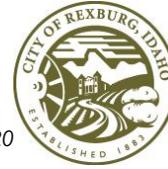


# Customer Support Services City Council Minutes

12 North Center  
Rexburg, ID 83440

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020  
Fax: 208.359.3022



CITY OF  
**REXBURG**  
America's Family Community

**December 06, 2006**

**Mayor Shawn Larsen**

**Council Members:**

Donna Benfield – Council President  
Farrell Young    Christopher Mann  
Rex Erickson    Randy Schwendiman  
Bart Stevens

**City Staff:**

Stephen Zollinger — City Attorney  
Richard Horner – Finance Officer  
John Millar — Public Works Director  
Val Christensen – Building Official  
Gary Leikness — Planning & Zoning Administrator  
Blair Kay — City Clerk  
Celeste Beattie – Deputy City Clerk

**7:00 P.M. – Pledge to the Flag**

**Council Member Young** explained the significance of tomorrow, Dec 7<sup>th</sup> for the benefit of the scouts at the meeting. He reviewed the anniversary date of the attack on Pearl Harbor 65 years ago. Those people fighting the war were once enemies; however, they are now friends and allies. On the news last night some of the Japanese pilots that bombed Pearl Harbor were there at a commemoration as friends and allies. Now, those veterans from both countries honor and respect each other. Time changes the way we view each other. It would be good if our government could talk to our enemies to work things out.

**Pledge of Allegiance:** Led by a one of the scouts in attendance.

**Council Member Young** explained that Mayor Larsen was out of town and wished to be excused. Also, Council Member Benfield asked to be excused this evening.

Each scout was invited to introduce themselves and tell the City Council which scout troop they represented. Scout Troops 656 and 301 were represented at the meeting.

**Roll Call of Council Members:** All Council Members were present except Council President Benfield.

**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.

- A. Minutes from November 15, 2006 meeting
- B. Work meeting minutes from November 10, at 9:00 A.M./November 15, at 7:00 A.M.
- C. Work meeting minutes from November 29, 2006 at 7:00 A.M.
- D. Approve the City of Rexburg Bills

**Council Member Erickson** moved to approve the Consent Calendar; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

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

**Committee Liaison Assignments for 2006:**

A. Council Member Chris Mann *Parks & Recreation*· *Museum Committee*· *Romance Theatre Committee*  
**Council Member Man** – Nothing to report.

B. Council Member Donna Benfield *Beautification Committee*· *Police Department*

**Council Member Benfield** – Asked to be excused.

C. Council Member Rex Erickson *Airport Board*· *Planning & Zoning*

**Council Member Erickson** – Nothing to report.

D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

**Council Member Schwendiman** – Nothing to report.

E. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*

**Council Member Young** – Nothing to report.

F. Council Member Bart Stevens *Trails of Madison County· IBC Committee*

**Council Member Stevens** – Nothing to report.

G. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

**Mayor Larsen** – Asked to be excused.

### Public Hearings:

#### 7:15 P.M. – Annexation & Rezone

##### 1. 40 acres between Millhollow Road and 2<sup>nd</sup> East – Eaglewood Enterprises

**Planning and Zoning Administrator Gary Leikness** explained Judy Hobbs, the applicant's realtor asked to be excused due to unavoidable circumstances. He continued his presentation on the overhead.

We have these four areas to consider tonight to be annexed into the City of Rexburg. All four areas were reviewed before the Planning and Zoning Commission on November 16<sup>th</sup>, 2006. He referred to the unapproved minutes, noting they have been recommended for approval with some conditions attached. The first area to be considered was the area with forty acres. It is currently zoned Transitional Agriculture One (1). The applicant wishes to be annexed into the city and have the zoning changed to LDR 1. The Rexburg Comprehensive Plan allows for low to moderate residential density in this area. City services are going to be available through a development agreement. During the Planning Commission meeting, a condition was raised. The annexation would be final once the agreement was made between the applicant and the city for the dedication of the right-of-way for 7<sup>th</sup> South. Judy Hobbs' representative mentioned they would be okay with this condition. Planning Administrator Leikness added to the text "annexation would be final when agreements are entered into; but no later than 90 days."

