

City Council Meeting

December 19, 2007



CITY OF
REXBURG
America's Family Community

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December 19, 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

5:00 – 7:00 P.M. – Work meeting with Joint Planners

(Cooper, Roberts, Simonsen Associates 700 North 200 West, SLC, UT)

Attending: Mayor Shawn Larsen, Randy Schwendiman, Christopher Mann, Rex W. Erickson, Bart Stevens, Donna Benfield, G. Farrell Young, Winston Dyer, Mary Haley, Randall Porter, Thaine Robinson, Dan Hanna, Michael Ricks, David Stein.

Katherine Hill of Cooper, Roberts, Simonsen Associates, reviewed the plat of Zion grid system on the overhead screen for the Planning and Zoning group who were not aware of the proposal.

Katherine Hill asked the city to think about three things:

- What does the city want?
- How do we get there?
- How can we serve the public?

The group discussed road widths to encourage slower traffic. Mayor Larsen said the city needs an updated comprehensive plan and a development code to match the comprehensive plan. Ribbon curbing was reviewed as a positive method to put an edge on the pavement which lets storm water run off the roads. Mixed use was discussed for downtown Rexburg. It was discussed that Main Street needs a landscaped median. They discussed developing Rexburg so it is seen as a destination community.

Mayor Larsen said one of the things he would like to see is more connectivity. He said 2nd East is the only route to Wal-Mart and many other businesses. He would like to see more roads that access 2nd East so there is more connectivity in Rexburg.

Cooper, Roberts, Simonsen Associates will work on a plan for better connectivity throughout the city. The next work meeting will be held sometime in January.

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members: All Council Members were present.

Mayor Larsen welcomed the scouts to the meeting. They introduced themselves and they told what merit badge they were working to achieve.

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 28, 2007 meeting.
- B. December 05, 2007 meeting canceled for the lack of a quorum.

C. Approve the City of Rexburg Bills.

Council Member Young moved to approve the consent calendar. 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) – Paul Pugmire and Glen Pond were recognized as past Council Members.

Paul Pugmire presented a proposal for an interest in acquiring the Junior High property for development into a mixed use development. More details will be brought forward at a later date.

Council Member Erickson asked for more information. Paul Pugmire explained they do not own the land. The development will be explored when the school district makes a decision to dispose of the property. At this point it is a development written with a pencil in sand.

Presentations:

A. **Service Awards** for Council President Benfield & Council Member Young

Mayor Larsen presented Council President Benfield & Council Member Young with service award plaques for their service to the community. He read the plaques to the recipients.

Council Member Benfield said it has been an enjoyable experience to serve on the City Council for the past eight years. It has been a wonderful opportunity.

Council Member Young said how much he appreciated serving in the Rexburg Community. He feels he has grown up with the community. He has learned many things about life, love and service in his City Council positions.

Committee Liaison Assignments for 2007:

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

Council Member Mann said Parks and Recreation met, but there is not much to report. The Museum Committee met and the remodel is coming along. The painting is complete. It will be very nice once it is all finished. The Romance Theatre Committee met tonight. They have some great things planned for the coming year.

Mayor Larsen asked the City Council to ratify the names of Megan Hebbon, Janet Escobar and Joe Escobar to the Romance Theatre Committee. **Council Member Mann** moved to ratify these names to serve on the Romance Theatre Committee. Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

Mayor Larsen also mentioned the Parks and Recreation Committee is having a meeting on January 10, 2008 at 7:00 P.M. to discuss the type of swimming pool to be built in Rexburg.

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

Council Member Benfield said the Police Department is doing a great job. Several car burglaries have been solved. Crimes are solved at about a 50% level, much higher than the state average.

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

Nothing to report.

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

Council Member Schwendiman said crosswalks are being upgraded with new lighting. The crosswalk in front of the Snow Building has been fixed.

Mayor Larsen said the Police Department is enforcing vehicle and pedestrian safety. Tickets are being issued for vehicles who fail to yield, as well as to pedestrians who jaywalk.

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

Council Member Young said the Arts Council is functioning very well. He also reported the handicap ramp at the tabernacle is at a stand still until spring. Council Member Benfield said the Chamber of Commerce gets calls all the time asking if there is handicap accessibility at the tabernacle.

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

Council Member Stevens explained building codes are being changed from the 2003 version to the 2006 International Code. He also reported the Trails Committee is moving forward with ads to get information from the public for the trails system.

