

City of Rigby
Council Meeting Minutes
August 5, 2021

The mayor called the meeting to order at 7:14 pm Thursday, August 5, 2021. The pledge of allegiance was given by Jason Richardson and the prayer given Becky Harrison.

The Mayor asked the clerk to call the roll:

Councilman D Burke	Present
Councilwoman King	Present
Councilwoman Harrison	Present
Councilman Datwyler	Present – via phone
Councilman R. Burke	Absent
Councilwoman Weight	Absent

Also present: Chief Tower, attorney Dunn, Mitch Bradley

Public Comment:

None

Public Hearing:

Arterial Road/Plat Fee Increase:

Presentation: The clerk presented the reason for the arterial road fee: the city created a new zone for subdivisions which needed a fee associated with it. And the plat fee: the city did not specify the difference between a preliminary plat fee from the final plat. The new resolution creates a fee for the new R-3 Zone and consolidates the preliminary plat and the final plat into a single fee.

Public Comment: None

Council Discussion/Decision:

Councilwoman Harrison moved to approve resolution # 204-2021 seconded by Councilman D Burke.

The mayor called for a roll call poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes

Rezone – 294 N Yellowstone Hwy.

Berry Danke from Connect Engineering came forward and explained the reason to rezone the property from R-1 to Commercial. Currently the lot is empty and due to it being a corner lot adjacent to Hwy 48 and N. Yellowstone Road the lot is not a desirable lot to build a single family home and in addition the access to the lot is on the south end of the lot off of Yellowstone Road. There is a person interested in building a commercial building on the lot. The adjoining property south of the lot is zoned commercial as is the lots across Hwy 48. The restriction of access on the south side of the lot is not an issue. The building will not generate a large amount of traffic and access off of Yellowstone is not hindering it.

Public Comment:

Doyle Allen came forward and spoke that he was opposed to the rezone. He lives several houses east of the lot. After questions as to why he was opposed to the rezone he stated he may have misunderstood the reason for the rezone.

Council Discussion/Decision:

Councilwoman King expressed concern with the rezone being done in the middle of an R-1 zone.

Councilwoman Harrison moved to approve the rezone from R-1 to Commercial seconded by Councilwoman King.

The mayor called for a roll call poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes

Annexation with Zone Designation – BUKU Properties:

Presentation: B Danke from Connect Engineering came forward and explained the planned annexation of the property at the intersection of 400 N and Annis Hwy. The property approx. 7.5 acres and is being planned for affordable housing split between an R-2 zone and R-3 zone. The county has accepted the access points along Annis and 400 N. The corner of the property (Annis & 400 N) has been designated as commercial on the comp map. The property is compatible with the development being developed east of this site.

Public Comment:

Darrin Johnson owns the property directly north of the 7.5 acres. He has lived at this address for a number of years and while he is not opposed to the development he would like to have a barrier/privacy fence installed along the common property lines.

Ryan Day supports the barrier/privacy fence and in addition would like to see a berm installed that would allow the fence to have an 8 foot height including the berm.

Rebuttal:

B Danke stated that he would have to contact the owners about the fence as he did not have authority to comment one way or the other.

Council Discussion/Decision:

Councilwoman Harrison asked about the contiguous of R-2 zone and if a road constitutes a buffer. The attorney was not present to answer he concern. The mayor expressed concerns with the separation of the two zones. He felt the zones should have a defined boundary and not just a referenced of the zones.

Councilwoman King moved to table the item pending an answer from the attorney and a defined zones seconded by Councilman D Burke.

The mayor called for a roll call poll of the council:

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

Being a tie vote the mayor cast Yes to table the item. Item tabled.

Annexation with Zone Designation- 3855 E 300 North:

Presentation: No one representing the owners came forward to present the proposal. The clerk stepped up and reviewed the property and the proposal. The property is currently vacate land and the owners would like to be annexed into the city to get access to water and sewer. They are proposing a

commercial zone to build storage units on the site. Planning and zoning has recommended its annexation and zone designation of Commercial.