**Council Member Young** opened the public hearing.

Those in favor of the proposal - NONE

Those neutral to the proposal - NONE

Those against the proposal - NONE

**Council Member Young** closed the public hearing.

Discussion:

**Council Member Mann** was concerned with growth without addressing city parks and transportation plans. We certainly want to see this area grow; however, "are we doing this wisely and prudently?" There are three issues that we are not addressing. They are 1) urban sprawl, 2) open spaces and 3) transportation issues. He challenged City Council to move forward as fast as we can while making sure the city knows exactly what is wanted or the city will end up with nothing but subdivisions for the future.

**Council Member Erickson** said that he thought the comprehensive plan recommends residential growth in this area. Council Member Young said a city park is not in this area on the comprehensive plan. 7<sup>th</sup> South is addressed in the comprehensive plan. Council Member Mann simply wants to make good solid plans for the future.

**Council Member Erickson** said the city has discussed parks in other subdivisions. It's a two edged sword. Over a hundred homes in a subdivision require a park; however, where do we get the money to do it. Do we stop all progress or do we take and put the money we get out of impact fees towards parks. Council Member Mann said that he was not opposed to growth; he just wanted to move forward wisely. He wanted to leave open space for parks and space for roads. People enjoy the open space in Rexburg and before we fill them all up; "are we thinking about the quality of life for Rexburg?"

**Council Member Schwendiman** reviewed the curved road around the terrain allowing the road to intersect with Millhollow Road. Public Works Director Millar said the right-of-way

is 100 feet for 7<sup>th</sup> South; which happens to be the requirement. He wants to do a study for a regional pumping station for waste water plus a storm water facility in the area.

**Council Member Stevens** followed up by saying nothing will be developed until the Public Works Department has a long term Master Plan.

**Council Member Stevens** moved to approve the annexation request with the condition the applicants agree to provide the right-of-way for 7<sup>th</sup> South as it has been master planned at no cost to the city with an LDR1 Zone; Council Member Mann seconded the motion:

Discussion: Noting the 100 foot right-of-way. All voted aye, none opposed. **The motion carried.**

2. **Parcel at 801 West Main Street** – Sally Smith
3. **Parcels at 40 & 42 Pioneer Road** – Ms. Niederer

**Sally Smith** at 460 Rolling Hills Drive in Rexburg said the city asked this property to be annexed as it is in the airport overlay zone. They are in a negotiation with the city to sell the property to the city. It is comprehensive planned for commercial development. They have been sitting on the negation process for a year now; while the wheels of progress turn slowly. She is anxious to have some closure.

**Sally Smith** is also representing Ms. Niederer who was not able to attend. Ms. Niederer's main concern is that she would like to remain in her home with a life estate. It is comfortable and a good location for her. Ms. Smith said we do not oppose the annexation. She wished things could move along as she has waited 6 years.

**Council Member Young** opened the public hearing.

Those in favor of the proposal - NONE

Those neutral to the proposal - NONE

Those against the proposal - NONE

**Council Member Young** closed the public hearing.

Discussion:

**Council Member Erickson** asked if the agreement for the city to purchase the properties has been formalized yet. Public Works Director Millar is waiting on a second appraisal from their appraiser.

**City Attorney Zollinger** said negotiations with the Smiths and the Niederer's would happen irrespective of whether the property is in the city or in the county.

**Council Member Erickson** moved to approve the annexation of the three parcels with two owners in area one with the existing zone, Rural Residential One (RR1); Council Member Schwendiman seconded the motion; all voted aye, none opposed.

**The motion carried.**

4. **Parcels at 883 South 12<sup>th</sup> West** – Frandsen

**Planning and Zoning Administrator Leikness** explained the area on the overhead screen. The area north of University Blvd would like to be annexed into the city limits. The current zoning is Community Business Center (CBC) Zone. They would like to maintain the existing zoning which meets the comprehensive plan. The Planning Commission recommended annexation with the existing zoning on the condition that the building would be brought up to design standards. The Design Review Committee did not have their recommendations followed.

**City Attorney Zollinger** asked if the City Council was inclined to annex this property with a restriction. He would advise City Council to avoid the condition requiring the current design standards; however, the design standards agreed to by the Design Review Committee would be applicable.

