

City of Rigby
Council Meeting Minutes
May 16, 2024

Mayor Datwyler called the meeting to order at 7:00 pm Thursday, May 16, 2024. The pledge of allegiance was given by Becky Harrison and the prayer given by Mike Wilder.

The mayor asked the clerk to call the roll:

Councilwoman Harrison Present

Councilwoman Hillman Present

Councilman Howe Present

Councilman Orme Present

Councilman Stone Present

Councilman Wilder Present

Also present: Mitch Bradley, Allen Fullmer and Sam Angell

Amend Order of Business:

Councilman Orme moved to amend the order of business moving the discussion of the change in preliminary plat on the Henry Subdivision be moved following the discussion on the farmer's market. Motion seconded by Councilwoman Harrison.

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

Public Comment:

Charles Cromer discussed the recent issue of having to replace his water service line. The issue is being the curb stop coming from the street shuts off all services to the 4-plex. Right after the main shut off there are four separate shut offs which shut off each individual unit. With his service line having to be replaced he felt his obligation should be at the point after his individual shut off not on the main single shut off.

Barbara Monroe presented the council with a series of documents she has requested concerning her citations and infractions over the years over her and her neighbors' dogs and copy of the city ordinance on barking dogs. She contends her home value has decreased due to it being "labeled" a nuisance.

Farmers Market:

Carrie Monson came forward and requested permission from the council to hold the farmer's market in the same location as last year, Veteran Memorial Park. She expects to hold it from June 1 to September weather permitting. The number of vendors is increasing each year.

Councilwoman Harrison moved to grant permission for the farmers market to use the Veteran Memorial Park June 1 through Sept each Wednesday seconded by Councilwoman Hillman.

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

Public Hearing: 3980 E 400 North:

Nate Clark representing the owner, Dr. Bishop, who is requesting the vacant lot directly west and adjacent to Dr. Bishop's lot be annexed into the city with a commercial zone. The property contains approx. 2.5 acres. There is an existing garage building on the vacant lot which will require an amended lot line adjustment. With the adjustment the remaining lot to be annexed will be 2.25 acres.

Public Comment: none

Council Discussion: Council discussed if the road would be included in the annexation and curb and gutters. Mitch Bradley has stated that the road will not be annexed primarily due to the presence of four lots located west of the site. These lots were developed, with city water and sewer services available directly in front of the businesses without being annexed. They are not connected to any city services, each having their own well and septic system. The county allowed the construction of these buildings without requiring annexation. However, the county is now urging the city to annex these lots through the application of forced annexation regulations. It is worth noting that the forced annexation provision will be abolished in the upcoming legislation mandated by the state, effective July 1, 2024. Consequently, the city has decided not to annex the aforementioned four lots, leaving it to the county to rectify the matter. As a result, these four lots have become an enclave surrounded by city property on all sides. Ultimately, the conflict was initiated by the county's decision to permit the construction of the buildings without considering the annexation requirements or the impact agreement. As for the curb and gutter on the lot, the development agreement will require sidewalks, curb and gutters be constructed when developed.

Councilman Stone moved to approve the annexation with a commercial zone designation seconded by Councilman Wilder.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman HoweYes

Councilman Wilder Yes

Amend Preliminary Plat – Henry Subdivision:

Nate Clark representing Rockwell Homes discussed the need to amend the preliminary plat. In their development they are finding homeowners want smaller lots with less landscaping. They are proposing adding 5 new lots on the front section being developed and the back lots being increased in size, with the same number of building lots as approved on the original preliminary not changing.

Ione Hansen referenced the relevant section of the city ordinance pertaining to the circumstances under which an amended plat would be required. The attorney also cited two specific sections of the city ordinance outlining the conditions necessitating an amended plat. One such condition specified in the ordinance pertained to significant alterations in the plat. Upon deliberation, the council concluded that a modification in the total number of building lots did not qualify as a material change. Mitch Bradley provided insight on the adequacy of water and sewer services to accommodate the proposed subdivision, noting that provisions had been made for future expansion. His primary concern centered around the potential increase in vehicular traffic accessing 3900 North via the existing two entrances. In the event that additional building lots were approved, consideration would need to be given to the addition of a third access street. However, at present, no changes have been proposed from the original plat.

Councilman Stone moved to approve the change in the development agreement that the change in in lots from one section to another section was not deemed material to the overall plat being the number of buildings lots within the subdivision was not changing from the approved preliminary plat. Motion seconded by Councilman Howe.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman HoweYes

Councilman Wilder Yes

Computer Support Agreement:

The mayor reviewed with the council the discussion he had with Complete Office Care. They have been the service provider for the city's computer support for a number of years. The fee for the new agreement has increased roughly 2.5 %. Councilman Stone asked some specific questions and wondered why the application of HIPAA was covered. The mayor addressed his concerns.

Councilwoman Hillman moved to approve the service agreement with Complete Office Care seconded by Councilwoman Harrison.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman Howe Yes

Councilman Wilder Yes

Pickleball Court Rules:

Steve Abbott from the Urban Renewal Agency expressed concerns with the use of the new pickleball courts and the initiation of self-regulating rules. The courts are seeing a lot of use, and he feels there need to be some posted rules for the users to adhere to. One mentioned was not allowing pets inside the courts along with the others as presented to the council. The enforcement of the rules will fall onto either the police or public works. Councilwoman Harrison voiced concern with having rules which could lead to other rules in other areas i.e. ball fields and tennis court.

Councilman Wilder moved to approve the rules the urban renewal agency proposes seconded by Councilman Howe.