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

Nothing to report.

Public Hearings:

A. 7:00 P.M. Rexburg Urban Renewal Plan (South Arterial area) – The Development Company

Glen Pond representing the Development Company reviewed the proposed Rexburg South Urban Renewal District to the City Council. The Urban Renewal District was approached by the City about a year ago to consider an Urban Renewal District on the South end of Rexburg. With the development of University Boulevard and the proposed development of a new High School, significant growth will be seen in this area. There will be pressure on the City for more infrastructure as this part of town develops. A survey of the area was done to make sure the area qualifies for an Urban Renewal District. Mr. Pond asked the City Council to approve the South Urban Renewal District.

Mayor Larsen opened the public hearing.

Those in favor:

Richard Smith representing BYU-I explained the University is in full support of this Urban Renewal Project.

Those neutral: NONE

Those in opposition: NONE

Mayor Larsen closed the public hearing.

Mayor Larsen said this Urban Renewal Project would allow the City to develop some much needed infrastructure with tax revenue. Council Member Erickson explained the City Council doesn't waive the rules very often, but in order for the city to be able to recoup the taxes for this year, the Urban Renewal District has to be approved and put in place before the end of the year.

B. 7:20 P.M. Vacated of portions of Fourth South (East Viking Drive & West Viking Drive) street interior to BYU-I together with that portion of South Center Street interior to BYU-I to be abandoned and vacated.

City Attorney Zollinger explained the proposal on the overhead screen. There are three city streets that have been maintained by the university for the past several years. None of these streets access any other City streets. In the interest of getting out of maintaining streets that serve only a single property owner, the recommendation is to vacate these streets. This would turn the maintenance of the streets over to the university. It would also allow the university to maintain building access from those streets.

Mayor Larsen said it had been discussed to trade these streets for right of way. City Attorney Zollinger said the university already gave the city some right of way to help maintain a good working relationship between the city and the university. City Attorney Zollinger gave some examples of other property the university has donated through property exchange or right-of-way donation to the city including a holding pond and 7th South.

Mayor Larsen opened the public hearing for testimony.

Those in favor:

Richard Smith representing BYU-I said the University is in support of this proposal as presented.

Those neutral: None

Those opposed: None

Council Member Young asked if it was a formal written request from the University or was it a City request. Richard Smith said the University did make a formal written request last spring.

Council Member Stevens said in the spirit of cooperation, moved to vacate East Viking Drive, West Viking Drive and the portion of 4th South to the University the property as presented. Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

C. 7:40 P.M. Annexation of properties approximately 93.105 acres of land north of Teton Lakes Golf Course at approximately 1150 North on 12th West on the east side of the 12th West – Curtis Ferney

Brad Harker representing Curtis Ferney (developer) reviewed the proposal on the overhead screen. They are proposing to zone the property RR2 which is a change from the original proposal which was to zone this area LDR1. The portion to be zoned RR2 instead of LDR1 is against Hwy 20. The areas already zoned RR1 will remain RR1, no zone change is being requested for these RR1 areas. They are trying to work with the neighbors and the city to make it a nice development. An existing subdivision on the property will remain zoned RR1. They would like to sell these as city lots. The developer would run city water and sewer lines to the development. A park is proposed at the southeast corner to tie the golf course into the subdivision.

Mayor Larsen recorded for the record some letters opposed to LDR1 zoning. The letters stated they are fine with RR2 zoning.

Mayor Larsen opened the public hearing.

Those in favor:

Ted Hendricks 941 Larch Drive said with the zoning changed from LDR1 to RR2, he is in favor of the annexation proposal.

Joan Avenuis 1003 Larch Drive read a statement that the change of zone to RR2 was acceptable per a prior agreement with Curtis Ferney. She is in favor of the annexation. She thanked the city for doing careful planning and said Rexburg is a wonderful place to live.

Dan Hanna 850 East 7th North who serves on the Planning and Zoning Committee wanted to defend the motion he made in the Planning and Zoning Meeting to approve this annexation. There were three reasons the Planning Commission voted in favor of this proposal: 1) Legal council advises that the owner has a legal right to ask for annexation. 2) The developer would extend city utilities into this area, which would make it more cost effective to further extend services in the future as Rexburg expands. 3) In light of the reports of nitrates in ground water increasing in the area, he feels it very necessary to provide city water when possible.

