

City of Rigby  
Council Meeting Minutes  
Sept 1, 2022

The Mayor Datwyler called the meeting to order at 7:00 pm Thursday, Sept 1, 2022. The pledge of allegiance was given by Richard Datwyler and the prayer given Doug Burke.

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	Present

Also in attendance: Mitch Bradley, Chief Fullmer, lone Hansen

Public Comment:

None

Public Hearing: Stonegate Properties:

Ex Parte: The mayor asked if any of the council had ex parte conversation to disclose: None

Developer Presentation:

Kurt Rowland representing the owner/developer came forward and discussed the revised zone map for the proposed development along Rigby Lake Drive. One of the changes made was the elimination of the R-1 zone, reduction in R-3 zone and increase in commercial zone.

Speaking in favor:

- Developers /agent: Kurt Rowland, Brad Pickett, Devin Dial – did not wish to speak.

Speaking neutral:

- None

Speaking in Opposition:

- Jane Clinger: Developer hasn't shown that there is a need for more commercial development.
- Robert Mayfield: Too high of density; insufficient emergency services and infrastructure; roads in sufficient; bridges too narrow for current traffic flow.

Attorney Dunn enters meeting: 7:15

- DJ Hodges: Developer keeps switching zone maps; current proposal was denied at first p/z hearing seconded one had objections now the current map back to the same zones that was denied at 1<sup>st</sup> p/z hearing. Needs buffer along 460; too high density with R-3.
- Rebecca Jones: Support what prior speaker said; needs extensive development agreement with adequate buffers and setbacks as cited in email sent to council; no R-1 zone to compliment homes north of 460.

- Hal Roberts: Presented council with handout (copy attached); reading from prepared remarks cited: R-3 zone cannot be built next to an R-1 zone without a buffer zone. His property is zoned in the county as R-1 and the proposal has R-3 being built adjacent to his R-1 zone.
- Michelle Fackrell: Reading from the uncompleted remarks of Mr. Roberts completed the cover letter in his remarks.
- Marie McLean: Has same opposition and remarks as stated at other meetings/hearings; R-3 zone not adjacent to any other R-3 zones, lacks layering of zones: R-1, R-2, R-3; not following comp plan.
- Lindi Shippen: Development needs to follow comp plan; R-3 zone is not a good mix with the current zoning; plan needs more buffering between R-1 and R-2.
- Marlene Martian: Lacks R-1 zone; access not fully accepted.
- Trent Boyce: Retailers will not build as envisioned by developers; developers are over extended with the cost of this project; property was zoned as R-1 should remain R-1; he bought commercial property and is using it as zoned.

The mayor asked if anyone who came in late wished to speak who had not signed in to speak wished to speak:

- Tiffany Clifford: Lives in city boundary and supports the project; Rigby needs more commercial property and businesses.
- Demery Andrus: Opposes development; current project lacks proper planning that does not fit the area; lack of forward planning in other cities has cost millions of dollars to correct due to poor and inadequate long term planning.
- Hyrum Jones: Need to have more planning towards safety and the needs of kids.
- Nancy Mahoney: council held work meeting with developers but has never held a work meeting with the residents.
- E. Chavez: Rigby Lake conflicts with the development; kids need more safety zones to play.
- James Jones: Council needs to weigh the decision of more money for the city versus what is the most beneficial need of the community.

Mayor closes public comment – 8:00pm

Opens discussion to council:

- D Burke: R-3 zone has 30% green space
- R Harrison: clarified county R-1 zone is not the same as city R-1 zone.
- A King: would like a restriction of no service stations along 460 – attorney responded: only if the developer agrees to the stipulation otherwise no.
- V Orme: Development agreement comes at the plat stage.
- A King: Sidewalks will be required on both roads
- V Orme: Believes in controlled growth otherwise county will have control over growth of the city.
- M Wilder: city and county need to work together on all aspect of the development; feels the R-3 zone is too large for the area.
- Mayor: the developer made the changes that the public and council wished to see after the August 4 meeting.
- A King: school is aware of growth and are okay with the development; Rigby Lake Road does not have a high rate of accidents compared with other roads in the city; roads will be addressed in the development agreement.

