

City of Rigby
Council Meeting Minutes
January 5, 2023

The Mayor Datwyler called the meeting to order at 7:10 pm Thursday, Jan 5, 2023. The pledge of allegiance was given by Aliza King and the prayer given by Becky Harrison.

The mayor asked the clerk to call the roll:

Councilwoman King	Present
Councilman Orme	Present
Councilwoman Harrison	Present
Councilman R. Burke	Present
Councilman D Burke	Absent
Councilman Wilder	Absent

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

Opening Comment:

The mayor apologized for the late starting time, the computer for the recording system and zoom meeting is not functioning this evening and the recording will be done on his cell phone.

Amend Order of Agenda:

Councilwoman King moved to amend the order of the agenda with item #2 – administration of oath of office be moved as item #1 – Public comment, motion seconded by Councilman Orme.

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

Administration of Oath of Office:

- Library Board – Jon Fackrell – came forward and the mayor administered the oath of office to him.
- City Attorney – Sam Angell – came forward and the mayor administered the oath of office to him.
- Ione Hansen – Employee of the year – came forward and the mayor presented Ione with a plaque for being named employee of the year of 2022.

Public Comment:

- Darwin Dinsdale: Came forward and expressed his opposition to changing the item on the reconsideration of council decision on the R&S Property to keep the zoning as R-1. He also questioned why this was not being held as a public hearing. Explained to him there had already had a public hearing in the planning zoning commission and in the city council that the reconsideration before the council was a procedural right that the property owners exercised in finding fault in the council decision making ruling.
- Barbara McMurtery: Spoke in opposition to any change in zoning on the R&S Peterson property citing reason of school, decrease in land valuation, increase in crime and traffic accidents are reasons to keep the zone R-1.
- Wayne Rogers Jr. Spoke of the suit he has filed against former attorney Robin Dunn and former police chief Sam Tower in being trespassed from the city of Rigby.

- Blake Jolly: Stepped forward and introduced himself and his company, Connect Engineering, and his desire to have the ability to bid on upcoming projects and requested the city to solicit a RFQ for engineering services. He has worked with the city in the past and has experience from West Yellowstone to Twin Falls on various projects.

Reconsideration of Zone Change – R&S Property:

Kipp Manwaring representing the owners of R&S Property came forward and requested the city council to reconsider their decision on the denial of zone change.

Councilwoman King stated she was opposed to the zone change as it did not follow the city's comp plan.

Councilwoman Harrison moved to deny the reconsideration of zone change seconded by Councilwoman King.

The mayor asked for a roll call poll:

Councilman R Burke - No

Councilwoman King - Yes – did not follow comp plan

Councilman Orme Yes

Councilwoman Harrison – Yes fails to follow city code: 10-1-2 (A), (C), (F), (G) nor does it follow the comp plan policy(ies): vision property rights #4; population #3; school/transportation #2 school sites for future expansion; economic development goal #1; housing #2 and #3.

Police Department:

Awarding certificates of completion: Chief Fullmer presented the following two officers with cert of completion of their POST academy completion: Jon Kraning and John Erickson. Chief Fullmer presented the two officers with their certificates.

Purchase of Rifles: The chief reviewed the three bids he received for the purchase of 12 rifles for the department. The three vendors were: Guns-N- Gear; The Gun Shop and Javelin Arms.

Discussion of the two low bids Guns-N-Gear \$27,935 and Javelin Arms \$29,412 indicated there was one or two items different in the two bids: optic lens cover which when added to Guns-N-Gear would add \$1,200 to their bid. Javelin also stated there may be a price increase coming after Jan 1, 2023.

The council requested the chief to obtain a current bid from both with Guns-N-Gear adding the optic lens cover to their bid and the item tabled.

Review of Nov 2022 Financials/Journal Entries:

The clerk reviewed the November 2022 financial statements budget to revenues and expenditures. Being two months have lapsed the percentage of actual to budget was in line with the 17%. Nothing during the period was outside his expectations.

Journal Entries – were reviewed as recurring entries for interest earnings and the recurring internal service fund charges and credits.

Quarterly Interfund Transfer of Funds:

The clerk presented the following quarterly interfund transfers needed to be approved:

	<u>To</u>	<u>From</u>
General Fund	18,750.00	
Water Revenue		6,250.00
Sanitation		6,250.00
Sewer Revenue		6,250.00
Capital Improvement Fund	150,000.00	
General Fund		150,000.00
Airport	20,000.00	
General Fund		20,000.00

Councilman Orme moved to approve the interfund transfers of funds seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

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

Review and Approval of Attorney's Contract:

The council reviewed the copy of the attorney's retainer agreement that the city attorney presented. Councilman Orme noted a type error on page 1, paragraph #3 contained reference to the retainer fee as paragraph 5.1 should be paragraph 6.1. The attorney noted the fee for criminal prosecution is only an estimate being the police chief does not know the number of prosecutions the city handles and the fee is subject to change after twelve months.

Councilwoman King moved to approve the retainer agreement subject to the paragraph error seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

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

Resolution #214-2023 – LHTAC Funding for Annis Hwy.