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

Temporary Food Vendor Permit:

Carried over from the prior council meeting the form as drafted was discussed. Without much discussion, Councilwoman Hillman moved to approve the temporary food vendor permit with a daily fee of \$25 per day seconded by Councilman Howe.

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

The clerk noted that being the permit is a new fee there will be a public hearing on the fee prior to it being in place. A public hearing on the fee will be held June 6, 2024.

Zoning Options:

The mayor began the discussion stating the planning zoning have been reviewing the current zoning codes of the city. One of the changes being proposed is to increase the acreage allowed for planned unit development (PUD) from 3 to 5 acres. Other changes have been reviewed but he could not recall them. Councilwoman Harrison having reviewed other cities zoning codes reviewed several that she then read from her cellphone. Council discussed the issue with comments from the attorney concerning the comp plan, comp map, city zoning map and how they are interrelated and connected. There was confusion as to the interpretation which needed to be clarified with better language.

Financial Statements:

The clerk reviewed the March 2024 financial statements with the council. He noted that none of the taxing entities in Jefferson County have been receiving their monthly property tax remittances from the county since February. He did not know how long this non-payment of taxes would continue but was hopeful the county would have it current prior to the June 2024 collection period.

As for budgetary review, revenues to actual were coming in as expected. Expenditures for most of the funds were under the budget percentage. Journal entries were reviewed which were the posting of the interest earned on investments and for internal charges and credits on city equipment.

Interfund Transfers:

Councilman Howe moved to approve the interfund transfer as follows:

	<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
General Fund		6,000.00
Airport	6,000.00	

Motion seconded by Councilwoman Hillman.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman Howe Yes

Councilman Wilder Yes

Impact Fees:

The council discussed the pros and con of initiating impact fees vs. the cost of having a study done to justify the fee. The public wants development to pay for itself, but it could be a pie in the sky when the cost of the impact study is done every 5-7 years. Councilman Wilder stated impact fees are a double-edged sword – what you receive vs. what is being paid out. Councilwoman Harrison mentioned about what the cost of a study would be for police and parks only not water, sewer, streets. She felt the cost of the study for parks and police would be lower than for the others. The mayor will reach out to other cities to see who they have used to conduct their impact studies.

Rodeo Account:

The clerk stated the current rodeo account is with US Bank, which is closing their Rigby branch. He is therefore looking at opening an account with the Bank of Commerce in Rigby. The BOC is very supportive of the rodeo in hosting the mutton bustin' each year. Authorized signers on the account will be: David Swager, clerk; Richard Datwyler, mayor; Mitch Bradley, director.

Councilwoman Hillman moved to authorize the opening of the rodeo checking account with the Bank of Commerce seconded by Councilman Howe.

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

Support Service Agreements:

Telephone System: The current provider for the city's 8111 phone system has expired. Two companies expressed interest in providing service to the city but only one responded – Pacific Office Automation. They are offering a monthly service agreement for \$159.67 to host and service the city's land line. The council expressed concern on the three years being non-cancellable, but the clerk indicated the city has a non-appropriation clause that could be initiated to term the contract earlier, if needed.

Councilman Howe moved to approve the service agreement with Pacific Office Automation seconded by Councilman Wilder

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman Howe Yes

Councilman Wilder Yes

Ricoh Copier Service Agreement:

The service contract for the Ricoh copier also expired and Pacific Office Automation has offered a service maintenance agreement for black copies @ \$.01 and color copies @ \$.07 per copy. This service contract is for 12 months only.

Councilwoman Harrison moved to approve and authorize the issuing of the maintenance service contract with Pacific Office Automation for twelve months seconded by Councilman Orme.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman Howe Yes

Councilman Wilder Yes

Proposal for New Municipal Shop Building:

Mitch Bradley reached out to Connect Engineering for a proposal for the design of a new municipal shop building. Connect, who is on the approved list of qualified engineer firms, submitted a cost proposal of \$135,000 and detailed their scope of work. The council agreed that the city needed a new shop and authorized Mitch to procure a formal proposal for the municipal shop building.

Joint city/county Engineer Agreement:

The city and county have agreed to seek proposals to upgrade and improve Rigby Lake Drive. Keller's has submitted a joint agreement to begin a concept design for Rigby Lake Dr. The concept includes widening 4,400 linear feet for two 14-foot traffic lanes, turn lanes, sidewalks, curb/gutters, multi-use path on the east side of the road, widening of bridges, culverts, and realignment of power poles. The cost, \$197,338 will be split 50-50 between the city and Jefferson County. This is only a concept design or need not a complete design.

Councilwoman Hillman moved to approve the joint agreement for the city's portion seconded by Councilman Howe.

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman HoweYes

Councilman Wilder Yes

Review and Approve Minutes:

- April 18, 2024 – Councilman Howe moved to approve the minutes of April 18, 2024, seconded by Councilwoman Harrison.

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

- May 2, 2024 – Councilman Stone moved to approve the minutes of May 2, 2024, seconded by Councilman Orme.

The mayor called for a voice poll: all in favor none opposed with Councilman Wilder and Councilwoman Hillman abstaining.

Approval of Bills:

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

The mayor called for a roll call poll:

Councilwoman Harrison Yes

Councilman Stone Yes

Councilman Orme Yes

Councilwoman Hillman Yes

Councilman HoweYes

Councilman Wilder Yes

Adjournment:

Councilwoman Hillman moved to adjourn seconded by Councilman Stone.

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

Meeting Adjourned: 9:05 PM

CITY OF RIGBY

Richard Datwyler, Mayor

ATTEST:

David Swager, Clerk

Passed June 6, 2024 with corrections with a voice poll: 5 in favor none opposed.