- R Harrison: a review of the comp plan the development complies with 2 of the 8 needs contained in the comp plan; diversity means size of homes not R-1, R-2 or R-3.
- A King: Needs buffer along 460
- D Burke: Is okay with the plan
- V Orme: R-3 is too high, Rigby is a bedroom community over commercial

Mayor asked for a decision / motion on the development:

Councilwoman Harrison moved to deny the application for failing to follow the comp plan.

Councilwoman King moved to approve the plan with a forty (40) foot setback from the right of way along 460 North. Councilman D Burke seconded the motion.

*(This motion was clarified by Councilwoman King – Sept 15, 2022)*

The mayor asked to clerk to poll the council:

Councilman D Burke	Yes
Councilman Orme	Yes
Councilwoman King	Yes
Councilman Wilder	No
Councilwoman Harrison	No
Councilman R. Burke	Yes

Mayor called for a 10 minute break.

Mayor calls council back into session: 9:20pm

Development Agreement – Fieldstone Meadows:

Ione Hansen reviewed the development agreement for the Fieldstone Meadows development: water rights have been transferred, road fee paid for phase #1; developer will pay for first seal coat; and recapped the 9 special conditions cited in the agreement under #35.

Councilwoman King moved to approve the development agreement seconded by Councilman Wilder.

The mayor asked to clerk to poll the council:

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

Purchase of Airless Paint Sprayer:

Mitch Bradley has obtained a price from Grainger Corp for a line striper for \$7,680.59. He was requesting approval from the council for its purchase.

Council held a brief discussion of when it will be put in service and the availability of paint: may not be put in service this year with 4-6 weeks order date and there is a limited amount of white paint.

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

The mayor asked to clerk to poll the council:

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

2<sup>nd</sup> Reading – Ordinance #2022-628 – Appropriation Ordinance:

Councilwoman King moved to read ordinance #2022-628 in title and summary only seconded by Councilman D Burke.

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

Mayor reads title and summary of ordinance 2022-628.

Review of July 2022 Financial Statements and Journal Entries:

The clerk reviewed the excel spread sheet comparing budget with actual revenues and expenditures. He noted small changes with lower revenues that were due to timing differences. In expenditures they were running below budget. Journal entries were to account for the charges in the internal service fund and posting of interest earnings.

Increase in sewer revenue rates:

The clerk reviewed the budgeted expenditures in the sewer revenue fund for 2022. The budgeted expenditures total \$1.764 million with budgeted revenues totaling \$1.680 million based on 1,926 users. For the fund to breakeven a \$3.50 per user per month fee will need to be assessed with is a 6.67% increase which will require a public hearing. The information is just an introduction that will be discussed at a later council meeting. He also said that the council will need to evaluate the revenues and expenditures in the sewer revenue yearly as this is just the beginning of the increases coming down the line.

Amend 2021 Budget:

The clerk presented the council with an analysis of three accounts that need to be amended for increase revenues and/or expenditures. The first is the police department. The department had budgeted receiving \$9,000 in highway safety grants for the year. The actual amount will be closer to \$20,000. The revenue side of the budget needed to be increased \$11,000 along with the expenditures side. In addition several line items needed to be raised: telephones, uniforms, ammo, fuel, and capital outlay for an increase in total of \$21,000. The changes will be taken from the outside legal fund of \$5,000 and a reduction of \$16,000 in employee insurance.

The wastewater treatment plant needs to have its budget increased by \$1,510,000 to account for the engineering fees incurred or to be incurred this year with the increase being funded via a transfer from the sewer revenue fund.

Being this an amending ordinance there needs to be a public hearing on the proposed amendment. The clerk is requesting a public hearing for Sept 15 which will have time for the two publication notices with the council waiving the required three readings at the Sept 15 council meeting.

Councilwoman Harrison moved to set public hearing on the amended budget for Sept 15 with notice of said hearing seconded by Councilwoman King.

