

Customer Support Services

City Council Minutes

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CITY OF
REXBURG
America's Family Community

March 21, 2007

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

6:00 P.M. – Work meeting with the School Board:

Pledge to the Flag

Council President Benfield welcomed everyone to the meeting and excused Mayor Larsen who was away on business in Las Angeles.

School Board discussion:

A. Overview of our Partnership:

David Ward discussed finding a way for the school to help the city particularly with the Barney Dairy Road property that has been discussed. He drew two circles, one for the city and one for the Madison School District. He would like to find a way to merge the circles together so the city and the School District are working together for the common good of the people in this area. Currently, the city and the School District have talked back and forth to see what resources each of them have to contribute to each others purposes. He would like the city to start thinking about this from a value for value perspective instead of a dollar for dollar perspective. The city looks at this partnership from an economic point of view. He suggests looking at it from a more philosophical point of view. He would like to combine resources so the school and city become more united. He suggested having the School District donate tennis courts in exchange for deferred business fees. Before any of this can happen, legal issues need to be reviewed.

Finance Officer Richard Horner explained both parties have assets in certain areas. The city and the School District need to find areas where they can compliment each other; it is important to find the strengths that can benefit both sides.

David Ward would like to use the School District bond money so it is most beneficial to everyone.

Council Member Mann asked how Madison County will fit into this partnership.

Council Member Stevens explained the city is accountable for the tax payer's dollars. This is the main reason the School District and the city aren't completely merged together.

Council Member Erickson explained that the city needs to look at this from a dollar for dollar perspective because in the future, different people will be making these decisions. If this property is worth \$9700 today, it may have a different value four years from now. He explained that if a trade is made today, it needs to be purchased at the value today.

David Ward would like to find a permanent solution so the school district and the city can have a successful partnership today and in the future.

Council Member Schwendiman explained if the city starts to subsidize these types of projects, this will cause city residents to pay for the subsidy for the city and the county residents and it will cause problems.

Finance Officer Richard Horner explained the city needs more/bigger parks. The school district has about 10 acres of land that may work for a city park. He suggested looking at trading this land to the city in exchange for building fees.

B. City issues to discuss:

1. Joint Agreement:

City Attorney Stephen Zollinger will need to look at this joint agreement before further decisions can proceed.

2. Barney Dairy Road:

Brent Mendenhall officially proposed finding a way to deed the property west of the ball park fences (just the bare property) and then negotiate fees from after the property exchange. This area contains between 10-12 acres of land.

Council Member Erickson asked for a dollar amount on this property. The School District does not have an appraisal on this land because the entire property would need to be appraised. An appraiser who is completely neutral to the city needs to do the appraisal.

Finance Officer Horner suggested building a city park next to a school park, using the parks together. Public Works Director John Millar explained there are no deed restrictions on this property. Finance Officer Horner explained past maintenance of the park has required the city to maintain the park for 3 months in the summer and the School District to maintain the park for the other 9 months. The city pays for the lights. He suggested trading these responsibilities so the school district pays for the light bill and the city maintains the park year round.

3. Site plan for the new high school:

There are no changes or updates to report.

4. Traffic Study:

Brent Mendenhall explained they are working with Madison County so they can be involved with the traffic study. The purpose of the study is to determine what kind of traffic the new school will generate. Another Meeting with the School District and the City Council will be on April 18, 2007.

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members: All Council Members were present. Mayor Larsen was excused from the meeting.

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 March 07, 2007 meeting
- B. Approve the City of Rexburg Bills

Council Member Schwendiman moved to approve Minutes from March 7, 2007; Council Member Erickson 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 2007:

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

The Westwood held their Top Hat Night last week. It was very successful. It was suggested to meet 15 minutes early at the next meeting to take a tour of the Westwood Theatre.

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

The Beautification committee has not met since the last meeting. There is nothing to report on the Rexburg Police Department.

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

The Airport Board has not met since the last city council meeting. Planning and Zoning met last week. Some items will come up tonight. Joseph Laird on the Planning and Zoning Commission passed away in a car accident. A replacement is needed as soon as possible on the Planning and Zoning Commission. There are several others on the commission who are close to replacement as well. Council Member Erickson asked for names or suggestions of possible replacements.

