

Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

October 1, 2008

Mayor Shawn Larsen

Council Members:

Christopher Mann – Council President
Rex Erickson Randy Schwendiman
Bart Steven Richard Woodland
Adam Stout

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

7:00 P.M. City Hall – Pledge to the Flag- Boy scout Brandon Cornelius leading.

Roll Call of Council Members:

Present: Council Member Mann, Council Member Schwendiman,
Council Member Woodland, Council Member Stout.

Mayor Larsen, Council Member Erickson and Council Member Stevens asked to be excused.

Council President Mann welcomed Boy Scout Troop 303 to the meeting. They are working on Citizenship in The Community. Those in attendance were: Spencer Price, Josh David, Noah Webster, and Brandon Cornelius.

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

Ken Hart at 367 Salem Avenue suggested the City Council meetings start with a word of prayer. A prayer to start the meetings would help minimize any contentions that could arise. He stated that Nampa, Boise, and Shelley currently have prayers; while St. Anthony and Idaho Falls do not have a prayer. The city does pass resolutions for funding from time to time to help with grants, etc. At a minimum, Mr. Hart suggested passing a resolution about how people should pray before city meetings to encourage unity. Council President Mann thanked Mr. Hart for the suggestion which the city will take under advisement. City Attorney Zollinger indicated it was determined some years ago by the City Council that prayer was not an integral part of city government. It was dispensed from City Council meetings at that time, 10 to 15 years ago. Council President Mann will pass the suggestion onto Mayor Larsen for consideration.

Presentations:

A. MYAB report on September 24th Pride Days:

1. Clean up project at Porter Park.

Moriah Mason explained Rexburg Pride Day service project was a success: They passed out 100 tee-shirts and 100 cookies at the beginning. There were between 125 and 150 people who participated by completing a five hour project in two hours. The participation was up from 100 participants the previous year.

Mallory Brugger stated there were many from the local elementary schools, Madison Junior High, and Madison High School participating. The represented a wide variety of age groups for the project. The participants loved the tee-shirts that were handed out.

2. Cans for Cash Campaign from “October 01 to October 31, 2008”

Alei Whyte presented the Cans for Cash Campaign, which is a competition between similar size cities. They will be collecting aluminum cans at various locations in set out boxes including city aluminum recycling dumpsters. The challenge reward will be \$5,000 to the winning city. Some of the winnings will go to the Mayor's Youth Advisory Board if Rexburg wins the event.

Tess Mockli stated that recycling boxes will be set up at: Subway, Hoagie Yogi, Uptown Bagel, Beehive Federal Credit Union, Wal-Mart, Broulims, Madison Middle School and Madison High School.

Mariah Merrell mentioned on October 17th before the Madison High School football game against Idaho Falls there will be a "can stomp" sponsored by Radio Station Q102.

Committee Liaison Assignments for 2008:

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

Council Member Mann explained the Museum Committee did meet last week. They received new fixtures for the museum donated from the BYU-I bookstore. The Beautification Committee cancelled their meeting. The Emergency Services Board has not met since their last meeting. The outside painting on the building was completed at the Fire Department.

B. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*

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

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*
Nothing to report.

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*
Nothing to report.

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*

Council Member Stout reported the Legacy Flight Museum did not meet. The Trails of Madison County Committee held the annual "Great Spud Race" Saturday, September 27th. They are meeting tomorrow to see how much was raised for the trails system. It was a pretty good event with better prizes than previous years.

Hearings: - NONE

New Business:

A. Final Plat for Everett Place Condominiums - Kristopher Meek of Hopkins, Roden, Crockett, Hansen & Hoopes, representing applicant Carlon Scott.

Council Member Schwendiman moved to table the plat review due to their absence at the meeting; Council Member Woodland seconded the motion; all voted aye, none opposed.

The motion carried.

Staff Reports:

A. Public Works: John Millar

1. Report on Projects

Public Works Director Millar stated that there are currently three construction projects still underway:

- (1) East Main Street by Smith Park is moving along well and it is actually ahead of schedule. The earth work is done, the gravel has been brought in, and they poured the curb and gutter for the island.
- (2) The two block area on 7th South from 2nd West to 4th West with H.K Contractors was expected to be further along than it is due to blasting rock; however, it is still in progress. They are getting all underground work done and there are utility lines that need to be extended out for the buildings. They anticipate all of the underground utilities to be done next week.
- (3) Sunrise Drive storm drain basin project is moving along with 20,000 yards of material being moved to Riverside Park behind Kmart where a recreation development is being

planned. The area is between the Teton River and the Rexburg Canal and the fill is being leveled off for developable ground and ready for top soil.

Public Works Director Millar stated that at the next City Council meeting he wants to narrow down the road projects for next year to about a half dozen. It was agreed to be put on the agenda for the next meeting.

Council Member Stout asked if 12th West would be widened. Public Works Director Millar stated traffic studies suggest that they do not require 12th West to go from a two lane to a multi lane road. The intersections on 12th West would have to be widened for turn lanes. The existing 12th West would need to be widened from 18 to 24 feet to 24 to 28 feet. Council Member Stout asked if traffic would hurt the road. Public Works Director Millar said the developer should bear some of the cost.

Council Member Stout asked about the heating and cooling system at the Police Department. Public Works Director Millar explained the system is still waiting for one unit.

