

**City of Rigby
City Council Meeting
December 4, 2007
7:00 p.m.**

Councilman Marriott welcomed everyone to the meeting and turned the time over to Police Chief Larry Anderson who invited everyone to join him in the pledge of allegiance. Councilman Marriott then turned the time over to City Attorney Robin Dunn who gave the prayer.

Councilman Marriott announced that Mayor Brown is home recuperating and plans to be at the next City Council Meeting. Councilman Marriott stated the water tank located by City Hall had been decorated by a brave city employee from the Public Works Department.

Jeanne Kerbs, City Clerk/Treasurer, performed roll call. Those present were: Councilman Marriott, Councilwoman Chapple, Councilman Smith, Councilman Maloney, Councilman Blackburn and Councilman Day. Those absent were: Mayor Brown.

Swearing in of New Airport Board Member-

Councilman Marriott stated the next item on the agenda was the swearing in of John Anderson to the Airport Board but he was unable to make the meeting this evening and so this matter would be tabled until the next meeting.

Public Intoxication Ordinance-

Councilman Marriott stated the next item on the agenda was for the public intoxication ordinance and turned the time over to Robin Dunn, City Attorney, for his presentation.

Mr. Dunn stated that research indicates that some of the wording Police Chief Larry Anderson could not be obtained and read parts of Idaho Code 39-310 which gives criminal law limitations. Mr. Dunn went on to explain that he had changed the wording of the ordinance from that which Mr. Anderson wanted to reflect what was allowed by law. Mr. Dunn stated that if it was found acceptable and the council wished to continue then they would need to approve it to be published in the paper. There was a brief discussion regarding the intention behind this ordinance. Councilman Blackburn moved to have this ordinance published with the exception of omitting the designated language in the whereas. Councilwoman Chapple seconded. All were in favor.

Garbage Cans and Branches Along the Street-

Councilman Marriott stated the next item on the agenda was regarding garbage cans and branches along the city streets and turned the time over to Councilman Maloney for his presentation.

Councilman Maloney stated he had received comments from some citizens regarding garbage cans and branches along city streets. Councilman Maloney stated there are some areas in the city where the homeowners leave their garbage cans on the streets all the time. Councilman Maloney explained that some residents were complaining about this and so he wanted to know if there was an ordinance or code that discussed this issue. Rick Lamoreaux, Street/Sanitation Supervisor,

stated he didn't know of any code regarding this but knew that most people took them back to the house. Councilwoman Chapple suggested advertising the need to bring the cans back especially right now for the snow removal. Councilman Marriott asked Rebecca Squires, from the Jefferson Star regarding this and she said that she would work with the city and get something out.

Councilman Maloney stated the next concern was over the branches and limbs being placed along the city streets and wondered if they should be back more off the curb. Mr. Lamoreaux stated they could be placed back off the curb if necessary but the city employees could not go onto private property to pick them up. There was a brief discussion whether this caused a traffic hazard or not. Councilman Marriott stated it had been advertised in the Jefferson Star for two (2) consecutive weeks that the burn pit is closed and asked if this was correct and Mr. Lamoreaux confirmed it was. Councilman Marriott stated the south park by the rodeo grounds was also closed and asked if this was correct and Mr. Lamoreaux stated it was for automobile traffic but pedestrians could still access the park.

Grant of Easement-H&S Development-

Councilman Marriott stated the next item on the agenda was for granting an easement for H&S Development.

Councilman Marriott stated there was a piece of property along Highway 48 at the beginning of 5th West that Paul Hepworth of H&S Development would like to groom and place a monument type sign indicating the way to Hunter Creek Estates. Councilman Marriott asked Mr. Hepworth if he had any comments and none was given and so Councilman Marriott asked if the council wanted any discussion on this issue. Councilwoman Chapple moved to grant the easement to H&S Development. Councilman Day seconded. All were in favor of the easement.

Public Hearing-Annexation/Zone Designation-Aspen Engineering-

Councilman Marriott stated the next item on the agenda was a public hearing for Annexation/Zone Designation for the Helen Crank/Key Crank development and turned the time over to Ryan Loftus of Aspen Engineering for his presentation.

