

City Council Meeting

February 06, 2008



CITY OF
REXBURG
America's Family Community

12 North Center
Rexburg, ID 83440

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February 06, 2008

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 P.M. Work Meeting with Department Heads at City Hall, 12 North Center St.

7:00 P.M. City Hall – Pledge to the Flag

Roll Call of Council Members:

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 January 23, 2008 meeting
- B. Approve the City of Rexburg Bills

Council Member Stevens asked page 4 add comments about project representation.

Council Member Mann moved to approve the consent calendar and pay the bills for the month; Council Member Schwendiman seconded the motion; all voted aye, none opposed. The motion carried.

Christine Benion asked about snow removal budgets. Is the city over budget on snow removal? John said the city is over budget on snow removal. The over budget by twice comes from overtime and contract crews.

Mark Butterfield 63 East 1st South asked about snow removal. 1st South is not cleaned to the middle. It is plowed to the edge of the road piling snow in his driveway.

Mayor Larsen said the city has looked at it; John said we are on the 8th or 9th plowing of city streets in Rexburg. Idaho Falls does not plow on every storm. Council Member Stevens indicated there is a liability issue and expense to plow driveways. Mark wanted the snow plowed to the middle of the street and hauled away. Mayor Larsen indicated sometimes snow ends up on the sidewalks; some streets do get plowed to the

middle of the street. It is a balance to share the money between snow removal and up-coming street repairs.

Bonnie Shippler – Uppervalley Civic Company they have 13 talented dancers for a March 28th performance. They are looking for financial and volunteer support. They are planning to keep business in the area to view such performances as the “Nut Cracker”. They will be performing at the Madison High School. She has contacted city staff seeking support. Mayor Larsen indicated the city has the Upper Valley Arts Council. Margaret Arnold is the chair of the Upper Valley Arts Council. Most of their funds come through fund raising.

Judd Davis at 328 2nd South had some snow (driveway) concerns to get into the parking lot at their apartments. Council Member Schwendiman asked if it is private property. The car is stuck in-between the street and private property. Mayor Larsen indicated the city has towed a number of vehicles this winter to clear the street for snow removal. The city has received numerous calls this week concerning snow removal.

Request to waive \$60.00 plus security deposit fees at tabernacle.

Council Member Stout is in favor of waiving the \$60.00 fee. Council Member Erickson was hesitant to set a president. Council Member Stout move to waive the fee and leave the deposit; Council Member Stevens seconded the motion; all voted aye, none opposed. The motion carried.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes)

Presentations:

Committee Liaison Assignments for 2007:

A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*

Council Member Mann Museum Committee has painted etc. new film room visitors 4,000 out of state last year. Yesterday was media day. Tomorrow is grand opening and ribbon cutting. Mayor added Chris Fox and Ronda thanked Council Member Mann for his service on the remodel. First Emergency Services is doing a new rehire for a retiree. The job is being posted. They approved inflationary charges, reviewed the budget. Need to replace an ambulance. Pay scales for captions reviewed. Beautification Committee??

B. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency* New Golf Board meeting will be on Tuesday nights the next one is on the 19th of February.

Planning and Zoning

Rexburg Development Agency will meet on the 12th. Mayor Larsen said it is a public hearing on the Riverside Park Project.

C. Council Member Bart Stevens *Airport Board · Romance Theatre Committee · MYAB · School Board*

Police Department asked to surplus a 2000 patrol car valued at \$300 blown engine.

Council Member Stevens moved to surplus; Council Member Erickson seconded the motion; All voted aye, none opposed. The motion carried.

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*
??

The next traffic and safety meeting will be on March 4th. Mayor Larsen said he has received a request for a fourway stop at 2nd East and 1st South. Council Member Erickson and Council Member Schwendiman asked to remove one of the existing two 4way stops to allow better traffic flow on 2nd East.

Get randys suggestion??

Put on Traffics next meeting agenda.
Never make a left hand turn on ??

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

Met with Mrs. Arnold on the Picalo good conversation. He has a luncheon date with Ted Hill on IBC Committee.

