

City of Rigby  
Council Meeting Minutes  
December 1, 2022

The mayor called the meeting to order at 7:00 pm Thursday, Dec 1, 2022. The pledge of allegiance was given by Aliza King and the prayer given Val Orme.

The mayor asked the clerk to call the roll:

Councilman D Burke	Present
Councilman Orme	Present
Councilwoman King	Present
Councilwoman Harrison	Present
Councilman R. Burke	Absent
Councilman Wilder	Absent

Also in attendance: Mitch Bradley via phone, Chief Fullmer, Attorney Dunn

Public Comment:

None

Public Hearing: Sewer Revenue Rates Increase:

The mayor asked if there was anyone in attendance wishing to speak regarding the sewer rates increase. There were no residents in attendance, being such the mayor closed the public hearing.

Council discussion: In general comments from the council was that the increase was needed but were solely for the ongoing maintenance of the existing plant and had nothing to do with the proposed plant which has yet to start.

Councilman D Burke moved to approve the rate increase seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

USDA Small Acreage Program:

Tabled.

Police Dept:

- Working with public works on getting parks vehicles off the streets.
- Shop with a Cop Program: Chief Fullmer recapped his involvement with the Shop with a Cop Program. Felt the city has not participated in the program for a number of years but felt it was the perfect time for kids to have a positive interaction with law enforcement. Council felt the program was positive and supported the program. Chief Fullmer indicated eight of his officers and/or reserve officers were participating.

Councilman D Burke moved to authorize \$1,250 to be spent for the Shop with a Cop Program seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Resolution #213-2022 – Increase in sewer monthly rates:

Councilwoman King moved to read the resolution in title and summary only seconded by Councilman D Burke.

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

The mayor reads resolution #213-2022 in title and summary.

Councilwoman Harrison moved to approve and adopt resolution #213- 2022 seconded by Councilman Orme.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Altura Group – Funding application for DEQ grant:

The clerk presented a spreadsheet prepared by Altura Group showing the amount of funds the city has spent towards the WWTP \$26.645 million project, grant funds received from the Corp of Army Engineers, and DEQ grant. At the present time the city paid out its accumulated savings a total of \$3.8 million from which it received \$673,330 from the Corp of Army Engineers. The application this evening is for the reimbursement of \$2,167,000 from the DEQ ARPA grant to reimburse what the city had paid out prior to the grant application.

Councilwoman Harrison moved to authorize and approve the application for the DEQ ARPA funds seconded by Councilwoman King.

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

Nominations for Urban Renewal/Planning/Zoning Boards:

The mayor stated two current members on the urban renewal agency board terms were expiring. He renominated Taylor Bensen and Tonya Hillman to the urban renewal board.

Councilwoman King moved to accept and confirm the nomination of Taylor Bensen and Tonya Hillman to the urban renewal board seconded by Councilman Orme.

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

The urban renewal board would like to have a 7<sup>th</sup> member to fill the quorum of 4 members attending. With the current number of six four is needed and with an additional member 4 would be easier to fill. With that being said, Councilwoman Harrison moved to increase the urban renewal board from six members to seven motion seconded by Councilwoman King.

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

For the seventh member on the urban renewal board the mayor nominated Alex Johnson to the board. In the discussion with him he felt Mr. Johnson would bring a different perspective to the board.

Councilwoman Harrison moved to accept the nomination of Alex Johnson to the urban renewal board with a term of five years seconded by Councilwoman King.

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

Amend Agenda:

The mayor stated he has a name to add to the library board but the agenda does not show it being on the agenda. Councilwoman King moved to amend the agenda to allow the mayor to place a name in nomination for the library board seconded by Councilman D Burke.

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

The mayor nominated John Fackrell to the library board.

Councilwoman King moved to accept the nomination of John Fackrell to the library board seconded by Councilwoman Harrison.

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

South Rigby Commercial Park:

Jim Bernard representing the South Rigby Commercial Park came forward and requested a variance as to the type of curb he must install in his development. The development will be mostly if not all commercial with large trucks entering and exiting the individual lots. Mitch Bradley stated he felt a roll back curb in this instance would be better than having curb cuts made. Discussion as to how to allow roll back curb in the city being the code specifies type III curb. The city attorney responded that Bernard should request a conditional use that would allow for the roll back curb.

