

Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

July 19, 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
Kurt Hibbert — Planning & Zoning Administrator
Blair Kay — City Clerk

7:00 P.M. – Pledge to the Flag

Council President Benfield welcomed the Scouts to the meeting. They were working on Citizenship in the Community merit badges. She welcomed students to the meeting from the university.

Roll Call of Council Members: Mayor Larsen and Council Member Erickson were excused from the meeting. The rest of the City Council members were present.

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 June 21, 2006, July 05, & July 10, 2006 meetings
- B. Approve the City of Rexburg Bills

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

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

Presentations: - NONE

Committee Liaison Assignments for 2006:

- A. Council Member Chris Mann *Parks & Recreation · Museum Committee · Romance Theatre*

Council Member Mann reported Parks and Recreation Committee met last Thursday concerning Hidden Valley Park. They met with the neighbors from Hidden Valley to work towards presentable city parks. The Romance Theatre Committee met last Thursday to plan upcoming fund raising events like "Upper Valley Idol." He met with Chris Fox to finalize the donation form for the Museum Committee. The Museum Committee is working on transferring video records to DVD technology.

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

Council Member Benfield reported the Beautification Committee met last Friday to select Beautification Award recipients. The awards will be given out monthly for homes and businesses through the summer. There are new city park signs and flower planters being installed. The

Beautification Committee discussed landscaping in the city. They recommended enlarging the Legacy Flight Museum sign. They discussed getting the alleys cleaned up.

C. Council Member Rex Erickson *Airport Board· Planning & Zoning* – NONE

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

Council Member Schwendiman reported the Emergency Services Board met to work on the budget. They are working on a fire truck purchase in the 2006 budget for about \$170,000.00. They are planning a meeting with BYU-I on personnel issues. The Traffic and Safety Committee does not meet until later in July or August.

F. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council* Tabernacle fees

Council Member Young reported the Committees are meeting and all is well.

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

Council Member Stevens met with the Building Department and they are busy reviewing site plans and building plans. The temple's placement on the final site-plan was reviewed. The temple height will be increased an additional forty one feet from the current steel structure to complete the steeple section.

H. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum* – NONE

Public Hearings: - NONE

New Business:

A. Adopt tentative 2007 budget & set the utility fees date for a Public Hearing – Staff **Finance Officer Horner** reviewed the tentative budget with City Council. He asked City Council to hold a Public Hearing August 02, 2006 at 7:00 A.M. He reviewed the summary numbers for the budget. There is a \$200,000.00 to \$300,000.00 increase in the street maintenance budget over last year's numbers. Large capital projects are the following:

1. Downtown revitalization for this year and next year is \$1.3 Million.
2. Street Impact Fee fund.
3. Capital reserve fund for the south water tank and a new city water well. \$1.5 Million.
4. LID 35 will be done this year and next year.

The net budget will be closer to twenty to twenty two million dollars after netting out the transfer fund amounts.

Council Member Young asked Finance Officer Horner to show the last increase for these funds. The last fee increase for water fees was done in the year 2000. The last increase for the sewer fee was in the year 2005. The last increase for the sanitation fee was in the year 1999. The city hookup fees for water and sewer were increased August 03, 2005. The proposed effective date for the water and sewer fees is October 01, 2006. The proposed increase for the water rates on an average home is 3.9%. The proposed sewer rate increase is 7.5% and the garbage increase is 7.1%. The overall average increase would be 6.5%, if approved. The proposed increases are to cover utility (gas & fuel) cost increases.

These city departments have not increased personnel.

Council Member Schwendiman would like to review the new positions in the budget before they are hired. He asked if the budgeted positions were approved when the budget is approved. Financial Officer Horner explained "normally it does." Council Member Schwendiman said he would not approve the budget if the new positions are approved by approving the budget. He will only approve the budget if the hiring approvals come back to City Council for approval. Finance Officer Horner said the position requests could come back to City Council for approval.

Council Member Benfield recommended including the request in the motion to approve the budget. Finance Officer Horner said it would be a change in practice. The motion would stipulate the requirements for approval of the new hires in the budget.

