

City of Rigby
Council Meeting Minutes
Sept 7, 2023

The mayor called the meeting to order at 7:00 pm Thursday, Sept 7, 2023. The pledge of allegiance was given by Mike Wilder and the prayer given by Val Orme.

The mayor asked the clerk to call the roll:

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

Also in attendance: Mitch Bradley, Attorney Angell, Chief Fullmer

Amend Agenda:

Councilman Orme requested the agenda be amended to allow for the consideration of a contract to be executed for the relining of manholes, the reason for the late item was it was not available until today and the work needing to be done is time sensitive, motion seconded by Councilwoman King.

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

Public Comment:

- Roger Stone – spoke opposed to the realignment of 5th West – read letter from Barbara McMurtery stating she was opposed to the realignment of 5th West.
- Reed Stone – opposed the 5th West and asked why the need and the push to widen it as the road is adequate.
- Bryan Janke – opposed to 5th West.
- Mandy Peters – opposed to the high density being considered on the Lakeside Development
- Dave Grant – spoke about being opposed to the 5th West.
- Trent Boyce – opposed to the Lakeside Development – conflict of interest with engineer on the traffic study- the roads on 460, Rigby Lake Drive and Annis Hwy not in city.
- David McKenzie – Lakeside Development stated the traffic study had a conflict of interest, wanted reasonable growth.
- Amy Morgan – read letter written by Rebecca Jones – opposed to Lakeside Development
- Marie McLean – opposed to Lakeside Development for several reasons – citing conflict of interest with traffic study.
- Laurie Clawson – concerned with council demeanor and not paying attention to citizens.
- Barabara Mugleston – concern with traffic study and parking spaces and garages inadequate in Lakeside Development.
- Hal Roberts – on Lakeside Development the plat that he reviewed does not show the ditch that he uses to irrigate his farm, concern with the ditches being altered.
- Larry Stephens – concern with existing traffic when he drives farm implements on the road in Lakeside.
- Joanna Junke – opposed to development costs being footed by taxpayers.

- Nancy Mahoney – council needs to listen to what citizens are saying feels no one is listening.
- Jim Curtis – city needs a vision for growth and development and that needs to be communicated to the citizens. Needs long term planning.

Mayor's Proclamation:

The mayor reads the proclamation declaring the week of September 17 through September 23 as Constitution Week.

Lakeside Development:

The mayor reviewed his notes taken during public comment. Stating the development did listen to the citizens and did make several changes in the development during and after the public hearings. The council is listening and taking notes both written and using a cellphone.

Ione Hansen, planning zoning administrator, reviewed the process she went through and who were notified of the development – residents, school, utility companies, county planning/zoning, county road bridge. Reviewed the meeting held with the county planning/zoning officials and road bridge personnel and city public works. Mitch has met with state ITD about the development, and they are aware of the increase traffic and have the site plans to consider Annis Hwy and the off ramp and round-about at the intersection of Stockham and Rigby Lake Dr. Mitch stated the development cannot be required to improve roads out of their subdivision.

Devin Dial spoke about the use of irrigation ditches – landowner can alter the ditch but can not restrict the flow of water through his property and must allow the ditch user access to the ditch for maintenance. Had talked with Stephens and thought they had an understanding. Has talked with both canal companies that are adjacent to the development. Plans were to straighten the ditch to allow irrigation.

Council Discussion:

Radom discussion – garbage cans versus overhead containers; parking spaces, miss labeling of plat (Bonneville County) and Jefferson County setbacks should be referenced as the City of Rigby's. Mitch Bradley recommended 3-yard containers or larger with 6-8 throughout the development. Mr. Bradley was opposed to individual 90-gallon containers. Councilman Wilder reviewed the city code concerning parking in a PUD versus a R-3 zone. PUD allows higher density with lower parking spaces. Question to attorney concerning the process the council needs to follow on the preliminary plat. He stated the council had three choices: approve, deny, or make modifications. If the modification is "major" they would need to begin the process.

Councilwoman Harrison moved to deny the PUD Plat for not in compliance with state code 67-6508, city code 10-1-2 or the comp plan policy statement 4, the parking is insufficient with the plat to be modified to follow the parking as defined in the R-3 zone and require front load/over head dump of 3-yard or larger dumpsters. Motion seconded by Councilman Wilder.

Councilman R Burke commented to modify the motion to approve and to make changes in the parking and trash issue but not make them begin the process over. Councilwoman Harrison stated that if the developers were to incorporate the changes suggested, they would be deemed major and the applicant would need to begin the application process over.

The mayor called for a roll call poll:

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

Being a tied vote: the mayor voted Yes to deny.

Parking Restrictions – Food Vendors:
 Tabled

Agreement to Reline Sewer Manholes:

Mitch Bradley has been working on cleaning sewer lines during the past year. During the process there are 8 manholes that have definite water infiltration that need to be corrected. The best time of the year to do the repairs is when the water table is high as it is now. There are 8 manholes that need repairs and the cost of the repairs total \$49,019. The council discussed the budget and the need for the repairs.

Councilman Wilder moved to approve the contract with Advanced Lining for \$49,019 for the relining of 8 manholes seconded by Councilwoman King.

The mayor called for a roll call poll:

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

Special Event Application:

The attorney presented a draft copy of a proposed special event application. The council reviewed the application and made changes to names, phone numbers, deleted items concerning ball fields, and other items. The attorney will make the changes as noted and present a copy back for council review.