Council Member Erickson asked about the motion that was made in the Planning and Zoning meeting. Mr. Hanna recommended approval with condition that it is zoned RR2 instead of LDR1; this was agreeable to others as well. Council Member Erickson asked about the water rights. Mr. Hanna said it was intended by the commission to have the water rights transferred to the city.

Those neutral:

Jordon Busby 752 South 5th West is the Principle of Hibbard Elementary School read a letter from Dr. Thomas, the Superintendent of Madison School District.

Dr. Thomas' letter expressed they are neutral as far as this annexation is concerned. He requested the Mayor and City Council to consider the demographic and financial impacts on an already heavily burdened school district. There have been multiple bond and levy attempts to address overcrowding and aging facilities. Construction costs are escalating rapidly ranging from \$170 to \$200 per square foot. Furnishing a class room costs \$5000, a computer room costs \$50,000. Text book, school buses, and teacher aides also

add additional costs. Rather than have current tax payers shoulder these additional costs, they asked if a school development fee could be levied on those developing the project or an area of land be set aside where a school could be built would be of great support to the school district. He thanked the City Council for making these hard decisions.

Mr. Busby spoke as the Principle of Hibbard Elementary. He said Hibbard Elementary is at capacity. There are 230 students right now. The area is growing with 58 to 65 families coming soon which will be affecting Hibbard Elementary. There is a modular class room at Hibbard Elementary right now and they don't want to make it a mobile school because they can't keep up with the growth. He said anything the City Council can do would be greatly appreciated.

Mike Ricks 901 South 5th West, is on the Planning and Zoning Committee voted nay to this proposal in the Planning and Zoning Meeting. He explained he voted nay because of the water rights issue. Mr. Smith indicated water rights were not going to be transferred. Mr. Ricks said water rights are very important.

Those opposed:

Michael Taylor 2180 Robison Drive is opposed to the development. He feels the community is being defined in a very odd way. This proposal is not near Rexburg or any other Rexburg development except for the golf course. He feels community is being defined as city sewer and water. He understands a right to ask for annexation is acceptable, but this doesn't mean the city has to approve the proposal. They have a sense of community in Hibbard. He feels this request is making the area a part of Rexburg without providing for connectivity. The proposal does not have any connectivity to Rexburg. He mentioned the existing barriers of Hwy 20 and the Teton River. He feels Rexburg is big enough already. Rexburg can accommodate all the proposed growth by infilling Rexburg. He wants the Hibbard community to stay the Hibbard community.

Maria Nate 2139 Ferris Lane, referred to the Comprehensive Plan which encourages compact growth. She feels this development is developer driven, not driven by planning. She did not feel it was the right time to develop this property into the City of Rexburg. She did not feel this proposal fit the Comprehensive Plan. The same developer owns property right across the street as well. This was originally part of the plan and changed to proposal right before the Planning and Zoning meeting, so there was a lot of confusion of what was actually being proposed. She was concerned with the traffic issues. Turning west onto Pioneer Road is very dangerous. She doesn't feel there is infrastructure in place to handle this development. She is also concerned for the farmers out in this area. She is opposed to the annexation.

Matthew Whoolery 2169 Ferris Lane, referred to community meetings that have been held in Hibbard regarding this development. The Hibbard community was told one thing about the development, and then went to the meeting where the proposal had completely changed. He was pleased with the community involvement in Hibbard to discuss the growth issues in their community meetings. He does not feel this land should be annexed. It doesn't fit in with the comprehensive plan. He wants to keep Hibbard, Hibbard. He is opposed to the annexation.

Jerry Engstrom 1257 North 12th West, asked why there is such a sense of urgency to develop this property. He hasn't seen growth recently to merit such an urgency to develop in Hibbard. He wanted to have more attention paid to the infrastructure, particularly roads and wetlands, in the area. He was concerned with the density and what it would mean for open space and recreation areas for the residents. He also feels this is developer driven. He is opposed to the annexation.

Ryan Dabell 3342 White Pine Street, has three issues he wants to address. Traffic is a concern. He estimated about 500 extra trips from Hibbard to Rexburg just from this development. Other developments are sure to follow. There is only one point of entry into Rexburg. He doesn't feel there is infrastructure in place to handle this growth. Schools are another concern. He has two first graders at Hibbard Elementary. One of his children meets in the modular classroom and if growth continues another one is sure to be added. He is not thrilled about having a trailer court for a school. Finally, he is concerned about the precedent this would be setting. The Comprehensive Plan did not address this property as a growth area in the next 20 years. He is opposed to the annexation.