Council Member Mann would like more information on the new hires that are in the budget. One of the positions (Electrical Inspector) was approved by the City Council in a motion from a previous meeting. Council Member Schwendiman was not ready to approve the new positions by approving the budget. Finance Officer Horner said this approval is for the tentative budget with the final budget being approved August 02, 2006. Council Member Schwendiman was not satisfied City Council had made a final determination to hire the new positions even though they were in the budget. Finance Officer Horner noted the electrical inspector had been approved by the City Council. Council Member Schwendiman wanted to stipulate the two inspector positions were being considered on a temporary basis and could be terminated if the work flow declined. Finance Officer Horner stated all positions are temporary because City Council has the right to let people go if they want to change the organization.

Council Member Young moved to adopt the tentative 2007 Budget with emphasis on the fact the City Council review the new hires before they become part of the 2007 Budget; Council Member Stevens seconded the motion; all voted aye, none opposed. **The motion carried.**

Council Member Mann moved to set the public hearing to review the proposed utility rate increase and the Tabernacle fees increase for Wednesday, August 02, 2006 at 7:00 A.M. Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

Report on Projects:

Public Works Director Millar noted it had been very busy the last three weeks for the Public Works crews.

1. The Spray Park is behind schedule. The water portions of the Spray Park will open a week from next Monday, July 31, 2006. The restroom and mechanical building will be completed a couple of weeks after the opening of the Spray Park. The sprinklers are being set on a master timer with a start button which will allow “on demand” starts when the facility is occupied. There is grass sod being laid for the facility. The labor (60%) for the project came from city crews.
2. A master plan for water and sewer systems is due on August 02, 2006. The plan will need to be reviewed by City Council.
3. The city’s new animal shelter will be ready as soon as the animal cages are obtained. The application for the Steel Reese Foundation grant for the cages was not approved.
4. **Council President Benfield** asked about an arborist report from Keola. Public Works Director Millar said Keola was working on it. There are some trees on Main Street that need to be replaced. Council Member Stevens asked about the trees removed from Main Street. Public Works Director Millar explained these trees will be replaced after a tree replacement plan is approved.

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. – NONE
- D. Third Reading:** Those items which have been second read.
 1. **BILL 964** – for a City wide Local Improvement District (LID 35)

Financial Officer Horner passed out the final estimated summary of cost numbers on LID 35 (proposed BILL 964) to City Council.

Council Member Mann asked about the final numbers. Can a resident still get some help before the final amount is set? Financial Officer Horner explained some of the numbers could change because they are estimates. Two residents want to join the LID voluntarily. Council Member Young asked if they could prepay or pay part early. Financial Officer Horner said if they don't pay it before the LID is financed, it will go into a ten year amortization repayment plan. City Engineer Davidson explained they can do their own work if it is completed by August 15, 2006. The city does not want to hold up street projects waiting for the residents to install curb and gutter; therefore, a date (August 15, 2006) was established to have their work completed. Finance Officer Horner explained the final numbers have to be established for the city to go out to bid. If the numbers change, it could negate the bid. If there are residents that did not get the notification letters for some reason, the city staff will still work with them on the LID.

Council President Benfield asked if anyone attending the meeting would like to speak about their LID estimate.

Sherrie Lewis on 231 Millhollow Road is not happy with the assessment. She does not think it is fair to be assessed more than those with property against Millhollow Road. Some of the property owners have two lots and only one lot was in the assessment. City Engineer Davidson explained Sherrie's lot was averaged (front lot line with back lot line) to reduce the amount by about \$600. Council Member Young thought Sherrie preferred to have an average assessment in the neighborhood. He noted the McPheeter's assessment was over \$8,000.00. Sherrie explained the residents with two lots could build a home on the back lot of their property. She would like to see the cost split equally because the residents get the same advantage out of the road.

Council Member Mann noted the Lewis' lot is a bigger lot. They pay more property taxes because the lot is bigger. Sherrie explained they live on the street extension that is not maintained in the winter by the city. They plow the road and they get run off water from the street into their property. She said the city wants to charge her more because she has a stupid lot. She did not understand the city's point. Finance Officer Horner explained the "benefit derived" from the city street was used in the calculation for the LID assessment based on a front footage formula. Sherrie brought up the issues of residents with two lots with only one assessment. Council Member Stevens explained the assessment was against the lots with homes.

