

City of Rigby  
Council Meeting Minutes  
May 21, 2020

Mayor Richardson called the meeting to order at 7:00 pm Thursday, May 21, 2020. The pledge of allegiance was given by Roarke Burke and the prayer given Nicole Weight.

The mayor asked the clerk to call the roll:

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

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

Public Hearing – Vacation of Alley:

Ryan Meikle representing State Street Property, LLC d/b/a Little Caesars came forward and reviewed the reason why the business needed the alley being: to expand the pizza shop with a drive thru which needs to be owner owned. The alley would basically remain an alley but with one-way traffic exiting south onto Hwy 48.

The mayor called for the sign in sheet and noted one person had signed wishing to speak on the topic. Pat Scott: Noted she is in opposition to the vacation of the alley. Being a member of the museum board she expressed a number of items to be considered: 1) traffic flow – how it would impact State St, 2) closing the alley may in the future affect access to the museum on the east side 3) how will the change affect garbage collection, 4) concerned with CO2 coming into the museum and degrading the artifacts.

The mayor asked Mr. Meikle if he would like to respond: he declined.

Council Discussion:

Mayor: The prevailing wind blows out of the southwest and therefore any CO2 would be dispersed away from the museum.

Chief Tower: Traffic flow not a concern any more than the patrons using the gas station exiting onto State Street.

Mitch Bradley: Placement of the garbage cans may have to be relocated but any pickup would still happen on Hwy 48.

Councilwoman King: The city could place a restriction for an easement which would prevent building on the alley road way.

Councilman Davis: CO2 a concern but doesn't feel it's a major concern given the wind and the lack of HAVC intake on the east side of the museum.

Councilman D Burke moved to approve the petition to vacate the alley with the city retaining an easement on the alley road way for 20 feet. Motion seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Aye - prior thought had been given on this and thanked Miss Scott for her concern.
Councilman D Burke	Aye
Councilwoman Weight	Aye
Councilman R. Burke	Aye
Councilwoman King	Aye
Councilman Davis	Aye

Reading Ordinance #2020 -611 – Annexation of 34 acres with Commercial Zone designation:

Councilman Datwyler moved the ordinance #2020-611 be read in summary seconded by Councilwoman Weight.

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

Mayor reads summary of ordinance.

Councilwoman Weight moved to amend the agenda to allow for an action item: waiver of required three readings of an ordinance, seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

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

Councilwoman Weight moved to waive the second and third reading of Ordinance 2020-611 and move to adopt and approve. Motion seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

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

Judicial Confirmation:

The mayor asked the attorney to come forward and update the council on the judicial confirmation done last Friday on the \$18 million loan for the wastewater treatment plant. The attorney updated the council and concluded that he was waiting for the written decision which the judge approved the city's application for securing the needed funds.

Purchase of Arena Groomer:

Steve Cook from the park/rodeo board presented the council with the request to purchase a Black Widow Arena Groomer. The rodeo board used one for the last two rodeos and could see the advantage of having a single machine to groom the track versus having to use three separate machines. The Black Widow Groomer is able to cut through the infield hard pan and level and till the top soil in one operation. The quote to get a groomer that will fit the tractor is \$7,226. The clerk stated the rodeo board has a budget for capital outlay of \$7,600 in their funds to purchase such an item.

Councilwoman Weight moved to approve the purchase of the Black Widow Arena Groomer for \$7,226 seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

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

Approval of Minutes:

Councilwoman Weight moved to approve the minutes of May 7, 2020 seconded by Councilman Davis.

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

Approval of Bills:

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

The mayor asked the clerk to poll the council:

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

Executive Session:

Councilwoman Weight moved that the council enter into executive session per Idaho Code 74-206(f) - to communicate with legal counsel to discuss legal options for pending litigation or controversies not yet being litigated but likely to be litigated. Motion seconded by Councilman Davis.

The mayor asked the clerk to poll the council:

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

Council enters executive session: 7:38pm

Council exits executive session: 9:05pm

Council Discussion/Decision:

Councilman Datwyler moved the public works proceed with the repair of the hot tap needed on the intersection of Hwy 48 and 4000 East and bill the church under the warranty of the service line. Motion seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Aye - Needed to show good faith in getting this item completed and corrected.
Councilman D Burke	Aye
Councilwoman Weight	Aye – echoed the comments made by Councilman Datwyler
Councilman R. Burke	Aye
Councilwoman King	Aye
Councilman Davis	Aye

Councilman Davis moved the city: 1) resend the letter dated May 6, 2020 to the church requesting that the church sign the contract on or before June 3, 2020 and return to the city, 2) in the letter comment that during the meeting held in the Holbrooke meeting house on May 18, 2020 the church's general contractor and engineer showed a lack of "good faith" in failure to order the pipe for the replacement and arguing the manufacture would warrant the pipe and therefore the was no need to replace the pipe and the engineer arguing that he's the engineer of record and he signed off on the installation of the pipe and 3) the church's project manager commented there was no signed agreement between the church and the city as of May 18, 2020. Motion seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman Datwyler	Aye - would like to have a prompt reply from the church ASAP or the water usage may change after June 4 if we don't have a reply.
Councilman D Burke	Aye

Councilwoman Weight	No
Councilman R. Burke	Aye
Councilwoman King	Aye
Councilman Davis	Aye

Adjournment:

Councilwoman Weight moved the council adjourn seconded by Councilman Datwyler.

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

Council adjourned: 9:16pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk