wright indicated they would be attending.
- Baseball Field: Councilwoman Weight stated that she had been approached about adding more baseball fields to the city. She will provide more information at the next council meeting.

Public Comment:

None

Review and Approval of Minutes:

Councilman D Burke moved to approve the minutes of Feb 20, 2020 seconded by Councilwoman Weight.

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

Review and Approval of Bills:

Councilwoman Weight moved to approve the bills seconded by Councilwoman King.

The mayor called for polling of the council:

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

Councilman R. Burke Yes
Councilwoman King Yes

Adjournment:

Councilman D Burke moved to adjourn seconded by Councilwoman Weight.

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

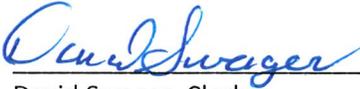
Meeting Adjourned: 9:30pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk