

# City Council Meeting

December 15, 2010

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x2313  
Fax: 208.359.3022



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

December 15, 2010

**Mayor Richard Woodland**

**Council Members:**

Christopher Mann – Council President  
Rex Erickson      Donna Benfield  
Bruce Sutherland      Brad Egbert  
Adam Stout

**City Staff:**

Stephen Zollinger – City Attorney  
Richard Horner – Finance Officer  
John Millar – Public Works Director  
Val Christensen – Community Development Director  
Scott Johnson – Economic Development Director  
Blair Kay – City Clerk

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

**Daniel Riley** from Troop 56 led the Pledge.

**John Sanders** gave the opening prayer.

**Roll Call of Council Members:**

**Attending:** Council President Mann, Council Member Benfield, Council Member Sutherland, Council Member Egbert, Council Member Stout, and Mayor Woodland.

**Council Member Erickson** asked to be excused.

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

**Sheryl Gram** indicated there is a dangerous intersection at 3<sup>rd</sup> East and Main Street by Smith Park; due to pine trees blocking vision of the intersection. There was an accident at this intersection due to the lack of vision of the intersection. She complained about the pine trees blocking the vision of the intersection. She pulls out into the middle of the intersection and looks before she turns onto Main Street. Her friend got in an accident at this intersection and her air bags deployed. She requested the four pine trees be removed for the safety of the citizens.

**Council Member Egbert** said he has received a complaint concerning the same intersection. Discussion: The trees could be trimmed now and removed in the spring. Pedestrians can't be seen either. The request will be referred to the Traffic and Safety Committee. Council Member Mann said a stop sign in the middle of the intersection on the island may be possible. Mayor Woodland said they would fix the problem.

**Presentations:** - NONE

**Committee Liaison Assignments for 2010:**

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

**Council Member Stout** did not have a report.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

**Council Member Egbert** did not have a report. The Flight Museum Board did not meet.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee*

**Council Member Sutherland** did not have a report. Traffic & Safety Committee did not meet.

D. Council Member Christopher Mann *Emergency Services Board · School Board · MYAB*

**Council President Mann** reported Emergency Services did not meet; however, they did have a Christmas dinner inviting the Mayor Woodland and Council President Mann. Firemen and EMT's who helped save the life of a hunter involved in a hunting accident did receive an award for their life saving efforts. He asked to recognize these individuals for their heroic life saving efforts at a City Council meeting in January. The hunter's life was saved by the Firemen and EMT's live saving skills. It was quite emotional to be there and watch the man they saved shake all of their hands in gratitude for saving his life. Mayor Youth Advisory Board has been really busy with "Shop with a Cop" last Saturday and Monday night there was an event with Santa Claus at the Carousel in Porter Park. It was as fun and cute as could be. MYAB had their Christmas party and last meeting of the year tonight.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

**Council Member Benfield** reported the Arts Council and the Tabernacle Committee did not meet; however, an Eagle Project was just completed at the Tabernacle. The Tabernacle windows on the lower level have been blocked off for safety and to prevent drafts. The Romance Theatre has not meet since the announcement of the Hampton Inn contest. The Romance Theatre site won the contest winning a \$30,000 Hampton Inn grant including up to 100 Hampton employees to work on the project for one day for renovation of the Romance Theatre. The next project is to order the curtains for the big stage at the Romance Theatre. The bids are around \$22,000. Roger Harris is overseeing the curtains.

**Council Member Benfield** said Travis Gugelman is putting on a performance (play) this spring as a fundraiser for an orphanage in Ecuador. The rental fee of the theatre will be waived as a donation. All the supplies and time being put into the production of this play being donated, so the committee agreed to donate the use of the theatre. Dr. Rex Head is in charge of the trip to the Ecuador orphanage. The liaison to the Police Department reported they caught the person responsible for a shop lifting ring in town. 80 cases of turkey were dropped off at the Police Department in Rexburg and donated to local charities. The High School Grand Opening was a success. It is available as a community auditorium.