Ryan Loftus, Aspen Engineering, stated this plat had been presented to the council two (2) months ago and they had expressed some concerns and so they went back to technical review with a different plat that had smaller lots and more buildings. Mr. Loftus explained that at that meeting the technical review committee rejected the new plat and chose to continue with the plat being presented this evening. Mr. Loftus stated this property contained 4.36 acres and has approximately 75 feet of frontage along 3rd West. Mr. Loftus gave a brief explanation of the R-1 versus R-2 requirements and how this development compares to the minimum requirements. Mr. Loftus stated the Planning and Zoning Commission gave them a few requirements and went over those as 1) a safety fence along the South side to protect from the canal which the developer has no problem with; 2) the storm water retention pond and those requirements had been met as per the Keller and Associates, the City Engineer; 3) street lighting would be provided by the developer and 4) they requested a traffic study showing traffic from 7 a.m. to 7 p.m., Monday through Saturday during school. Mr. Loftus stated the traffic study has not been done but the developer would agree to complete one if that was a deal breaker and/or requirement of the council.

Councilman Maloney asked about the parking for the buildings and Mr. Loftus explained the two (2) parking spaces allowed per building and the consideration of additional parking for visitors at the end of the cul-de-sac by the storm water retention pond. Councilman Marriott asked about annexing the property as R-1 then discussing the R-2 request. Mr. Loftus stated the developer's entire plan was centered around the R-2 and so if it wasn't going to happen they would just as soon leave it a county piece with an agricultural use. Councilman Marriott stated that as he read the code the property should be annexed and zoned R-1 and Mr. Loftus stated that could be unless there was a specific zone designation request and that is what this developer wants to do. There was a brief discussion regarding the construction of the four-plexes, how they would be owned and parking requirements. Councilman Blackburn stated the since there was a request for a traffic study that hasn't been completed he wanted to know why they were even presenting and Mr. Loftus stated they viewed that as a recommendation not a requirement but if the council wanted that then the developer would comply. There was a brief discussion regarding the zoning request being part of the annexation and the developer not willing to alter the request. There was a brief discussion on the width of the cul-de-sac and proposed roadway.

Councilman Marriott opened the public hearing and asked for any testimony in favor. No testimony was given.

Councilman Marriott asked for any testimony against. No testimony was given.

Councilman Marriott asked for any testimony neutral.

Paul Hepworth, 571 Aspen Drive, stated he was speaking neutral only because he's in favor of the annexation but not in favor of the zone designation. Mr. Hepworth stated the city needed to annex the pieces that are within the impact area but if city code stated it should be R-1 then he was in favor of the city code. Mr. Hepworth explained some of the access requirements that were placed on his subdivision and felt the same needed to be upheld for others.

Rebecca Bishop, 491 W. 3rd North, stated she was one that had their basements flooded. Mrs. Bishop stated she is neutral because the R-1 versus R-2 doesn't matter but she has a concern over the flooding of the basement again. Mrs. Bishop stated her house is for sale because they can't afford to live in it anymore due to the expense of fixing the basement. Mrs. Bishop stated the problem of the service water needed to be addressed or there would just be more homes in the area for sale.

Jodi Hepworth, 571 Aspen Drive, stated she was neutral because she would like to see the Crank's be able to develop in the city and would like to see the property annexed. Mrs. Hepworth stated that she questioned the capacity for the area but wasn't against townhomes in the area. Mrs. Hepworth stated that when H&S Development asked for R-2 in their development they had been turned down.

Councilman Marriott interjected and asked the council if it would be ok for Paula Packer, Planning and Zoning Secretary, to come forward. Councilman Marriott asked if this matter had gone in front of Planning and Zoning and Ms. Packer stated it had. Councilman Marriott asked for an explanation of what happened at that meeting. Ms. Packer explained that the Planning and Zoning Board had moved to recommend approval of the annexation with the R-2 zone designation.

Councilman Marriott asked about the code requirement for the R-1 designation and Ms. Packer stated the city code was open to interpretation but felt it stated it was to be R-1 upon annexation unless otherwise requested. Ms. Packer went on to state the city's applications were for annexation and zone designation together. Ms. Packer explained that under state statute there was a moratorium on the zoning and if a parcel was zoned a certain way then it needed to stay that way for the duration of that moratorium before they could change it. Ms. Packer explained the procedures the Planning and Zoning commission looked at when making their decision. There was a brief discussion on the application process and the way the applications were currently written. There was a brief discussion on the changes that brought him back for this meeting. There was a brief discussion regarding the original submittal and the technical review approval versus this submittal and the technical review approval. There was a brief discussion regarding the procedures the council needed to take for the items on the agenda regarding Aspen Engineering. There was a brief discussion regarding annexation procedures. There was a brief discussion regarding the traffic study. Councilman Maloney moved to table this item until a traffic study was completed. Councilwoman Chapple seconded. Councilman Smith stated there was no difference in this proposal than the one presented two months ago and didn't feel he could change his opinion on denying the proposal. Councilman Day stated he would have to agree with Councilman Smith. There was a brief discussion regarding amending the motion versus withdrawing the motion. Councilman Maloney moved to withdraw his motion. Councilwoman Chapple withdrew her second. Councilman Day moved to reject the proposal based on no substantial change and that it needed to be a year before they could submit the same proposal. Councilman Blackburn seconded. All were in favor.

