



# MINUTES

## REGULAR MEETING

### RIGBY CITY COUNCIL

THURSDAY September 18<sup>th</sup>, 2025

7:00 PM

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

The Pledge of Allegiance was given by Councilwoman Harrison and the prayer by Councilman Espinosa.

#### **ROLL CALL ATTENDANCE:**

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

#### **ALSO PRESENT-**

City Attorney, Sam Angell  
Director Of Public Works, Mitch Bradley  
Police Chief Allen Fullmer  
Planning and Zoning Administrator, Ione Hansen  
Library Director, Brittney Fielding  
Wastewater Treatment Plant Superintendent – Scott Humpherys

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#### **PUBLIC COMMENT -**

**Dennis Lybe** attended the meeting to express concerns about the City's water billing structure. He noted that some residents are charged a flat rate plus an overage fee if they exceed the base allotment, while others are billed only a flat rate. His concern is that during the winter months, many residents—including himself—do not use the full amount of water covered by the flat rate, and he feels it would be more equitable to be charged only for the water actually used, based on metered consumption.

**Jeff Frankum** expressed concern about vehicles being allowed to park on the road. He noted that children often ride their bikes in the street because they have no other place to ride, and the parked vehicles create blind spots that pose a safety hazard.

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## **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 – September 4<sup>th</sup>, 2025**

**Councilman Howe made the motion to Approve the Minutes for September 4<sup>th</sup>, seconded by Councilman Stone,**

### **B. Accounts Payable- September 2025**

**Councilman Howe made the motion to Approve the Accounts Payable bills as written, seconded by Councilman Espinosa,  
roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Timothy Howe -     | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilwoman Becky Harrison - | Yes |
| Councilman Reed Stone -       | Yes |

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## **ACTION ITEM: Sanitation Violation**

Mr. Humpherys informed Council that a commercial dumping company has been illegally discharging into the city's sewer system. He consulted with the State's Pretreatment Coordinator to determine what actions the City can take. As the superintendent, Mr. Humpherys stated he has the authority to issue fines at his discretion, both in number and amount.

The company in question has been discharging through a cleanout dug in the private yard of the business owner, which connects directly to a city manhole located in the alley behind the City Office. Although the company does use the treatment plant for proper dumping, they appear to be circumventing fees by using the unauthorized cleanout. There could be up to 28 violations.

The Public Works Water Operator has had to clean out the manhole multiple times, which raised suspicion. There is photo evidence of the illegal activity. Council agreed that issuing fines for four clear violations—given the business owner's awareness of proper procedures—would send a strong message and help prevent future infractions.

Council and Mr. Humphries agreed to proceed with enforcement on four violations.

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**ACTION ITEM: Consider Approval of Additional Costs from State Inspection for the Elevator**

**Action A:** Mr. Bradley has reached out to a contractor to do the work at the library but hasn't received a bid yet.

**Tabled**

**Councilwoman Harrison made a motion to amend the agenda to add a section B to this Action Item being the approval for the Urban Renewal funds for the updates for the library and we are amending the agenda because the meeting was just before this meeting and must be paid for before the next meeting. Seconded by Councilman Howe.**

**Action B:** Urban Renewal held a meeting earlier today and approved funding for several improvements to the library, including new carpet, interior paint, an ADA-compliant front door, and a new LED message board. Per Urban Renewal procedures, the City will pay the expenses upfront and be reimbursed by Urban Renewal. The total approved amount is \$50,323.17.

**Councilwoman Harrison made the motion to Approve the \$50,323.17 for updates for the library upfront and to be reimbursed from the Urban Renewal for the updates listed, seconded by Councilman Espinosa, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Alex Espinosa -    | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Reed Stone -       | Yes |
| Councilwoman Becky Harrison - | Yes |

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**ACTION ITEM: Brent Jones – Connection Fees for four-plex on 2<sup>nd</sup> South**

**Tabled**

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**INFORMATIONAL ITEM:** Dean Mortimer – Water

The Eastern Idaho Water Rights Coalition, represented by Dean Mortimer, Director Keith Esplin, and President Roger Warren, delivered an informative presentation on the evolution of water rights in Eastern Idaho and best practices for their use and management.

**Keith Esplin**, representing the Eastern Idaho Water Rights Coalition (EIWRC), outlined the organization's mission: to stay informed and engaged on water-related political, regulatory, and policy developments, including coordination with the Idaho Water Users Association.

He provided a brief history of water rights and usage in Eastern Idaho, emphasizing the ongoing challenges of balancing surface and groundwater use. Over the past two decades, significant negotiations have taken place between surface water users and groundwater pumpers to address aquifer depletion and drought resilience.

EIWRC was formed in response to growing concerns about water security in Eastern Idaho. In 2015, a landmark agreement was reached in which groundwater users committed to reducing pumping by up to 12%, while surface water entities agreed to contribute 250,000 acre-feet of recharge annually to support aquifer recovery.

