

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

November 15, 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

Roll Call of Council Members: All 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 November 01, 2006 meeting
- B. Approve the City of Rexburg Bills

Council Member Mann 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 said Parks and Recreation have not met; however, they did meet last night as a subgroup of urban renewal to discuss the Louisiana Pacific property. The Museum Committee will meet tomorrow. The Romance Theater Committee is sponsoring their "Black Tie" dinner tomorrow night at BYU-I in the Manwaring Center at 6:30 P.M.

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

Council Member Benfield said the Beautification Committee met last Friday. They are still working on a tree plan. There was discussion about the roundabout with associated comments and concerns. Streetlights will be installed to shine on the roundabout sculptures. Christmas lights will be turned on the day after Thanksgiving downtown. There was discussion about landscaping the intersection of 2nd East and Main Street. The plan for this project will be in conjunction with ITD. Council Member Mann said the ice skating rink will be at the old Madison coop on Main Street.

Mayor Larsen said the price should be \$1.00 to skate and \$1.00 to rent skates.

Council Member Benfield added Premiere Powder Coating & Custom Fabrication has put in a bid for 12 benches and 12 trash receptacles for Main Street. This work will take place in the spring. No report from the Police Department.

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

Council Member Erickson said that the Airport Board has not met since their last meeting. Planning and Zoning met on November 2nd, 2006. There are two items on tonight's agenda associated with Planning and Zoning.

Mayor Larsen said due to illness, Gary Leikness would not be joining them tonight.

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

Council Member Schwendiman said the Golf Board is still working on the 9 hole project. Traffic and Safety met and they have two new board members. Emergency Services will meet later this month.

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

Council Member Young said the Tabernacle Committee has not met since the last City Council meeting. The Rexburg Arts Council sponsored an orchestra concert that was well attended, and well appreciated. They collected quite a bit of money. This money is turned into the city account for the Tabernacle and it is allocated back out for Tabernacle projects. The Tabernacle fund is a fund with a running balance that carries over to the following year.

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

Council Member Stevens said the Trails of Madison County Committee has not met since last their last meeting; however, they are scheduled to meet tomorrow night.

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

Mayor Larsen said the MYAB met tonight to plan the Turkey Trot fun run. It starts at 5:00 P.M. by the Christmas tree at the end of Main Street. There is a \$2.00 donation requested to participate in the fun run. The proceeds will go towards the "Shop with a Cop" program. One of the major "Shop with a Cop" donors last year is not donating this year, so we are trying to raise the funds for children to shop with a police officer.

Last year 60 needy families were assisted through this program. The Christmas tree lighting on Main Street starts at 6:00 P.M. on Friday, November 24. After the Christmas tree has been lit, there will be Christmas caroling on Main Street, Christmas cartoons showing at the Westwood Theatre, and talent and music at the Tabernacle. It will be a good event sponsored by the Chamber of Commerce. Council Member Benfield received a phone call asking how the turkeys would be kept together on Main Street.

The Legacy Flight Museum is finishing up their first year of operation. There will be an appreciation dinner this week on Friday night.

Public Hearings:

7:30 P.M. Adopt Electrical Inspection Fees – Val Christensen

Building Official Christensen introduced Bret Stoddard to the City Council as the new electrical inspector. Bret Stoddard was asked to share his background. He has worked in the electrical field for over eight years. He has his electrical contractor's license; however, he has put his electrical contractor's license in inactive status to work for the City to avoid a conflict of interest. He has experience in residential construction. He is certified as a residential, commercial and industrial electrical inspector.

Building Official Christensen provided some background on the proposed electrical inspection fees. The city has kept the same fees as the electrical fees for the State of Idaho. Bret Stoddard said the city added the temporary electrical permit to the regular electrical permit for one permit for one job. The city has added these two state permits together into one permit with the same fee the state charges for the two separate permits. This way everything is on the same page. It is the same dollar amount as the state temporary permit and state permanent permit. Mayor Larsen asked if the city is doing all of the electrical

inspections, or is the state doing some of the electrical inspections. Bret Stoddard said the state is doing the permits they received from the applicants. The city started on September 1st, 2006, taking city electrical inspection applications, while charging the same application fee amount as the state. All of the comments have been positive from the contractors.