Mr. Dunn asked that since item 1 of the request had been denied if the developer wanted to continue with items 2 and 3. Mr. Loftus asked for some clarification on the motion and then chose to withdraw his request for items 2 and 3.

Public Hearing-Preliminary Plat-High Pointe Homes-

Councilman Marriott stated the next item on the agenda was for preliminary plat approval for High Pointe Homes and turned the time over to Darrin Sweeney for his presentation.

Darrin Sweeney, High Pointe Homes in Idaho Falls, stated he was bringing forth Cedar Meadows Division 1 for approval tonight. Mr. Sweeney explained this property is the 40 acres adjacent to Pioneer Park Division 1. Mr. Sweeney stated there had been a preliminary sketch of this project done some time ago by the previous owners but he had chosen to redo it because he didn't like it and it didn't meet any city code or ordinances. Mr. Sweeney explained the process he had done through to get to this point regarding meeting with city staff, the city engineer, and technical review multiple times as well as planning and zoning. Mr. Sweeney went over items such as road widths, curb, gutter and sidewalk, garbage pickup, firehydrants and some of the other items addressed in the various meetings they had prior to this evening. Mr. Sweeney went on to say that he felt the preliminary plat being presented this evening was definitely a collaborative effort between High Pointe Homes as a developer, Schiess and Associates as an engineer, the city staff, and the city engineer. Mr. Sweeney stated they had worked really hard to get this proposal approved and didn't think it would be difficult to go in front of the Planning and Zoning Commission but found that to be incorrect. Mr. Sweeney explained that planning and zoning used that meeting to express their displeasure for Pioneer Park Division 1 and the problems there rather than looking at what they and the city staff had done to bring this one to code. Mr. Sweeney stated that while he understood

the problems in that development he as a new developer couldn't be held to those mistakes. Mr. Sweeney referred to an article released in the Jefferson Star and quoted a statement made by one of the commissioners and stated it was at this point he realized he would not be treated fairly by the planning and zoning regarding this development. Mr. Sweeney stated that at no time has he asked for a variance or anything he was only asking that this preliminary plat be approved so that he can move forward with his development. Councilman Blackburn asked for clarification regarding the traffic study versus the traffic analysis previously done for Pioneer Park. Mr. Sweeney explained there was a traffic study done by Schiess and Associates that took into account the entire development. Councilman Blackburn referred to a letter from Keller and Associates that was included in his packet and referred the answer to Chris Park.

Chris Park, Schiess and Associates, stated there was a new traffic study that had been completed since the one Councilman Blackburn was referring to and they also had a letter from Keller and Associates had given a letter of approval.

Councilman Smith asked if this had been approved by Planning and Zoning and Mr. Sweeney stated it had not. Mr. Sweeney explained they had wanted this traffic study be completed which has been done but he didn't feel like he was being treated fairly and so he was appealing to city council. Mr. Sweeney stated they had listened to 90 minutes of all the problems with Pioneer Park rather than hearing what they had done to comply with city code.