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

The Golf Board had positive feedback with the county for the additional nine holes at the Teton Lakes Golf Course; he will work on getting specifics.

Emergency Services has requested to surplus a water tanker – There is an extra water tanker the emergency services board would like to surplus. The fire district has already approved the sale of this water truck. Council Member Schwendiman moved to approve the surplus of the water tanker; Council Member Mann seconded the motion; all voted aye, none opposed.

The Motion carried.

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

The Tabernacle Committee met and they are in the process of putting in a handicap ramp on the north side of the Tabernacle building. They are also working on getting new restrooms, fans, and a new site for the fire truck. The stage has been remodeled to make more storage room under the stage at no cost. The Tabernacle Committee is very aware of their budget. Other maintenance items have been completed. Light bulbs have been changed and new blinds are installed. They have bids out for new windows; however, because the windows are so large, they are having a hard time finding a bidder. The building continues to be an asset for the city.

The Arts Council had an orchestra concert two weeks ago. It was a resounding success!

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

The City Council met with the Madison School Board earlier in the evening. No report on the Trails of Madison County Trails Committee.

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

Council President Benfield submitted the name of Jeffery Parsons to be put on the Westwood Theatre Committee. Council Member Young moved to approve this ratification; Council Member Man seconded the motion; all voted aye, none opposed. **The motion carried.**

Public Hearings:

A. 7:20 P.M. – Conditional Use Permit for a Health/Recreation Facility – Bryce Owen

Planning and Zoning Administrator Gary Leikness explained that a Conditional Use Permit is being requested to operate a physical and mental health recreation facility just west of Porter Park. The Planning and Zoning Commission found that it met the conditions for approval. The area is in a multi-family area. This facility will allow handicap students to engage in activities with family and friends.

Bryce Owen at 259 Melanie Drive explained he would like to put in a Mental and Handicap facility. The two main issues of concern were noise and traffic. Mr. Owen explained the only anticipated noise would be when a person is coming or going. This should only take 30 seconds to 2 minutes. They anticipate anywhere from 8-12 vehicles at a time that would come and go. All of this would take place after 9am and before 9pm. Vehicles will be limited due to space.

The facility will be open weekdays (Monday-Friday) only in the evening; they will also be open on Saturdays and they will be closed on Sundays. Currently, there are 30 college students living in the proposed location and these college students have the potential to make just as much or more noise at any time any day of the week. The parking and coming and going of vehicles will only take place when there is music or art related activities held at the actual building. This will be between 2-6 days out of the month. When outdoor and sports activities are held, they will meet at the actual location of these events. Traffic was the other area of concern. Mr. Owen explained that a vehicle would be asked to drive in from the street at 2nd South into the back portion of the property. No traffic problems are foreseen at this time since vehicles will come and go at different times. The facility would not create any more traffic than the college students currently using the location. If at any time these or other concerns become a problem, adjustments will be made to minimize the concerns. They want to be good and respectful neighbors. The goal of this facility is to provide “life, liberty and the pursuit of happiness” for those who have mental or physical challenges.

Council Member Benfield opened the public hearing.

Those in favor of the proposal:

Kurt Belz at 625 Angela Drive would like the council to take into consideration less fortunate families with disabled children. This facility will allow these families the opportunity to enjoy positive activities. It will be a positive example in the community.

Gaylynn Bean at 3041 North Cottonwood Lane said this would be a vital institution. This facility would allow those with autistic or mentally challenged children to have supported and controlled activities that they could enjoy as a family. There is no downside or negatives to this facility.

Lori Saurey was unable to attend the meeting, however she wrote a letter in favor of this proposal.

Jessica Bagley was unable to attend the meeting, however she wrote a letter in favor of this proposal.

