

City of Rigby
Council Meeting Minutes
December 20, 2018

Mayor Richardson called the meeting to order at 7:00pm Thursday, Dec 20, 2018. The pledge of allegiance was given by Kirk Olsen and the prayer given by Dr. Datwyler.

The mayor asked the clerk to call the roll:

Councilman Burke	Present
Councilman Taylor	Present
Councilman Hall	Present
Councilman Olsen	Present
Councilman Datwyler	Present
Councilwoman Weight	Present

Also present: Chief Tower, Mitch Bradley & Attorney Dunn

Reconsideration Zone Change – 359 N 3rd West:

Aliza King came forward to request the council reconsider the zone change from R-1 to R-2 at 359 N 3rd West. The reason for the reconsideration was that three of the council reason did not comply with the reason as outlined in Idaho Code 67-6535. The code specifies that the standards and criteria used by the council in reaching their decision shall be based on the city's comp plan, zoning ordinance or other facts. The three council members reason as stated in the minutes were either personal or based on emotion. She stated Councilman's Burke reason of "develop it the way they want" is based on emotion and not facts. Councilman's Olsen reason of "they should be able to develop anyway they want" is also based on emotion. Councilman's Taylor reason that it had not be able to sell it as R-1 therefore it should be re-zoned to R-2 is not in compliance with 67-6535.

She recapped the minutes of the first council decision of Nov 13, 2016 with a vote of 4 opposed and 2 in favor. During that meeting Councilman Taylor, who voted no, stated that he had concern with the property not being contiguous to an existing R-2 zone. Councilman Datwyler, also voted no, had concerns with cars entering and exiting the property on 3rd West. Councilwoman's Weight, who voted no, had concern with visitor parking. Mrs. King said since the Nov 13, 2016 meeting, nothing has changed so why did the council change their positions? She stated a number of other reasons one being the residents are still opposed to the property being zoned R-2. She stated that even though the owners didn't want multi-family buildings once the land is sold anything allowed under the R-2 zoning could be built.

Council Discussion:

Councilman Burke stated that the November 2016 meeting the developers brought in plans showing the possible construction that would be done. The last request did not have any plans but the party only asked for a zone change. He clarified his position of voting yes on the zone change by citing the property is contiguous to an existing R-2 zone and the comp plan encourages infilling.

Mayor Richardson stated the zone change needed to have a reasoned basis for the change and not one based on either generic or personal feelings. The reason should be based on compliance with the law and code.

The attorney stated that Councilman Burke has clarified his decision to approve the zone change with what he has just stated.

The attorney stated that the Cranks could reply to Mrs. King if they so decided to, they could. Mike Crank came forward and stated that in listening to the recording of the meeting a lot was said that it was the "right thing to do" but very little "reason" as to the change. He stated that Councilwoman Weight's reason was factual.

Councilman Olsen echoed Councilman's Burkes clarification in his reason for the vote on the zone change.

The mayor stated that citizens input should be considered as a basis for the council to consider. The effect of the zone change on full time residents versus part time residents is one consideration.

Councilman Taylor stated that he could argue for and against the zone change and he could justify either decision. This is a hard decision because he can see both sides of the issue.

Councilman Hall agreed with Councilman Taylor that it was a hard decision.

Councilman Burke moved that to vote to accept the R-2 zone with clarification. Motion died due to lack of second.

After discussion on how to proceed the mayor stated the council had three choices: Affirm the vote with clarification; vote to change the zone classification or do nothing and the property remains with the zone as passed.

Councilman Datwyler moved to vote yes or no on the R-2 zone with clarification as to each reason. Motion seconded Councilman Burke.

Councilman Burke: yes for the zone change. Feels it complies with the comp plan and the property is contiguous with an existing R-2 zone and it allows for infill.

Councilman Datwyler: no for the zone change. Feels the council need to listen to the public input. Infill could be done with an R-1 zone and the area complies with the comp plan as R-1.

Councilman Hall: yes for the zone change. Nothing new has been stated this evening.

Councilman Olsen: yes for the zone change. Provides with the comp plan for in filling. Doesn't see any specific deficiency or conflict. And this allows for growth in the city.

Councilman Taylor: Yes for the zone change. Provides for improved environment; public health and safety and promotes growth in the city.

Councilwoman Weight: yes for the zone change. She stands by her prior reason as stated in the last decision.

Zoning of R-2 upheld: 5 in favor 1 opposed.