**Council Member Young** opened the public hearing.

Those in favor of the proposal - NONE  
Those neutral to the proposal - NONE  
Those against the proposal - NONE

**Council Member Young** closed the public hearing.

Discussion:

**Council Member Mann** asked City Attorney Zollinger how the standards would be enforced if the property was annexed. City Attorney Zollinger said the city has already sent the compliance officer out to the property. When the county was asked to follow-up on the inspection of design standards, they were not able to enforce the city's code in their impact area. Now, if the property is annexed, the city will be able to enforce their original agreement with us. We are simply restating the original agreement we made with them before they recognized the need to be annexed.

**Council Member Erickson** explained the applicant came to Planning and Zoning on behalf of the county to get the building approved. Planning and Zoning applied building design standards to the building and the county agreed; but failed to apply the city's design standards for this building. The county has failed to put design standards in place at the county level. The applicant built the building as they desired. Once they had the building with county approval, they wanted to be annexed into the city for city services. Planning and Zoning gave them the instructions on bringing the building up to design code but the county did not require a design standard. Planning and Zoning made their recommendations that the city annex this building under the condition that they bring the building up to design standards presently in effect. Finance Officer Horner confirmed this recommendation by Planning and Zoning.

**Council Member Erickson** added the city is creating an island, which the City Council agreed we would not do. His example was two properties on University Blvd; the propane company and a bulk fuel plant. We have created an island off of University Blvd that is not in the city. Sometime the city will have to step up and stop building islands and annex the whole piece. He was opposed to creating islands. Council Member Young asked if anyone had approached the property owners on this matter. City Attorney Zollinger said they were approached on a prior annexation but not this one. At that point there was no incentive to bring in a propane distributor and a gasoline bulk distributor into the city. The city could not offer them any amenities. As this has already gone through full publication, which is what costs the city money, we would not be able to allow any piggybacking.

**Chairman Winston Dyer** of Planning and Zoning said Planning and Zoning does not like to have islands either. The first question they always ask is "have the others been appropriately invited and contacted." This is our normal protocol; however, it failed to happen this time. Council Member Erickson said we should try to annex them in the near future.

**Planning and Zoning Administrator Leikness** asked if they prefer to wait for requests or force an annexation. Council Member Erickson said it would be a good idea to ask them to piggyback on another annexation request if it comes about. Council Member Young confirmed his feelings to invite people to annex into Rexburg.

**Council Member Schwendiman** asked if city services would be provided to Bowen Oil and the propane company. Council Member Erickson noted they were not on city services. The services are in the area; however, they are not hooked up. City Attorney Zollinger and Public Works Director Millar explained the city can require them to hook up city sewer if annexed; however, they can use existing wells for water inside the city.

**Council Member Stevens** asked how this property is currently zoned. It is currently CBC zoning.

**Council Member Schwendiman** moved to annex parcels at 883 South 12<sup>th</sup> West as advertised with the condition to bring the new building up to previously agreed upon design standard by the applicant, the Design Review Committee & Planning and Zoning; Council Member Erickson seconded the motion; Discussion: The annexation will be rescinded in eight (8) months if building is not in compliance with design standards. All voted aye, none opposed. **The motion carried.**

**5. Parcel is a portion of the Harvest Heights Addition Division No. 2B**

**Richard Smith** noted this subdivision has been approved and recorded. The reason it was not annexed earlier is because he did not own this portion at the time of the subdivision approval. The land owners moved forward with an agreement that this subdivision would be subsequently added and included in an annexation. That agreement has been concluded. The Kauer's who owned this parcel are signators on the final plat and they have agreed to give to the city this portion of 7<sup>th</sup> South. It is a clean up effort to get the total plat into the city.

The existing zone is TAG1 with a request to zone as RR2. The surrounding properties are similarly zoned.

**Council Member Young** opened the public hearing.

Those in favor of the proposal - NONE  
Those neutral to the proposal - NONE  
Those against the proposal - NONE

**Council Member Young** closed the public hearing.

Discussion:

**Council Member Mann moved** to annex a portion of the Harvest Heights Addition Division No. 2B as proposed with RR2 Zone as requested; Council Member Stevens seconded the motion. All voted aye, none opposed. **The motion carried.**

**8:00 P.M. – Adopt new fees for sanitation collection – Richard Horner**

**Public Works Director Millar** explained **RESOLUTION NO. 2006 – 13.**

**Garbage Collection Fees**  
Effective Date: January 1, 2007

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, ADOPTING A NEW RATE SCHEDULE FOR GARBAGE COLLECTION FEES.

