

City Council Meeting

April 20, 2011



CITY OF
REXBURG
America's Family Community

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April 20, 2011

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

8:00 A.M. – 2:00 P.M. City Council drive around to review upcoming budgeted projects for 2011 and 2012.

The City Council took a few hours to visit with the staff and tour city construction projects including street projects. They started with a visit to the Police Department and the Fire Department; next they stopped by the Romance Theatre to see the new electronic sign and some of the ongoing remodeling inside the theatre.

Hospital: The Madison Memorial CEO, David Rowe spent some time with the City Council and Mayor Woodland explaining how the hospital is working with the outside world to bring healthcare to citizens in our community. An example of this type of medical service was explained. Madison Memorial doctors and staff worked with the Mayo Clinic doctors to provide outreach care for a Mayo Clinic patient going to school in Rexburg.



This service is provided locally through the application of high technology communications made available with fiber optics technology. Doctors from the Mayo Clinic were able to view the patient and her medical records via the electronic media to diagnose and prescribe treatment. Madison Memorial Hospital doctors used a robot with a built in monitor screen to allow an offsite doctor to take vital signs, etc. and have the results transmitted electronically to the doctor in another hospital for first hand analysis. This allows for a specialist to be available through the robot without paying to have a specialist on staff at the hospital. The City Council expressed their gratitude for the wonderful medical services provided in our community.

The Wastewater Treatment Plant was the next stop on the tour. The new bio-solids tower was recently installed to help with the volume of waste transmitted to the plant. They discussed the ongoing effort to stay up with the demand for the services needed at the wastewater plant. The drying beds were reviewed and discussed. The next improvement to the plant will lower the volume of product going through the drying process. The drying process can be drastically reduced or eliminated if a new process can be employed to move the waste to another process called “waste incineration” for electrical generation. The waste incineration process would produce a slag or fly ash byproduct.

The City Council reviewed some of the streets needing attention this year including 7th South where a wastewater pipeline is being installed. Another one of the streets in the review was 4th West which is located adjacent to a waterway (canal) lined with large trees. Public Works Director Millar explained the canal is located too far to the east and needs to be relocated a few feet to the west to allow 4th West to be maintained.

The next stop was the Riverside Aquatic Park on 2nd North. The facility is getting a lot of work completed including the lazy river and the lap pool. The tower platform for the high slides is being installed at this time. Warmer weather would help move the construction process along. There were workers finishing the concrete base in the lap pool, steel workers installing the slide tower, earth moving personnel and equipment digging holes and trenches to prepare the final stages of piping before the final grade work begins. It is going to be a wonderful addition to the recreation options in Rexburg.



The proposed East Belt Loop Teton River crossing in the transportation plan was reviewed. It is needed for an alternative to 2nd East access into Rexburg.

Lunch:

After lunch the City Council met with the Department Heads to take input on any capital projects being proposed for the upcoming budget year. Most departments were proposing budget requests to help make their departments more efficient. These requests will be heard in detail during the ongoing budget process to be concluded in September 2011.

Mayor Woodland thanked people for coming to the 7:00 P.M. meeting. He reviewed the morning meeting from 8:00 A.M. to 2:00 P.M. where the City Council toured the City of Rexburg to see the latest construction projects and to see where proposed projects are being planned for the upcoming budget year.

7:00 P.M. City Hall – Pledge to the Flag

Aaron Olsen led the Pledge of Allegiance.

Kelsi Jones from Virginia gave the opening prayer.

Roll Call of Council Members:

Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Sutherland, Council Member Egbert, Council Member Stout and Mayor Woodland.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes): – NONE

Presentations: – NONE

Committee Liaison Assignments for 2011:

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

Council Member Stout did not have a report.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

Council Member Egbert reported the Legacy Flight Museum is having a special meeting this Friday to plan for the June fly-in at the airport. The City Council visited the Parks and Recreation project (Riverside Park Aquatic Facility) today. The Aquatic Center is coming along. We watched workers install a concrete floor in the lap pool.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee*

Council Member Sutherland did not have a report.

