

City of Rigby  
Council Meeting Minutes  
April 7, 2022

The Mayor Datwyler called the meeting to order at 7:00 pm Thursday, Apr. 7, 2022. The pledge of allegiance was given by Val Orme and the prayer given Doug Burke.

The mayor asked the clerk to call the roll:

|                       |                    |
|-----------------------|--------------------|
| Councilman D Burke    | Present            |
| Councilman Orme       | Present            |
| Councilwoman Harrison | Present            |
| Councilwoman King     | Present            |
| Councilman R. Burke   | Present            |
| Councilman Wilder     | Absent Enters 7:09 |

Also present: Mitch Bradley, Robin Dunn and Sam Tower

Public Comment:

None

Public Hearing:

Kartchner Homes Annexation 365 N 3800 East:

Ione Hansen, planning zoning admin, presented the proposal of the annexation of roughly 56.6 acres to be zoned R-1 (single family). The annexation will tie into the property previously annexed into the city commonly referred to as the Sage Grove Development. The plat is not presented at this time being the plat after annexation and zoning will determine the number of homes and access from the county road and into and out of other subdivisions.

Public Comment: None

Council Discussion: Councilman Wilder expressed concerns with the annexation without having the plat presented. The attorney and Mrs. Hansen explained it is a two- step process: annexation and zone designation followed by plat which then determines the compliance with the zoning restrictions/requirements. Issue of traffic study was raised but again the answer was it would more than likely be required but until the plat was submitted the traffic study would not have anything to work off of other than an empty 56 acres.

Councilwoman Harrison moved to approve the annexation of the 56.6 acres with an R-1 zone seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Proposed Increase Septic Dump Fees:

Scott Humphrey, WWTP Operator, presented an analysis prepared by Keller's Associates which computed the costs they associate with septic dumpers including BOD, average TKN concentration per pound and calculated the average to EDU per person. They concluded the costs for septic dumps would be \$57.40/per 500 gal or a 31% increase over the current fee of \$43.75 per 500 gallon. (Copy of the Keller's analysis attached to these minutes)

Public Comment: None

Council Discussion/Decision:

The mayor noted the published rate increase for a 500 gallon was \$50.31 per 500 gallon and per Idaho Code the fees could not be increase over the advertised rates without going through the public hearing process and re-advertising.

Councilwoman King moved to approve the septic fee increase as advertised with a 13.04% increase seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Planning/Zoning: Preliminary Plat – Fieldstone Meadows Division #1:

John Henry representing the developer of the Fieldstone Meadows subdivision presented the plat for the subdivision. The plat changed due to the relocation of the lift station to the south end of the property. The water/sewer main lines have been extended under the Burgess Canal and are ready to begin entry into the subdivision. The subdivision is being extended into seven divisions. Mr. Henry expressed concern with the water shares currently on the property being transferred to the city without compensation. He questioned why and how the city plans on using the shares and why the property owners should have equitable compensation for the water shares.

The council stated the transfer of the water shares is and has been in the city code for a number of years. The owners were aware of the clause and they as a council did not feel it equitable to change the status that has been common practice over the years.

Councilman Wilder moved to approve the preliminary plat seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

February 2022 Financial Statements and Journal Entries:

The clerk presented the excel spreadsheet of the various funds for the period ending February 2022. The comparison of budget to actual in both revenue and expenditures remain on track and did not see any item of concern. He reviewed the journal entries he entered for the month which consisted of accruing interest and the recording of the internal service funds activities.

Fair Housing Proclamation:

The mayor read and signed the Fair Housing Proclamation declaring April 2022 to be Fair Housing Month.

Amended By-Laws – Rigby Rodeo Grounds:

The council reviewed the amended by-laws that the Rodeo Committee drafted to update the old by-laws.

Councilman Orme moved to approve the by-laws as amended, subject to capitalization of Rodeo Committee and other references, seconded by Councilwoman Harrison.

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

Caselle Software Agreement:

The clerk reviewed an extension of the accounting software to include document management. The system in place currently has all files and related information contain in manila file folders. As the number of houses are built in the city, either the city needs to expand the file storage system or go to electronic media storage. Caselle has a module that will enable the city to combine both the planning zoning files and the utility billing files into an electronic file system. The system will also enable the city to scan all vendors’ invoices for future reference and retrieval. The software package with training costs \$5,000 (\$4,000 for the software and \$1,000 training). The city will need to purchase a desk scanner for the front desk to use when invoices are processed at a cost for around \$500-\$600.

Councilwoman King moved to approve the Caselle agreement for \$5,000 seconded by Councilman Wilder.

The mayor asked the clerk to poll the council:

- Councilman D Burke                 Yes
- Councilman R Burke                Yes
- Councilwoman A King               Yes
- Councilman V Orme                 Yes
- Councilwoman B Harrison         Yes
- Councilman M Wilder                Yes

Keller Softball Field Renovations:

The clerk reviewed the previously approved contract between Keller Associates and the city. He indicated imbedded in the contract were three items that should be brought to the council’s attention. The first item: the phrase “the consultant will be entitled to additional compensation if the schedule is lengthened.” His concern was the opened ended contract without a limit as to the amount that could be charged. The second item: The resident engineer would only make six site visits and if the project was extended or lengthened there would only be the six visits. The third item: the donated

"engineering fees" of \$10,000 be granted in exchange for the naming rights for the baseball complex with no end date. The clerk felt all three items needed to be addressed by the council.

Edstrom Construction:

The public works director Mitch Bradley presented a pay request (\$231,836) from Edstrom Const for the installation of the water line on 4000 E. The work is complete and the pay request needs to be signed and approve by the mayor.