Paula Packer, Planning and Zoning Secretary, was called forward to give comments from the meeting where this issue was discussed. Ms. Packer stated that one of the main problems planning and zoning faced was continually talking about the problems with Pioneer Park and expecting Mr. Sweeney to make these improvements. Ms. Packer went on to explain that it had been explained numerous times that Mr. Sweeney could not be held to those improvements. Ms. Packer explained the multiple meetings with technical review, the expectations and restrictions placed on the proposed development and Mr. Sweeney's willingness to do whatever he needed to bring this development to code. Councilman Blackburn inquired as to the appeal process and whether this was after his timeframe or not. Ms. Packer explained that Mr. Sweeney had sent a letter regarding his intent to appeal under the timeframe and that she had talked with Mayor Brown regarding scheduling this meeting as a work session or regular meeting and once it was decided to be held in a regular meeting so that a decision could be made then the public hearing procedure had to be followed and that's what made the timeframe the way it is. Councilwoman Chapple asked for clarification on the proposal and Ms. Packer explained that Mr. Sweeney had been told of various problems in Pioneer Park and was told there were certain places he couldn't connect into current utilities due to these problems. Ms. Packer went on to explain that Mr. Sweeney had corrected those concerns on his plat and that's what being presented this evening. Councilwoman Chapple asked for clarification on whether Planning and Zoning had accepted or not and Ms. Packer stated they had decided to table the matter until they could get additional information from the traffic study and revised stormwater calculation. Councilwoman Chapple asked if this was going back to Planning and Zoning and Ms. Packer stated this was not because Mr. Sweeney was appealing their decision after comments made in the meeting and released in the paper which made him believe he wasn't being treated fairly. Ms. Packer went on to say that all issues discussed in the meeting was regarding problems and issues in Pioneer Park Division 1 and there wasn't anything discussed just concerning this new proposal from a new developer.

Mr. Sweeney stepped forward and stated that he understood the park to be a sore topic and was willing as a developer to assist in fixing that park but wanted to make sure it wasn't a condition of his approval and didn't want the community to feel he was being made to fix it. Mr. Sweeney went on to explain that they were planning to not only be the developer but also the builder in this subdivision and explained some of the conversations he had had with Mike McCowin, City Building Official, regarding concerns over construction. Councilman Blackburn asked for clarification on how the water was going to be accessed for this development and Mr. Sweeney explained it would be through the Pioneer Park development. There was a brief discussion regarding the restrictions imposed by technical review for connections. Councilman Blackburn asked about lighting and gave a brief explanation of the problems in Pioneer Park and asked how this was being addressed in this new phase and Mr. Sweeney answered saying the technical review committee had required him to work with the power company to install actual street lights at code required spacing. There was a brief discussion regarding the possibility of expansion to the west of this development.

Police Chief Larry Anderson came forward and stated he wanted to clarify the Technical Review Committee. Chief Anderson stated the committee members were from water/sewer, sanitation, law enforcement, fire, building and planning and zoning. Chief Anderson stated Mr. Sweeney had been called on items the committee didn't particularly care for several times and Mr. Sweeney has agreed to comply with everything talked about. Chief Anderson stated Mr. Sweeney had been called back more than anyone else at this point but he complied with every request willingly.

Jim Anderson, Water/Sewer Supervisor, came forward and stated he would like to see a water usage study and PSS, BOD loading on the sewer system addressed and asked if anything like this had been done. Mr. Sweeney stated he believed this to already have been addressed in the technical review meeting and asked to confirm that with Ms. Packer. Ms. Packer stated a copy of the technical review comments had been included in the council packets showing the approval of each member of the committee. Ms. Packer went on to explain there had been meetings with Jim Mullen of Keller Associates regarding the new wastewater treatment facility and the possibility of it being up and running by the time this development was ready to connect. Ms. Packer also stated that Mr. Sweeney had agreed to dedicate a lot for a city well if it was decided they needed one in the area. Mr. Sweeney confirmed this had already been noted on the plat according to that conversation. There was a brief conversation regarding the size of the lines on Caribou and why they were not reflected on the plat. Ms. Packer stated one of the requirements was they would not be allowed to connect in on any lines through Caribou because of problems that exist there.

Councilman Blackburn asked if there were any water rights with this property when it was purchased and Mr. Sweeney stated he would have to check but expressed his understanding that if there was they would be transferred to the city. Councilman Smith asked if this property has been annexed and zoned and Mr. Sweeney stated it had through the previous owners. Councilman Day referred to the plat and asked if the hashed area was already zoned R-2 and if he was for sure going to put duplexes on that property. Mr. Sweeney stated the property was zoned already but there was no guarantee what they were putting on that property. Mr. Sweeney explained it would depend on what would fit and accommodate the required off-street parking but knew 4-plexes would not work.

Councilman Marriott opened the public hearing and asked for any testimony opposed to this proposal.

Paul Hepworth, 571 Aspen Drive, stated he was a big fan of this development but felt there were glaring concerns as he could see. Mr. Hepworth stated he realized the zoning was already approved and no one was there to argue zoning. Mr. Hepworth stated Councilman Day had, in the very last hearing, brought up the appropriateness of where apartments should be and didn't feel this request was any different than the last. Mr. Hepworth went on to say the traffic study only addressed traffic on 3rd West and that 5th West wasn't even a road yet and there wasn't even an agreement for a bridge other than the one between the two developers. Mr. Hepworth stated he supported this subdivision as all single family.