Councilwoman King moved to allow Mr. Bernard to install roll back curbing subject to his application and payment of a conditional use permit seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

HDPE Pipe Change Order:

The WWTP had specified ductile iron pipe to be used in the WWTP project. The iron pipe has a twelve month availability time line which would push back the project. As a substitute the engineer, Keller, is proposing that HDPE pipe be allowed. The HDPE pipe is readily available and does not have a twelve month lag time and second the HDPE pipe is equal to if not better than ductile iron pipe. The change in pipe results in a credit of \$207,100 in material costs. The change does require additional material in that a concrete slab needs to be poured with the HDPE pipe. The overall net change is \$207,100 with a reduction in RSCI 5% OH&P costs and 1% in bonds/insurance costs.

Councilwoman Harrison moved to accept the change order from ductile iron pipe and to allow a substitution of HDPE pipe for a net reduction in contract of \$207,100 seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Material Testing Inspection:

Keller stated the city had intended to do the coordination with the inspection of the material testing but the estimated costs exceeded what the contractor (RSCI) and the engineer thought was reasonable. As an alternative RSCI agreed to add the material testing under their contract with STRATA Corp for an additional \$236,555 which includes RSCI adding 5% for OH&P and 1% for bonds and insurance. The burden to do accurate and timely testing now falls to RSCI.

Councilwoman King moved to approve the change order with RSCI to include material testing for an additional \$256,555 seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Rodeo Ground Grandstands:

Brent Tolman, Rigby urban renewal consultant, came forward and review the condition and need to replace the original grandstand on the south side of the arena. In many places the support timbers have rotted out and are free floating. The city crew went in this summer and corrected many of the support timbers, but more is warranted and should be replaced. No one knows the age of the grandstand. The urban renewal has agreed to consider the costs of replacing the grandstand and replacing the bleachers with either wood or aluminum bleachers. The wood bleachers will be lower at the initial purchase over aluminum but long-term costs of painting them every few years will be expensive. Tearing down the grandstand was thought could be bid out two ways: a) tear down and haul off the material or b) salvage the metal and wood in the grandstand. Being the grandstand is city property, council needs to approve the proposed demolition of the grandstand.

Councilwoman Harrison moved to allow the urban renewal to repair and/or replace the center grandstand on the south side of the arena seconded by Councilman Burke.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

3<sup>rd</sup> West Sewer Line Change Order:

Mitch Bradley stated that while the contractor was replacing the sewer line on 3<sup>rd</sup> West they noticed water coming into the trench. They discovered the water was coming from water line that was deteriorated beyond repair. Mr. Bradley had the contractor, HK Const, replace the line while the trench open. The cost of \$7,638 he felt was extremely reasonable. Given the cost he did not want to dig the line up after HK moved off site.

Councilwoman Harrison moved to approve the change order with HK Contractors in the amount of \$7,638.29 seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Transportation Study:

Tabled.

Keller Engineering:

1. LID #10 – reduction in engineering fees:

The original contract with Keller was on a percentage (15%) of construction costs. Actual constructions costs came in \$11,706.50 below engineer estimated figure. Resulting in an overpayment of fees to Kellers.

Councilwoman King moved to approve the change order with the reduction in engineer fees of \$11,706.50 seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

2. 5<sup>th</sup> West Engineering Fees:

The original contract with Keller for the design of 5<sup>th</sup> West was based on a percent of lowest responsible bid whether the city accepted the bid. The one and only bid received on the project was for \$678,694.23 of which Keller's contract stated the amount due them was 10% of the \$678,694.23 or \$67,869.42 which the council felt was unwarranted. Keller's agreed to amend their contract to actual costs which resulted in an increase of \$25,048 for services during design,

an increase of \$1,213 for services during bidding and a reduction of \$11,995 for services rendered during construction for a net increase of \$14,266. As an alternative Keller is proposing to redesign 5<sup>th</sup> West for an additional road width of five (5) feet for an additional fee of \$15,000 over the first design fee of \$59,266. If this is designed the plan and everything associated with 5<sup>th</sup> West can be used in the future. The additional \$15,000 results in a new contract due totaling \$74,266. The \$15,000 estimate is only an estimate and is based on actual time and material which may be under or over the estimate. Councilwoman expressed her concern with the costs of 5<sup>th</sup> West and whether the project even needs to be done now. The debate ensued that once the city has the plans and detail associated with 5<sup>th</sup> West any engineering firm could pick up the plans and move forward.