Council Member Stevens said contractor comments in the field have been positive from his perspective. Bret Stoddard is a great asset to the city. Council Member Mann asked how many electrical inspections are done per week. Bret Stoddard said “on average” about 15 electrical inspections are done per week.

Building Official Christensen said the state did not turn over state permits before Bret Stoddard started. We are still at the infancy stage doing electrical inspections. The city has been using Bret for maintenance, including assisting Quinton Owens on residential inspections. Bret is a certified single family home International Residential Code inspector.

Council Member Young asked for the response time from the time a call is received until the inspection. Bret Stoddard said the Building Department asks for a 24 hour lead time; however, they do most inspections within 24 hours. It is usually done the same day in the morning or after lunch.

Mayor Larsen opened the public hearing:

All those in favor - NONE

All those neutral - NONE

All those opposed - NONE

Council Member Mann moved to adopt the electrical inspection fees as presented. Council Member Schwendiman seconded the motion. All voted aye, none opposed.

The motion carried.

Council Member Benfield asked if she could raise the issue on a street name. Council Member Benfield noted the street name of Red Tape Street in the Lamoreaux Subdivision. It has been plated with that name. City Attorney Zollinger said the city could change a street name.

Mayor Larsen said the issue could be put on a future agenda. Council Member Erickson said it would not be a problem to contact the developer to change a street name in a development. Mayor Larsen said the Staff could contact the new owners to consider changing the street name.

City Attorney Zollinger asked the City Council to make a motion to have the cost of the notification and publication of the street name born by the city.

Council Member Benfield moved to have the city act to change the name of Red Tape Street; Council Member Erickson seconded the motion; all voted aye, none opposed.

The motion carried.

New Business:

A. Preliminary Plat – The Meadows, Phase Two

Public Works Director Millar reviewed the proposed plat. The developer has removed all old buildings on the parcel and they have cleaned up the site for new town homes and a community building with a seconded access. They will have two driveways coming off 7th South for this development. Planning and Zoning has reviewed the proposal and they have recommended the request for approval.

Council Member Erickson said it was approved by Planning and Zoning with Staff approval. This proposal is a good addition to this development. The south end of the development will have a club house. Council Member Stevens raised concerns with the

conditions list and he wanted to know if these items were doable. Public Works Director Millar said the list is doable.

Council Member Mann asked if the development met all of Hwy 20 standards. Public Works Director Millar said there were no city standards yet, however, the developer did put in a vinyl fence for better presentation and they have cleaned the area up.

Council Member Erickson moved to approve the preliminary plat for The Meadows, Phase Two with the condition of Staff; Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

B. Preliminary Plat – Harvest Heights, Division 3

Mayor Larsen discussed the development of Millhollow Road next to Harvest Heights, Division 3. He asked if that property would be dedicated to the city. Council Member Erickson said it was not discussed in Planning and Zoning; however, the developer has dedicated road right-of-way on all of his other projects, so Council Member Erickson felt it would be dedicated on this project. Mayor Larsen asked the City Council to observe that eight lots of the development were gifted to the LDS Church. The Church will be facing 7th South. Richard Smith visited with Mayor Larsen concerning these lots. Richard Smith said the development will not access Millhollow Road or 7th South, in the event they build a church house. All access for the development will come off Twin Canyon Road. Public Works Director Millar said Millhollow Road would be dedicated to the city.

Council Member Erickson said Planning and Zoning is okay to move forward on this proposal with Staff approval.

Council Member Young moved to approve Harvest Heights, Division 3; Council Member Erickson seconded the motion; all voted aye. **The motion carried.** Mayor Larsen asked to have the approval of the final plat contingent upon the Church being built as discussed. Council Member Young indicated the plan for the Church had been approved by the Church of Jesus Christ of Latter Day Saints.

C. Discuss the vacation of alleyways on the east and west side of Professional Plaza

Council Member Schwendiman asked to be excused from this discussion.

