

City of Rigby
Council Meeting Minutes
August 4, 2022

The Mayor Datwyler called the meeting to order at 7:00 pm Thursday, August 4, 2022. The pledge of allegiance was given by Mike Wilder 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
Councilman Wilder	Present
Councilwoman Harrison	Present
Councilman R. Burke	Absent

Also in attendance: Ione Hansen, Mitch Bradley, Attorney Dunn (arrived 7:15pm).

Public Comment:

None

Public Hearing – Annexation/Zone Stonegate Properties:

The mayor opened the hearing and reviewed the order of presentation and reminded those in attendance that no spontaneous actions are to take place.

Ex Parte Communications:

Councilwoman Harrison stated for the record that she along with Councilwoman King had met after a city council meeting with homeowners and they discussed the basic of annexation but did not get into particular detail concerning the proposed development that was not said during public comment.

Applicant:

Brad Pickett came forward and reviewed the proposed development. He referred to a site map which he identified as Plan B. They felt plan "A" was a good fit for the city being the commercial zone was contiguous to the city's commercial zone just north of the site and within the city's impact zone and in compliance with city comp plan. The first plan "A" was basically shot down by the public during the first hearing so they went back and presented plan "B" which was recommended by the planning zoning commission to be approved to the city council. They drafted plan "B" as a compromise to the citizens to allow for R-1 along 460 North. However, to be economically secure for them they did expand the R-3 zone from what it had been to the larger zone being shown. The residents were opposed to commercial development in that area. For the commercial zone to be successful there needed to be "roof tops" which residents can then walk to the commercial section. They are proposing grocery store, motel, restaurant and other similar mall features. While he may have that as a vision, he cannot and does not guarantee that future buyers will have the same vision. He felt plan "B" was a good compromise for the R-1 zone but in the long run they prefer plan "A". With that he ended his presentation.

The mayor called for the list of those in support of:

Kirk Rowland

Brad Pickett

Both declined to speak being they are the applicants.

Neutral

No one sign up.

Opposed:

Cindy Nipper: Has enjoyed the open pastures both in front and behind her home. Was hoping the property would be developed with large lots similar to theirs. Feel the plan is disorganized to planning and insufficient in long term planning. Emergency services not considered in plan.

Rebecca Jones: Needs consideration of additional buffers along R-1 zone. Site has a lower elevation than the one across the road. No traffic analysis conducted to see if the roads can handle the additional traffic. The Hal Roberts farm while not in the plan needs to have protection if he sells being bordered by R-3 zones, his property will be restricted to what use he can do with it.

Ruth Nordstrom: Was the developer of the single family homes on 460 N. Does not feel a mixing of single family homes with apartments is a good mix.

Penny Stohel: Agrees with the statement of Rebecca Jones.

Gail Hess: Agrees with the statement of Rebecca Jones

Hal Roberts: Cited several county/city code references when a development agreement was needed. Concerned with his property be surrounded with apartments in the R-3 zone. Recapped items from his letter which was submitted to the council on August 2, 2022 (copy in file).

Jane Clinger: Rigby Lake Road already is too congested. None of the residents in the area are in favor of this development.

Trudy Clawson: Agrees with the statement made by Jane Clinger.

Richard Clawson: Built home at the current location and enjoy the tranquil setting and neighbors. The development will take that all away.

Jim Gerdes: Agree with what has been said previously. Both the Annis Hwy and Rigby Lake Road are too restrictive for the amount of traffic.

Lindi Shippen: Need to follow the comp plan. Existing and future planned development as the one just west of town on 3800 has apartments designed in them. In addition those developments will use Annis and 460 to access Hwy 20. The development offers no protection to the homeowners on 460.

Blake Smith: The developer keeps changing: approved plan "B" but now what plan "A".

Marie McLean: Roads are a traffic/safety concern. With R-3 development could see 425 families using the roads.

DJ Hodges: Reading from a letter: Prefers more commercial and less R-3. Need to see the demand for this scale of development other than the developer's wishes. Commercial development – show that there is a need/demand prior to development. Signed: Olsen/Taggart attorney.

Kerry Whatcott: Sees the amount of citizen concern and their involvement.

Mark Deveraux: Left an area that overgrew itself. Sees the same thing happening here.

Larry Stephens: Lives and farms in and around the area. Has not seen one resident speak in favor of this development either this evening or in the prior ones. Concern with the ability of access water for his farm once the development goes in. Hard today to maintain his ditches will be harder.