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

Interfund Transfers:

The clerk presented a summary of the cash transfers needed to bring two accounts to zero cash balance. The two are as follows:

	<u>To</u>	<u>From</u>
Water Grant	40,912.21	
Water Revenue		40,912.21
WWTP Project	500,000.00	
Sewer Revenue		500,000.00

The additional \$500,000 for the WWTP Project was for ongoing engineering fees associated with the wastewater treatment plant.

Councilwoman Harrison moved to approve the transfers seconded by Councilwoman King.

The mayor asked to clerk to poll the council:

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

Resolution #212-2022 – Signatory Authorization:

The stated when he was closing the drug fund at Wells Fargo bank he noted the two authorized persons on the account were no longer employed with the city and he being the city treasurer was not included as one of the authorized persons. He therefore needed to update the city's signatory agents with the city funds to include the new mayor, council president and himself as treasurer per city code Title 1, section 9(3).

Councilman Wilder moved to approve resolution #212-2022 seconded by Councilwoman King.

The mayor asked to clerk to poll the council:

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

Police Dept:

Chief Fullmer stepped forward and gave a brief update on items he is looking at updating in the police dept: fiber optics upgrade, security cameras, two officers attending POST, consider having new

candidates attend the Meridian class instead of the Pocatello class, receipt of 10 computers from Jefferson County Sheriff's office to upgrade the old city computers.

Other Council Business:

- Summer Picnic: Discussion to hold the employee summer picnic Thur. Sept 22 at 6:00pm in the Rotary Shelter in Scotty South Park.
- Wicked Car Wash: the attorney stated he had sent a letter to the owners of the Wicked Car Wash informing them they needed have their trash collection done thru Eagle Rock Sanitation instead of Choice Sanitation being the city has a franchise agreement with Eagle Rock. He stated he had given the owners 14 days to comply.
- Trick/Treat: Councilwoman King wanted to be added to the next council agenda to discuss the Trick/Treat event.
- Engineering Firms: Councilman Orme discussed the possibility of changing engineering firms or at least obtaining additional engineering firms added to the city's roster to choose from. May require a new RFQ (request for qualifications). Mitch Bradley stated the city currently has three firms that responded to the last RFQ of which the city has only used two of the three. Additional firms have requested they would like to have an opportunity to be considered. Councilwoman Harrison opposed sending out a city wide request for all engineering services at this point in time but the city could request a project by project RFQ at any time.

Approval of Minutes:

Councilman Wilder moved to approve the minutes of August 18, 2022 seconded by Councilwoman King.

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

Review and Approval of Bills:

The clerk stated one invoice needed to be deleted from the bill list: MVP Rentals in the amount of \$484.68. Councilwoman Harrison moved to approve the bill list less the invoice to MVP Rental in the amount of \$484.68 seconded by Councilwoman King.

The mayor asked to clerk to poll the council:

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

Executive Session:

Councilwoman Harrison moved for the council to enter into executive session per Idaho Code 74-206(b) to evaluate a public officer seconded by Councilwoman King.

The mayor asked to clerk to poll the council:

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

Councilman R. Burke                      Yes

Council enters executive session: 10:20 PM

Council exits executive session: 10:24 PM

Council Discussion/Decision:

Councilwoman Harrison moved to pay Officer Chris Scott the sum of \$2,885 as compensation for his services as acting police chief seconded by Councilman Orme.

The mayor asked to clerk to poll the council:

Councilman D Burke	No
Councilman Orme	Yes
Councilwoman King	Yes
Councilman Wilder	Yes
Councilwoman Harrison	Yes
Councilman R. Burke	Yes

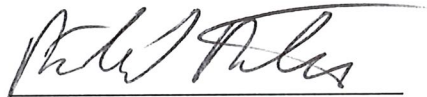
Adjournment:

Councilwoman King moved to adjourn seconded by Councilwoman Harrison.

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

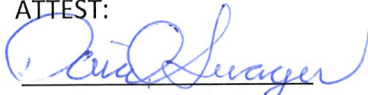
Council adjourned: 10:25pm

CITY OF RIGBY



Richard Datwyler, Mayor

ATTEST:



David Swager, Clerk