D. Council Member Christopher Mann *Emergency Services Board · School Board · MYAB*

Council President Mann reported MYAB met at 5:00 P.M. tonight. They had a presentation from Venture Scouting about becoming a scout troop. It did not get any momentum. They are working on the Rexburg Film Festival in June. They are also working on Rexburg Pride Days planned in May. They sold concessions at the Upper Valley Idol event last Friday and Saturday evenings.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

Council Member Benfield reported on a meeting planned for April 21st at the Chamber of Commerce office from 4:00 P.M. to 6:00 P.M. The meeting is a first in a series of meetings with the Vision Committee on the vision for the Downtown area. It is that group of people plus many other people bringing ideas for the downtown area. It is a follow up on the pending decision from City Council on the left-hand turn lanes. She invited everyone to come to the meeting and provide input. Wal-Mart and the Chamber of Commerce are sponsoring a “clean up the downtown business area” on Friday and Saturday, April 29th and 30th. They will clean Main Street from 3:00 P.M. to 7:00 P.M. on Friday and 9:00 A.M. to 1:00 P.M. on Saturday. It will go from 3rd West to Smith Park on Main Street on Friday and on 2nd East from Horkley’s down to Main Street on Saturday. Wal-Mart employees will participate in the clean-up campaign. They plan to have at least 50 to 60 people involved. Mayor Woodland asked to advertise on the city’s web site and the Romance Marquee.

F. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*

Council Member Erickson reported Planning Zoning met two weeks ago. Item 8-A is on the agenda tonight from their meeting.

Public Hearings: – NONE

Items for Consideration:

A. **BILL 1067** Rezone 167 West Main Street from CBC to CBD.

Mayor Woodland reviewed the proposal. Johnny Watson at 1152 Bond Avenue was representing James Stevenson from the Medicine Shop. Planning and Zoning expanded the request to cover the north half of the block to comply with the Comprehensive Plan. It will allow the development of the lot in the proposal more favorable to the needs of the business to maximize the use of the lot. It will frame the lot in a better manner. It will be a two-story structure placed on an angle to take advantage of a long skinny lot.

Mayor Woodland asked how much sidewalk will be kept. Main Street will have a 7 foot blvd strip and an 8 foot sidewalk; 2nd West will have an 8 foot sidewalk. Council Member Benfield asked if it changed the parking spaces. Johnny Watson explained it only affected the placement of the building on the lot moving the building closer to the corner. The parking will not be changed. The parking exceeds the zoning ordinance requirements. Council President Mann asked about doing the whole half of the block. Council Member Erickson said it was decided because of the Main Street setback like the other businesses down Main Street.

Council Member Egbert moved to wave the rules to consider BILL 1067 to Rezone 167 West Main Street; including the north half of the block as recommended in Planning and Zoning’s public hearing from CBC to CBD; Council Member Sutherland seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

Council President Mann

The motion carried.

Council Member Egbert moved to final read and approve BILL 1067 to Rezone 167 West Main Street; including the north half of the block from Community Business Center (CBC) to Community Business District (CBD); Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.

Staff Reports:

A. Public Works: – John Millar

1. Replacing the sewer line on 7th South between 5th West and US-20 is under way. It should be completed rather quickly because they are on a tight schedule and a tight budget.
2. Wastewater treatment plant is under cleanup, finishing up some of last year’s projects. June 2nd is the next bid opening for equipment for the sludge press, the ultra-violet treatment, and the solar drying beds. Once the bids are received, they will come back to City Council to determine which direction to go with those bids. We currently chlorinate in the treatment process. Public Works is conducting an analysis on costs and effectiveness to determine if chlorinating would still be effective compared to the ultra-violet treatment. The city generates our own chlorine from salt. The equipment currently being used is 10 years old. There is salt damage to the equipment from the current methods being used.
3. Street project for 7th South and Pioneer Road is coming up for bid.