Calendared Bills and Tabled Items:

BILL Introductions:

A. 1014 Amending Ordinance 911 for “Towing and Parking Enforcement”

Draft BILL 1014 was introduced by City Attorney Zollinger. He explained the history of the committee meetings on the amendments to Ordinance 911. Essentially, the change proposed to Ordinance 911 would be the requirement to include the property owner or an agent of the owner in the residential booting or towing process.

Draft BILL 1014 includes a clause allowing the vehicle management company or the individual being booted or towed to post a small bond of \$10.00 or \$20.00 to initiate a hearing process with a hearing officer at the Police Department who would rule on the dispute. At the conclusion of the hearing process, the remainder of the towing and booting fee would be paid or the vehicle management company would refund the bond back to the individual involved in the dispute. It builds in a mechanism in the process to allow the city to mitigate the dispute. If a person fails to appear, it would cause an infraction to be issued allowing the court to step in and collect the money in dispute on behalf of the towing companies. This would eliminate the process of a person putting down the minimal amount and walking away.

City Attorney Zollinger asked the City Council to take the document under advisement while considering the several complaints they have heard over the years involving towing and booting. A number of groups would like to be heard on the amendments. It is not necessary to expedite this process. Council Member Schwendiman asked how long until this is read. The first reading would be on the next agenda October 15.

Council Member Stout asked about the proposed changes. City Attorney Zollinger explained Section 9-A was reinstated from an original draft. Council Member Stout asked about the hearing process in reference to civil court proceedings. City Attorney Zollinger stated that any time a civil dispute needs resolution; the courts are a viable option. If the litigants don't like what is decided in the hearing process, they can go to small claims court. The only time it is criminal is if they make a promise through this ordinance to appear at a hearing and they don't appear; triggering an infraction giving enough bite to cause criminal action. If they show up for the civil hearing, it would remain a civil matter. If the plaintiff is not happy with the civil hearing process outcome, they can take the complaint to the next step of small claims court.

Council President Mann asked if other groups were involved in the draft. City Attorney Zollinger said that he was instructed to go to the City Council first before it was reviewed by other groups. The next step is to involve other committee members in the review. The proposed changes to Ordinance 911 (BILL 1014) were derived from input received in multiple committee meetings.

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

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

1. **BILL 1012** Establishing definitions, guidelines, and creating a Joint Commission for Areas of City Impact within Madison County (**Inter-Local Agreement** between the cities of

Rexburg, Sugar City, Teton, Newdale, and Madison County concerning renegotiation of areas of City Impact and Annexation)

Council President Mann asked for a motion on the second reading for BILL 1012.

Council Member Stout stated he would like more time to review the bill. **City Attorney Zollinger** stated that they have to have a formal action to act upon it, table it, or postpone it.

Council Member Woodland moved to delay the reading to the next agenda; Council Member Stout seconded the motion. Roll Call vote:

Those voting aye

Council Member Woodland

Council Member Stout

Council Member Schwendiman

Those voting nay

Council Member Mann

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:

Old Business:

Mayor's Report:

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.

Minutes:

A. September 17th, 2008 meeting

B. Approve the City of Rexburg Bills

Council Member Schwendiman asked about the Porter Park bill for sod at the baseball field. Council Member Mann stated it was in his packet, and he circled it but did not sign it. City Attorney Zollinger stated the city purchased \$6,000 worth of sod and our crews have indeed prepped it. Council Member Schwendiman asked if it was on the budget. City Attorney Zollinger explained it was budgeted. Council Member Schwendiman asked if the \$19,000 for the HVAC invoice at the police building was approved in the budget. Public Works Director Millar explained it was budgeted. Council Member Schwendiman then asked if the money for a 2008 Ford to replace a police car was in the budget. City Attorney Zollinger explained a police car (Detective Erickson's car) was broad sided a few weeks ago and this vehicle is the replacement vehicle. The replacement car was being leased and the department decided to replace the lease vehicle with budgeted funds.

Council Member Mann asked about \$3,000 for the I.P. security check review. **Finance Officer Horner** stated the security review is to check the city's network vulnerability (city information servers, etc.) concerning data protection from outside sources using SAINT software running intrusion/penetration and vulnerability testing based on Department of Defense standards. The security report is pending.

Council Member Woodland inquired about carpet cleaner used on the Planning and Zoning building. City Attorney Zollinger stated the shampooing was of about 3,800 feet. It was in total a little higher cost than in years past; therefore, it will be re-bid again before more carpets are shampooed.

Council Member Stout stated that on Page 7, on the 2nd paragraph, Council Member Woodland's name should be changed to Council Member Erickson.

Council Member Stout moved to approve the consent calendar with corrections; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

Finance Officer Horner asked for the appointment of a committee for the impact fees. The committee will review the numbers that were calculated to set the fees. The City Council has the final approval.

Richard Horner has received proposals for employee health insurance. Three City Council Members, the Employee Committee and Finance Officer Horner will review the proposals to come up with a proposal to present to City Council. Council President Mann, Council Member Woodland, Council Member Stout and Finance Officer Horner will meet Friday morning at 7:00 A.M. with the Employee Committee to sort through the proposals to find the best proposal.

Executive Session pursuant to State Statute 67-2345 (F)

Council Member Stout motioned to move into executive session; Council Member Schwendiman seconded; roll call vote:

Those voting aye

Council Member Woodland
Council Member Stout
Council Member Schwendiman
Council Member Mann

Those voting nay

None

The motion carried.

Executive Session.

Executive Session ended.

Adjournment

Christopher Mann
City Council President

Attest:

Blair D. Kay
City Clerk