5TH West Realignment:

Mitch Bradley came forward and reviewed the plan on re-aligning 5th West. He explained the city had bid out the project last year, but the price was more than the budgeted amount (\$668,000). He re-bid the project hoping for lower bids. The lowest bid received this year was from H-K Contractors (\$499,997). He feels there are several issues with the road where it narrows down near the subwater pond and begins a number of 90 degree turns and a narrow road (37 feet). There have been several accidents of cars hitting the guard rails. And during winter that section of the road requires numerous trips to sand the curves. The design is to straighten the road moving it west and aligning it with South 5th West. He also mentioned the intersection would be more conducive for a future stop light and/or pedestrian overpass. ITD favors aligning the two roads.

Councilman D Burke felt the road needed to be straighten and that was one of the reasons the council purchased the land west of the subwater pond from Stowell. Councilman Wilder feels the road is not a safety issue and expressed concern with traffic being backup with cars entering the school entrance with

moving the intersection west. Wilder also was concerned with spending city funds that could enhance a developer to seek a zone change other than R-1 which has been discussed over the years.

Councilman D Burke moved to approve the contact with H-K Contractors for \$499,997 seconded by Councilwoman King.

The mayor asked if there was any further discussion, Councilman Wilder asked the attorney if the road was widened to city code would or could that affect the zoning of the Peterson property. The attorney was unaware of any such restriction and requested the restriction be provided to him prior to him giving an opinion.

With that Councilman Orme moved to table the decision seconded by Councilwoman King. The mayor said a motion to table trumps the prior motion and he called for a voice poll: all in favor with Councilman D Burke saying nay.

Proposed Water Tank 200 North:

Mitch Bradley said the city needs to move forward on constructing the proposed water tank on 200 North. The city will be using ARPA funds which need to be committed to prior to December 31, 2024. An engineer needs to be selected to begin the design with bids and the selection of a contractor needing to be done prior to December 31, 2024. The city conducted an RFQ and three firms with water tank experience were selected. He recommended Keller be the firm with them having the most experience and knowledge of building water storage tanks. The city would also need to secure grants and or loans to fund the amount beyond the financial means of the city, that being Altura, who we have used in the past.

Councilwoman Harrison moved to contact Keller to have them provide a contract to the city for the design, bidding and engineer overview of the water tank seconded by Councilwoman King.

The mayor called for a roll call poll:

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

Grass Collection:

The clerk stated that the old sanitation code was recently revised but one item needed further correction, the collection of grass (lawn clippings). He provided three code sections: 4-5-140; 4-55-240; and 4-5-030 which need grass (lawn clippings) to be added to the former and one deleted to the latter. The attorney will make the necessary changes and provide an amendment later.

Beer Sales at Rodeo Grounds:

Addressed in the special use permit.

2nd Reading Ordinance #2023-638- 2023 Annual Budget:

Councilman Orme moved to read in title and summary only seconded by Councilwoman King.

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

Review of the July 2023 Financials and Journal Entries:

The clerk reviewed the excel spreadsheet of the city's budget of revenues and expenditures. In general, all the funds were at or exceeding actual revenues over budget and expenditures were under 83% of budget. Journal entries were recurring internal charges and credits and the reporting of interest earnings.

Advanced USDA Payment:

The clerk presented a cash available worksheet showing the cash/investments and current loan payments coming due. The sewer bond fund has cash/investments available at August 31 of \$1.477 million and a loan payment due of \$198,175 leaving an unencumbered cash balance of \$1.279 million. He is proposing making an advanced payment of \$500,000 on the USDA loan. After the payment the sewer bond fund will have remaining cash available of \$779,458. His intention in making advance payments is to reduce outstanding debt of the city. If the current request is given the city would be able to retire the USDA in 2.3 years, the actual maturity date is December 2040. When the water tank loan comes in, the monthly sewer bond payment could be reduced to help offset the water bond loan.

Councilwoman King moved to authorize the advanced payment of \$500,000 on the USDA loan seconded by Councilwoman Harrison.

The mayor called for a roll call poll:

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

Employee Christmas Party:

Councilman D Burke confirmed the annual Christmas party will be held Dec. 6 at 6:00pm at the Jefferson Hills Golf Course. The menu will be prime rib and chicken and a side dish. He will be getting dinner prices and RSVP will be sent out.

Approval of August 17, 2023 Minutes:

Councilwoman King moved to approve the minutes of August 17, 2023 seconded by Councilman D Burke.

The mayor called for a voice poll: all in favor none opposed with Councilmen Orme and Wilder abstaining.

Review and Approval of Bills:

Councilwoman King moved to approve the bills seconded by Councilman Wilder.

The mayor called for a roll call poll:

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

Councilman Orme Yes
Councilman Wilder Yes

Executive Session:

Councilwoman Harrison moved that the council enter executive session per Idaho Code 74-2106(f) to communicate with legal counsel options likely to be litigated seconded by Councilwoman King.

The mayor called for a roll call poll:

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

Council enters executive: 10:20pm

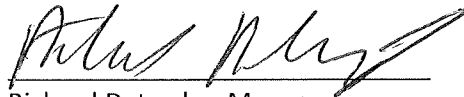
Council exits executive: 10:45pm

Adjournment:

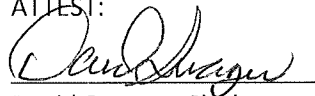
Councilwoman Harrison moved to adjourn seconded by Councilwoman King.

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

CITY OF RIGBY


Richard Datwyler, Mayor

ATTEST:


David Swager, Clerk