A. Finance Department: - Richard Horner

1. He asked if the 2nd Week of May is available for budget meetings. He will set up the department calendar after he gets their schedule.

Calendared Bills and Tabled Items:

A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:

1. **BILL 1067** Rezone 167 West Main Street from CBC to CBD.

B. BILL Introduction: – NONE

C. First Reading: Those items which are being introduced for first reading: – NONE

D. Second Reading: Those items which have been first read. – NONE

E. Third Reading: Those items which have been second read.

1. **BILL 1062** Hand-Held Wireless Telephones and Electronic Wireless Devices Prohibited Use in Rexburg: **“Drivers:** While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting. **Pedestrians:** No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.”

Mayor Woodland asked for a third reading of BILL 1062.

Council President Mann moved to third read [BILL 1062](#) prohibiting the use of Hand-Held Wireless Telephones and Electronic Wireless Devices; **“Drivers:** While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting; **Pedestrians:** No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.” Council Member Stout seconded the motion; Discussion:

Council Member Sutherland was concerned about the driving portion of the BILL. Today hands free operation is available for cell phone use. This BILL goes half-way to nowhere.

Council Member Benfield asked to reword the BILL to exclude the pedestrian portion. Laws are made to protect people from others; we ought to be able to protect ourselves from ourselves. The second concern is creating a law we don’t plan to enforce; the Police Department is kept very busy with existing enforcement issues. The third concern is pedestrian accidents are the responsibility of the driver.

Council President Mann disagreed with Council Member Sutherland stating the BILL needs to include only texting. He is not as concerned with talking while driving; texting is the real liability.

Council Member Sutherland said the BILL is going too far. It is a waste of good Police use.

Council Member Erickson said the BILL was rewritten the way it was discussed several weeks ago. We want to protect people; it is a public safety issue. The way it is written is the way to go. It should be approved.

Council Member Egbert said he also feels it is good the way it is written. Technically it is the driver’s responsibility; however, he and his wife witnessed a pedestrian hit while in a crosswalk; we want to stop texting and driving in Rexburg. Council Member Benfield agreed with prohibiting texting while driving.

Council Member Stout said he has heard the discussion that we want people to be responsible for themselves, but reckless pedestrians are not the only ones affected if they are hit in the crosswalk. It affects the drivers as well, especially if the pedestrian is killed. He wanted to look out for the drivers and the pedestrians. Mayor Woodland expressed a personal question of who is at fault. It should make us a little more careful and a little more aware.

City Attorney Zollinger explained a crosswalk entry by a pedestrian that is unexpected may move some responsibility to the pedestrian if the pedestrian is hit. We only require the rules to be followed; the insurance companies attempt to establish fault. It is how lawyers make their money. Council Member Erickson said this law is proposed to protect the pedestrian and the driver.

Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Erickson
Council Member Egbert
Council Member Stout

Those voting nay

Council Member Sutherland
Council Member Benfield

The motion carried.

1. [BILL 1065 creating Local Improvement District \(LID41\)](#) for the purpose of constructing and installing certain public improvements; describing the boundaries of the proposed improvement district and the property proposed to be assessed for the costs of the improvements.

Council Member Erickson moved to third read and approve **BILL 1065** creating Local Improvement District (LID41) for the purpose of constructing and installing certain public improvements; describing the boundaries of the proposed improvement district and the property

proposed to be assessed for the costs of the improvements; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table:
- NONE

Mayor's Report: - NONE

Consent Calendar: The consent calendar includes items which require formal City Council action; however, they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

Minutes, Bills, etc:

- A. April 06, 2011 meeting
- B. Approve the City of Rexburg Bills

Council Member Egbert moved to approve the Consent Calendar consisting of the minutes, and the city bill; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.

Adjournment

Attest:

Richard Woodland, Mayor

Blair D. Kay, City Clerk