Those neutral to the proposal: NONE

Those opposed to the proposal:

Fred Calder at 244 Steiner Ave has concerns about the location of the facility. He is in favor of this business coming to Rexburg; however, his concerns have to do with the location. It is coming into an MDR1 Zone area. The proposed income is \$30,000-\$50,000 per month which is \$600,000 per year. He has concerns about this large of a business being introduced into an apartment area. He also has a concern about this being a school, or academy coming into this area. It is a place for instruction, and he finds no place for a school in this type of zone. The professional office zone would be a more appropriate place. He suggests letting apartments stay in the proposed location and let this new business find a new location. His big concern is the railroad track and a canal that runs right next to this property. It is wrong for this type of facility to be allowed by the railroad track and canal because they are two potential places of hazard for these handicap children. If this location is approved for this facility the city is allowing the potential for these children to come into harms way.

Frank Jenkins was unable to attend the meeting; however, he wrote a letter in opposition to this facility.

Rebuttal:

Bryce Owen explained no matter where they put this facility, there will be some kind of hazard. They plan to have a 1 to 1 ratio of a responsible adult to a child or handicap individual. Mr. Owen explained that this is a non-profit organization and not meant to be a large business. Schools, daycares, recreational facilities, etc. are allowed in medium density areas with

Conditional Use Permits. This location is very convenient right next to Porter Park and it allows BYU-I students who wish to participate to walk to the facility.

Council President Benfield closed the public hearing.

Council Member Erickson asked if a fence would be built between the railroad and the property. There is currently a wooden fence half way down between the property and the railroad; however it is not very suitable. Mr. Owen explained that the plan is to put up a nice six foot fence along the entire length of the property if it is allowed with the easement.

Council Member Mann asked who is currently living at the location. There are single students living there now.

Council Member Schwendiman asked Planning and Zoning Administrator Leikness what kind of zoning is at this property. The zoning is Medium Density Residential One (MDR1). Council Member Schwendiman said this is a wonderful thing, but it may not be the right location.

Council Member Young said he doesn't see a reason to stand in their way.

Council Member Erickson thought Planning and Zoning would issue a Conditional Use Permit without coming before the City Council; however, he believes this allows the city to make sure the conditions are followed. As long as the conditions are met there should be no problems issuing a Conditional Use Permit for this property.

Council President Benfield agreed Mr. Owen must adhere to the permit's conditions.

Council Member Erickson said that a fence needs to be a condition of approval.

Council Member Erickson moved to approve Conditional Use Permit with the conditions set up by Staff and the addition condition of a fence to be built the full length of the property on the west side of the property; Council Member Young seconded the motion;

Those voting Aye

Farrell Young
Rex Erickson
Bart Stevens
Christopher Mann
Donna Benfield

Those voting Nay

Randy Schwendiman

The Motion carried.

B. 7:30 P.M. – Annexation request for 228 acres on South 12th West – Erikson farm
(The parcels are located west of 12th West and southwest the John Deere complex.)

Planning and Zoning Administrator Gary Leikness explained 228 acres are requested to be annexed and rezoned. The requested zoning for the entire property to be annexed is LDR2. The Planning and Zoning Commission heard this request and made a recommendation to annex only those areas within the city's Impact Area and rezone the west part of the property to Low Density Residential Two (LDR2) with the east portion of the property remaining zoned Transitional Agriculture One (TAG1). This recommendation from the Planning and Zoning Commission would make the proposal in compliance with Rexburg's Comprehensive Plan boundaries.

Council Member Stevens asked how the proposed area would affect the area to the north. It would line up on the Comprehensive Plan Map as compatible.

Kerry Schneider from Ogden, Utah explained they are asking exactly what was recommended by the Planning and Zoning Commission for zoning. The proposal accidentally applied for the entire property to be annexed with an LDR2 Zone; however, they would like the zoning to be approved as recommended by the Planning and Zoning Commission. The small parcel owners are in favor of this annexation. The concern with this annexation is the arbitrary line for

Rexburg's Impact Zone. If the area outside the Impact Zone is not annexed, the property line will be split. This will not allow the property owners to develop this in a proficient manner, and it will cause pocket developments. Once the high school is built to the north, a lot of development will happen in this area. They are still asking for all of this entire area to be annexed with the intention to put in residential housing. All the property owners are in favor of this annexation.

