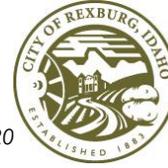


# Customer Support Services City Council Minutes

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

**September 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  
Vacant — Planning & Zoning Administrator  
Blair Kay — City Clerk

**Council President Benfield** noted Mayor Larsen was excused for an out of town meeting on city business.

**7:00 P.M. – Pledge to the Flag**

**Roll Call of Council Members:**

**Council Member Stevens** asked to be excused; 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 August 16, 2006 meeting
- B. Approve the City of Rexburg Bills

**Council Member Erickson** 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)

**Victor Harrison** at 782 Nina Drive has a son Nicholas, who was given permission by the Vice-principle at Madison High School to rebuild a walking bridge over the Rexburg City ditch behind the high school. The bridge is an eagle project his son has been working on for six months. When they were ready to start the bridge, the city said it was not going to approve the project over the city ditch. Victor asked why the bridge was denied by the city. He presented some pictures of the existing bridge to City Council. The bridge is in poor condition. Public Works Director Millar was working with them to get the project off the ground. Victor did not think taking the bridge out would deter kids from smoking behind the high school. There is a walkway in the mobile home park going to the bridge. They want to provide better access to the high school from the neighborhood to the east of the high school.

**Council Member Erickson** asked if the city or the high school constructed the bridge. Victor indicated children in the neighborhood probably constructed the bridge. The bridge has been constructed of raw timbers and plywood. Public Works Director Millar was asked why permission for the bridge was revoked.

**Public Works Director Millar** explained the issue was discussed with the city's attorney, who reviewed the underage children smoking in this area. There was another concern with a lack of the property owner's permission from the high school and the Millhollow Mobile Home Park.

**Council Member Erickson** asked if the bridge could be built if the property owners gave permission.

**City Attorney Zollinger** said he checked with both property owners and they did not want the bridge rebuilt. After hearing of the request Friday of last week, he met with the high school **Principle Roger Hampton** to review the site. The principle was not aware of the approval to rebuild the bridge. They wanted the bridge taken out. The police chief wants the bridge removed as soon as possible. Historically, the bridged serviced the south end of Millhollow Mobile Home Park and Hidden Valley. There has been a new bike and pedestrian path along the street to service those areas. There was a bridge installed on the north end of the high school property for access to the high school from Millhollow Mobile Home Park. The smoking issue is a problem for the city. The bridge allows smokers to elude the resource officer from the high school. The police resource officer at the high school can not detain underage smokers that move off the high school property to Millhollow Mobile Home Park. The driving force to disallow the bridge is the fact it is not the city's bridge to approve. The city attorney was not aware of the ongoing effort to seek approval for the bridge before last Friday.

**Council Member Erickson** mentioned the fence along the path in Millhollow Mobile Home Park going to the bridge had been approved by someone; however, if the school and millhollow managers (Arritt's) do not want the bridge, the city should not approve the bridge replacement.

**City Attorney Zollinger** said the city can not legally approve a pedestrian way on private property. The principle of Madison High School and managers of Millhollow Mobile Home Park (Arritt's) did not want the bridge replaced.

**Victor Harrison** explained some of his son's achievements and his history of community service. Victor indicated the city has not been easy to approach on eagle projects. Victor said his son has earned his eagle by completing the preliminary work for this eagle project.

**Council Member Mann** agreed Nicholas had put in the effort to earn his eagle.

**Council President Benfield noted** Nicholas had done everything right to secure this eagle project.

**Council Member Young** commended Nicholas Harrison (Victor's son) for his efforts and his hard work on what Nicholas thought was a worth while project. He admired Nicholas for his many achievements and Council Member Young apologized for any stumbling blocks that had been thrown in the way. Council Member Young asked Public Works Director Millar if the proposed bridge would pass the engineering requirements. The bridge was safe as proposed with hand rails. The design was approved by a builder. Council Member Young stated Nicholas deserves the feeling of accomplishment and recognition he has earned.

