



MINUTES

REGULAR MEETING
RIGBY CITY COUNCIL
THURSDAY MAY 15th, 2025
7:00 PM

CALL TO ORDER: Mayor Richard Datwyler called the meeting to order.

The Pledge of Allegiance was given by Councilman Wilder and the prayer by Councilman Howe.

ROLL CALL ATTENDANCE:

Councilman Mike Wilder	Present
Councilwoman Becky Harrison	Present
Councilman Alex Espinosa	Present
Councilman Timothy Howe	Present
Councilman Reed Stone	Absent
Councilwoman Tonya Hillman	Absent

ALSO PRESENT-

City Attorney, Sam Angell
Police Chief Allen Fullmer
Planning and Zoning Administrator, Lone Hansen
Waste Water Treatment Administrator, Scott Humphries

PUBLIC COMMENT -

No Comment

ACTION ITEM - CONSENT AGENDA

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

A. Council Minutes – May 1st, 2025

The motion passed with all council members voting 'Aye,' except for Councilman Howe who abstained

Councilman Wilder made the motion to the Approve Council Minutes for May 1st, 2025, seconded by Councilman Espinosa,

B. Accounts Payable- May 2025

Councilman Howe made the motion to Approve the Accounts Payable in the amount of \$483,419.40, seconded by Councilman Espinosa, roll call vote:

Councilman Mike Wilder -	Yes
Councilwoman Becky Harrison -	Yes
Councilman Alex Espinosa -	Yes
Councilman Timothy Howe -	Yes

C. Firework Permits 2025

Councilman Wilder made the motion to Approve the Fire Permits for 2025, seconded by Councilman Howe,

ACTION ITEM: Consider Approval of Auditor Proposals

Dana Izatt from Searle, Hart and Associates introduced himself. He's been an Auditor for 37 years. Searle, Hart and Associates has a 20-person staff firm with 3 partners currently. They do the audit for Jefferson School District plus many other cities and counties.

Councilwoman Harrison asked what his thoughts were on pricing after the Clerk had shared the last audit with him? He said there was a lot going on in our audit so he felt the range would be between \$18,000 to \$24,000 for the actual audit. If there was any single audits needing done for grant money or other financial items, the cost would increase.

Mayor Datwyler requested an engagement letter, allowing the council to compare his services with the current audit. Councilwoman Harrison noted that, based on her research and discussions with the City Clerk, most cities change auditors every year or every few years.

Mr. Izatt agreed to submit an engagement letter with his estimate.

Motion Tabled until next Council Meeting

ACTION ITEM: Consider Approval of Septic Dump Fee Increase by 1%

Scott Humphries proposed a 1% increase in Septic Dump Fees. The last fee adjustment was in 2022, and he anticipates proposing another increase in 2027 to maintain gradual adjustments as needed. Councilwoman Harrison asked if the increase was for maintenance costs. Mr. Humphries clarified that the fee increase is primarily to cover rising electricity costs for operating the system. The fee increase will take effect immediately.

Councilman Harrison made the motion to Approve the Septic Dump Fee by 1%, seconded by Councilman Espinosa.

Motion Passed

ACTION ITEM: Consider Approval of BYU-I Event Coordinator for the Rodeo College Exhibition Request for Fireworks at Event

Allen Jones from BYU-Idaho requested approval to use the same fireworks company as the County does for Rigby Lake to hold a 10-minute fireworks show after their rodeo event, once it is dark.

The event will be exclusively for BYU-I college students.

Councilwoman Harrison expressed concerns about parking availability, as the fireworks setup would occupy some of the designated parking space.

The Council discussed the safety perimeter required for the fireworks with Mr. Jones and Carl Anderson from the Rodeo Committee.

Mr. Anderson stated that the safety circle should not be an issue for the event.

Councilman Wilder made the motion to Approve the Fireworks at the Rodeo Grounds during the event with BYU-I College, seconded by Councilman Espinosa.

Motion Passed

ACTION ITEM: Consider Approval for Steve Billman with Mt Ridge Subdivision to use the P.U.D. granted on June 6th, 2019

The plat approval expired after two years, but the developers had been under the impression that they could return when ready to build. Lone Hansen informed the council that the plat was not recorded as required. The approval was contingent on the inclusion of a second access, which was granted by a previous Planning and Zoning Administrator. The original plan was compliant with ordinances at the time of application.

with the required additional access, but regulations have changed since then, making it no longer up to code.