Brent Butikofer: Would like to see more R-1 with townhomes facing 460 versus backyards with increase in buffer between zones. Prefers plan "A" over plan "B". Supports more commercial.

Nancy Mahoney: Annis Hwy is an issue. There's too much R-3 being proposed.

Tom McLean: Use to live in southern California. Likes east Idaho with its' low density and open spaces. Walks Rigby Lake Road and has at times been passed by cars speeding. Cars will pass over the double yellow line to exit the lake and drive in excess of the posted 35 MPH.

Mayor closes oral testimony.

Applicant Rebuttal:

Brad Pickett – we see and hear the concern with the roads. Both the city and county need to work together on correcting Rigby Lake Drive. Opposes having homes on 460 with driveways entering/exiting on 460 which is an arterial road. Such a situation will only increase traffic hazards. The Hal Roberts farm as discussed has commercial property south of it currently. They are open to changes in the zone if it works in their business model.

Mayor closes hearing: 8:35 PM

Council discussion:

The mayor turned to the attorney and asked him if the council had the option to change the zoning? The attorney responded that yes the council could modify the zones if there were no drastic changes only minor.

Councilwoman Harrison: feels there is too much R-3 likes more commercial.

Mayor: buffering between R-1 and R-3 needs to be changed

Councilwoman King: Prefers commercial over R-3

Councilman D Burke: County allows door to door building.

Councilwoman King: In her discussion with school officials, they plan for growth.

Councilman Wilder: Feels there is a plan somewhere between A and B – he called it a hybrid plan with less R-3.

Councilman Orme: City needs more commercial property to attract businesses. Currently we don't need more R-3 particularly in this area. Agrees traffic flow is an issue.

Councilwoman Harrison: Comp plan allow for changes – planning for the future. Concern with development of Roberts farm if it is adjacent to an R-3 zone there's no guarantee what will happen in the future.

The mayor asked if the applicant could step up and answer some questions:

Brad Pickett and Devin Dial stepped forward. Pickett stated the correct mix for commercial and R-3 is 1/3 commercial with 2/3 rooftops. Discussion among two/three council members with possible suggestions in the zoning with no conscientious coming out.

Councilwoman Harrison asked Lone Hansen if the council could amend the zone map. Referring to an email from AIC Councilwoman King read where the council "is not bound by the planning and zoning commission's recommendation. It's important that the Council be mindful that they act in accordance with current ordinances and any other relevant laws".

The mayor suggested the council table further discussion and meet during a work meeting to review the zones.

Councilwoman Harrison moved to call a special work meeting for Monday August 8, 2022 at 6:30 pm motion seconded by Councilman Wilder.

The mayor asked the clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilman Wilder	Yes

Councilwoman Harrison Yes

Police Update:

None

Other Council Business:

- Corn hole Tournament set of this Saturday, Aug 6, 2022

Approval of Minutes:

Councilwoman King moved to approve the minutes of July 21, 2022 seconded by Councilman Wilder.

The mayor called for a voice poll: all in favor none opposed with Councilwoman Harrison abstaining.

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
Councilman Wilder	Yes
Councilwoman Harrison	Yes

Executive Session:

Councilwoman King moved the council enter into executive session per Idaho Code 74-206(a) – to consider the hiring of a public officer; motion seconded by Councilman Orme.

The mayor asked the clerk to poll the council:

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

Council enters executive session: 10:20pm

Council exits executive session: 10:55pm

Discussion/Decision:

Mayor Datwyler nominated Allen Fullmer as the chief of police.

The mayor asked the clerk to poll the council as to the nomination:

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

Councilman D Burke moved to authorize the mayor to negotiate a salary with Allen Fullmer in consult with the city clerk seconded by Councilman Orme.

The mayor asked the clerk to poll the council:

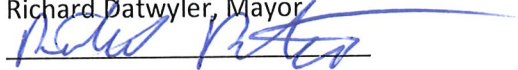
Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilman Wilder	Yes
Councilwoman Harrison	Yes

Adjournment: Councilwoman King moved to adjourn seconded by Councilman Wilder.

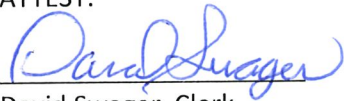
The mayor called for a voice poll: all in favor none opposed.

CITY OF RIGBY

Richard Datwyler, Mayor



ATTEST:



David Swager, Clerk