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*
Not on Legacy will meet with trails tomorrow.

Mayor Larsen said the air show is the same date as the Marathon.

Richard said the Legacy Flight Museum Committee will tomorrow at 7:00 A.M. Their criterion is to have the event each year next to Fathers Day. Once in 6 years it will be on the 2nd Saturday in June.

Officer Foster said it is a concern to do both functions on the same day.

Public Hearings:

A. 7:20 P.M. Conditional Use Permit (07 00561) for a new Madison High School at 12th West and 7th South – Madison School District

John introduced

Mayor Larsen reviewed the Planning and Zoning recommendation.

Johnny Watson 1152 Bond Avenue (JRW and Associates) reviewed the project on a piece of a vacant ground. It is a conditional use permit to build a high school project on 12th West. They are seeking answers before they begin building a site plan to be reviewed in a future public meeting. They are looking at nine ?? How does it tie into city infrastructure.

Council Member Stevens asked if the site plan presented is for general information. Johnny said the proposed site plan shows the proposed location of the building on the 160 acre piece of property.

Council Member Erickson said the CUP is allowed on this site. The question is what does the community want or need for this development. The city does not have a reason to turn the request down; however, the Planning and Zoning Commission did have a number of conditions to approve the development.

Johnny Watson went over the nine criteria required in the city code.

- 1.
- 2.
- 9.

Get list for minutes.

Brent spoke about the design and following the city design code.

High School plan is laid out based on how the different functions come together.

Brent spoke of impacts coming from the school. It is not a very developed area.

Johnny said they have done a good job with noise and sound. They may need some more screening.

Needs:

New city well
Water and waste water services
Fire protection loop
Retention of storm water will be on site.
Pond for watering fields.
Fire access road around entire site
Seminary building land available

Brent spoke of criteria 6

Traffic Study has been done

Concerns: incorporated into construction documents.

1. South Exit at University
2. South Exit at Main Street for a left hand turn will need signalization.
3. 12th West and Main no improvements required.

4. 7th South 12th West will need a future turn lane
5. University and 12th West needs a protected left hand turn lane with stop sign.
6. (get file on computer)
7. Widening of 12th West only a stretch for a left turn lane

Johnny said the Keller Report - traffic study recommendations need to be incorporated into the plan. He mentioned the screening of adjoining properties. The project has been pulled away from the neighbors.

Criteria 8 the land is basically flat. It has been flood irrigated.

Criteria 9 No historic sites near by.

Mayor Larsen thanked Johnny and Brent for the presentation.

Mayor Larsen opened the public hearing.

Those in favor of the proposal:

None

Those neutral

None

Those opposed

None

Mayor Larsen closed the public hearing
And turned to the council for deliberation.

Council Member Erickson reviewed the pr

Council Member Erickson moved to grant the CUP on this property; Council Member Schwendiman seconded the motion; Discussion: Mayor Larsen reviewed the request from Planning and Zoning to have a seconded public hearing on the site plan; Both concurred to include the request and gary leikness suggestion. All voted aye, none opposed. The motion carried.

Council Member Stevens asked to use caution in the design and planning from the design review committee to help keep the costs down.

Council Member Erickson said there will be some recommendations from the design review committee that may not be acceptable by the architect. Need give and take.

Mayor Larsen said pedestrian traffic needs to be addressed in the site plan. Council Member Erickson said it was addressed on the Burton Elementary School where they will install sidewalks. Mayor Larsen asked if there could be a future agreement for city parks space. Shelters, Playground area, etc. Here is a large open space for a large city park by a future city well. Council Member Erickson agreed it would be good for the community. Council Member Mann said the city need soccer field in the area.

New Business:

A. Resolution 2008 – 04: Policy for equal opportunity in housing (Federal Fair Housing Law)

Dorothy Bowen representing the Development Company presented three resolutions to be adopted to comply with federal grant funding. The City received a \$500,000 grant for the downtown area. She reviewed the following resolutions: 1. *Fair Housing;*

2. CITY EXCESSIVE FORCE POLICY 3. Equal Employment Resolution

She reviewed the need for a city committee to ?? ADA Requirement Handicap access to city buildings. She will work with the committee. The committee could develop a five year plan.