Council President Benfield opened public Hearing

Those in favor of the proposal: NONE

Those in neutral of the proposal:

Brent McFadden at 5335 North 6000 West is representing Madison County Planning and Zoning. They know this annexation is eventually going to happen; however, they would like the city to follow the process in working with the county to first expand the current Impact Zone before annexing property outside the Impact Zone.

Those opposed to the proposal:

Ralph Robison at 1920 North 3000 West is representing Madison County Commissioners. They are not opposed to economic development; however, they would like a procedure followed to define the Impact Zone expansion area first before the annexation is completed.

Rebuttal:

Mr. Schneider said they have worked with the county through the whole process; however, they were never told to start with expanding the Impact Zone first. If someone had made them aware of this request from the beginning, this is where they would have started. They never intended to step on anyone's toes or cause problems. This area is eventually going to be annexed. The fees have been paid, it is going to happen sooner or later, and he requested that the public officials allow this request to proceed.

Council President Benfield closed the public hearing.

Council Member Young said we have already annexed an area outside the Impact Area; and he asked the county if that is why they are concerned. It is not a concern for the county; however, they just want a process to be followed.

Council Member Erickson said they need to apologize to the county for not involving them in this annexation request from the start. The City Council does not have to have approval from the county to annex this area. That is what the City Council assumed when this request was reviewed for annexation. No complaints were made in an earlier annexation outside the Impact Zone. Council Member Erickson said the city owes it to the property owners to annex the entire piece into the city at this time. He said from this point forward the city will not give a developer the approval to do an annexation without first giving the county the opportunity to object. This doesn't mean the City Council won't annex it, but they will follow protocol. If the City Council decides not to annex this entire piece, they won't be doing the right thing by making the Erikson's split up there property.

Council Member Schwendiman said the city has been bumping up on this area for a while. The city needs to deal with this issue as soon as possible.

Council Member Erickson said Staff should have made the city aware the county had not been part of the approval process. The county should have been consulted before verbal approval was given to the applicant. He feels the City Council should go to the county from now on; however, in this situation the city should approve this proposal.

Council Member Young said the reason we didn't enlarge the Impact Area is because the city has outsourced this work however, it has been put off for too long. The city can't wait for a new Comprehensive Plan. The city needs to get this Impact Area expanded as soon as possible.

Winston Dyer explained that he went to the Madison County Planning and Zoning Commission. A meeting is scheduled for the city's and county's Planning and Zoning Commissions to make recommendations to their respective governing councils to negotiate a new Impact Area boundary line for the City of Rexburg.

Council Member Erickson said this area is going to be annexed at some point. The City Council misled the requester. There is no reason to postpone this annexation.

Council Member Schwendiman asked the county if they would have said no if they had requested it through the county. The county would not have said no.

Council Member Mann said one of his concerns is that we are constantly behind the curve so he thinks until we force the county and city to get together it will never get in line.

Public Works Director John Millar requested a condition of annexation. It has become a problem in some past annexations that water rights are sold off and then the city is required to buy water rights for that property in perpetuity. These water rights are becoming very hard to come by. It is requested as a condition of annexation the water rights assigned to these properties is utilized as a secondary on-site irrigation system or the water rights revert to the city as the property develops.

Planning and Zoning Administrator Gary Leikness also requested that an annexation agreement be made for necessary right-of-way on 12 West and 2000 South. The process has been started to expand the Impact Zone. It should be done by the end of June, 2007.

Council Member Stevens feels really strongly that the city needs to maintain a good relationship with the county; however, putting this annexation off could cause financial issues for the parties involved.

Council Member Erickson moved to annex the parcels as proposed by the applicant contrary to the total recommendations from the Planning and Zoning Commission in a public hearing on March 1, 2007. The annexation is conditioned upon the city of Rexburg receiving the dedicated water rights associated with the parcels as the property is developed and receiving the necessary right-of-way dedicated to the City of Rexburg on 12 West and 2000 South. Council Member Young seconded the motion with the understanding the City of Rexburg and Madison County will immediately and vigorously work together to expand the Impact Area for the City of Rexburg. Discussion: Planning and Zoning Administrator Leikness explained this is an annexation and a rezone request. The requested LDR2 Zone for properties against 12 West does not comply with the commercial land use designation on Rexburg's Comprehensive Plan Map. Council Member Erickson amended his motion to include the zoning to be LDR2 for all parcels except property adjacent to 12 West which will remain Transitional Agriculture 1 (TAG1) as shown on the Preferred Land Use Map.