WHEREAS, the County Commission has raised dumping fees at the Madison County transfer station by 20%; and

WHEREAS, the City Council desires to maintain the overall quality of life experienced by its constituents; and

WHEREAS, the City Council desires to collect from all garbage collection system users an equitable user fee that reflects their appropriate share of operating costs, depreciation and debt service;

NOW THEREFORE, be it resolved by the Mayor and the Council of the City of Rexburg, effective January 1, 2007, the garbage collection fees to be charged monthly shall be:

CONTAINER SIZE	PICKUP FREQUENCY	NEW RATE	OLD RATE
90 Gal CAN	Weekly	\$16.00	15.00
90 Gal CAN	Bi-weekly	\$10.00	9.50
1.5 Yd BIN	Weekly	\$36.00	34.00
2 Yd BIN	Weekly	\$43.00	40.00
3 Yd BIN	Weekly	\$56.00	52.00

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF DECEMBER, 2006.

CITY OF REXBURG  
Madison County, Idaho

By \_\_\_\_\_  
Shawn Larsen, Mayor

ATTEST:

---

Blair D. Kay, City Clerk

**Public Works Director Millar** explained Madison County raised the tipping fees at the transfer station to cover county cost increases. This item has been discussed at an earlier meeting to set the public hearing date. The county raised the tipping fees about \$80,000 at the transfer station for the city.

**Council Member Young** opened the public hearing on sanitation fees.

Those in favor of the proposal - NONE

Those neutral to the proposal - NONE

**Karen Arritt** at 98 Marigold Street explained she was both neutral and opposed to the proposed sanitation fee increase. She was representing the Millhollow Mobile Home Park Community.

Karen understood the increase in fees from the county. The city fees just increased October 01, 2006. She has five dumpsters with five dumps per week. She does two additional dumps to the transfer station per week with her own pickup. She has recently replaced her dumpsters with new dumpsters. Her community complies with city ordinances and rules. Residents outside her community are dumping into her dumpsters. She has paid \$1,200 per month before the last increase, now she will be paying \$1,360, if fees go up. It is a fairly large increase within 6 months. She is concerned others will be using her dumpsters because the costs are going up. The city is out of stickers to put on her dumpster warning of illegal dumping. She has signs referring to the city ordinance prohibiting illegal dumping. She has gone to signs that warn of video surveillance. She has pulled out construction waste, carpet, appliances, a vinyl bed liner, etc.; it is stuff that can't be in the dumpster for city pickup. Karen uses her pickup to take the excess garbage to the transfer station. She has a problem with people dumping illegally in her dumpsters. The \$300 penalty for illegal dumping is not enforced. She asked the City Council to help businesses control illegal dumping. It is not new, it is an increasing problem. The five dumpsters for her development are in one enclosure.

**Council Member Young** asked if the owners could have their own dumpsters. There are 149 residents. They would need containers for each one.

**Council Member Erickson** understood the issue. It is a problem in other areas of the city. Council Member Stevens ran some numbers and estimated the individual garbage can fees would be more than keeping the community dumpsters. City Attorney Zollinger said the city does enforce the \$300 fine. There have been occasions where the city required someone to pull illegal garbage out of a dumpster. Karen said the police officers would not enforce the fine in the past.

**Council Member Schwendiman** said the fund is an enterprise fund, so the city has to cover the expenses for the fund to be self sustaining. She asked the City Council to enforce the ordinance and publicize the fee for illegal dumping. Council Member Schwendiman stated it is a problem; the bigger the dumpster, the bigger the problem.

**Public Works Director Millar** said large items (mattresses, rolls of carpet, appliances) are a problem in a dumpster. Council Member Erickson said people are illegally dumping into private dumpsters to avoid the fee at the county transfer station.

**Karen Arritt** asked to have the fine advertised in the paper and she requested the city to enforce the fine for illegal dumping. She asked the City Council to help keep her costs down by policing illegal dumping.

The City Council discussed the recent increase in Rexburg's sanitation fees due to inflation. Council Member Schwendiman said the city should fine violators; otherwise the dumping will continue. Council Member Young said an ad should be placed in the newspaper and signs installed on the dumpster telling the public the fines will be imposed for illegal dumping.

The City Clerk will write up a notice for the newspaper.