Council Member Erickson reviewed the need to pass new resolutions to update future grants or needs.

Council Member Stevens moved to approve all three Council Member Woodland seconded the motion; all voted aye, none opposed. The motion carried.

Council Member Erickson moved to allow the Mayor to create the committee; Council Member Schwendiman seconded the motion; all voted aye, none opposed. The motion carried.

Mayor Larsen asked for a motion to approve the resolutions and establish the committee.

***Fair Housing
Resolution 2008 – 04***

(Population of 5,000 and Up)

LET IT BE KNOWN TO ALL PERSONS OF the City of Rexburg that discrimination on the basis of race, color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Rexburg to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, gender, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) publicizing this policy and other applicable fair housing information through local media and community contacts; 2) distributing posters and flyers to inform the public of their respective responsibilities and rights concerning equal opportunity in housing; and 3) preparing an analysis of impediments to fair housing choice and actions to mitigate such impediments; and 4) declaring April as Fair Housing Month.

EFFECTIVE DATE: This Resolution shall take effect February 06, 2008.

Attest:

Shawn Larsen, Mayo

Blair Kay, City Clerk

B. Resolution 2008 – 05: Policy against excessive force for non-violent civil rights demonstrators.

CITY EXCESSIVE FORCE POLICY

RESOLUTION NO. 2008-05

A RESOLUTION OF THE CITY COUNCIL OF REXBURG, ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.

WHEREAS, the Congress of the United States has passed the Armstrong/Walker “Excessive Force” Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS, the City of Rexburg has received an Idaho Community Development Block grant and is required to comply with the Armstrong/Walker “excessive force” Amendment;

AND WHEREAS, the use of excessive force against demonstrators may cause the CITY to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION 1. *It is the POLICY of the CITY that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations within the City boundaries.*

SECTION 2. *The City Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.*

PASSED BY THE CITY COUNCIL, CITY OF REXBURG, IDAHO.

Attest:

*Shawn Larsen
Mayor*

*Blair Kay
City Clerk*

C Resolution 2008 – 06: Policy to be an equal opportunity employer

Equal Employment Resolution 2008 – 06

Equal Employment Opportunity Policy Statement

It is the policy of the City of Rexburg to be an equal opportunity employer. In keeping with this policy, the City certifies it will recruit, hire, train, and promote into all job levels the most qualified persons without regard to race, color, religion, gender, age, national origin, disability, and marital status.

Similarly, all personnel matters, i.e., compensation, benefits, transfers, and City sponsored programs will be administered in accordance with this policy.

The City will ensure the promotion decisions are in accordance with principles of equal employment opportunities by imposing only valid requirements for advancement opportunities.

This statement shall be distributed to all employees and recruitment sources.

Passed and approved this 06th day of February, 2008

Attest:

*Shawn Larsen
Mayor*

*Blair Kay
City Clerk*

D. Set public hearing date for a review of city fees – Richard Horner

Richard get ahold of Rick Davis golf fees
Hearing date

Richard went over fees

Council discussed the new fees.

Put list in minutes.

Mann moved to set date at Feb 20th Woodland seconded all voted aye

E. Resolution 2008 – 08 Schedule public hearing for LID 35 final assessment role –
Richard Horner

Richard Horner reviewed.

It is ¾ completed; unfinished items will be moved to a future LID.
Completed properties will get a final assessment.

Stevens asked if they came in at expected cost. Some were increased due to increased costs.

John explained city crew did all they could to keep costs down. The city crews did not get them all done.

Council Member Erickson asked about right of way on South Millhollow Road.
Get minutes for Rex to OK right of way. John developer will do west; Siphert agreed to join LID.

Council Member Mann moved to approve Re Council Member Erickson seconded the motion; Discussion:
all voted aye, none opposed. The motion carried.