Council Member Mann said the Lewis lot was reviewed with one concession. He thought it was fair and equitable. Council Member Stevens said if the back lots are added; it will affect the front lots assessments. City Engineer Davison said the city does assess the water line extensions on an acreage (square footage) formula. Council Member Schwendiman said it was a strange situation because of the back lots. It needs to be based on the front footage. He went over the example of the property tax assessments. If the taxes go down it is a good law; if the taxes go up it is a bad law. This situation is strange because the back lots do not front onto the street. The City Council will have to make a decision and run with it.

Council Member Young asked why Lola Packers lot sticks out on the map. City Engineer Davidson said it was based on right-of-way. Her lot was probably developed before the subdivision. Council Member Stevens reviewed the assessment for the McPheeters' property. McPheeters had one home and two lots are assessed. Council Member Schwendiman said it was inconsistent. Council Member Young would like to make an adjustment for McPheeters and Lewis. Finance Officer Horner said if a lot has ten acres, it would be charged more because of its value. Council Member Stevens agreed with Council Member Young to adjust Lewis' assessment and McPheeters' assessment. Public Works Director Millar reaffirmed to Sherrie Lewis the LID work would be done this year in early September. Traffic would be diverted around the construction on Millhollow Road to complete the work. The LID work can be completed next year if the LID is still open.

Council Member Young moved to have a 3rd reading for BILL 964 on LID 35 as proposed with the exception of the Lewis assessment and the McPheeters' assessment on their two lots and they be adjusted down. Council Member Stevens seconded the motion; Discussion: Council Member Benfield said there was another property on 1st North. Council Member Mann was concerned with

making changes to the BILL after the third reading. It would necessitate changing other properties without notification. City Council Member Young explained his motion did not include an upward adjustment for anyone else. Those two assessments would be lowered and the city would pay more on the project. Council President Benfield reviewed a letter from Barbara Blaser. The letter asked for her assessment on curb and gutter to be taken off the LID. She referenced a motion in a prior meeting to take the properties on 1st North off the LID until the work could be done for the entire block. Council Member Young wanted to do the whole block. City Engineer Davidson said there are other properties on 1st North on the LID. He referred to the house to the west of this property has curb and gutter on the LID. The music store across the street and one block east is on the LID. It may be done next year. Council Member Schwendiman was agreeable to have the work done on a future LID if it is done by block. Council Member Stevens said this comes to the heart of the ordinance. The city needs to let her do the sidewalk and clarify the ordinance before requiring the curb and gutter to be done. He requested to option her out of the LID on curb and gutter. City Engineer Davidson asked to have the amount reduced by a percentage. Council Member Young included in his motion to remove curb and gutter for Barbara Blaser's assessment. After more discussion on the percentage amount, Council Member Schwendiman recommended the percentage reduction to be 20% due to the specific site and circumstances. Council President Benfield called for a vote:

Those voting aye

Council Member Stevens
Council Member Benfield
Council Member Schwendiman
Council Member Young

Those voting nay

Council Member Mann

The Motion carried.

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

Old Business: - NONE

Mayor's Report:

Council President Benfield reviewed the Mayor's report to City Council. The Mayor's Youth Advisory Board is gearing up for the new school year. He invited City Council to solicit high school students to join the Mayor's Youth Advisory Board. The youth interested in the MYAB can pick up an application from Amanda at City Hall. One of the main functions of the group is to work on an activity in August called "Celebrate Youth" at the beginning of the school year. This event is sponsored by the City of Rexburg and Madison's Promise. This event will be held at Porter Park on August 22, 2006 from 2:00 P.M. until dark. Mayor Larsen invited City Council to come and support the youth at the event.

The Legacy Flight Museum insurance fee will be shared with Madison County. The Commissioners accepted one half of the insurance fee because it is a joint City/County Airport project.