**Those against the proposal:** Karen Arritt was opposed as previously discussed.

**Council Member Young** closed the public hearing.

**Council Member Erickson** asked for more information on the details of the expenses on the enterprise fund. Public Works Director Millar provided some new detailed information on the sanitation enterprise fund to the City Council.

**Council Member Mann** said small containers would be a problem because the homes don't have storage areas for the dumpsters. He said \$44,211 was paid this month for tipping fees to the county.

**City Attorney Zollinger** explored the idea of recycling to cut the weight down on city garbage taken to the transfer station.

**Public Works Director Millar** said recycling is not cost effective for Rexburg. He has contacted vendors; however, they said the area is too small to be profitable. City Attorney Zollinger asked if drop zones for glass would save money. Public Works Director Millar explained this area is too far away from a re-use area. The recycled material like newspapers and glass would have to be shipped to the coast for recycling.

**Council Member Mann** moved to adopt the new sanitation fees as proposed; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

**Follow-up:**

**Council Member Young** asked the staff to label the dumpsters with the illegal dumping sticker and make sure the public is well notified of the penalties. Fines need to be imposed when there are infractions or violations. Council Member Schwendiman concluded stating if the city does not penalize violations, the violators will not stop illegal dumping.

**New Business:**

**A. Preliminary Plat – Valley View Subdivision, Division 6, Phase 3**

**Council Member Stevens** asked to be excused due to a conflict.

**Public Works Director Millar** presented on the overhead. They are adding 10 lots to complete a corner of the project. As part of the project the developer is dedicating 50 feet of right-of-way for Sunrise Drive. They will build their portion of Sunrise Drive as it is adjacent to Crest Haven. The city will need to make plans to pave the other half of the road. This could also be done in conjunction with an LID.

**Richard Smith** asked what the width would be for Sunrise Drive. Public Works Director Millar said he could not say at this point. It is currently 80 feet wide. There has not been any design on the road yet. It is on the comprehensive plan.

**Council Member Mann** asked about getting more right-of-way at the church on Sunrise Drive and 2<sup>nd</sup> East. The sidewalk at the church narrows up a lot. He is worried about the right-of-way needed by the church. Public Works Director Millar said the city does need to get more right-of-way at the church. Some preliminary drawings were done several years ago that would provide additional right-of-way without impacting the church parking lot.

**Council Member Erickson** understood the developer had been given plenty of clearance for the road right-of-way. The right-of-way for the church will be addressed in another meeting. It has nothing to do with this particular proposal. Plenty of room as been provided on the north side of Sunrise Drive to build a five lane road. The problem is not with this proposal; it is with city, the church, and the neighbors on the north side of Sunrise Drive getting the right-of-way the city needs for a five lane road.

**Council Member Schwendiman** asked when the proposed road construction on Sunrise Drive would be finished from 2<sup>nd</sup> East to the end of Sunrise Drive. Public Works Director Millar explained the road construction on Sunrise Drive would be completed next year with

the road portion that is on this plat. Council Member Schwendiman suggested doing the engineering and finishing the road widening past the church and the north half of Sunrise Drive at the same time so there wouldn't be half a road left to finish. The City Council discussed a few other areas where only half of the road was completed in the past (7<sup>th</sup> South was one example.)

**Richard Smith** asked about the width of the right-of-way on Sunrise Drive. Public Works Director Millar said the way it is situated right now there is 50 feet on the south side and 30 feet on the north side of Sunrise Drive. It gives the city a total of 80 feet to work with at this time. The narrower width would be a constricted width without a green strip on each side of the road; however, it would be ideal to have 100 feet of right-of-way.

**Richard Smith** verified the city had 50 feet on the south side and 30 feet on the north side. Public Works Director Millar explained the final decision has not been made on the final width (80 or 100 feet) of the road going west through the university. .

**Council Member Erickson** understood the city had the necessary dedicated right-of-way. It would take out a shed at the last house at the end of Sunrise Drive and some pine trees at the church. Public Works Director Millar reiterated the dedicated right-of-way on the north side of Sunrise Drive is 30 feet from the section line (center of the road). Richard Smith believed the Church would be very supportive of the improvement to Sunrise Drive.