**Council Member Mann** said if it is not city property, how can we approve or disapprove it.

**City Attorney Zollinger** explained it was a city ditch and the city would need to be made aware of any structure that bridges the ditch. The city manages the ditch. The city does not have authority to grant access to property on the west side of the ditch from property on the east side of the ditch. If both property owners give approval for the bridge, the city would only be concerned with the structure over the city ditch and the ability to reasonable clean the ditch. The city would take the bridge down, only as a courtesy to the school district. The bridge was installed as an eagle project several years ago when a lot of students were funneled from Millhollow Mobile Home Park to the high School. Millhollow managers prefer to have the crossing at the north end of the high school parking lot used for the Millhollow Mobile Home Park pedestrian access from the mobile home park.

**City Attorney Zollinger** was aware of the permission for the bridge replacement given by Randy Lords. Randy was not aware of the issues concerning the bridge. After Principal Hampton surveyed the area, he did not want the bridge and he asked the city to tear the bridge out.

**City Attorney Zollinger** wanted to work with the Eagle Scout to find a suitable alternative project for his eagle award. There were several possibilities for eagle projects at the high school.

**Council Member Schwendiman** said the question has been answered. The city can't give permission to build the bridge.

**City Attorney Zollinger** suggested Harrison's contact the managers of Millhollow Mobile Home Park and the high school principal to see if they want the pathway continued. They don't want the access at this location maintained any longer.

**Victor Harrison** disagreed because he does not want his children using the high school parking lot access. It is not a safe environment for children. Victor discussed cleaning up the area and trimming the trees and other vegetation for an eagle project. Council Member Young explained it would be a great eagle project to clean up the area. City Attorney Zollinger explained there is not any right-of-way on the street for a sidewalk where this trail comes up out of the bridge area. The city does not want pedestrian traffic coming up out of the hollow onto the street without a sidewalk. There is not any right-of way on the north side of North Hill Road for a sidewalk. Victor mentioned the fence constructed by the Millhollow Mobile Home Park was built to facilitate pedestrian traffic in the area.

**Council Member Benfield** thanked Victor Harrison and Nicholas for their efforts. Some other opportunities were discussed that may work for Nicholas' eagle project.

**Victor Harrison** thanked the City Council. He indicated his church would not be using the city any longer for eagle projects. Eagle projects are designed for community projects. He was not in favor of having eagle projects at Eagle Park because the location was too close to the city sewer project.

**Council Member Erickson** apologized to the Harrison's; he suggested doing an eagle project at the local church picnic shelter on 3<sup>rd</sup> East. The facility needs painted to cover up some graffiti. The tables need to be resurfaced with some epoxy.

**Candice Beesley** at 65 South 2<sup>nd</sup> East is the owner of Candie's Closet on Main Street. She complained about a big tree blocking her sign. People can't see the sign and customers are not coming in because they can't see the sign. She compared the size of her tree to others on Main Street. There are two other trees of similar size. She was upset because she paid \$2,000 for a new sign and the tree is blocking the sign. People have stopped coming in to

the store because they don't notice the sign. Her friend drove up and down Main Street looking for her store. He could not see her sign or her store. She is renting the building for retail clothing. They will have to close the store if something is not done to allow the public to see her signage. She asked City Council to trim the tree or cut the tree down.

**Council Member Erickson** asked for the location. It is located near the Man's Image clothing store. The trees are a sore subject with Council Member Erickson. The City Council has discussed the trees on Main Street for a couple of months. Two of the trees have been removed on Main Street in front of the Romance Theatre and Bingham's furniture store. The tree situation at the moment is out of hand. City Council has asked for the trees to be replaced with different trees or trim the trees.

**Public Works Director Millar** did not have any information to provide to the City Council at this time.

**Council Member Mann** explained the City Council members are business owners and they understand her situation. Other businesses have contacted City Council with the same concerns. The trees on Main Street are used for seasonal decorations too.

**Council President Benfield** will check with the tree specialist and she will get in touch with Candice tomorrow.

### **Presentations:**

#### **A. Madison School District information:**

**Brent Mendenhall** spoke to the City Council about opening the communications with the City Council. The school board plans to communicate regularly with the county commission and the planning commissions from the city and the county. The school district wants to be better neighbors with the city and county. The information sheet below explains the bond's proposed expenditures for upcoming school projects. The school district has nine temporary buildings for 270 students. They are increasing the class size from 24 to 27 students. The State Board of Education recommends a class size of 24 students. Brent reviewed the bonding issues for financing school projects. They will try to stay local with the contractors and financing. They want input on the construction projects from the city. They would like to break ground in the spring of 2007.