Rachael Whoolery 2169 Ferris Lane, referred to a lack of RR2 zoning in this area. Cities need to maximize space because of the cost of infrastructure. She lives on a one acre lot. She is not against development, but she is not in favor of the density of RR2. She is concerned about snow removal in this area as well. She

does not think it would be cost effective to have the city finance the extension of city services to this area 1 ½ miles from the nearest area of the city. She does not see how this would be beneficial to the city to annex this area. She was concerned with the additional traffic on North 12th West due to the lack of funding. She was concerned with the lack of open space in the proposed development. If this is annexed, she asked the City Council to put a condition of an open space requirement into this particular subdivision.

Rebuttal:

Brad Harker addressed the school and safety issues. He said you have to take into consideration that subdivisions aren't going to sell out overnight, so there will be time for absorption. They will grow with the project. He mentioned the Comprehensive Plan shows growth on the west side of Rexburg and this project fits well with this growth plan. Density decreases as you move away from the city. He addressed the question of if this property should be annexed. He explained this property is going to be developed regardless if it is annexed or not. The developer is willing to pay the cost to run the infrastructure of city utilities to this area.

He explained open space is part of the subdivision. They feel open space is important. Saddle Creek Estates has open space with two ponds. They are planning parks for the subdivision to tie into the golf course for a buffer zone between the highway and the golf course. He said in terms of traffic growth, this was considered when the golf course was developed. The LDS Church has chosen BYU-I in Rexburg for expansion. People follow this type of growth. They have plans to do the development right. They will cooperate to make it a subdivision desired by the community.

Mayor Larsen closed the public hearing.

Mayor Larsen explained under state code, cities do not have any jurisdiction over school impact fees. Council Member Stevens said taxes are the only method for the schools to get additional revenue.

Council Member Mann said he has some conflicts because he feels neighborhoods should be able to decide what they want, but he has some other values which are protecting Rexburg's water, infrastructure, etc. It concerns him that this development would be done with septic systems. Septic tanks are not good for water, etc.

Council Member Young asked for input on the water for the subdivision.

City Attorney Zollinger explained the city makes it a requirement that any land coming into Rexburg has to come with water rights. He also explained the city does not provide water for sprinkling yards. This is a situation best left to the Public Works department.

Council Member Young asked about reports from the Health Department on ground water nitrate contamination in this area.

County Commissioner Robison explained the nitrate problem comes from other sources besides septic systems. DEQ is starting to have more control on developments near central sewer systems.

Public Works Director Millar reviewed future plans for the expansion of city services. The current impact area was approved by the county in 2003 or 2004. The city is looking for long term plans to provide service to this area north and west of Rexburg by installing a new pressure main line. He reviewed existing water and waste water lines that serve properties west and north of the city.

Council Member Young asked how the cost for extending infrastructure to this area would be split with the developer. Public Works Director Millar said they pay for their needs and the city pays for the additional capacity. The city can recoup costs on the lines as new customers connect to the line. Council Member Young asked if adjoining residents would be required to connect to city services if the lines become available. Public Works Director Millar said only waste water would be an issue. Water can be connected to the city as requested not forced.

Council Member Erickson said this is a good project that is eventually going to happen. He was concerned that the remark was made that this development is going to happen regardless. The Planning and

Zoning Commission felt that if the property was going to be developed, they wanted in to be developed as a city project.

Brad Harker said there is an option to develop the project as a county project. He also said they are willing to cooperate as much as possible with what residents want. He asked how much acreage is required for a school. About 15 acres is needed for a school.

Council Member Stevens said a development containing 100 homes is required to make land available for a park in Rexburg.

Council Member Erickson was concerned about the zoning from RR1 to RR2. He is also very concerned with water rights coming with the property. He is not sure what the benefit this development would be for the city. He knows this property is going to develop and he would like it to develop into the city, but this might not be the right time. He doesn't think this should be voted on tonight by the City Council. He feels it is development driven instead of planning driven.

Planning and Zoning Administrator Leikness referred to a Planned Unit Development as an option. The PUD Ordinance would allow clustering in RR1 with open space. It is a tool allowed in RR1 and RR2.