Public Comment: Brian Decker lives in the house directly east of the property. He is strongly opposed to the building of storage units on the site. The value of his home will decrease per an appraisal he obtained from an appraiser.

Jennie Decker lives in the house directly east of the property. She and her husband purchased the home of her grandfather/mother. They knew that at some point in time the property would be developed. In talks with the current owner they were talking about developing it for professional offices. But due to the cost of getting sewer to the property they felt it was too costly and therefore changed to storage units which would not require sewer. She further stated the urban renewal agency is looking at acquiring the property for something other than storage units. She further stated that given what is being proposed had they known that storage units would be built, her and her husband would argue to keep the property zoned as R-1.

Council Discussion/Decision:

Councilwoman Harrison felt the building of storage units on that piece of ground is not the best use of the property. She was agreeable to annexing it in. Councilman Datwyler stated the issue before the council was the annexation and zone designation not what should or should not be built on the property at this time. Councilwoman Harrison asked if the property was contiguous to R-1 are there limitations to how much contiguity was needed. Councilwoman Harrison asked if the council can deny a zone change because it's not contiguous why can't they deny a zone change because it is contiguous? The mayor stated that was a question for the attorney was not present during the discussion.

Councilwoman Harrison did not feel the adjoining landowners can say it has to be zoned one way or the other. She feels it is appropriate to annex it but the zone change is mixed area between R-1 and commercial but the use is not the best use of the property.

Councilwoman Harrison moved to table the item pending clarification from the attorney to the concerns raised, seconded by Councilwoman King.

The mayor called for a roll call poll of the council:

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

Change of Zone Designation to a single zone – 335 S 3rd West:

Jesse Thomas part owner in the property came forward and showed the council the issue with the lot. Currently the lot has a single 4-plex on the property with an R-3 zone and the back east side has a R-1 zone. They would like to have a single zone designation of R-3 on the property so they can build a unit on the east side. The current map of the two zones has the east unit being split between R-3 and R-1. The land with an R-1 zone is unbuildable and they would like to make it buildable.

Public Comment:

None

Council Discussion/Decision:

Council discussed options for the land being the 4-plex was grandfathered in and the p/z commission did recommend a zone of R-3. Councilman Datwyler stated the reason for the new zone was to clean up the city and for R-2 to act as a buffer to the R-1 zone. Councilman Datwyler recommended an R-2 but not a R-3 Zone.

Councilman D Burke moved to approve the zone change as recommended by the p/z commission. Motion lacked a second.

Councilman Datwyler moved to deny the zone change to R-3 but to allow a zone change to R-2. Councilwoman Harrison amended the motion to allow the applicate to amend their application to allow for a zone change to R-2 seconded by Councilwoman King.

The mayor called for a roll call poll of the council:

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

Water Services – Teton Heights:

Mitch Bradley stated the developers of the Teton Heights Subdivision have asked if they could be connected to the city water. The subdivision is south of the Holbrooke meeting house on 200 N and 4000 East and the Brian Lott subdivision. Kip Archibald came forward and stated the subdivision was approved in 2007 prior to the new impact agreement. The subdivision is proposed to build 138 single family homes with a community well. If the cost of developing the lots with city was is more cost effective than a community well they would like to explore the option. The council stated Mr. Bradley should explore the costs with the subdivision and see what develops from there.

New Pretreatment, Interceptor and update of Sewer Ordinances:

Marvin Fielding from Keller Eng stated the city needed to set the administrative fees for pretreatment. He gave several examples that he got from other cities with most being \$1,000 per violation. Council discussed the fees and agreed on \$1,000 with a due date of 10 working days for a written request of reconsideration and a late fee of \$100 without interest per month until paid.

Councilwoman Harrison moved to set the admin fee of \$1,000 per violation, a late fee of \$100 per month and a 10 working day written request, that the three ordinances be published in summary form with a public hearing on the ordinances set for August 26, 2021. Motion seconded by Councilwoman King.

The mayor called for a roll call poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes
Councilwoman Harrison	Yes
Councilman Datwyler	Yes

Amend Contact – East Sewer Line Reroute:

Item tabled.