**Council Member Mann** moved to approve the preliminary plat for Valley View, Division 6, Phase 3. **Council Member Schwendiman** seconded the motion; Discussion: Planning and Zoning Administrator Leikness explained Planning and Zoning had some conditions for this preliminary plat like the curb and gutter, no street access, and the name of the cul-de-sac. Council Member Mann amended his motion to include installation of curb and gutter and sidewalks along Sunrise Drive to city standards, no access from the lots along Sunrise Drive, and the cul-de-sacs shall be named prior to final platting; Council Member Schwendiman concurred with the change to the motion; all voted aye, none opposed. **The motion carried.**

**Council Member Stevens** re-joined the City Council on the Dias.

#### **B. Discuss request for an Airport Hangar – Alex Chester**

**Alex Chester** at 205 Nez Pierce in Rexburg has been trying to secure permission to build a hangar at the airport. The plot is next to David Wood's hangar. He has contracted with a local contractor, and the lot has been leveled. The builder asked the city for a building permit. This has brought up a number of difficulties regarding building regulations. One of the problems: hangars need to be 30 feet from the nearest structure or there will be a need to have a four-hour fire wall between buildings. In other words, each structure must have a two-hour firewall if they are less than 30 feet apart. The adjacent neighbor was not required to put in a two-hour fire wall. Mr. Chester is now stuck paying for a four-hour firewall to compensate for the difference. He is trying to look at other options to avoid creating an additional burden for the city. He has asked the city for another location that would not have a firewall conflict. The new location would need one two-hour firewall on the south side of the building according to Mr. Chester. He is willing to relocate his building; however, he has not been able to get the full Airport Board to approve the new location because the chairman of the Airport Board has been out with an illness. The Airport Board has not provided a final decision on this option. Mr. Chester's immediate problem is out of pocket expenses of \$30,000 for the down payment on the building and storage expenses. He will not be able to build his hangar until next spring. Additionally, the items he was planning on storing in this building are being stored elsewhere at \$200 a month. He is also worried about the structure laying out in the open and possible rusting and not working correctly. This is his current situation and he asked the City Council where he should go from here.

**Council Member Young** first expressed his gratitude to Mr. Chester for recognizing the City Council could not change the building code. Second, he asked if Mr. Chester received approval on the site, would he build during the winter. Mr. Chester said he would if the contractor could do the work in the winter. Third, to avoid bypassing the Airport Board, Council Member Young would like to defer to the Council Member representative for the Airport Board.

**Council Member Erickson** asked Alex Chester to go back to the Airport Board for a decision on the plot for his hangar. The board can have a meeting next week on behalf of Mr. Chester's request. The City Council looks to the Airport Board Committee as the governing board. Council Member Erickson said they wanted to accommodate Mr. Chester any way they could, but it should go through the Airport Board first. Council Member Erickson added the proposed new hangar location would require three sides of the building to have a two-hour firewall to allow for additional hangar space for the surrounding lots in the future.

**Alex Chester** asked about the wall the faces the west. Council Member Erickson said that he thought this was a taxi way.

**City Attorney Zollinger** said the Airport Board requires all hangars to have a standard two-hour rated firewalls on three walls. He added the Airport Board may not want to limit the ability of the Airport Board to relocate the taxi way.

**Alex Chester** explained he has been to the Airport Board and they Okayed moving his hangar to the north end of the airport. Public Works Director Millar explained the approval was done in a meeting in the annex building a month and a half ago. It was presented as a possible alternative; however, this was not a decision they could make in that meeting. The proper approval needs to be given by the Airport Board. Mr. Chester then clarified he just needs to pick a spot and build three firewalls.

**City Attorney Zollinger** said the policy is to build three two-hour firewalls. Mr. Chester needs to approach the board and explain his situation to his contractor. Mr. Chester said he did not care were his hangar was located on the airport.

**Council Member Erickson** expressed his appreciation to Mr. Chester for being so cooperative and reiterated that a decision on this matter is in the hands of the Airport Board.

**City Attorney Zollinger** said this was a discussion tonight to clarify if Mr. Chester could clarify things without going back to the Airport Board. Council Member Erickson said the Airport Board will set up a meeting for Mr. Chester; even if he is the only agenda item, they will hold the meeting.