Public Works:

Block Grant: Rick Miller from the Development Co came forward and informed the council that he had been in contact with Idaho's Dept of Commerce. They have approved verbally the city changing the grant use from a storage tank to a well/pump station. But formally, they need a letter from the mayor requesting the reason and need to change.

Councilman Taylor moved to authorize the mayor to write the request seconded by Councilman Hall.

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

The second item Rick wanted to discuss was that rural development is considering waiving the requirement that to participate in any grant/loans programs thru USDA meters would need to be considered. Given the circumstance the city is looking at, rural development stated there was an exception that could be granted the city to waive the installation of water meters. That being the case, USDA does have loan programs and grants available. The grants could range from 20% of the project to 45%. This could translate to grants of \$1 million upwards to \$2.25 million on the \$5 million project. With the grants it would drop the overall cost from \$5 million to \$2.75 million or slightly higher. But if USDA were to participate and the city were to receive a grant in the range of 30/40% both the well and storage tanks could be completed within the range the city was considering for just one of the two projects. Miller is also looking to the Corp of Army Engineers for grants that may be available. But the funding for the Corp of Army Engineers would be known until late 2019 or early 2020.

The council was pleased with the news and expressed their thanks to Miller and encouraged him to keep seeking commitment from both agencies.

Storage Tank: Marvin Fielding from Keller's Engineering came forward with revised figures relating to the city's water usage. Updating the city's use and change in entities he informed the council that with the demolition of the old junior high the city's has a surplus in well & storage of 300,000 gallons. But fire suppression is short by 300 gallons. With this new information the need to replace the storage tank is reduced.

Councilman Burke asked Mitch Bradley what his thoughts were on the well and storage tanks. Mr. Bradley stated he was uncertain given everything that has transpired over the last month and would like to step back and more information and costs prior to committing the city. Other alternatives are available and the city will secure the 1.6 acres for the new site and see how funding, grants and estimated costs are recalculated prior to proceeding.

The council concurred and informed Mr. Miller to see how USDA and the Corp of Army Engineers loan and grants are committed prior to committing the city.

Annual Road Report:

The treasurer reviewed the annual road report with the council which needed council's review. The report will be published after the first of the year. The report itself is a summary of actual revenue and

expenditures that occurred in the road fund. The amount spent for seal coating was down from prior years due to the city milling 3rd West. Fund available and carried over to future years were for upgrading of the Annis Highway and the extension of 5th West.

Councilman Taylor moved to approve the annual road report seconded by Councilman Burke.

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

Treasurer's Report:

The treasurer stated the auditors have completed their field work last week and the audit should be completed in February.

He reviewed with the council the excel spread sheet for the year just ended. He called the council's attention to the last three columns on the spread sheet: Excess Rev/Expenditures – budget; Excess Rev/Expenditures – Actual and Net budget variance – Favorable/unfavorable. For the year ended the city had budgeted net expenditures exceeding revenues by \$2.2 million. Actual expenditures exceeded revenues by \$1.168 million – a significant amount but \$1 million under what the city was expecting. For the budget variances- only two funds had unfavorable variance – sanitation and sewer revenue. Sanitation had a budget variance of \$15,510 due to the leasing of the garbage truck pending the return of the wrecked truck. Sewer revenue had budget variance of \$63,000 due to higher plant maintenance and operating costs.

The mayor noted that although the sanitation fund had leased a truck the lease payments were credited back towards the purchase of the new truck.

Approval of Minutes:

Councilwoman Weight moved to approve the minutes of December 6, 2018 seconded by Councilman Olsen.

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

Approval of Bills:

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

The mayor asked the clerk to poll the council:

Councilman Burke	Yes
Councilman Taylor	Yes
Councilman Hall	Yes
Councilman Olsen	Yes
Councilman Datwyler	Yes
Councilwoman Weight	Yes

Other Council Business:

None.

Public Comment:

None.

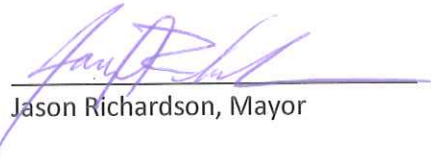
Adjournment:

Councilwoman Weight moved to adjourn seconded by Councilman Burke.

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

Meeting adjourned: 8:35 pm

CITY OF RIGBY



Jason Richardson, Mayor

ATTEST:



David Swager, Clerk