Caleb Harris, 485 N. 4th West, stated he shared Paul's concerns over the apartments or townhomes or multi-family homes. Mr. Harris stated he had heard in this meeting reference to what the planning and zoning commission had said but wondered if there should be more investigation into this or even a written statement from them. Mr. Harris stated he too would like to see only single family dwellings put in because it was a safety and property value concern.

Jodi Hepworth, 571 Aspen Drive, stated she was in favor of the development but against the R-2. Mrs. Hepworth stated she would like to see some restrictions placed on the R-2 if at all possible. Mrs. Hepworth inquired as to why she hadn't received a notice on the hearing and Ms. Packer stated that it was a city council meeting not a planning and zoning meeting so there were other requirements.

Paul Hepworth, 571 Aspen Drive, stated the council may want to check on that. Mr. Hepworth stated the only reason he was there this evening was because he had an item on the docket but there are a lot of people that live in the area that have concerns.

Janice Ochs, 478 N. 4th West, stated she was against the multiple family units regardless of what they are called. Ms. Ochs also questioned the way the legal notice was advertised. Ms. Ochs stated the development has always been known as Pioneer Park Division 2 and felt changing the name was wrong because it made it where people didn't know what was going on.

Dee Stoker, 477 N. 3200 E., Lewisville, stated that when they started their subdivision they were very concerned over how apartments would affect property values. Mr. Stoker stated they had proposed very nice townhouses along the canal but city council had flat turned them down and public opinion was very against them doing that and so they had to put in single family. Mr. Stoker expressed his displeasure with this exact thing being allowed just to the north of where it was denied previously. Mr. Stoker stated he would be very much in favor of this development if it was all single family.

Ms. Packer came forward and stated that while she understood the frustration over the R-2 that was not something being presented this evening because the property in question has already been annexed, already zoned and already approved for a subdivision. Ms. Packer stated that all Mr. Sweeney was asking is for the subdivision to be approved this way because everything else has already been decided for him. Ms. Packer explained that if Mr. Sweeney was asking for a zone change then this argument over zone could be made.

Councilman Blackburn stated he was more concerned over the 98 single family lots than he was the 13 multi-family lots but asked Mr. Sweeney if he would consider, in lieu of the testimony given,

consider placing single family units on these other lots as well. Mr. Sweeney stated that he couldn't give a definitive answer this evening because there was some anticipation regarding being able to sell these lots for more money with the R-2 but said he would go back and crunch the numbers and as long as they understood it would be a consideration from him not a requirement handed down from the council.

Scott Stoker, 568 Aspen Drive, stated he had the same concerns as his partners on the R-2 zoning in this development. Mr. Stoker stated restrictions could be placed on that zoning because that's what this meeting was for. Mr. Stoker asked Ms. Packer to correct him if he was wrong on this. Ms. Packer stated he was incorrect because the zoning has already been established. Mr. Stoker asked if the council could set limitations and Ms. Packer stated they could request but they could not enforce because that was not an item up for discussion and asked Mr. Dunn if she was correct and he confirmed that she was. Mr. Stoker stated that regardless of the intention apartments are apartments and are not owned and that causes him concern. Mr. Stoker stated they were having trouble selling lots because no one wanted to purchase a home next to apartments and so this directly affects him. Mr. Stoker stated he was for the development and is glad Mr. Sweeney is the owner and expressed to the council that he will do a good job but still was against R-2. Mr. Stoker also stated that he was a little irritated over a public meeting being held without the public being notified.

Councilman Marriott asked for any further testimony against. No further testimony was given.

Councilman Marriott asked for testimony neutral.

Rex Sutherland, 463 N. 3rd West, stated he lives in Pioneer Park Division 1 and stated he hadn't heard of this development before this evening but was very happy to hear they were doing single family homes. Mr. Sutherland stated the townhouses, apartments and other homes have their traffic channel through the development to 3rd West. Mr. Sutherland went on to express his concern over the current accesses and the proposed access on 5th West that in reality doesn't exist yet. Mr. Sutherland stated he was happy to have a local boy be the developer for this property but still had serious concerns over the apartments and felt some consideration needed to be made.

Councilman Marriott asked for any further testimony neutral. No further testimony was given.

Councilman Marriott turned the time back to Mr. Sweeney for his rebuttal.