**Council Member Young** asked if the school board met regularly with the county. He would like to see a regularly scheduled meeting with the city, county, and the school board. Brent said no; however, they do plan to start meeting on a regular meeting schedule with the city and the county. Council Member Young said it needs to be a two-way update to plan for traffic, public services, community developments, etc.

**Brent Mendenhall** passed out an information sheet to the City Council:

**MADISON SCHOOL DISTRICT  
BOND FACT SHEET  
September 6, 2006**

Bond Passes

The bond passed with a 71.67% majority.

3,887 votes were recorded. 2,786 voted in favor of the new bond.

What will the bond be used for?

Estimates:

- \$5 million for new elementary on west side of Rexburg (replacing Burton and providing classrooms for growth on the west side of the city)
- \$3 million for renovation of existing high school for use as junior high
- \$26 million for new Madison High School
- \$4 million for major renovation and expansion of Lyman Elementary
- \$1 million for additional classrooms at Archer Elementary
- \$1.5 million to buy furnishings (desks and chairs) for new buildings, pay off existing debt on land for new high school, remodel at other elementary schools

Current Enrollment Information

Madison School District hit a record enrollment Tuesday. The district topped its enrollment record with 4,473 students. Our highest enrollment previously had been in 1991 with 4,472-- the year the middle school bond passed.

Madison School District is up 160 students from this time last year. This growth rate has more than doubled in the last year. The district enrolled 72 new students in the district last year. Projecting this growth rate, Madison School District will be at 5,000 students within a few years.

This record growth rate is outpacing available classroom space in the district. We are excited about the continued enrollment increases. However, there are challenges as the district has no empty classrooms and this year there are nine portable classrooms in use.

### What comes next?

The work now begins:

- Sell the bonds
- Contract architects
- Community input
- Esthetic compatibility (Planning & Zoning)
- Actual construction Spring 2007

**Council Member Mann** asked which projects will begin in 2007. Elementary schools will be first upon successful sale of bonds. Lyman Elementary School and Burton Elementary School may be first in the spring of 2007. The junior high has not been discussed yet. They will ask for input in a future meeting. The school board does not want to have a school on Main Street. They want to get off Main Street at least one or two blocks.

**Council Member Benfield** would like to see monthly meetings. They will use the monthly City Council work meeting for discussions. Council Member Schwendiman would like to see a quarterly meeting with other meetings as necessary.

**Council Member Erickson** asked why the enrollment fell in the years after 1991. The young families that come into the area leave before their children can attend school. They don't know why the enrollment fell after 1991. The enrollment is continuing to grow. Council Member Erickson asked about the plan for athletics. They plan to go as far as they can with the funding available. The high school uses Smith Park at the present time for athletic activities. They plan have practice fields for PE classes at the new high school.

**Council Member Benfield** thanked the school board for coming to the City Council.

### Committee Liaison Assignments for 2006:

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

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

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

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

- 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*

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

**Public Hearings:**

- A. 7:30 P.M. Rezone from RR1 to MDR1** at 1000 West 7<sup>th</sup> South (Timberhawk, Inc.)

**Public Works Director Millar** explained the request on the overhead screen. The land was purchased to provide a second access to the development. They want to build a club house and a picnic pavilion area and two possible four-plexes on this parcel. The Planning and Zoning Commission approved the zone change with conditions as discussed in the Planning and Zoning meeting.

**Council Member Young** asked if the zone change was complimentary to the existing zoning. Public Works Director Millar explained the zoning for the adjacent housing development was MDR1. The property across the road is rural residential one.

**Council President Benfield** opened the public hearing.

**Trevor Einerson** at 82 Douglas Drive is the developer of the project. There is a nice six foot privacy vinyl fence against Hwy 20. There is a three rail fence installed against Kirby Forbush's development. They want to develop 10 acres on the north end of this development that is already zoned MDR1. They are doing some land scaping changes to this parcel. The large trees have been trimmed or removed at significant cost to their business. The changes have complimented the area.

Those in favor – None  
Those neutral – None  
Those opposed – None

The public Hearing was closed.

