

City of Rigby
Council Meeting Minutes
July 18, 2024

Mayor Datwyler called the meeting to order at 7:00 pm Thursday, July 18, 2024. The pledge of allegiance was given by Councilwoman Hillman and the prayer given by Becky Harrison.

The mayor asked the clerk to call the roll:

Councilwoman Harrison	Present
Councilwoman Hillman	Present
Councilman Howe	Present
Councilman Wilder	Present
Councilman Stone	Absent

Also present: Mitch Bradley, Allen Fullmer and Sam Angell

Amend Order of Business:

Councilman Wilder moved to amend the order of business moving the discussion on the Comm. Development Block Grant after public comment, motion seconded by Councilwoman Harrison.

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

Public Comment:

Aliza King – requested the restrooms at Wilson Park be open and available.

Wayne Rogers – Handed out flyer to the council concerning his allegation of violation of his 14th Constitutional Right by the attorney.

CDBG- Rick Miller:

Rick Miller discussed the funding process for the STAG Grant and a survey of the residents to determine eligibility for low-income classification.

Public Hearing – Reconsideration of Approval of Zone Change 440 W 2nd North:

Proponent:

Paul Anderson – Reading from a prepared letter which he distributed to the council he cited the following reason/concerns with the zone change from R-1 to R-2:

- Numerous procedural and administrative errors in the application and in the process
- Inconsistency in identifying adjacent property being zoned R-2 when in fact the adjacent property is multi-family
- Lack of accessibility from major arterial roads
- Dead end streets are a hazard, and the county only allows 25 homes on same
- Multi-family development has more incidents of police calls
- Lack of affordable housing is not reason with the recent approval of the R&S Peterson development
- No clear reason why a zone change is needed has been presented

Supporter of the Zone Change: Mark Gardner – Mr. Gardner distributed to the council a listing of legal authority referencing the right of landowners to develop their property. He further stated the applicant has not provided factual evidence for the denial of zone change. Nothing that has

been presented can be shown that their property rights have been affected or will be violated. The council, being a governing board, needs to apply the quasi-judicial process and only consider facts presented during the hearing and not information gathered or heard outside of the proceeding. The evidence shows there is a need for affordable housing, the development meets all of the city code as required for R-2 zone as confirmed by the planning zoning administrator, infrastructure issues exists regardless of the zone change per the public works department, the number of single family homes that could be built under the R-1 zone is roughly equal to the number of twin-homes that will be built on the development, traffic congestion will increase regardless whether single family homes are built or twin homes are built.

In favor of the denial for zone change:

Aliza King: Feels the development should be denied R-2 zone under city code 4.2.1 Nuisance ordinance. The number of cars will be higher with twin homes than with single family homes. Dead end streets are a safety concern.

Nicolette Vernon: Can present “facts” until after the development is not completed so they must rely on historical data for their opposition.

Susan Downs: Agreed with the comments already stated.

Catherine Anderson: Dead end streets are a safety concern.

Patrick Barney: Agreed with prior remarks.

Amanda Wells: Agree with prior remarks

Cory Wells: Concern with the sewer easement that runs through the development

David Byington: Chose not to speak

Neutral to the change:

Mike Knight - chose not to speak

In opposition to deny the zone change:

Laura Wiser: Supports with the change in zone to R-2, there is a need for affordable housing in Rigby. Single family homes cost more while townhomes are affordable. The developer has met all the requirement as set by city code and an R-2 zone is in compliance with the city code.

Shane Wiser: Twin homes are affordable over single family homes. Vacant lots are subject to development as this one is.

Conner Johnson: Will be the contractor to build the development. His company builds quality homes. He has met with the fire chief, and the development is in compliance and exceeds the minimum requirement of the fire code. Easement for the sewer line is not in conflict and no building will be erected on the easement. Snow removal locations have been identified and earmarked as such. All codes for the city have been met and or exceeded.

Rebuttal: Paul Anderson mentioned the issue of adverse ownership of a portion of the land with Mrs. Staggs home and whether this space was included in the green space. Twin homes become rental units. The term affordable homes are a misnomer, there are no affordable homes but for subsidized homes. To say their building affordable homes is using emotional appeal. Congestion will occur.

Council Discussion:

Councilwoman Harrison – questioned the issue of fire – lone Hansen, pz administrator, responded the fire department has signed off on the plan and fire is not a concern.

Councilwoman Harrison- stated that increase traffic based on her readings, is not a factor to be used to deny the zone change. Also, the amount of twin homes that can be constructed versus single family homes are about equal to either.

Councilwoman Hillman wanted confirmation that no tri-plex or 4-plex could be built. It was confirmed limited to single family, or twin homes.

Councilman Howe, asked the dep fire chief to confirm the issue of fire, being in attendance the dep. Fire chief confirmed fire code has been met. Councilman Howe, stated snow removal is not a point for consideration, errors in the application is also not a reason to deny and the re-zone is not spot zoning.

Councilman Wilder is concerned with the impact of an LID on the street and the financial impact such an assessment will have on the current residents. Councilwoman Harrison stated financial should not be a decision factor.

Councilman Howe expressed concern with the R-2 zone between two R-1 zones. He stated the area with the R-2 zone didn't feel right.

Councilwoman Harrison moved to deny the reconsideration to reverse the R-2 zone approval based on the development meeting city code and fits the adjacent zones and the infrastructure impact not a consideration. Motion seconded by Councilman Howe.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Library Air Conditioner/Furnace:

The clerk stated both the air conditioning and furnaces in the library need to be replaced. Rexburg Plumbing & Heating submitted a proposal for 4 units of air @ \$6,375 per unit (\$25,500.00) and or the furnaces, 5 units @ \$4,859 per unit for a total of \$49,750.00. The clerk recommended both systems be purchased out of the current budget and next year's budget was looking at considerably more.