Council Member Mann asked if the issue would be discussed or is the City Council just setting a public hearing date. Mayor Larsen said the discussion will be to set a public hearing date. Public Works Director Millar explained they are considering alleys on both the east and west sides of Professional Plaza. This matter has been brought to light through Doctor Doug Smith's interest to expand his building. The alleyway became a portion of the plat in the 70's. Currently, Doctor Smith's building is over the west alleyway. The city has not maintained the alleys on either side of Professional Plaza. It may be in the best interest of the city to abandon these alleyways and retain ownership of the roadway parking area in the center of Professional Plaza. The City would maintain an easement for city services. The vacation would include the east/west access points. Council Member Mann asked if it was a home, and would the home owner have built this far into the backyard. Public Works Director Millar said they would not have done so, because there is a backyard setback requirement.

City Attorney Zollinger said it would be a 30 day notice from a City Council resolution to proceed with a public hearing. Tonight's discussion is for the City Council to decide if they want to proceed with this proposal and if so, to set the "intent to abandon" for public hearing. Council Member Erickson asked if the lot behind Doctor Smith's is owned by Doctor Smith. Public Works Director Millar said it was owned by Dr. Smith. Council Member Erickson asked how this would affect parking for Doctor Smith's business. Can Doctor Lovell and others extend their buildings back to the west? Public Works Director Millar said if the city abandons the alley, the property would go to adjoining property owners on a 50/50 split to each property owner. Public Works Director Millar said any building expansion would require a parking review.

Mayor Larsen asked if there was a buffer between the Professional Plaza and the zone next to it. Functionally, this abandonment would not change buffering or the operation. Access would still need to be provided for all of these buildings. We could abandon the alley with the idea that the alley must remain accessible. City Attorney Zollinger said no; the city could

only require a “mutual use agreement” between the parties prior to the abandonment; however, he was unsure of the details. Council Member Stevens said the east/west roadways may take away access from adjoining property owners. The west side would not be affected like the east side which may preclude abandonment. Mayor Larsen asked for the City Council’s feeling on setting a public hearing date to abandon the alleys.

Council Member Erickson asked if it would be advantageous before they make a decision to decide if the east side alley should even be considered for abandonment. Mayor Larsen referred the City Council to the map of the properties. On the west side most of the properties are the same property owners. The city would open up a real challenge if a decision was made to abandon both sides.

Council Member Benfield asked about notification of vacations. City Attorney Zollinger said that you only have to notify those properties that are adjoining the abandonment.

Council Member Young moved to proceed with abandoning the west side of Professional Plaza; Council Member Benfield seconded the motion.

Those voting aye

Donna Benfield
Farrell Young
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

Christopher Mann

The motion carried.

D. Review and discuss Resolution 2006 – 14 (Records Retention Schedule)

The item will be placed on the agenda for December 20, 2006.

Report on Projects: Public Works Director John Millar

1. Design work is being done on the 4th North Connector Bridge on the Barney Dairy Road as construction is shut down for winter.
2. Design work is also being done on the alley project north of Main Street as construction is shut down for the winter. Staff is repackaging the sewer line project to get better bids.
3. LID project is shut down for the winter.
4. We will be doing construction on the Treatment Plant project through the winter. Contracts have been signed and we have placed equipment orders. Work will be done as equipment comes in.

Council Member Young asked who was doing the inspections on the hospital project. Public Works Director Millar said city inspectors were doing the inspections.

Council Member Mann asked about the animal cages for the animal shelter. Public Works Director Millar said they have been ordered on an eight to ten week delivery. They were ordered the day after they were approved.

Mayor Larsen asked Public Works Millar about water and wastewater hookup and processing fees. Public Works Millar said that Finance Officer Horner had prepared this information.

Financial Officer Report: Richard Horner

- A.** Set Public Hearing for “garbage rate” increase for December 13, 2006

Mayor Larsen reviewed the calendar for the first meeting in December. He will be attending the National League of City’s Conference in Reno, Nevada.

The Council discussed having a regular meeting schedule in December. They will have a regular meeting schedule in December with the public hearing set for December 6th, 2006.