Mayor Larsen asked to have the following names submitted to the City Council for approval for the Romance Theatre Committee:

1. Peggy Jeppesen
2. Catherine Nielsen

Council Member Mann moved to ratify Peggy Jeppesen & Catherine Nielsen as members of the Romance Theatre Committee; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Monday morning at 9:30 A.M. Mayor Larsen and Public Works Director Millar will be calling into a phone conference of the Balancing Committee for the STP Urban Transportation Funds. Keller

& Associates will be included in the conversation. The city is seeking a better understanding of the future funding of the South Arterial Project (University Boulevard.) Public Works Director Millar noted the last parcel will close by the end of the week for right-of-way to construct this portion of the project. Also, Monday evening the City of Rexburg is participating with the Standard Journal's customer appreciation dinner. The Splash Park playground area will be getting some voluntary work to help the project along. The Parks and Recreation Committee will be soliciting donations for enhancements to the project. He encouraged the City Council to attend the event.

A. Mayor's Proclamation 2006-03:

Council President Benfield read a Mayor's Proclamation: 2006 – 03 supporting the International Dance & Music Festival.

**PROCLAMATION
No. 2006-03**

A Proclamation of the Mayor and approved by the City Council of Rexburg, Idaho, proclaiming July 29, to August 05, 2006 as INTERNATIONAL DANCE & MUSIC FESTIVAL WEEK for the City of Rexburg.

WHEREAS, the City of Rexburg has been given the privileged of hosting several performances of the International Dance & Music Festival; and

WHEREAS, it is a great honor to have the participants of this event share with us the talents and traditions of their communities and countries and show that our cultures are more similar than they are different; and

WHEREAS, this is also a wonderful opportunity to help promote the benefits of performing arts and to bring together citizens from all walk of life, to share in the enrichment of our growing multi-cultural communities, it's diversity, and to enjoy the universal language of music and dance; and

WHEREAS, the City of Rexburg extends a warm welcome to the dance teams and express our appreciation to those involved in planning and promoting this event. We wish you all the best of luck for a successful tour.

NOW THEREFORE, I, Shawn Larsen, Mayor of the City of Rexburg, do hereby proclaim July 29, to August 05, 2006 to be

INTERNATIONAL DANCE & MUSIC FESTIVAL DAYS

in Rexburg and encourage all citizens to attend one of the performances and help welcome the festival participants to our great city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of our City to be affixed this 2nd day of August, in the year two thousand and six.

ATTEST:

Blair D. Kay, CITY CLERK

APPROVED:

Shawn Larsen, MAYOR

Council Member Mann moved to accept the Mayor's Proclamation 2006-03 supporting the International Dance & Music Festival; Council Member Schwendiman seconded the motion; Discussion: Council Member Mann said it is wonderful event for the community. Council President Benfield called for a vote: all voted aye, none opposed. **The motion carried.**

Calendar:

August 02, 2006 is Rexburg night for the Chucker's baseball game in Idaho Falls.

Financial Officer Horner reviewed the policy changes for city employee's "Rest and Meal periods." He asked City Council to review the changes in the policy that would be in compliance with the Fair Labor Standards Act concerning employee breaks. Any breaks longer than Thirty minutes for the benefit of the employee is unpaid. Any breaks less than thirty minutes, or if it is interrupted for the benefit of the city must be paid time. This policy has been rewritten to clarify the break period. Council Member Young asked who would monitor employees working in the City Park; whether they took a thirty minute break or a forty minute break. The supervisor would monitor the breaks on the job and when they sign the time sheets.

Council Member Schwendiman asked about using break time for lunch time in the middle of the day. Financial Officer Horner explained it does give the employee some flexibility in the schedule.

Council Member Mann was concerned the break policy may allow abuse for a seven and one half hour work day. He did not have a problem with some supervisory control of the discretionary use of the policy. He did not want the policy to be a routine schedule. He wanted the breaks used for a break from work to get refreshed. He thought the employees would be healthier with a fifteen minute break twice a day. Financial Officer Horner said the employees do work the eight hour shift when they use the break time (less than twenty nine minutes) in the middle of the day.

Council Member Schwendiman said the break is designed to refresh the employee; not to have a paid lunch break.

Finance Officer Horner said it was hard for his employees to take a fifteen minute break when there is a constant stream of people in the office. His employees work the eight hour shift allowing for coverage with a break in the middle of the day. The employees like it that way and it works very well. He hasn't noticed any problem in his department. This policy has been reviewed by the Employee Committee and the Department Heads.

Council Member Stevens appreciated and thanked Financial Officer Horner for the extra time to allow the City Council time to review the policy.

Adjournment

Council President Benfield

Blair D. Kay, City Clerk