Councilwoman Harrison moved to approve the purchase of the air conditioner units and furnaces seconded by Councilman Wilder.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Amend Order of Business:

Councilwoman Harrison moved to amend the order of business moving the discussion on the county ambulance district be moved next on the agenda, motion seconded by Councilman Wilder.

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

Ambulance District

Carl Anderson reviewed Central Fire plans to petition the county commissioners to form a county ambulance district separate and distinct taxing entity apart from the county and Central Fire and was looking for city support. No decision, informational only.

Airport Easement:

Jeremiah Bigelow was requesting the city authorize an easement for a natural gas line and power easement across a portion of the airport land. The airport board has reviewed the easement and is not opposed to the easement. Being city owned, the council must approve the easement.

Councilwoman Harrison moved to approve the easement for Intermountain Gas and Rocky Mountain Power seconded by Councilwoman Hillman.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Review of Sanitation Contract:

Kim Galloway, from Eagle Rock Sanitation, came before the council to request an amendment to their contract. The original contract has a 5-year fixed price per unit dump fee. Given the recent increase in the cost of diesel and parts, he was proposing new rates for garbage pickup for both residential and commercial. The overall rate increase is 20%. The contract is being re-drafted with assistance from the city attorney and Eagle Rock's attorney to allow price increases subject to council approval. The current rate being charged for residential customers is \$11.70 per month. The new rate will increase to \$14.00 per month for a 95-gallon container once a week pickup.

The council expressed concern over the percentage increase and discussed the commercial rates at length. The council wanted adequate notice sent to all commercial users concerning the price increase.

Councilman Howe moved to approve the rate increases effective September 1, 2024, seconded by Councilwoman Hillman.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Approve Sewer Pressure Line Cleanouts & Fire Hydrant Replacement:

Mitch Bradley presented the council with two proposals from two vendors for installing cleanout valves in the sewer line running down 3900 and for replacing two fire hydrants valves. There were differences in the two bids, with one vendor including the price of the hydrant valves and the other did not include a price for the valves. In addition, both vendors had a price for mobilization. Mr. Bradley wanted to discuss with each vendor the ability of awarding both projects at a reduced price for mobilization. Edstrom Construction was the overall lower of the two vendors.

Councilman Wilder moved to award the two projects to Edstrom Construction with Mr. Bradley given the authority to negotiate a lower price seconded by Councilwoman Hillman.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Municipal Shop Building:

Connect Engineering has submitted a second proposal to provide professional engineering services for design, structural, mechanical, electrical, and landscaping at a new price of \$120,000.00. Mr. Bradley feels he can negotiate a lower fee than the one being presented.

Councilman Howe moved to approve Mr. Bradley to negotiate a lower fee not to exceed \$120,000 seconded by Councilwoman Harrison.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Approve Change order on WWTP:

Keller Engineer and RSCI, contractor for the WWTP, have submitted a change order for changes in the gates, clarifier spray bar, lift station coating, mixing chamber, cloth filters outflow and electrical changes and utilizing existing pit run for a reduction in contract of \$22,868.

Councilwoman Hillman moved to approve the reduction in contract of \$22,868 seconded by Councilman Howe.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Street Lighting Agreement Henry Subdivision:

The Henry Subdivision has installed streetlights in their subdivision and being such, Rocky Mountain Power has an agreement wherein the city will accept the bill for service. There is no fee involved, just the authorization to receive the month bill for the streetlights. Councilman Wilder moved to approve and authorize the execution of the agreement with Rocky Mountain Power seconded by Councilwoman Hillman.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

Due to the lateness of the evening, Councilwoman Harrison moved to table the clerk's items but for the discussion on the newspaper summer edition seconded by Councilman Wilder.

The mayor called for a voice poll to table the items: all in favor none opposed.

Ad in Newspaper – Summer Edition:

The council discussed the ad the city placed in prior years but felt the summer edition was a one-time publication which is not retained by the businesses. Councilman Wilder moved to deny placing an ad in the summer edition seconded by Councilwoman Hillman.

The mayor called for a voice poll: all in favor in denying the ad, with Councilwoman Harrison opposed.

Review and Approval of Minutes:

Councilman Howe moved to approve the minutes of June 20, 2024, seconded by Councilman Wilder.

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

Review and Approve of Bills:

The clerk made three changes in the listing of bills: a reduction to Eagle Rock Sanitation of \$21,684.56; addition of \$121.27 to Sparklight (library internet) and Mike Lees \$2,000 sidewalk work for an adjusted net bill total of \$773,774.59.

Councilwoman Harrison moved to approve the bill for payments including the adjustments mentioned by the clerk seconded by Councilwoman Hillman.

The mayor asked the clerk to poll the council:

Councilwoman Harrison	Yes
Councilwoman Hillman	Yes
Councilman Howe	Yes
Councilman Wilder	Yes

The mayor made a comment on the upcoming public hearing on 190 N 5th West and 507 W 1st North and the ex parte' communication council members are held.

Adjournment:

Councilman Howe moved to adjourn seconded by Councilwoman Harrison.

The mayor called for a voice poll to table the items: all in favor none opposed.

Meeting Adjourned: 10:30PM

CITY OF RIGBY

Richard Datwyler, Mayor

ATTEST:

David Swager, Clerk

Approved at a regular council meeting: Aug 1, 2024 on a voice poll: all in favor one abstention.