**Report on Projects:** John Millar

1. **Public Works Director Millar** updated the City Council on the transfer of the construction debris from Dale's Jewelry demolition site to the land fill at Jefferson County. EPA signed the approvals.
2. City Hall got a new PVC membrane roof.
3. Police building retrofit on heating equipment is in for bid. The police station has an unbalanced heating system with heat & cooling running at the same time. A mechanical engineer was hired to do a study of the heating and cooling system in the building. Some problems were identified. To correct the problems, some re-ducting is needed for proper air flow. One air-conditioning unit freezes up and drips through the ceiling due to the poor ducting. The front of their building has three furnaces. These furnaces could be switched over to a gas fired furnace. The newer rear portion of the building has smaller combination heating/ventilating units for the upstairs and downstairs areas. These units would be difficult to switch over to gas due to venting problems. Council Member Schwendiman asked if the city did a utility bill savings study. He asked if the repairs were in the budget. Public Works Director Millar explained the repairs were not budgeted. The funding for repairs would come out of contingency monies. The City Council discussed the budgeting process. They would prefer to have these known items budgeted instead of using contingency monies. Council Member Erickson explained it is a problem to draw down the contingency fund. He wanted to preserve the contingency monies to the end of the year. City Attorney Zollinger explained the system failed in August and the department heads do the department budgets in May. Council Member Erickson indicated the repairs should have been added to the budget.
4. The North Hill Road area is being cleaned to avoid flooding like last year.
5. 268 tons of salt has been delivered for mixing with 10,000 pounds of calcium magnesium for winter snow storms. The city has purchased stainless steal

bins to help work with the salt applications to the roadways. Sand is coming from Walter's Concrete to mix with the salt.

6. Animal cages will be installed around the first of 2007 at the animal shelter.

**Calendared Bills and Tabled Items:**

**A. BILL Introductions:** - NONE

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

**C. Second Reading:** Those items which have been first read.

1. **BILL 975** – Rental Registration Requirements

**Karen Arritt** at 98 Marigold Street asked about mobile homes or trailer parks. She has concerns with wording in the BILL on parking. A 20 year renter has more than two vehicles in the mobile home park. The wording was clarified. It should not be a problem in the Mobile Home Park. Council Member Young did not see a problem

**Jessica Pace** President of Rexburg's off campus housing represents 651 students. She wants to have a committee formed to work through the BILL together. It would be helpful to her as well as many others. Their off campus housing association wants to be part of the solution. She gets discouraged because her opinion is not sought out by the city. She asked to have the second reading postponed until the committee is formed.

Their organization is called Student Housing Alliance of Rexburg (SHARE). Virginia Pratt was the past president.

**Council Member Erickson** asked if she had problems with the BILL. She was concerned with far larger implications like when would the BILL go into effect. Council Member Erickson said it would be helpful to disclose the parking availability in the student's housing contract.

**City Attorney Zollinger** indicated the BILL would take effect on April 01, 2007. Council Member Young asked Jessica to read the BILL and come to the third reading on December 20, 2006 for recommended changes to the BILL.

**Council Member Mann** said the BILL protects apartment owners. The BILL is not new. The BILL was written to protect the associated parties in housing contracts.

**Council Member Young** said the City Council was trying to address all of the apartment owners concerns. Council Member Erickson wanted their association to be actively involved in the process. He appreciated Virginia Pratt's diligence working with the City Council to address apartment owners concerns. (Virginia Pratt contacted City Council at a previous meeting with proposed language for BYU-I Approved Housing Contracts. She was representing her own interests as an apartment owner).

**Council Member Erickson** moved to approve the second reading of BILL 975 for "Rental Registration Requirements;" Council Member Schwendiman seconded the motion; Discussion: Council Member Young explained changes to the BILL could be done on the 20<sup>th</sup> of December at the third reading. All voted aye, none opposed.

**The motion carried.**

**D. Third Reading:** Those items which have been second read. – NONE

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

**Mayor's Report:** - NONE

**City Attorney Zollinger** asked to go into executive session for pending litigation. **Council Member Young** called for a motion to go into executive session. **Executive Session:** – Pursuant to State Statute 67-2345

**Council Member Stevens** moved to go into executive session pursuant to State Statute 67-2345; Council Member Schwendiman seconded the motion; Council Member Young called for a roll call vote:

**Those voting aye**  
Christopher Mann  
Farrell Young  
Rex Erickson  
Randy Schwendiman  
Bart Stevens

**Those voting nay**  
None

**The motion carried.**

**Executive Session  
Executive Session Ended**

**Adjournment**

---

Council Member Farrell Young

Attest:

---

Blair D. Kay, City Clerk