Those voting aye:

Randy Schwendiman
Farrell Young
Rex Erickson
Bart Stevens
Donna Benfield

Those voting nay:

Christopher Mann

The Motion carried.

Council Member Schwendiman asked that Comprehensive Plan be changed as soon as possible. County Commissioner Robison from Madison County wants to have a good working relationship with the city. There are no bad feelings because of this motion. He asked that in the future, proper steps are taken.

New Business:

C. Final Plat – Stonebridge, Division 4 – The Dyer Group

Planning and Zoning Administrator Gary Leikness explained recommended changes have been made and Planning and Zoning Staff as well as the Planning and Zoning Commission recommend approval.

Winston Dyer with the Dyer Group 310 North 2nd East, explained the Final Plat application.

Council Member Young asked why the line was not straight. The property line curves this way. Everything is as it was in the preliminary plat stage that was already approved with a few name changes as recommended by Staff.

Council Member Erickson asked if the lots on the west side of Willow Creek are going to be twin-homes. Both sides of the street will be twin-homes. There will be 4 twin-homes on the west side and 5 twin-homes on the east side. These will be middle class homes.

Council Member Stevens asked why the set back lines on the plat have changed. Planning and Zoning Administrator Leikness explained that it gives flexibility. It would hold them to very strict setbacks if it were to remain on the plat.

Council Member Mann asked if being so close to the river is a concern. No, because the property sits on a higher bluff so flooding is not a concern. Mr. Dyer said storm drainage has been built in there and it functions very well.

Council Member Stevens moved to approve final plat for Stonebridge, Division 4; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

Council Member Erickson complimented the plats that are complete and easy to read.

D. Proposed Spring Yard Clean-up dates from March 26, 2007 to May 04, 2007:

Council Member Erickson motioned to approve these dates, Schwendiman seconds. All voted aye. None opposed. **The Motion carried.**

E. Discussion on vehicle weight limits for Rexburg streets:

Public Works Director John Millar explained all contractors were stopped from going on Millhollow Road after the City Council discussion on March 7, 2007. Research was done to see what the county and other cities do to put weight limits on vehicles. He found that Madison County doesn't restrict loads they just restrict speed limits to 35mph during spring break-up. This does not work for Rexburg since most of our speed limits are slower than 35 MPH. Idaho Falls has no restrictions. Pocatello designates certain truck routes during spring break-up where heavy truck traffic is allowed. He spoke to the transportation department to find out what they do on state highways and found there are no load limits during spring break-up, however, there is a provision to allow speed limit reduction by up to 50% of what is posted if a problem is developing. In the City of Rexburg there were about 5 areas that had problems. Millhollow was the worst of all city streets. Other problem streets include: South 4th East, they plan to rebuild this road; East Main by Smith Park, there is also a road east of the Westwood Subdivision.

Public Works Director Millar suggested putting designated truck routes on the books. They will evaluate possible truck routes and use those roads that were designed for unlimited truck traffic. Other roads will be subject to immediate restriction of axel load limits for a period of time that will be determined by the city engineers as needed.

Council Member Stevens asked if it is just spring break-up that ruins the road and if the city can postpone construction for a 2-3 week period each year instead of having axel limits. Public Works Director Millar explained that they will shut roads down if needed but it will be weather dependant.

Council Member Erickson asked if we can put time limits and actual dates on the time the roads will be closed to construction. Public Works Director Millar explained that it all depends on the weather, so this time period will vary from year to year. Truck routes, and axel limits will allow roads to be shut down as needed depending on weather, it will give the city some flexibility and it will still allow the city to have some enforcement. Actual dates cannot be put on this, but they can let all contractors or heavy vehicles know that roads may be closed from the first indication of spring break up until the road dries out.