Mr. Sweeney stated that R-2 doesn't mean apartments because people can own homes in R-2. Mr. Sweeney stated he had considered individually owned townhomes for the area. Mr. Sweeney stated he could appreciate the concerns over the traffic and that was why the money was spent for a traffic study to be completed. Councilman Blackburn asked if there would be covenants established for this development to protect the homeowners and Mr. Sweeney stated there would.

Councilman Marriott closed the public hearing and turned the time over to the council for deliberation. Councilman Blackburn asked Mr. Dunn if since Mr. Sweeney indicated he would consider changing the density in the area how would he suggest the motion be made. Mr. Dunn stated there was no way they could impose restrictions or limitations placed on the development itself regarding zoning. Councilman Maloney expressed his concern to make any decision since no

member of the commission was present to answer questions as to what went on in the meeting. Mr. Dunn stated that was why Ms. Packer was here to represent those issues. Mr. Dunn went on to state that Ms. Packer was not to have a position but merely represent the facts. Kurt Rolland of Schiess and Associates asked for clarification as to whether the final plat and development agreement would have to go in front of planning and zoning and it was decided that it would as a procedural requirement. Councilwoman Chapple stated that since Ms. Packer had stated the compliance with requirements and have lived up to that then the council should honor the appeal. Councilman Day stated he would have to agree and stated that Police Chief Anderson also gave testimony that this developer has complied. Councilman Day stated he wanted to address something Mr. Sutherland had talked about and expressed his opinion on the council needing to agree to put in a bridge if they agreed to pass this preliminary plat. Councilman Blackburn agreed that a bridge needed to go in. Councilman Day stated he wanted everyone to know that he wasn't against apartments as he currently lives in one while his house is being built but that he did have a problem with clustering them in one area because it causes problems. Councilman Maloney moved to accept the preliminary plat. Councilwoman Chapple seconded. All were in favor.

Approval of Bills and Minutes-

Councilman Marriott stated the next item on the agenda was for the approval of the bills and minutes.

Councilman Marriott stated they would start with the minutes and asked if everyone had read them and if there were any questions or changes. Councilman Smith stated he had one correction to make and that was on page 3, second paragraph from the bottom where it said Dr. Reynolds it needs to say Dr. Rounds. Councilwoman Chapple moved to accept the minutes as amended. Councilman Day seconded. All were in favor.

Councilman Marriott went on to the bills and asked if there were any questions or comments. Councilman Blackburn stated there was an invoice on the settlement agreement between H&S Development and the city and felt that if the bills were approved it needed to reflect a contingency subject to judicial finalization. Councilman Maloney moved to approve the bills with the contingency stated by Councilman Blackburn. Councilman Day seconded. All were in favor.

Public Comment-

Councilman Marriott opened the meeting for public comment.

Paul Hepworth, 571 Aspen Drive, came forward and requested clarification on what bill they were discussing regarding H&S Development because they had submitted more than one. Ms. Kerbs explained it was the one regarding the settlement agreement only. Mr. Hepworth asked what the judicial finalization meant and Mr. Dunn explained it needed to be approved by the court and stated that should be in the works now. Mr. Hepworth stated the paperwork reflects no stipulation being filed until July and asked if that's what was being referred to.

Councilman Marriott expressed his appreciation for the city employees as they have prepared the city for the Christmas season with the lights and trees and things of that nature. Councilman Blackburn stated he would like to reiterate that sentiment. There was a round of applause for the city workers.

Executive Session per Idaho Code 67-2345F-

Councilman Marriott stated the next item on the agenda was for executive session. Mr. Dunn stated there needed to be a motion for that.

Councilman Day made the motion to go into executive session per Idaho code 67-2345F. Councilman Maloney seconded. All were in favor. Mr. Dunn stated that Mr. Jim Anderson and Mr. Paul Hepworth would need to attend this executive session.

The meeting was adjourned to executive session at 9:53 p.m. Water issues were discussed.

The regular council meeting reconvened at 10:41 p.m.

Councilman Blackburn moved to have the City Attorney Robin Dunn give notice to public regarding the water testing after City Clerk Jeanne Kerbs received clarification from DEQ and that a secondary testing agency from outside the City of Rigby come in to conduct an independent study. Councilwoman Chapple seconded. All were in favor.

Councilman Smith moved to adjourn the meeting. Councilwoman Chapple seconded. All were in favor. The meeting was adjourned at 10:45 p.m.

George Mariott
Council President

Jeanne Kerbs
City Clerk