B. Discussion to set hearing on “water & wastewater hookup/capacity fees”

Finance Officer Horner explained it has been two years since the last price change in hookup fees for water and wastewater. Applicants need to buy into the city systems in order to pay for their share of the plant facilities. He reviewed the formula to get the average home hookup fee by dividing present value of plant by plant capacity. This means that for the average home water would increase from \$1,550.00 to \$1,767.00. Wastewater would increase from \$1,000 to \$1,266. The engineering costs used for this calculation have been indexed since 1900.

Mayor Larsen asked Finance Officer Horner to walk the City Council through the figures for water.

Finance Officer Horner presented the figures as of September 30th, 2004. The water capacity for the plant is currently 11,000,000 gallons with assets of about \$12,000,000. The cost per gallon a day is \$1.06. A home uses 1,667 gallons per day on a national average. This sets the residential hookup fee to \$1,767.00.

Council Member Erickson requested the percentage of increase. Finance Officer Horner said the increase is about a 14% increase. Council Member Erickson clarified water increased 14% and wastewater 26%. Finance Officer Horner confirmed. In the last couple years the city had to add more physical assets to the wastewater to maintain EPA regulations. We also use two different indexes, a construction index and a building cost index, to determine required assets. Inflation has also played a big part to this increase.

Council Member Mann asked what color he would be if he was a new home. Finance Officer Horner said he would be both blue and green. Water is blue at \$1767.00. Wastewater is green at \$1,266.00. Yellow is the charge for Sugar City and Teton City; if they buy more capacity.

Council Member Mann asked why apartments are less than homes. Finance Officer Horner said the \$400.00 is for a 6 student apartment. More than four apartments will be higher than a home.

Council Member Schwendiman reviewed Rexburg’s numbers to the national numbers. \$1,667.00 for homes is different because home owners sprinkle lawns.

Council Member Stevens wants time to review the proposal. Council Member Schwendiman agrees to add some review time.

Council Member Mann moved to discuss on December 20, 2006; Council Member Benfield seconded the motion; all voted aye, none opposed. **The motion carried.**

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

B. First Reading: Those items which are being introduced for first reading.

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

Mayor Larsen asked if anyone wanted to comment on BILL 975.

City Attorney Zollinger explained two changes from the last proposal.

A. For the protection and general welfare of the inhabitants of the city, every Residential Rental **in excess of one rental unit per parcel** operated within the city comes within the police power of the city, and no person shall engage in the operation of a Residential Rental, Apartment House or Apartment without first registering unless exempt under this Ordinance or exempted by state law.

- B. The schedule of fees for registration of a Residential Rental, Apartment House or Apartment shall be set forth in the **Business Registration Fee Schedule**, and may be amended from time to time by Resolution of the Rexburg City Council in accordance with applicable State laws.

Council Member Young asked if this BILL would take apartments out of the business registration process. City Attorney Zollinger explained it would amend the current business registration ordinance; however, this BILL would govern business registration for apartments.

Council Member Mann asked where the proposed language originated for the student housing contracts. It was noted Virginia Pratt presented the student contract information to the City Council.

Virginia Pratt, apartment complex owner, explained the university's suggested language for student housing contracts would indicate to the student if their housing contract came with a parking stall. The student would be required to sign a disclosure statement noting their parking status at the complex similar to this example:

“At _____ housing complex, there are _____ parking stalls available for _____ residents. I hereby recognize that _____ I DO have _____, I DO NOT have a parking stall available as part of this rental agreement. I agree NOT to bring or park a vehicle on the premises if a parking stall is not included with this agreement. I further understand that there is no overnight on-street parking in Rexburg November 01, thru March 01; _____ Student Signature.”

The apartment complexes are being reviewed to add additional language indicating how many parking stalls are available in a complex as noted above. Virginia gave some examples of the proposed language on the student housing contracts to the City Council for review.

City Attorney Zollinger said the language would compliment the proposed ordinance. The apartment complexes and other rental units would be required to formally declare the availability of parking for a rental unit. He indicated a business would get a compliance review when the business use changed.

Council Member Schwendiman said the city would not dictate the language in the housing contracts. Virginia said the language examples were given to the City Council for their information only.