**Council Member Young** identified the location of the club house on the south end of the existing development. The developer has a big common grass area planned for the development. The park will be around the club house. There are a number of parks (grass areas planned through the development.)

**Council Member Erickson** reiterated the question before the City Council tonight to make a decision on the south end of the development for zoning. Planning and Zoning recommended it with development conditions. The fence helps the look of the development. One of Planning and Zoning Commission's conditions was to offset the buildings similar to a moon shape for presentation in reference to existing structures that were constructed in a straight line.

**Council Member Benfield** asked about their plans to enhance the existing buildings. Trevor explained the beginning of their modification to the existing structures is to add shutters and replace some of the entryways with timber type construction for curb appeal. They are putting decorative curbing around the trees. They have planted 15 foot trees.

**Council Member Young** moved to rezone the parcel at 1000 West 7<sup>th</sup> South from RR1 to MDR1 as requested; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

#### **New Business:**

**A. Preliminary Plat** for Rock Creek Hollow – (130 units/20 buildings) at Pioneer Road & Mariah Avenue

**Public Works Director Millar** explained the proposal for a development. They need some work on the setbacks. It is a second look at this request at Planning and Zoning. Planning and Zoning approved the first phase with the required setbacks; however, Planning and Zoning will not approve additional phases until some units are dropped to comply with setbacks. The city will introduce changes to the Planning and Zoning Ordinance which will affect the possibilities for this development. Clustering of units in the proposed code may allow the setback requirements to be approved.

**Council Member Erickson** asked about the setbacks. Public Works Director Millar said there is a 25 foot setback requirement from the property line. In this case, it will require 50 feet of separation between the buildings. Council Member Erickson explained the plans show a separation distance between phase one (1) and phase two (2) of 50 feet, 44 feet, and

47 feet. If the code does not change to clustering, they would have to change the design to meet the 50 foot setback code. The net effect would require some units to be dropped.

**Council Member Mann** asked about Planning and Zoning's concerns. He verified phase one (1) does comply with the code as approved in Planning and Zoning. The maintenance building was moved back to meet the setbacks.

**Council Member Mann** moved to approve the Preliminary Plat for Rock Creek Hollow Phase One (1) only; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

**B. Resolution 2006 – 10** (Amend Employee's insurance cafeteria plan)

**Finance Officer Horner** updated the City Council on the cafeteria plan update per the changes in the law. There are two changes. (1) The law allows for a two and one half (2 ½) month carry over from the previous year on insurance claims extending bills to mid March of then new year. (2) Cut the waiting period to start using the insurance plan to six months. It will match up with the new employee's probationary time of six months.

**Council Member Schwendiman** verified the six month plan change was to allow a new employee to start using the cafeteria plan at six months.

**Council Member Benfield** read Resolution 2006 – 10:



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

**RESOLUTION NO. 2006 – 10**

**FOR THE AMENDMENT OF CITY OF REXBURG CAFETERIA PLAN**

On this date, the City Council of the CITY OF REXBURG did meet to discuss the amendment of the CITY OF REXBURG CAFETERIA PLAN to be effective July 1st, 2006. Let it be known that the following resolutions were duly adopted by the City Council of CITY OF REXBURG and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that the form of Cafeteria Plan, as authorized under Section 125 of the Internal Revenue Code of 1986, presented to this meeting is hereby adopted and approved and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

RESOLVED, that the short Plan Year shall begin on July 1st, 2006 and end on December 31st, 2006. Each subsequent Plan Year shall begin on January 1st and end on December

31st.

RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify employees of the amendment of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for CITY OF REXBURG CAFETERIA PLAN approved and adopted in the foregoing resolutions.

The undersigned further certifies and attests that the above resolutions were made with the consent of the City Council of the City of Rexburg on this date September 6, 2006.

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Shawn Larsen, Mayor

Attest:

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Blair D. Kay, City Clerk

**Finance Officer Horner** explained the two documents referenced in Resolution 2006 - 11 (Exhibits A and B) are (A) Cafeteria Plan and (B) summary of the Cafeteria Plan. It is about 100 pages long.