Council Member Erickson said he is concerned that this developer doesn't really know what he wants. He changed the proposal the afternoon before the Planning and Zoning meeting. He changed the zoning he is requesting tonight. He suggested giving the developer a little time to decide what he really wants.

Council Member Mann asked for a vote tonight due to the coming changes in the City Council.

Mayor Larsen reviewed the impact area and the growth plans for the City of Rexburg. It is a challenge to grow into an area that has existing wells and septic systems. County standards are different than city standards.

Council Member Schwendiman reviewed the proposed zoning for the proposal. It would be zoned RR2. The annexation and zoning would be approved tonight, by the development is not being approved tonight.

Council Member Benfield said she sees environmental challenges. However, a lot of positive things have been said by the developer regarding open space, water and waste water. The plan would be developed and approved through Planning and Zoning for the development of the property.

Council Member Erickson said he would vote aye if the City Council wants to annex the property tonight. He wants certain conditions to be put on the annexation including open space, parks, water rights, etc. He said there is an opportunity to do some good things with this property.

City Attorney Zollinger explained this is a land use decision tonight not a development decision.

Council Member Stevens commented development decisions are made in the development phase.

Mayor Larsen explained the city does receive benefits through impact fees for parks, streets, fire, police, etc. Another benefit is having the developer pay for a good portion of infrastructure that will be needed in this area.

Council Member Mann moved to approve the annexation as RR1 for Pine Brook Division 1 and RR2 for the remaining land. He trusts Planning and Zoning to take care of the development questions. Council Member Stevens seconded the motion. Discussion: Council Member Stevens was concerned with RR1 without sidewalks and RR2 with sidewalks. He asked if there is a way to incorporate sidewalks into the RRI zoned areas to allow for better connectivity and a nicer development. Who will plow the street for snow in the RR1 section? The city will be responsible to plow the street if annexation is approved. Council Member Young said he will not support the annexation. Role call vote:

Those in favor:

Chris Mann
Bart Stevens
Rex Erickson

Those opposed:

Farrell Young

Donna Benfield
Randy Schwendiman

The motion carried.

New Business:

Ratify Golf Board member – Dan Kettle

Mayor Larsen asked the City Council to ratify the name of Trent Chicos to the Golf Board. Mayor Larsen explained Sherri Erickson has completed her term on the Golf Board. He explained this is city appointed, and the next appointment will be county appointed.

Council Member Schwendiman moved to ratify Trent Chicos to the Golf Board. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

Staff Reports:

A. Public Works report on Projects: John Millar

Public Works Director John Millar informed the City Council on the corner of 2nd South and 2nd East of a traffic study that was done in August 2007. They found from 7:45 a.m. to about 8:05 a.m., and again from 3:00 p.m. to about 5:00 p.m. the intersection is very busy. The study did not meet the warrants for a four-way stop at this time. Sometime in the future this intersection will meet the warrants for a four-way stop. Another study will be done in February 2008.

Public Works Director Millar asked the City Council to look at a list of projects and prioritize what projects to do for 2008. The City Council asked the Public Works Department to look at:

- Pioneer Road
- 4th East
- Storm water outfall by Mother Hubbards and
- Storm water by the roundabout

Public Works Director John Millar will have numbers for these projects for the City Council to review at the next meeting.

B. Financial Officer Report: Richard Horner

- 1) Monthly Budget summaries

Finance Officer Richard Horner passed out the final 2007 fiscal year report including two months in the 2008 Budget.

Council Member Erickson moved to accept the final 2007 fiscal year budget report. Council Member Schwendiman 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 No. 995** International Building Code (IBC 2006) which includes the International Residential Code (IRC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); International Energy Conservation Code (IECC); Uniform Plumbing Code (UPC); and the National Electric Code (NEC2008).

City Inspector Christensen reviewed the reason to upgrade the International Building Code from 2003 to 2006 as required by the State of Idaho. Contractors were invited to a training meeting on changes to the code. The residential code had most of the changes for crawl space requirements etc. They met with the Upper Valley Contractors Association last month to review the changes. He requested that the City Council suspend the rules to adopt the new code tonight.

Council Member Stevens moved to suspend the rules. Council Member Erickson seconded the motion. Role call vote:

Those in favor:

Chris Mann
Bart Stevens
Rex Erickson
Donna Benfield
Farrell Young
Randy Schwendiman

Those opposed:

NONE

The motion carried.