Council Member Stevens moved to consider **BILL 975 – Rental Registration Requirements** first read, Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

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

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:

A. Consulting Agreement discussion:

City Attorney Zollinger requested a budget adjustment to have a part time back up attorney for a couple of days per week. He is asking for 16 hours per week per year for \$24,000. The City Attorney's office is currently paying \$15,000 a year for hired help at the rate of \$100.00 per hour. The hiring of two judges in St. Anthony will provide an opportunity for the city to request some assistance from attorneys, who are changing their schedules.

Council Member Schwendiman asked if there was office space for additional help. City Attorney Zollinger explained his office will have enough space. The Compliance Officer has been moved to City Hall from his office, freeing up some space.

Council Member Mann reviewed the types of assignments the contract attorney would be given. City Attorney Zollinger explained the candidate is a deputy prosecuting attorney in Bannock County. City Attorney Zollinger would need coverage on Thursday for the criminal calendar and a late night meeting.

Council Member Stevens recalled a prior City Council discussion last Friday, where the City Council thought it was a good need.

Council Member Stevens moved to approve the budget adjustment request for additional attorney support as submitted by the City Attorney; Council Member Benfield seconded the motion; all voted aye, none opposed. **The motion carried.**

B. Hire Additional Engineering Support – Public Works Director Millar

Public Works Director Millar passed out a handout requesting the hiring of two additional engineering positions. One would be a technical position for handling office and field work. Some of the projects have been moved to outside consulting like HVAC at the police office. The Sprinkling System in Porter Park and the Sand Storage building could go outside. The cost for these items was noted on the handout. The outside costs would be \$350,000.00 vs. in-house costs for \$144,000.00. It boils down to what the best way to handle public funds is. This is a long term commitment which he recognized and admitted this needs serious review.

Council Member Mann has some concerns if two new engineers are hired would they have expertise in special areas. Public Works Director Millar said one would specialize in design and then follow through with the construction. The other position would take roads, airport projects, water & sewer line extensions, and be able to handle a fairly broad range of projects. Council Member Benfield asked about space. Public Works Director Millar said space would not be an issue. One space is being used for a part time intern. There is one additional space available but basically we will just have to tighten up. One option would be to finish space upstairs in the construction office. Council Member Young asked if there was anyone available. Public Works Director Millar said the City would have to seek outside applications.

Council Member Schwendiman reviewed the costs for the positions against in-house versus outside engineering costs. Public Works Director Millar said at some of the engineering costs would be picked up by the developer on an in-house project. The outside fee costs were taken from an engineering table and include other costs other than engineering. It is a sliding scale based on the size of the project.

Council Member Young asked if these positions would help with Public Works Director Millar's duties. Public Works Director Millar said it would; he would direct more of his job responsibilities to his Staff.

City Attorney Zollinger asked for clarification on the two positions. He asked if Public Works Director Millar was hiring one engineer and one engineering technician, the latter only requiring an associate's degree. Yes, per Public Works Director Millar.

Council Member Schwendiman asked about overtime. Some of the overtime is used for part time help. Public Works Director Millar said it would help get more City projects on the table for construction in the field. Council Member Benfield asked if there were items on the list handed out that were rolled over. Public Works Director Millar said several of the projects have been rolled over from 2006 to 2007; none were dropped however.

Council Member Young moved to accept the proposal to proceed with the two positions, Council Member Schwendiman seconded the motion; Discussion: Council Member Schwendiman asked if the space they had would work without additional space. Yes, per Public Works Director Millar; all voted aye, none opposed. **The motion carried.**

Public Works Director Millar added that they have hired two individuals to replace a vacant mechanic and wastewater position.

C. Building Safety's request for an additional inspector

Finance Officer Horner said this position would be hired on the bottom scale for new university building inspections. The vehicle for this position is in the budget already. Mayor Larsen said the building department fund would fund this position.

Council Member Mann has no problems; however, it could be a 36 month assignment. Council Member Schwendiman asked if we had space. Is this contingent upon approving a new space? Finance Officer Horner said the individual has a place to work. The position would be bid in January. Public Works Director is looking to fill his positions immediately.