Councilman D Burke moved to authorize the mayor to sign the pay request seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Avail Construction:

Mitch Bradley presented the council with a late pay request that he received from Avail Const for the work done in relation to LID #10. The request in the amount of \$265,336.46 needed to be reduced by \$31,045.27. The reduction pay request is pending the return of parts used on the project which were supplied by the city.

Councilwoman Harrison moved to approve the pay request less \$31,045.27 seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Sugar Mill Subdivision:

Mitch Bradley stated he had not heard back from Mills Concrete in correcting the warranty bond as was required. Discussion/item tabled.

DePatco Const and Asphalt Patch on Washington Loop:

Shortly after the road on Washington Loop was paved the builder, Fall Creek Homes, excavator contractor unload and loaded his track hoe on the asphalt pavement causing ruts in the road surface where the metal track dug into the pavement. The track hoe operator had been warned not to load/unload on the road one other time and this is the second time he did the same thing. The first time the ruts were not as deep being the road had been installed a year or two earlier. But the second time the ruts are pronounced and will cause issue in puddling and asphalt deterioration. Mr. Bradley had been in touch with Fall Creek Homes' foreman but he hasn't gotten any results. To get ahead of the

issue Mitch requested DePatco cut of the area dug into and repave while they were in town paving. The DePatco bill totaled \$11,624. He asked if the council would request the attorney to seek recovery from Fall Creek Home being his requests have gone unanswered.

The council discussed the issue and decided to allow Fall Creek two weeks to reimburse the city and if nothing the attorney will seek recovery after such time.

Planning Zoning Nomination:

The mayor discussed Jenny Campbell as a candidate for the open position on the planning and zoning board. He had had discussions with her and she wants to be involved in city affairs. With that he placed her name before the council.

Councilwoman King moved to appoint Jenny Campbell to the planning and zoning commission seconded by Councilman D Burke.

The mayor called for a voice poll in favor of the Jenny Campbell: all in favor none opposed.

Trees Donation:

R&B Nursey has offered to donate 5 trees to the city. Councilwoman King thought placing them in Pioneer Park would be a good location. Mitch Bradley stated he had planted various trees in Pioneer Park and they have either died or failed to grow. He has taken five of the larger trees out from downtown along the sidewalks as they were beginning to uproot the grates and sidewalks. He would like to replace them with a tree that will do well downtown and not over grow the area. Councilman Wilder stated he has experience with trees and to contact him on the variety of trees to acquire.

Spring AIC Meeting:

The mayor reminded council of the AIC spring meeting to be held Tuesday, April 12 in the Hilton Inn in Idaho Falls. Those wishing to attend should contact the clerk and he would make the reservations.

Farmer-Merchant Banquet:

The mayor also reminded that same evening the Chamber of Commerce Farmer-Merchant Banquet is being held in the county fair building at 7:00pm. The clerk will obtain ticket for those wishing to attend.

Grant from Congressman Simpson Office:

Kristine Staten representing the Development Company came forward and informed the council Congressman Mike Simpson's office announced congress has authorized additional funding potential to assist in the funding of the wastewater treatment plant expansion. Grants in addition to the \$3.325 million already granted could be made available to fund the proposed \$26.9 million project. Funds from the congressional appropriation can only be awarded to fund "compliance orders". Ms. Staten was requesting letters of support from the mayor and council. Ms. Staten emphasized the funding/grant was needed to meet compliance mandate and not to fund expansion due to growth or the anticipation of growth. In prior meetings and discussions the project considered adding additional project costs at the headworks building but due to cost (est. \$3.5 million) was dropped from the scope of the project currently under consideration. Given this opportunity, council decided to add the headworks improvements to the congressional request. Letters of support need to be turned to Ms. Staten prior to Friday April 22 so the application can be submitted to Congressman Simpson's office.

Easter Egg Hunt:

The annual Easter Egg Hunt scheduled for Saturday April 16 was discussed and the city is getting to assist.

Approval of Minutes:

Councilman Orme noted the minutes of March 17 there were instances of the roll missing a councilman's vote. Minutes tabled for correction.

Review and Approval of Bills:

The clerk noted as per Mitch Bradley's comment on the Avail Const invoice that needed to be reduced by \$31,045.27 than the amount shown on the bill list report.

Councilman Orme moved to approve the bills with the reduction noted to Avail Const seconded by Councilman D Burke.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Executive Session:

Councilwoman King moved the council enter into executive session per Idaho Code 74-206(f) to communicate with legal counsel controversies not yet being litigated but imminently likely to be. Motion seconded by Councilman Orme.

The mayor asked the clerk to poll the council:

|                         |     |
|-------------------------|-----|
| Councilman D Burke      | Yes |
| Councilman R Burke      | Yes |
| Councilwoman A King     | Yes |
| Councilman V Orme       | Yes |
| Councilwoman B Harrison | Yes |
| Councilman M Wilder     | Yes |

Council enter executive session: 9:05 pm

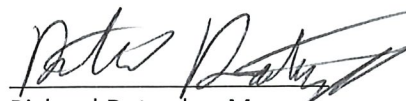
Council exits executive session: 9:35pm

Adjournment:

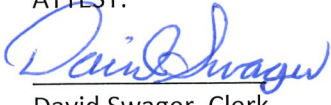
The mayor called for a motion to adjourn: so moved by Councilman Wilder seconded by Councilwoman King.

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

CITY OF RIGBY

  
Richard Datwyler, Mayor

ATTEST:

  
David Swager, Clerk