While the agreement functioned for several years, compliance issues arose during drought conditions. Groundwater users interpreted the agreement as based on multi-year averages, but the courts ruled that reductions were required annually. In 2024, the region faced a critical impasse that threatened to shut off irrigation to hundreds of thousands of acres—posing severe economic and agricultural consequences.

A new four-year agreement was negotiated to avoid widespread curtailment. The current year marks year two of that deal. Esplin noted that a strong winter season is essential to replenish aquifers and maintain compliance. If recharge targets cannot be met next year, further cutbacks may be necessary.

New rules have been implemented for new developments, requiring that new subdivisions use surface water for irrigation where available. This change is part of broader efforts to conserve groundwater and manage aquifer recharge. It was noted that farmers currently use about 97% of the region's water, but cities also rely on these resources and are subject to many of the same regulations.

Discussion included the Nez Perce water rights agreement, which guarantees flow augmentation for salmon habitat. Under this agreement, over 400,000 acre-feet of water are released annually for salmon recovery. However, recent studies suggest that these releases have not produced measurable ecological benefits. The agreement is set to expire in nine years, and stakeholders are hopeful that renegotiation could redirect some of that water to address pressing regional needs.

**Roger Warner** addressed the impact of recent legislation concerning domestic wells, noting that it will significantly affect cities like Rigby. Under the new rules, new subdivisions and developments will no longer have access to water in the same way they once did and will increasingly rely on in-house municipal water systems. The State is encouraging greater use of canal water, which does not draw from the aquifer and helps preserve groundwater supplies.

Mr. Warner emphasized the need for cities to begin planning for a transition to canal-based irrigation systems. He pointed out that nearby cities are already operating dual systems—one for canal water and one for groundwater—to manage resources more effectively. Rigby has access to canal water and is already paying assessments on it, so it would be prudent to begin utilizing that resource more fully.

**Council scheduled a work meeting with the Eastern Idaho Water Rights Coalition (EIWRC) for October 23rd at 7:00 p.m.**

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**INFORMATIONAL ITEM: Michelle Mortimer – Water**

**Michelle Mortimer** from Rigby, Andrus & Rigby Law, PLLC handed out copies of the statutes she would be discussing. She explained that recent changes to domestic exemptions and related statutes have a significant impact on cities and planning policies. These include:

- **Idaho Code 42-111** – Domestic Purposes
- **Idaho Code 42-227** – Domestic Wells Exempt from Permit Requirements
- **Idaho Code 31-3805** – Delivery of Water into Subdivisions

She noted that state statute defines a subdivision as five acres or less. Cities can adopt a different definition in their own code, but Rigby currently does not have a separate definition—so the state's applies. Under the new rules, shared wells are now limited to in-home use only, and irrigation for outdoor use must come from canal water. These requirements are enforced by IDWR, and enforcement often begins with neighbor complaints.

The rules apply only to new development, but that includes new construction on existing lots within older subdivisions. If the property is located within the impact area, new builds must be compatible with future connection to city services.

Michelle Mortimer reviewed Idaho Code § 67-6537, which requires that available surface water must be used for irrigation. She also discussed Idaho Code § 67-6538, which states that if a property owner sells their water rights, the new owner has two years to compel the previous owner to reacquire them.

Michelle looked into Rigby's groundwater rights and found six or seven existing rights, most of which are municipal, meaning they can be used for any purpose within city limits. Rigby's current groundwater allocation is 13.15 cubic feet per second (cfs), which equals approximately 5,917.5 gallons per minute. She emphasized the need to identify uses for surface water, and noted that if the city's demand exceeds its current allocation, additional water rights will need to be secured.

Moving forward, she recommended a two-step approach:

1. Determine what water rights the city currently owns and how much is being used.

2. Establish what water resources developers will be required to bring in for new projects.

These two statutes give the city authority to revise its municipal code to better align with current water policy and planning needs.

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**ACTION ITEM: Consider Approval of Beer/Liquor License for Rigby's Patty Shack LLC**

**Councilman Stone made the motion to Approve the Wine and Beer License for Rigby's Patty Shack LLC, seconded by Councilman Espinosa.**

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**ACTION ITEM: Consider Approval of a Camera Maintenance Contract**

The Mayor explained that the City is seeking to hire a new contractor to restore the camera system to full functionality. Councilwoman Harrison noted that Ms. Keller had reached out to multiple vendors for bids but was only able to obtain two: one from the original installer, previously presented at the City Council Meeting on June 6, 2025, and another from Twisted Tech.

Council reviewed and discussed the differences between the two proposals. Although Twisted Tech's bid may involve slightly higher initial costs due to the time required to locate and resolve system issues, Council agreed to proceed with Twisted Tech under a cost cap of \$10,000 per fiscal year. All work will be approved through the City Clerk to ensure it remains focused on priorities and within budget.