Council Member Mann moved to approve the new building inspector for BYU-I projects with the understanding the position could end at the discretion of the department head; If the building slows down the position could be eliminated; Council Member Stevens seconded the motion; all voted aye, none opposed. **The motion carried.**

D. Remodel the upstairs of the city annex building at 19 East Main Street

Council Member Young asked if it was a good idea to remodel a building if the City would look for space under one roof. Finance Officer Horner said there are already walls and a roof on the space. The upstairs of the construction building was discussed. Mayor Larsen said it would be good to have city hall under one roof. It would also be good to have the development used in the downtown area.

Council Member Mann would like to see the upstairs before he votes on it.

Finance Officer Horner said that Building Official Christensen used \$50.00 for square footage for the remodel estimate. Council Member Stevens wanted a line item review. City Attorney Zollinger said our space upstairs is 91' by 25'. Council Member Schwendiman wanted to look at it too. He added that he would like bids reviewed before the final approval. He asked if the Council could postpone the vote until the next meeting. Delaying the vote would allow everyone an opportunity to see it. We can then pass a motion that would say "if the bids come in over what we approve, we have the opportunity to review it."

Council Member Mann asked if an elevator would be required in a public building. Mayor Larsen said if you offer the same services on the main floor you preclude the need for an elevator. This item will be on the next agenda.

E. Washington DC Consultant (Lobbyist)

Mayor Larsen presented a budget request for \$45,000 from contingency for an outside consultant to work on congressional requests. Mayor Larsen has contacted two references on this lobbyist. West Minster College spoke highly of the national group. They brought in \$2,000,000 the first two years, and \$350,000 last year. The second reference highly recommended the national group too. Mayor Larsen referenced recent congressional appropriations for Rexburg. He would recommend having a lobbyist to help Rexburg apply for congressional funding for Rexburg projects. The agreement needs to be in place by mid January, 2007 to get in the process for the next budget cycle.

Council Member Young asked if there would be any change in the environment that would affect the relationship we have with Congressman Simpson. Mayor Larsen said he did not think the political changes in Washington would decrease the city's opportunities.

Council Member Schwendiman would like to wait one more meeting before deciding. Mayor Larsen said it would delay the application due in the middle of January. He thought the 20th of December would be too late; however, he would respect the City Council's wishes to delay this for one more meeting.

Council Member Stevens asked if the congressional appropriation would mainly help with our streets or with our recreation. He was concerned about the streets and felt that the community felt the same. Can these lobbyists help us procure money for streets? Mayor Larsen said there have been funds ear marked for roads. The road projects come out of the funds the state receives. Some of the funds have been ear marked in the ITD state budget for new road projects in other communities. He said the East Parkway would be a good project to seek congressional funding. One mile of this road on the 20 year, county transportation plan is projected to cost \$5,000,000. It is a major road project that could have

a request for congressional funding. Mayor Larsen wanted their expertise to help target projects for Rexburg that would be considered good projects for congressional funding.

Council Member Schwendiman asked if ITD would discourage this type of ear mark funding. Mayor Larsen said they do not like that kind of funding if they are not informed. This type of funding cut LTAC's state funding last year from \$12,000,000 to \$6,000,000. The Federal Transportation Board decided to take the ear marked funds off the top of the state allocation. It skirts the system of state road funding; however, Mayor Larsen noted several cities have received substantial amounts of funding from ear marked federal appropriation requests. Council Member Schwendiman was concerned with other projects having priority over Rexburg's projects.

Council Member Stevens said the City Council budgets for additional items; however, they do not put additional money into streets. Council Member Schwendiman agreed to seek additional funding for city streets.

Council Member Benfield would like more time before making a decision on the consultant request. She has checked with other cities on the issue. The other cities are either very supportive or they are not supportive of having a lobbyist. Right now she would vote against the proposal.

Council Member Schwendiman said that he was not opposed; he just felt that he needed more time to think about it and make some phone calls. Council Member Benfield said right now she would like to see the money go into the streets. Council Member Erickson said both projects will happen and he suggested voting tonight.

Council Member Stevens said that the other issue to consider in a future meeting is the connection fees for water and wastewater. Finance Officer Horner would like this to happen before another month passes. Council Member Stevens does not have a problem with another 15-30 minute meeting.