Council Member Erickson moved to approve BILL 995 as third read and adopted. Council Member Schwendiman seconded the motion. Discussion: Council Member Benfield asked what would happen if the code is not adopted tonight. IBC 2003 would end December 31, 2007 by State Law. The city would be without a code. All voted aye, none opposed. **The motion carried.**

2. **BILL No. 996** South Arterial Urban Renewal Plan

Council Member Mann said this is a much needed project that will satisfy some needs. Council Member Mann moved to waive the rules on BILL 996. Council Member Erickson seconded the motion. Roll call vote:

Those in favor

Chris Mann
Bart Stevens
Rex Erickson
Donna Benfield
Farrell Young
Randy Schwendiman

Those opposed

NONE

The motion carried.

Council Member Erickson moved to consider BILL 996 third read and adopted, Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

3. **BILL No. 997** International Fire Code (IFC)

Fire Captain Chris Huskinson presented BILL 997 to the City Council. This is updating the current International Fire Code from the 2003 code to the 2006 code. There are a few minor changes to the code. He also asked the City Council to waive the rules and accept BILL 997 as third read as the current code will expire as of December 31, 2007.

Council Member Stevens moved to suspend the rules. Council Member Mann seconded the motion. Role call vote:

Those in favor:

Chris Mann
Bart Stevens
Rex Erickson
Donna Benfield
Farrell Young
Randy Schwendiman

Those opposed:

NONE

The motion carried.

Council Member Schwendiman moved to consider BILL 997 third read and adopted. Council Member Benfield 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

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

Old Business:

A. Resolution 2007 – 14 Providing culinary water to developing or annex areas to or within the City of Rexburg.

Mayor Larsen introduced Resolution 2007-14, and explained this would give the City a documented formal policy to require water rights to come with property that is being developed. Public Works Director Millar has been doing this already, but this puts the formal requirement in place.

RESOLUTION 2007-14

A resolution of the City of Rexburg, Idaho, adopting new requirements relative to providing culinary water for areas being proposed for development or annexation into the City of Rexburg.

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

WHEREAS, the City Council on behalf of ratepayers has invested substantial sums of money in its water system infrastructure; and

WHEREAS, the City Council wishes to continue to be able to provide service to existing and future ratepayers that are, or will be utilizing the culinary water system;

NOW THEREFORE, be it resolved by the Mayor and City Council of Rexburg, effective immediately, that prior to issuance of “will serve letters” for providing water to new developments any water rights that have historically been appropriated or committed to the lands seeking connection to the Rexburg City water system must be transferred to the City of Rexburg, or suitable arrangements made with the City of Rexburg for equivalent water sources.

On lands that the water right is tied to a larger tract, an agreement must be executed with the City of Rexburg to transfer water rights in a scheduled and programmed manner.

Any lands from which the water rights have previously been transferred must acquire and provide to the City water rights in quantity equal to the volume of water which the City of Rexburg will be required to provide.

Any user may request a review by the City Council as to the appropriateness of the calculated minimum or increased capacity to be charged. Any user can purchase additional capacity at any time with the written consent of the City.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2007.

SHAWN LARSEN, MAYOR

ATTEST

BLAIR KAY, CITY CLERK

Council Member Erickson moved to accept Resolution 2007-14. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

Mayor’s Report:

Council Member Young moved to go into executive session pursuant to State Statute 67-2345 (1C) in regards to conduct deliberations concerning a labor contract. Council Member Mann seconded the motion. Roll call vote:

Those in favor:

Chris Mann
Bart Stevens
Rex Erickson

Those opposed:

NONE

Donna Benfield
Farrell Young
Randy Schwendiman
The motion carried.

Executive Session Ended

Executive Session:

The City Council discussed the “Golf Course Management Agreement” negotiated between the owners (City of Rexburg and Madison County) and JDM Management of Rexburg, Idaho. After reviewing the terms of the contract with the City Council, Mayor Larsen asked the City Council to ratify the contract.

Council Member Mann moved to approve and ratify the “Golf Course Management Agreement” with JDM Management of Rexburg for a period of time from January 01, 2008 to December 31, 2013, subject to the termination provisions of paragraph 6. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

Adjournment

Shawn Larsen
Mayor

Attest:

Blair Kay
City Clerk