Council Member Erickson asked if the contractors have any obligation to compensate damage. Public Works Director Millar explained that because we don't have any conditions at this time, we cannot require contractors to compensate for damage. Once restrictions are put in place, the

contractors will be liable. He will work to make a document that tells when the contractors are liable and what kind of recourse would be given in the future by these contractors.

Council President Benfield asked if we could secure a bond from these contractors to guarantee funds if roads are damaged. Public Works Director Millar will work with City Attorney Zollinger on this, but we cannot make this a requirement until a policy is in place. Council Member Stevens agreed we need something in place to get recourse if trucks are excessively heavy.

Council Member Young wanted to know if the bid on rebuilding Millhollow Road will go up. It will go up but the cost of this will be shared between the city and the contractor.

Council President Benfield asked Public Works Director Millar to work with City Attorney Stephen Zollinger on a policy as soon as possible.

F. Legacy Flight Museum – request for pavement and old fire truck building.

Finance Officer Richard Horner the new city liaison for the flight museum explained that the Legacy Flight Museum is requesting a paved parking lot. The county has committed \$13,000 to cover half of the parking lot expense. They are asking the city to match this amount for the other half of the parking lot. The work on this project will be contracted out. Council Member Erickson asked about a fence. They will do the fence after the parking lot is done. Council Member Erickson said this is a safety issue and a fence needs to be planned. The estimated cost for the parking lot is \$26,000 however this has not been bid. Council Member Erickson would like the parking lot bid before a commitment is approved. Any money the city approves for the parking lot will come out of the contingency fund. Council Member Mann asked about the \$60,000 cash in bank for the museum. This is due to the checking account that was approved by the City Council March 7, 2007. This money has been raised by the flight museum to acquire additional assets for the museum. The Tabernacle Museum Committee would like the old fire truck building moved so they can use the space for a different use. They would like this done in the most cost effective way possible.

Report on Projects: John Millar

A. Discuss and accept South Arterial Bid:

Public Works Director John Millar reported on South Yellowstone Arterial. Two things need to happen to move the project forward. 1) The project was bid by only one bidder and their bid was 10% over the allowed amount in the engineers' estimate; therefore the City Council has two options. The city can accept the bid as bid or the city can turn down the project. Due to the 10% overage on the single bid, LTAC (Local Highway Technical Assistance Council) will have to approve or disapprove the bid in their meeting tonight. Public Works Director Millar expected approval from LTAC. 2) The project costs will have to be compiled to include all expected costs including signage, right-of-way, etc. The total estimated cost is \$6.3 million with anticipated grants coming through LTAC for \$5.2 million. The unfunded amount will need to be funded through the city for 1.75 million. As of today the city has spent \$954,000 out of the street budget. These funds have been taken out of the operating revenue from the street department. Funds are still intact for budgeted street projects. The University is supportive of the project. Their contributions will be in the form of cash or land. The University has contributed \$173,000 to be applied back to monies the city has already spent. The city can go ahead with this project without affecting projects already committed for construction in the city budget. Once the city accepts the bid, there are cost items that can be reduced in the bid (i.e. grade of asphalt material saving about \$35,000 without affecting life or durability of road; cast bridge instead of a build in place bridge saving about \$100,000; eliminating some of the fencing; eliminate the "state specification lithium" additive to concrete for sidewalks reducing the \$79/square yard cost. The state lithium requirement is no longer in place.) The funding from the grant requires a pedestrian bicycle pathway (sidewalk) for urban areas per federal regulations.

State law requires the city to accept the winning bid from H-K Contractors Inc. 6350 S Yellowstone Hwy in Idaho Falls, before bid components can be revised to reduce costs. Idaho Transportation Department (ITD) has to approve the bid award after the city has approved the bid award.

Council Member Mann moved to approve the bid with H-K Contractors Inc.; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The Motion carried.**

B. Review status of bids on city projects:

Public Works Director John Millar discussed the new bids for replacing the sewer line in allies behind city hall. The city received three bids: Jerome Bowen \$145,000; K-4 \$221,000; 3-H \$320,000. The large variety in bids was a concern. In discussion with Jerome Bowen, he is confident he can work with his bid of \$145,000 and do a quality job for the city.