City Attorney, Sam Angell read section 10-11-19, which states:

- A plat must be recorded within two years of approval.
- If construction has not begun within two years, approval becomes void.
- The commission may grant an extension if it does not conflict with public interest.

Given that six years have passed, the developers would need to restart the approval process, as the current ordinances do not support approval under previous rules.

Councilwoman Harrison pointed out that all cities she researched include an expiration date for plat approvals by the applicant, ensuring that updated ordinances continue to reflect community needs and growth plans.

Councilwoman Harrison made the motion to Deny an Exception to the Expiration of this Approval for this plot of land based upon the proper steps weren't taken to get it recorded and to have a final plat submitted, seconded by Councilman Howe, roll call vote:

Councilman Mike Wilder -	Yes
Councilwoman Becky Harrison -	Yes
Councilman Alex Espinosa -	Yes
Councilman Timothy Howe -	Yes

ACTION ITEM: PUBLIC HEARING: Annexation & Zone Designation from May Adams/ Lane Adams at approx. 571 North 3 West Rigby, Idaho

Proposal:

- Jim Bernard presented a request to the Council on behalf of the May family to rezone and annex their property.
- The proposed change is from R-1 to R-2 to allow for more homes within the 5-acre property.
- The rezoning would assist the family with funding care for their mother.

Public Comments:

- **For:** None
- **Against:** None
- **Neutral:**
 - Vicky Williams requested that a fence be built along her property line since the new road would be adjacent to her land.
 - Ryan Day asked that the new homes remain single-story to maintain privacy.

- Denny Olsen built a fence three feet inside his property and wants to ensure that future homeowners don't assume his fence marks the property boundary, as he still owns the additional three feet.
- Mike Wiser noted that most new homes will be adjacent to his property and requested that they remain single level also.
- Adam Bell expressed concerns about traffic flow near his mother's property, which is close to the entrance of the proposed development.

Discussion & Developer Response:

- Mr. Bernard addressed landscaping and the berm design and said he would look into fencing options.
- He clarified that he is not yet contracted as the developer, meaning he cannot make guarantees on behalf of another developer if he does not secure the project.
- A park is planned for the end of the road, which will help with snow packing and open space needs.
- He has spoken with Jed Lowder regarding a second exit, which will be considered once the full building plan is submitted to the Council.

Council Discussion:

- Councilwoman Harrison expressed concerns about the proposed R-2 zoning, stating that only R-1 zoning exists in the area.
- She referenced the Evans vs. Teton County Supreme Court ruling, which identifies two types of spot zoning that are not allowed in Idaho:
 1. Type 1 – Rezoning that is inconsistent with the comprehensive plan.
 2. Type 2 – Rezoning that benefits a single landowner without serving a broader public interest.
- Harrison noted that Section 2-12-3 of the city's comprehensive plan designates areas where increased density is allowed—this location was not included.
- She also argued that high-density zoning should be limited in the city and kept closer to the center of town, rather than in more remote areas.

Additional Council Input:

- Councilmen Wilder and Howe agreed, stating that placing R-2 zoning this far out could lead to commercial expansion and higher-density development, potentially boxing in the city's future growth.
- They argued that high-density zoning is best placed near commercial zones and the town center.

Clarification on Annexation Process:

- Mr. Angell reminded the council that the action item includes both annexation and R-2 rezoning.

- Mayor Datwyler asked whether denial would require the applicant to wait a year before reapplying.
- Ms. Hansen clarified that this rule applies to plat approvals, but she was unsure about zoning designations.
- Mr. Angell suggested that the motion be tabled to allow time to verify whether the applicant could apply again for annexation without the R-2 request.
- After reviewing the annexation ordinance, Angell believes that if R-2 is denied, the applicant can reapply for annexation separately without waiting a year.

Motion Made:

Councilwoman Harrison made a motion to deny the annexation with the requested R-2 zoning designation, citing Idaho Code 67-6511, which requires zoning ordinances to be consistent with the city's comprehensive plan, seconded by Councilman Wilder.