**Councilwoman Harrison made the motion to Approve the Contract from Twisted Tech Not to Exceed \$10,000 per Fiscal Year, seconded by Councilman Howe, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Reed Stone -       | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilwoman Becky Harrison - | Yes |

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**ACTION ITEM: 3<sup>rd</sup> Reading of Budget Ordinance #2025-656**

**Councilwoman Harrison made the motion to Read the Ordinance by Title and Summary Only, seconded by Councilman Stone.**  
**All present voted "Aye". None Opposed. Motion was Adopted.**

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## **ACTION ITEM: Adopt the Budget Ordinance #2025-656**

**Councilman Howe made the motion to Adopt the Budget Ordinance #2025-656, seconded by Councilman Stone, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Alex Espinosa -    | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Reed Stone -       | Yes |
| Councilwoman Becky Harrison - | Yes |

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## **ACTION ITEM: Water and Wastewater Connection Fee Study**

The Mayor informed Council that the City's connection fees have been in place for a long time. To better understand how Rigby compares to other municipalities, he has reached out to neighboring cities. The Mayor and Mr. Bradley also contacted Keller and Associates to conduct a formal study, so that any future decision to adjust fees will be based on verified data and analysis.

**Councilman Stone made the motion to Accept the agreement for professional services between the City of Rigby and Keller and Associates for a study for the water and Wastewater Connection Fee not to exceed the \$39,280, seconded by Councilwoman Harrison, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Alex Espinosa -    | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Reed Stone -       | Yes |
| Councilwoman Becky Harrison - | Yes |

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## **ACTION ITEM: Rigby Wastewater Facility Planning Study 5<sup>th</sup> West Amendment**

Mr. Bradley explained that the City is receiving increased interest in annexation on the west side of town. Currently, each new development in that area installs its own lift station. The proposed study would help identify a central location for a single lift station that could serve multiple future builds, reducing redundancy and improving efficiency.

**Councilman Espinosa made the motion to Accept the Professional Services between the City of Rigby and Keller and Associates for a Study for Wastewater Facility Planning on 5<sup>th</sup> West Not to Exceed \$14,080, seconded by Councilwoman Harrison, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Reed Stone -       | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilwoman Becky Harrison - | Yes |

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**ACTION ITEM: Ordinance # 2025-657 Urban Renewal Termination of the District**

Mayor Datwyler explained that the Urban Renewal District in Rigby will terminate at the end of the calendar year. In order to formally close the District, the City must adopt an ordinance authorizing its closure. He clarified that while the District itself is ending, the Urban Renewal Agency will remain in place.

**Councilwoman Harrison made the motion to Adopt Ordinance #2025-657, seconded by Councilman Howe, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilwoman Becky Harrison - | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Reed Stone -       | Yes |

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**ACTION ITEM: Consider Approval for TVI to Manage US Bank Investments**

TVI serves as an Investment Coordinator. The City of Rigby currently holds approximately 86 separate investments, and tracking all the associated maturity dates has become increasingly difficult. To improve oversight and streamline management, the City has reached out to TVI for assistance in coordinating and managing a larger portion of its investment portfolio.

**Councilman Howe made the motion to Approve for TVI to Manage the US Bank Investments, seconded by Councilman Stone, roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilwoman Becky Harrison - | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilman Timothy Howe -     | Yes |
| Councilman Reed Stone -       | Yes |

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**ACTION ITEM: Proclamation for Suicide Prevention Month**

**Mayor Datwyler read the Proclamation for Suicide Prevention Month**

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**ACTION ITEM: Executive Session pursuant to Idaho Code § 74-206(1)(b) to consider the performance evaluation of city employees**

**Councilman Stone made the motion to Enter into Executive Session to Consider Performance Evaluation of City Employees, seconded by Councilman Espinosa, All present voted “Aye”. None Opposed. Motion was Adopted**

**Time Out: 9:03PM**

**Time In: 9:15PM**

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**ACTION ITEM: Council Discussion/Decision on Executive Session**

**Councilman Stone made the motion to Award the Public Works Director, the Chief of Police and The Treasurer/City Clerk for a 5% Salary Raise, seconded by Councilman Espinosa,  
roll call vote:**

|                               |     |
|-------------------------------|-----|
| Councilman Timothy Howe -     | Yes |
| Councilman Alex Espinosa -    | Yes |
| Councilwoman Becky Harrison - | Yes |
| Councilman Reed Stone –       | Yes |

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**Action Item- Adjournment**

**Councilwoman Harrison motioned to Adjourn, seconded by Councilman Stone, All present voted “Aye”. None Opposed. Motion was Adopted.**

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**APPROVED** \_\_\_\_\_  
**Richard Datwyler, Mayor**

**Attest** \_\_\_\_\_  
**Kiesha Keller, City Clerk**