RESOLUTION NO. 2008-08

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, FIXING THE TIME AND PLACE OF HEARING ON THE LOCAL IMPROVEMENT DISTRICT NO. 35 ASSESSMENT ROLL; PROVIDING FOR PUBLICATION AND MAILING OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Local Improvement District Number 35 ("L.I.D. No. 35") of the City of Rexburg (the "City") was created by Ordinance No. 964 adopted by the City Council (the "Council") on July 19th, 2006; and

WHEREAS, in accordance with Ordinance No. 964, the improvements within L.I.D. No. 35 have been completed, and the City Engineer, as engineer for L.I.D. No. 35, has submitted a report showing in detail the total cost and expenses of the improvements, the dollar amount thereof payable from assessments, and a form of assessment roll showing the amount chargeable to each lot or parcel of property subject to assessment within L.I.D. No. 35.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, as follows:

Section 1: The form of assessment roll for L.I.D. No. 35 prepared by the City Engineer shall be filed in the office of the City Clerk, where it shall be available for public inspection during normal business hours.

*Section 2: **Wednesday, the 5th day of March, 2008, at the hour of 8:30 pm**, at the regular meeting place of the Council, City Hall, 12 N Center, Rexburg, Idaho, is hereby fixed as the date, time, and place when and where the Council will meet in open session for the purpose of considering the City Engineer's report on the assessment roll and hearing any objections to the assessment roll by the owners of property within L.I.D. No. 35.*

Section 3: The City Clerk shall give notice of the hearing specified in Section 2 above by publication of notice in the official newspaper of the City, once a week for two successive weeks, the first such publication being at least fifteen (15) days before the date fixed for hearing objections to the assessment roll. The City Clerk shall also, not less than fifteen (15) days before the date fixed for hearing objections to the assessment roll, mail notice of the hearing to each owner of property, if known, or his or her agent, if known, within the limits of L.I.D. No. 35, addressed to such person at his or her post office address, if known, or, if unknown, to the main post office in the City of Rexburg, Idaho. The mailed notice shall state the amount of the individual assessment as shown on the preliminary assessment roll.

Section 4: The owner or owners of any property which is assessed in said assessment roll, whether named in said assessment roll or not, may, within the time specified in the notice before the date and time fixed for the hearing, file with the City Clerk his or her objections in writing to said assessment.

Section 5: This resolution shall take effect and be in force from and after its passage and approval.

DATED this 6th day of February 2008.

CITY OF REXBURG
Madison County, Idaho

By _____
Mayor Shawn Larsen

ATTEST:

City Clerk Blair Kay

Staff Reports:

A. Public Works report on Projects: John Millar

They have been moving snow this past two weeks. Council Member Erickson indicated the ditch has been filled with snow on North Hill Road. John said it will be removed. Council Member Erickson said a second ditch on West 4th South needs cleaned. John said they will clean the ditches and they will be walked before the snow thaws.

Street projects need some attention on storm drainage which will be on the next agenda.

Mayor Larsen asked when the meeting is planned with the oversight committee concerning the Main Street Project. Mayor Larsen asked to include Main Street business people in the meeting. John will plan an early morning meeting or a light lunch meeting.

New Main Street drawing to save the parking and include the left turn lanes. Mayor Larsen asked if the plans have been finalized for the proposed street projects. John is working on them.

The City Council discussed the roof snow load on city buildings.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

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

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

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

Old Business:

Mayor's Report:

Police receive recognition at the scout dinner.

How does the council want to proceed:

Randy wants input from legal council.

Legal Council recommended an agenda item at the next agenda to discuss at the city council meeting.

A. Proclamation 2008-01 – National Earned Income Tax Credit (Child Tax Credit)

Mayor Larsen explained

He asked for ratification.

½ mil in madison county

Council Member Stevens moved to ratify Proclamation 2008-01 – National Earned Income Tax Credit (Child Tax Credit); Council Member Erickson seconded the motion; all voted aye, none opposed.

The motion carried.

Adjournment

Shawn Larsen
Mayor

Attest:

Blair Kay
City Clerk

Booting discussion on beginning of agenda oversight team meeting needed before the meeting. Council needs to be notified. Stephen to present changes based on previous discussions.

- 1) recommend removing 9A
- 2)