Justification for Denial:

- The request does not meet Section 2.5 of the comprehensive plan, which promotes development that aligns with natural land types and surrounding use patterns.
- The subject parcel is surrounded by R-1 zoning and County R-1 equivalent, making R-2 zoning inconsistent with the area's low-density development.
- Section 2-12-3 of the comprehensive plan identifies areas where increased density is permitted, and this location is not designated for higher density development.
- The proposal qualifies as spot zoning, meaning the R-2 designation would create an isolated zone that lacks consistency with surrounding zoning and does not meet community-wide planning needs.
- Spot zoning is discouraged in Idaho because it does not support cohesive city planning and undermines the zoning map as a structured planning tool.
- Harrison referenced the Evans vs. Teton County Supreme Court case, which confirmed that spot zoning can be considered inconsistent with comprehensive planning and serves as valid grounds for denial.

roll call vote:

Councilman Mike Wilder -	Yes
Councilwoman Becky Harrison -	Yes
Councilman Alex Espinosa -	Yes
Councilman Timothy Howe -	Yes

ACTION ITEM: Consider Approval of Greg Bird Hookup Reimbursement

Councilwoman Harrison made the motion to Approve Reimbursement for Greg Bird's Hookup Fee, seconded by Councilman Howe, roll call vote:

Councilman Mike Wilder -	Yes
Councilwoman Becky Harrison -	Yes
Councilman Alex Espinosa -	Yes
Councilman Timothy Howe -	Yes

Motion Passed

ACTION ITEM: Consider Approval for Somach, Simmons, & Dunn Request Participation in the Final Settlement Agreement on the ESPA-GWMA

Mayor Datwyler informed the council about the Eastern States Aquifer Coalition, which includes multiple cities with a stake in water rights.

The City of Rigby has consistently maintained membership to ensure it retains its share when the final water rights settlement occurs.

If the city does not renew its membership, it will lose any future claims in the settlement process.

The renewal costs approximately \$9,000, but the mayor was uncertain whether this fee is annual or paid every few years.

Councilman Wilder offered to reach out to get more information for this Council Board.

Tabled until next Council Meeting

ACTION ITEM: Consider Approval for Mexican Rodeo on Sunday June 1st, and Tijuana Sounds Rodeo on Sunday June 29th

Carl Anderson stated the city has been approached by 2 different groups wanting to do the Mexican Rodeo and Concert on Sunday June 1st and on June 29th. They would also like a date in September but Carl asked them to hold off until after the summer events.

Mayor Datwyler stated we have only allowed this the past 3 years on a Sunday night and there have been many complaints for noise. Mayor Datwyler and Mr. Anderson believe requesting the Concert ends by 9pm would be a decent compromise.

No Motion, Application as stands with a request they end the music by 9PM

10. ACTION ITEM: Second Reading for Ordinance #2025-653 Zone Change and Annexation – Approximately 750 Meadow Ave, Rigby, ID

**Councilman Wilder asked for the second reading to be done by Title only.
Seconded by Councilman Espinosa.**

Mayor Datwyler read, "CITY ORDINANCE NO. 2025-653 OF THE CITY OF RIGBY, JEFFERSON COUNTY, IDAHO. AN ORDINANCE AMENDING THE ZONING MAP OF HE CITY OF RIGBY AND ANNEXING CERTAIN PROPERTY IN THE CITY LIMITS IN COMPLIANCE WITH IDAHO CODE AND THE RIGBY PLANNING AND ZONING ORDINANCE. "

**Councilwoman Harrison made the motion to Approve Ordinance #2025-653 and waive the third reading, seconded by Councilman Espinosa,
roll call vote:**

Councilman Mike Wilder -	Yes
Councilwoman Becky Harrison -	Yes
Councilman Alex Espinosa -	Yes
Councilman Timothy Howe -	Yes

Action Item- Adjournment

Councilman Espinosa motioned to Adjourn, seconded by Councilwoman Harrison, motion carried. All in favor, aye.

MOTION GRANTED

APPROVED _____
Richard Datwyler, Mayor

Attest _____
Kiesha Keller, City Clerk