**Council Member Erickson** asked if the employees committee had the changes to the Cafeteria Plan. Finance Officer Horner explained the changes to the benefit plan will be explained to the employees in upcoming employee meetings. Employees can join the Cafeteria Plan with six months of service after July 01, 2006. Some other changes allow increased contributions of \$20,000 maximum to the Cafeteria Plan. This includes medical reimbursements limited to \$5,000 for childcare; the premium amount is limited to \$15,000. Rudd and Company compiled the new changes to the newly revised plan.

**Council Member Erickson** asked Finance Officer Horner to update the employee committee as a matter of courtesy. Council Member Schwendiman verified it was limits set for the employee's pretax contribution to the Cafeteria Plan.

**Council member Erickson** moved to approve Resolution 2006 – 10; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

**C. Fall Clean up dates** - (proposed dates are September 25 to October 27)

**Council President Benfield** reviewed the clean-up dates with Public Works Director Millar. He indicated the dates were adequate.

**Council Member Mann** moved to approve the Fall cleanup dates from September 25, 2006 to October 27, 2006; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

**Report on Projects:** John Millar

Public Works Director Millar reported on the following projects:

**1. Legacy Flight Airport Museum** parking lot and a security system for the museum.

**Council Member Erickson** recommended using revenue funds from the museum. Finance Officer Horner explained the revenue fund may have \$10,000 to \$20,000 available. City Attorney Zollinger recommending finding other funds to move the project along. The County has helped with similar parking lots in the past like the golf course parking lot.

**Public Works Director Millar** said the fence should be done this fall to maintain security for the area. It would cost about \$20,000 for a fence. The county has done the sub-grade work on the parking lot. The parking lot finish could run from \$6,000 for seal coating oil to \$30,000 for a hot mix application. The Airport Board has agreed with the location of the division fence.

**Council Member Schwendiman** asked if the fence would be done this fall. City Attorney Zollinger recommended following FAA regulations and build the fence this fall. Public Works Director Millar will report back to the City Council with costs and revenue amounts at the next meeting. Council Member Erickson said the fence is needed to maintain airport security and separate museum customers from wandering into aircraft traffic areas and other airport property. City Attorney Zollinger mentioned the helicopter that uses a nearby area for take-offs and landings.

**2. Bid opening on the LID 35 project.**

**Public Works Director Millar** said there were only two bidders:

- A. DEPATCO
- B. D.L. BECK

**Public Works Directory Millar** recommended the DEPATCO bid using Option A. He requested excluding the new city residents with concrete work requirements from the city contract. The new owners would be asked to make their own arrangements outside the contract to have their concrete work done which may extend into next spring.

**Council Member Mann** asked about Millhollow Road project. Public Works Director Millar said it includes repairs on the side streets. The work will start very soon on Reed Street, Morgan Drive and Millhollow Road.

**Council Member Schwendiman** asked for clarification on the bids coming in under budget. The city's costs for this contract will be about \$103,000 for Millhollow Road, \$23,567 for 7<sup>th</sup> North, and \$139,578 for Reed and Morgan reconstruction (option A.)

**Council Member Schwendiman** does not want the projects started this fall and then have the project delayed until spring due to weather conditions. Public Works Director Millar explained the contractor must complete the projects they start this fall in a reasonable time before the projects could be snowed out. City Attorney Zollinger explained the contract does not allow the work to be started without completing it in a reasonable time. Council Member Erickson projected about 90 days of good weather remaining this fall to complete these projects.

The City Council discussed the time table for completing the LID. The residential customers will receive notification by mail of the time limit extension for their sidewalk requirements being extended until next spring around May 01, 2007. Morgan and Reed streets will be completed this fall.

**Council Member Young** moved to accept the low bid from DEPATCO while eliminating Option B as a method for street reconstruction from the contract, and eliminating (1) new owners concrete work (2) 166 North 5<sup>th</sup> West (3) Strip Mall at 1<sup>st</sup> South and Center Street; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

3. **\$1,000,000** project out for bid on wastewater treatment plant project. The funding has been set aside in the enterprise sewer account.

**Council Member Erickson** asked about the sidewalk requirement for the Garner home. Public Works Director Millar will work with the hospital on this property. The property was purchased by the hospital. Council Member Erickson wants the work done prior to tearing Morgan Drive and Reed Street. City Attorney Zollinger reviewed the possibility of the pedestrian traffic moving in a meandering fashion behind the home. Meandering sidewalks have been allowed in other areas of the city.