Councilman D Burke moved a accept and approve the change from the first contact and to continue with the second design of \$15,000 for a net change of \$29,266 to be completed by June 2023. Councilman Orme seconded the motion.

Councilwoman King asked for an amendment to the \$15,000 to include the wording "not to exceed" – motion failed to obtain a second.

The mayor asked the clerk to poll the council on the first motion:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	No
Councilwoman Harrison	Yes

3. Amending Contract to Include SCADA subcontractor and design/engineer of WWTP bypass pipe in canal.

Keller proposed designing and engineering the bypass piping needed for the discharge from the WWTP plant approx.. one-half mile downstream. The cost of the engineering total \$105,900. The second part of the amendment is to add the subcontract, Automation Works, to Keller's base bid. In discussion it was brought out that Keller is adding 10% to the base bid of Automation Works (\$370,000) plus \$27,300 in engineering coordination with Automation. The general contractor of the project, RSCI, assesses an OH&P margin of 5% why was Keller assessing a 10% OH&P margin for a passthrough vendor. Answer: that's what Keller adds. It was also noted the permitting for the water permits (\$12,300) is a T&M basis as are the resident project costs of \$500,000. The clerk interacted with Keller extensively about the 10% O&P added to Automation Works bid and the time and material openness of such an agreement.

Councilman Orme moved to approve the amended contract with Keller in the amount of \$540,200 seconded by Councilwoman Harrison.

Councilwoman King offered an amendment to the motion to limit the OP&M to 5%. Motion failed for lack of a seconded.

The mayor asked the clerk to poll the council on the first motion:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	No
Councilwoman Harrison	Yes

Other Council Business:

- Midnight Madness Parade – Set for Friday evening Dec 2, at 6:30pm
- Christmas Dinner - set for Saturday evening, Dec 3 at 6:00pm at Lil' Mikes.

Approval of Minutes:

Councilwoman King moved to approve the minutes of November 17, 2022, seconded by Councilman Orme.

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

Review and Approval of Bills:

Councilwoman King moved to approve the bills seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Executive Session:

The mayor stated he would like an executive session. Councilwoman King moved that the council enter executive session per Idaho code 74-206(b) – To consider the evaluation of public officer, employee, staff. Motion seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

Council enters executive session: 9:10pm

Council exits executive session: 9:37pm

The stated he would not renew the civil or criminal contact with the current attorney. Councilwoman King moved to not to renew the civil or criminal contact with Robin Dunn seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

Councilman D Burke	Abstained due to possible conflict
Councilman Orme	Yes
Councilwoman King	Yes – with the explanation the attorney has done a remarkable job.
Councilwoman Harrison	Yes – also complimenting the attorney for his efforts on behalf of the city.

Councilwoman King moved to approve a 5% pay increase for the city clerk and a 10% increase for the public works director. Motion seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes

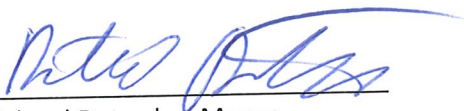
Adjournment:

Councilwoman King moved to adjourn seconded by Councilwoman Harrison.

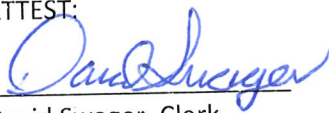
The mayor called for a voice poll: all in favor none opposed.

Meeting adjourned: 9:40pm

CITY OF RIGBY

  
Richard Datwyler, Mayor

ATTEST:

  
David Swager, Clerk