Council Member Erickson moved to approve the bid by Jerome Bowen at \$145,000; Council Member Stevens seconded the motion; all voted aye, none opposed. **The Motion Carried.**

Financial Officer Report: Richard Horner

G. Monthly Budget summaries

Finance Officer Richard Horner reported on the five month budget report. Approximately 42% of the budget may be spent depending on expenses. Some departments may be a little higher.

Council President Benfield asked what the 59% under miscellaneous single departments was covering. This is the airport fund where a grant was received to buy land to expand the no-fly zone. The grant has not yet been received, so this amount will be amended at the end of the year. The Street Department is only at 14%. Most of this budget is scheduled for big capital projects that haven't happened yet. These projects will begin in the next three months. Parks and Recreation are at 66% instead of 42%. This is due to the Legacy Flight Museum because they bought and sold a plane. They made \$30,000 on this sale. This budget will need to be amended by the end of the year as well.

Council Member Stevens asked about the Building Safety Department at 18%. This is because a contingency was put in the budget for another inspector.

Council Member Young asked about a parking lot to the north of 7th South. Public Works Director John Millar said there is a parking lot being built to accommodate 600 cars. It will be across from the temple. The water will go out onto 1st East.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

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

1. **BILL 981** - Creation of LID 37

City Engineer Keith Davidson explained that Mariah Avenue and Pioneer Road are in the process of installing sidewalks. They are still working on the sprinkler system. A meeting will be scheduled for the Parkinson's; who's property on Shoshone Avenue was damaged. The contractor for the meeting is Depatco. They will determine who is responsible for the damaged curb, gutter and sidewalk. The property at 265 South 5th West has 16 feet of asphalt driveway. A concrete sidewalk will not be required on this part of the property.

Public Works Director John Millar explained on corner properties such as the Rasmussen's property at 550 Terra Vista Ave; homeowners are not receiving full benefit of building curb, gutter and sidewalk. The city has discussed paying a portion of these costs on these types of lots. There are approximately 91 properties that could be involved in this group. If there is a corner lot that is a buildable lot with no current building on it, the city will not subsidize these lots, as this will become the builder's responsibility at the time a building is put on the property.

Council Member Stevens asked if the properties by World Gym are developed. Most of it is not, so this will be developed by the developer. A policy to help with curb and gutter but not sidewalk was suggested.

Public Works Director Millar said a request for the city to pay for up to 50% of the sidewalk on the non-used part of the homeowners' property could be justified.

Council Member Mann asked if the city subsidized curb, gutter and sidewalk 50% on these lots; where the money would be budgeted. Public Works Director Millar said it will come out of the street budget. The property owners would be required to maintain the curb, gutter and sidewalk and any repairs required after it has been initially put installed.

Council President Benfield asked for the costs on the 50% proposal. City Engineer Davidson explained that 6 properties are involved. There is not a current estimate, but he will work on getting one for the City Council.

Council Member Mann motioned to consider LID 37 second read; Council Member Young seconded the motion; all voted aye, none opposed. **The Motion carried.**

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

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

Calendared Items:

April 04 – City Council

April 05 – Planning and Zoning

April 18 – School Board Meeting at 6 p.m.

April 19 – Joint City and County Meeting at 6 p.m.

April 19 – Planning and Zoning

April 27 – Pride Day at 7 p.m.

May 25 – Lunch and a two hour drive around for Rexburg 201 from 11 a.m.- 2 p.m.

Old Business: NONE

Mayor's Report:

Council President Benfield reviewed the Mayor's Report on his recent activities.

Council Member Young moved to go into executive session pursuant to State Statute 67-2345 to Consider property acquisition; Council Member Stevens seconded the motion; Roll call vote:

Those voting aye

Farrell Young
Randy Schwendiman
Donna Benfield
Bart Stevens
Christopher Mann

Those voting nay

None

The motion carried.

Executive Session:

Executive Session ended.

Adjournment

Council President Donna Benfield
For Mayor Shawn Larsen

Attest:

April Howard
Deputy City Clerk