Council Member Mann moved to approve \$45,000 out of contingency for a consultant (lobbyist) to work with federal employees about Rexburg projects; Council Member Erickson seconded the motion; Discussion: The \$45,000 is for nine months of the 2007 budget. Finance Officer Horner explained Rexburg used to have a grant writer a couple years ago, who was not replaced. The grant writer position budget was more than this request. This request is to do some of the work the grant writer position would be doing for Rexburg.

Those voting aye

Rex Erickson
Christopher Mann

Those voting nay

Donna Benfield
Farrell Young
Randy Schwendiman
Bart Stevens

The motion failed.

City Attorney Zollinger asked if the City Council would like a **special meeting** to further discuss the building remodel and the Washington DC consultant.

The City Council decided to have a special meeting on the 29th of November, (Wednesday morning at 7:00 A.M.) to review the request for a building remodel and the Washington DC consultant.

Council Member Benfield asked if the lobbyist does work for city projects. Mayor Larsen said they have not done many city projects; however, hospitals and schools are their expertise. They would look at projects that would benefit both BYU-I and the city. They would use the relationship they have with Senator Craig to seek funding for Rexburg.

F. Discussion on Professional Engineering Services (LP property)

Mayor Larsen invited Johnny Watson from JRW and Associates to review his plans for the LP proposal for professional design services.

Johnny Watson from JRW and Associates introduced his partner Brent McFarland from Lewiston, Idaho. State statute requires a Request for Qualifications (RFQ) for professional

services. After a ranking process, the city selected JRW and Associates for their professional services. Following the selection of a professional firm, the city would negotiate with the firm on a price for their professional services.

Mr. Watson reviewed the reason he would provide design services at no cost to the city. The city still has a lot of work to do to secure funds to finance a real project. JRW and Associates does not have a contractual relationship with the city. JRW and Associates feels obligated as professionals and City residents to extend these services at no cost for design development. They will work with a committee from the community to design a workable project that will fit within the budget the city is able to secure. This process will give an actual fundable plan to the community. JRW and Associates will get the city to that point at no cost. If an agreement can not be reached with the city and JRW and Associates, the second in line on the applicant list would be given an opportunity to contract with the city.

Council Member Young asked if the committee chosen to work on this project would be a workable situation. Mr. Watson indicated the committee was a good representation of the expertise of the community. It will be a challenge to work the project into a fundable facility.

Council Member Mann asked if the upfront hours would be added into the project later. Mr. Watson said those hours would not be added to the project. Everything done on the project getting it down to a fundable project by next March or April will be free of charge. JRW and Associates services will not charge for the professional design. It gives JRW and Associates a chance to give something back to the community.

Council Member Young asked if the flood plain was a problem on the LP site. Mr. Watson noted habitable structures must be placed above the flood plain. The plan for the diving pool may need to consider the flood plain. Non-habitable structures like park shelters would not be required to be above the flood plain. So, if we plan for an indoor pool some day, the main level of the structure would have to be placed above the flood plain.

Council Member Young thanked JRW and Associates on behalf of the city for their genuine offer and willingness to provide the engineering services to the city at no cost. Mr. Watson reiterated the position of JRW and Associates for providing the design concept at no cost to the city. The community has a lot of expertise in civil engineering and landscape architecture. They are happy with the team that has been put together for this project.

Mayor Larsen said the LP Recreation Committee meeting went very well. Steve Kugath was named committee chair and Neil Floyd from Wells Fargo Bank was named co-chair. The committee's plan is to take four months to develop a conceptual plan. They want a community meeting in January to get ideas from the community. Mayor Larsen feels good about the committee's expectations to have workable plans by March, 2007. Mr. Watson will keep the committee on task with reminders of site and budget constraints. Mayor Larsen explained a member of the Mayor's Youth Advisory Committee suggested a strip mall including a café, movie theatre, and a rollercoaster.

Council Member Stevens noted the applicant was chosen on qualifications; not cost of services. They (JRW and Associates) decided to offer free services after they were chosen. He appreciated their willingness to offer their services to the city.

City Attorney Zollinger responded to a question about office space. He said Utah Power rents two offices from the city as part of the contract agreement that sold the building from Utah Power to the city.

Adjournment

Shawn Larsen, Mayor

Attest:

Blair D. Kay, City Clerk