The clerk presented the council with the resolution to allow the city to resubmit our application for funding from LHTAC of the Annis Hwy project in the coming year. The mayor reads resolution #214-2023.

Councilwoman King moved to approve resolution #214-2023 seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

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

Excavation Permit:

Mitch Bradley came forward and explained the issues he was having with companies coming and doing boring for cables. When they bore there is no way of knowing if they hit a sewer line which has happened a number of times this past year. The current ordinance that we have is for open trenching which when they dig and hit a line everyone can see. The boring is undetected until months later when businesses are having sewer backup and it is discovered the boring company ran their cable through the sewer line. Mr. Bradley is asking the council to approve him to work with the city attorney to draft a new ordinance/resolution to cover boring with a longer period of holding their initial deposit and at a higher rate. Council approved the request with the final product coming back to the council for their review and approval.

Rigby Lake Drive – Water Line:

Mr. Bradley reviewed the water line that was installed on Rigby Lake Drive – from Pro Plaza to Kent Hansen property. The water line that was needed for Kent Hansen to run his RV facility and the line was extended from the driveway of the Pro Plaza north to the property line of Mr. Hansen and Pro Plaza. And the line was further extended across the entire frontage of Mr. Hansen’s property with Mr. Hansen paying for the basic 8 inch line and the city paying for the upsizing of 4 inches. In discussion with Mr. Hansen, Mr. Bradley felt Pro Plaza should have extended their water line to the north end of their property. That being the case and due to the passage of time he could not now ask Pro Plaza to now extended the water line. He felt it equitable for the city to purchase the 200 odd feet from Mr. Hansen for \$17,532.

Council discussed what the policy was now versus what the policy was when Pro Plaza brought water service to their development. They were also concerned with other such instances which Mr. Bradley felt there were none.

Councilman Orme moved to approve the purchase of the water across the north end of Pro Plaza from Kent Hansen in the amount of \$17,532 seconded by Councilwoman King.

The mayor asked the clerk to poll the council:

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

Waiver of Arterial Road Fee – South Rigby Commercial Park:

Jim Bernard, developer of the South Rigby Commercial Park, approached the council and requested a waiver of the arterial road fee that is being proposed on his development. He contended the access to the development is off Yellowstone Hwy and not onto a city street. The roads within the development are private and will not be maintained by the city.

Council discussed the low to little impact the development would have on city streets. Discussion on the precedent it may cause if the city began waving the arterial road fee. The subdivision of the Henry property and the Dansie property was brought up neither of the two have direct access from or onto city roads. It was also discussed the arterial road fee was changed since the annexation of the South Rigby Comm Park and what fee should be used: \$1,000 or \$1,500. (the fee in affect at the time of annexation).

Councilwoman Harrison moved to deny the waiver of arterial fee seconded by Councilman Orme.

The mayor asked the clerk to poll the council:

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

Come Late Agreement – Kent Hansen:

Mr. Bradley presented the council with a copy of a “come late agreement” issued between Mr. Hansen and the city. The city had Mr. Hansen increase the size of water line along his property from an eight (8) inch to a twelve (12) inch water line. The water line was installed under the city bid procedures and quality control. The project cost a total of \$181,628 of which the eight inch line cost was \$124,657. Mr. Hansen has paid this fee. The water line being a 12 inch line will allow an extension to the recently annexed property north of Mr. Hansen’s property. The “come late agreement” is similar to the one the city has used in the past with Hailey Creek and Brain Lott. As development connects onto the water line the new users will reimburse the property owner that installed the line over a twenty year period. The “come late agreement” allows Mr. Hansen to recover the cost of installing the water line over that time period if and when development occurs.

Councilwoman King moved to approve the “come late agreement” issued between the city and Mr. Kent Hansen, seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

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

Other Council Business:

- Web Host vendor: The mayor stated he had talked with Adam Hall about taking over the city’s web page but Mr. Hall is willing to look at it and make a presentation at a later council meeting.
- Water Study – Mr. Bradley stated Keller’s has informed him they will need an addition 6 month to complete the water study. The contract was let to Keller’s on October 2021.
- Sewer Impact Study: Mr. Bradley informed the council he is meeting with Horrocks Engineering to get an update on the sewer impact study next week. They expect to have the study completed and before the council in February, 2023. Horrocks was let the contract on June 2022.

Approval of Minutes:

Councilwoman Harrison moved to approve the minutes of December 15, 2022 seconded by Councilman Orme.

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

Review and Approval of Bills:

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

The mayor asked the clerk to poll the council:

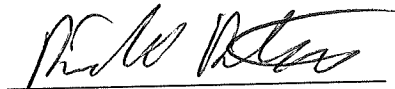
Councilman R. Burke	Yes
Councilwoman King	Yes
Councilman Orme	Yes
Councilwoman Harrison	Yes

Adjournment:

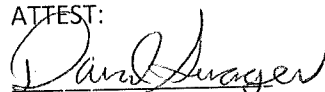
Councilwoman King moved to adjourn seconded by Councilman R Burke.

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

CITY OF RIGBY


Richard Datwyler, Mayor

ATTEST:


David Swager, Clerk