

City of Rigby  
Council Meeting Minutes  
November 17, 2022

The Council President Harrison called the meeting to order at 7:00 pm Thursday, Nov 17, 2022. The pledge of allegiance was given by Aliza King and the prayer given Roarke Burke.

The chair asked the clerk to call the roll:

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

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

Public Comment:

None

Police Dept. Update:

Chief Fullmer updated the council on the police dept. activities: Informing public of snow restrictions, removal of cars from the streets.

Wastewater Treatment Project:

- Material Testing Inspections: RSCI reviewed three bid proposals to contact with on the material testing – one bid was rejected with the feeling the company did not have the experience to conduct the testing required. The other two bids from Strata and Atlas – Atlas bid was felt to be underestimating the time required to do the testing. Strata bid was more in line with the engineer estimates as to the number of tests required. Strata’s fixed contract price was \$236,55 or they would go to a time & material per test. Council discussed the two options and felt the fixed contract price was the best option. Councilman Orme raised the concern in RSCI’s cover letter of reserving the right to request additional compensation to correct any errors or omission. Marvin Fielding from Keller’s was not aware of the clause.

As such Keller’s will get clarification from RSCI; item tabled.

- Marvin Fielding discussed a second change order which called for a change in pipe to use HDPE in lieu of steel. HDPE piping is available and does not have the months delay as the steel pipe has. The change from steel to HDPE could have a reduction in price of \$207,000. Being the item was not on the agenda – item tabled until the next council meeting.

Cedar Meadows – Completion:

Mitch Bradley came forward and reviewed the uncompleted work/items that need to be done on the Cedar Meadows subdivision. The items: compensation for the water well lot; reimbursement for the chip seal; the drainage issue at the intersection of Richardson and Boulder; deed and title on the lift station lots. He mentioned that he has discussed the items several times with Devon Belnap of

Riverbend (the developer) and with Robin Dunn but has not seen any progress. He was asking for guidance from the council or for council action on the issue.

Councilwoman King moved to direct the city attorney to take the necessary steps to resolve the pending issues with Cedar Meadows in a timely manner seconded by Councilman D Burke.

The chair asked the clerk to poll the council:

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

Closeout LID #10 Final Pay Request – Avail Valley:

Marvin Fielding from Keller Eng presented the final pay request from Avail Valley for the work done on LID #10. The final pay app had a second change order with a reduction in material used on the project of \$29,265.21. The final contract is an increase of \$1,780.06 to \$1,238,623.35. The contractor was assess a late penalty fee of \$1,500 per day for a total 52 days that the work was not completed within the time period allocated and agreed to for a total of \$78,000. The city also had three work related damages that they paid totaling \$17,890.90. The final amount due Avail Valley after credits, change orders and penalty assessment total net \$7,672.32.

Councilman Orme moved to approve change order #2 with a decrease in the amount of \$29,265.21, approve the late penalty assessment of \$78,000 and take credit for the cost of damages the city paid out on the project totaling \$17,890.90 motion seconded by Councilwoman King.

The chair asked the clerk to poll the council:

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

Great Feeder Canal – Discharge Piping:

The Great Feeder Canal is requesting the city change the location of the wastewater treatment plant discharge roughly one-half mile down stream from the present location. In talks with the canal company and with letter and direction from the canal's attorney the city will need to indemnify the canal company from any liability resulting and arising from the discharge of wastewater into the canal. The city needs to also obtain permits from the Corp of Army Engineers and DEQ before proceeding. Keller will begin the process of design including a bid package to complete the work. The letter from the canal attorney was vague concerning who "owns" the stream bed in the canal. It was discussed the city will inform the property owners along the canal of the intent to install a discharge line in the bottom of the canal.

Councilwoman Harrison moved to obtain a contract from Keller Eng for the design and bid of the discharge line, proceed with the permitting needed to obtain approval for the line and that the city attorney will issue of Memorandum of Understanding (MOU) to the canal company concerning the discharge of water from the wastewater treatment plant and prior to the construction of the water line

will notify the adjacent property owners of the city's intent to install a discharge water line in the canal with the approval of the canal company. Motion seconded by Councilman Orme.

The chair asked the clerk to poll the council:

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

Employee Christmas Chamber Bucks:

Councilwoman King moved to approve the issuance of Chamber of Commerce Christmas Bucks in the amount of \$25 to the city's employees and board members seconded by Councilman D Burke.

The chair asked the clerk to poll the council:

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

Confirm LID #10 Assessment Roll:

The clerk presented the council with a spread sheet for the three areas involved in LID #10 construction. The work on 3<sup>rd</sup> West and Tall Avenue did not have any changes from the preliminary assessment. The work on 4<sup>th</sup> North went past the time set for completion and due to the contractor missing the completion date was assessed a late penalty of \$78,000. The clerk allocated the \$78,000 to the property owners on 4<sup>th</sup> North being they were directly impacted by the slow down and missed completion date.

Councilwoman Harrison moved to confirm the assessment of LID #10 with the credit of \$78,000 being applied to the property owners of 4<sup>th</sup> North. Motion seconded by Councilwoman King.

The chair asked the clerk to poll the council:

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

Set Public Hearing for Objections to Assessment of LID #10:

Councilwoman King moved to set Thursday December 15, 2022 at 7:00pm to hold a public hearing concerning the final assessment of LID #10 seconded by Councilman D Burke.

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

Other Council Business:

- Midnight Madness Light Parade: Set for Friday December 2, at 6:00pm. Follows same route as in previous years.

- Christmas Dinner: Councilman D Burke mentioned the golf course would host the dinner but only on Tuesday or Thursday evening. Lil' Mike has an opening for either December 3, January 7 or January 14. Council decided Saturday, December 3, 2022 at Lil' Mikes was the best site at 6:00pm.

Review and Approval of Minutes:

Councilwoman King moved to approve the minutes of November 3, 2022 seconded by Councilwoman Harrison.

The chair called for a voice poll: all in favor none opposed with Councilman R Burke abstaining.

Review and Approval of Bills:

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

The chair asked the clerk to poll the council:

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

Executive Session:

The chair mentioned she had been in discussion with the mayor and an executive session was not needed unless a member of the council felt otherwise. Hearing none item tabled.

Adjournment:

Councilwoman King moved to adjourn seconded by Councilman D Burke.

The chair called for a voice poll: all in favor none opposed with Councilman R Burke abstaining.

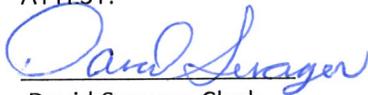
Meeting adjourned: 8:35pm

CITY OF RIGBY



Richard Datwyler, Mayor

ATTEST:



David Swager, Clerk