4. **Downtown sewer line** project will include pipe bursting.
5. **Demolish the coop building.** The county will haul off the building. There is a shared wall with the attorney's office on the east side.
6. **Demolish Dale's Jewelry.**
7. **Walgreen's parking lot issues;** two issues - stamped crosswalks and fix sewer line. Walgreen's will fix the crosswalks. The sewer line is not level and it needs corrected.

The sewer line mistake was caught with a new sewer line camera. It is a long term sewer maintenance problem.

8. **Carousel platform** needs repairs. It will be repaired.
9. **Spray Park** is waiting for a final inspection. One of the pumps trips out and it needs some adjustments. The bucket is being adjusted down to have less water.
11. **Animal shelter** needs animal cages. The sewer lift station will be installed tomorrow.
12. **Seventh South** stripping is done. It does look good.
13. **Porter Park** striping on 2<sup>nd</sup> West has been modified. There needs to be a drop off driveway area on southwest corner.

#### **Calendared Bills and Tabled Items:**

**A. BILL Introductions:** – NONE

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

1. **BILL 968 – Amend Ordinance 564** (Use of City Parks)

**City Attorney Zollinger** said two changes were made to the new ordinance. The parks will be open longer to meet the public's schedule for walking in the mornings on the pathways. There was a change in the smoking restrictions to restrict smoking within 50 feet of a public facility or structure in the parks.

#### **SECTION III: Hours of Operation:**

The Parks shall be opened daily to the public between the hours of 5 A.M. to 11:30 P.M. every day; and it shall be unlawful for any person, or persons (other than city personnel conducting city business therein), to occupy or be present in said Park during any hours in which the Park is not open to the public.

#### **SECTION VI: Other regulations:**

**E. Smoking.** It shall be unlawful for any person to smoke within fifty feet (50) of any structure, bleacher, playground equipment or water facility within the Park.

**Council Member Erickson** moved to approve the first reading of BILL 968 for city park regulations; Council Member Schwendiman seconded the motion; Discussion: City Council discussed the possibility of passing the BILL in one reading. City Attorney Zollinger explained the rules could be suspended to pass the BILL tonight.

**Council Member Erickson** withdrew his motion and Council Member Schwendiman withdrew his second to the motion.

**Council Member Erickson** moved to suspend the rules to pass the ordinance on the 1<sup>st</sup> reading; Council Member Schwendiman seconded the motion; Council President Benfield called for a roll call vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

**Council Member Erickson** moved to approve the first and final reading of BILL 968 for city park regulations; Council Member Schwendiman seconded the motion; Council President Benfield called for a roll call vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

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

**D. Third Reading:** Those items which have been second read.

**1. BILL 966 – Annual Appropriations Budget for 2007**

**Finance Officer Horner** made some minor changes to the budget that did not change the totals. The property tax revenue increased about \$50,000 with the offset coming out of carry over funds. It is the only change in the budget since the first reading.

**Council Member Schwendiman** moved to consider BILL 966 third read; Council Member Erickson seconded the motion; all voted aye, none opposed. **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** mentioned an upcoming NLC Conference in Reno, Nevada in December.

**Council Member Benfield** asked for a state park recommendation to the State Parks Selection Committee on the River Butte Park proposal. Council Member Mann highly endorsed the letter from the City Council to support a State Park at the buttes west of Rexburg. He commended Council President Benfield for her work through the Chamber of Commerce to promote the park. Beaver Dick Park could be incorporated into the proposed state park. Council Member Erickson said there are quite a few acres of land east of Beaver Dick Park that could be used for a water park with the river.

**Council Member Mann** moved to do the letter of support for the state park. Council Member Schwendiman seconded the motion; none opposed. **The motion carried.**

The City clerk will work on the letter tomorrow.

**Council Member Young** went to an ITD meeting. They pulled the funding for asphalt on the pathway going to Sugar City; however, there is an update. Winston Dyer said it will be in the next year's budget starting October 01, 2006.

**Calendar:**

**Adjournment**

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Council President Benfield

Attest:

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Blair D. Kay, City Clerk