Response on WWTP Peer Review:

The mayor indicated the council had received a written response from the peer review that was presented earlier this month from both the presenter and from Keller. He stated he was torn between the actual presentation and with the written response and felt the oral discussion could have had a better Q&A during the presentation.

2021/22 Budget Presentation:

The clerk reviewed the various funds budget of revenues and expenditures. The funds are self-balancing with revenues and expenditures but for those funds that are using accumulated fund balances. Major capital outlay expenditures planned for the current year are as follows:

<u>2021/22 CAPITAL OUTLAY</u>		<u>FUND</u>
THAYER PARK	150,000.00	PARK
WALKING PATHS	75,000.00	PARK
TRENCH BOX	10,000.00	ROAD
5TH WEST REALIGNMENT	300,000.00	ROAD
6TH WEST BRIDGE	25,000.00	ARTERIAL RD
TRANSFER STATION	300,000	Sanitation
MUNI SHOP	1,000,000.00	

He reviewed the enterprise funds and stated they are being based on the existing users and with the current utility rates. The only fund that should be reviewed and raised was the sewer revenue/debt service fund. Two years ago the council approved a \$12.50 increase for the sewer fund in anticipation of the new sewer bond. The dollar raise was set for the sewer fund. Currently when you adjust out the one-time capital expenditures being anticipated in the sewer fund it is running a deficit. He recommended an increase of \$18.50 to keep the sewer M/O expenses in line with revenues. The water fund and the sanitation funds are running at breakeven for M/O without capital outlay.

Council discussed the amount of pay increases the clerk had projected (3%) across the board. Councilman D Burke asked if the clerk could project what a 5% and a 6% increase would cost the various funds and report back to the council. Given the need to publish and have a public hearing on the budget the clerk said a special meeting was needed to approve whatever pay increase was granted and the meeting had to be held this coming week to give the 2 week publish notice.

Councilwoman Harrison moved to call a special council meeting for Wednesday, August 11, 2021 at 6:30 pm to review the budget, and employee pay increases. Motion seconded by Councilwoman King.

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

Transfer of fund to debt service:

The clerk stated that given the prior increase in sewer rates two years ago, the \$12.50 is in the sewer revenue fund and he wanted to transfer the accumulated result of the \$12.50 amounting to \$500,000 to the debt service fund and pay down on the USDA loan.

Councilwoman Harrison moved to authorize a transfer of \$500,000 from the sewer revenue fund to the debt service fund seconded by Councilwoman King.

The mayor called for a roll call poll of the council:

Councilman D Burke	Yes
Councilwoman King	Yes

Councilwoman Harrison Yes
Councilman Datwyler Yes

Other Council Business:

Police Dept: S Tower summarized the two meetings he attended: the CYA and the Recovery Commission.

Review and Approval of Minutes:

July 20, 2021: Councilwoman Harrison moved to approve the minutes of July 20, 2021 seconded by Councilwoman King.

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

July 22, 2021: Councilwoman King moved to approve the minutes of July 22, 2021 seconded by Councilman D Burke.

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

Review and Approval of Bills:

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

The mayor called for a roll call poll of the council:

Councilman D Burke Yes
Councilwoman King Yes
Councilwoman Harrison Yes
Councilman Datwyler Yes

Executive Session:

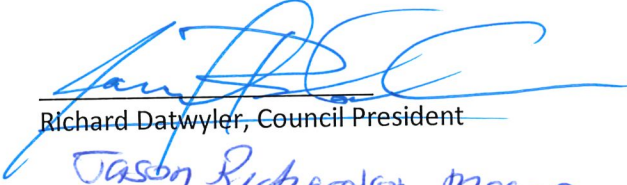
Due to the lateness of this evening meeting the mayor asked that this be tabled until the next council.

Adjournment:

Councilwoman Harrison moved to adjourn seconded by Councilman D Burke.

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

Meeting adjourned: 10:37 pm


Richard Datwyler, Council President

Jason Richardson, Mayor

ATTEST:



David Swager, Clerk