**Roger Harris** said the Nutcracker is going on this Saturday at the new High School.

**Mayor Woodland** said there is a lot of talent in the community.

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

**Council Member Erickson** was excused.

#### **Public Hearings:**

**A. 7:20 P.M. BILL 1059 - Adopt the International Building Code, 2009 edition**, the International Residential Code 2009 edition, the International Mechanical Code 2009 edition, the International Fuel Gas Code 2009 edition and the International Energy Conservation Code 2009 edition, all published by the International Code Council, the NFPA 70 National Electrical Code as currently required by the State of Idaho and the Uniform Plumbing Code as currently required by the State of Idaho and published by the International Association of Plumbing and Mechanical Officials.

**Staff Report: City Attorney Zollinger** reported on the proposal. Community Development Director Christensen was excused for a family wedding in England. BILL 1059 is a compilation of all the regulatory building codes. If not adopted, the state would have jurisdiction of building codes. The only exception the City Staff added to the code is the 5/8" sheet rock requirement, whereas the state only requires 1/2" sheet rock. It is a policy and practice that has been in place in this area for a long time. With that exception, staff recommends adoption as presented by the State.

**Mayor Woodland** opened the Public Hearing.

#### **Those in Favor of the proposal:**

**Steve Pinther** at 412 Main Street in Ashton indicated he was representing the Upper Valley Builders Association. They support the BILL. They want to work to encourage good building codes. They support the 5/8 inch sheet rock in the garages. There are no fee increases in the BILL. They are

not a fee collection business. They want to work with local municipalities in maintaining a good working relationship.

**Those Neutral to the proposal:** – NONE

**Those Opposed to the proposal:** – NONE

**Mayor Woodland** closed the Public Hearing.

Discussion:

**Council Member Mann** thanked him for the comments. The City Council likes knowing there is support and that they haven't missed something.

**Council Member Mann** moved to approve **the International Building Code, 2009 edition**, the International Residential Code 2009 edition, the International Mechanical Code 2009 edition, the International Fuel Gas Code 2009 edition and the International Energy Conservation Code 2009 edition, all published by the International Code Council, the NFPA 70 National Electrical Code as currently required by the State of Idaho and the Uniform Plumbing Code as currently required by the State of Idaho and published by the International Association of Plumbing and Mechanical Officials; Council Member Benfield seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Egbert  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Items for Consideration:**

- A. ***APPEAL a Planning and Zoning public hearing decision*** on December 02, 2010 to maintain the PEZ 1 and PEZ 2 areas as originally setup and approved by the City Council. The request to change the (PEZ) Pedestrian Emphasis Zone designations along 4<sup>th</sup> South from PEZ 2 to PEZ 1 was denied by Planning and Zoning. **Trent Birch** is seeking approval to change the area from PEZ 2 to PEZ 1.

**(Applicant withdrew the APPEAL request for a review of the Planning and Zoning recommendation)**

**Staff Reports:**

- A. **Economic Development:** – Scott Johnson

**Economic Director Scott Johnson** reported on the first annual East Idaho Business Competition last Friday with six businesses. They worked with 20 businesses and narrowed it down to six applicants who were given the opportunity to present their business plans at the competition. The applicants shared in awards totaling \$15,000 to the top three businesses. Kyle Kinghorn's carbon fiber manufacturing company was the winner. They were able to set up Mr. Kinghorn with some private local investors as well. The company will produce everything from sporting goods to medical prosthetics. They will locate initially just outside of Rexburg. They found a location; they only need 2,500 square feet for the first 15 years in business. They will employ about 20 people in three years. The average employee salary will be around \$60,000. All the competitors will receive some help in taking their businesses to the next level. The judges came from outside the area. The winner also qualifies to go to a competition at the state level.

**Council Member Sutherland** said members of the community have passed along good words concerning Scott's work in community development.

- B. **Public Works:** – John Millar

Public Works Director Millar reported on a few items.

1. Work at the Wastewater Treatment Plant is complete showing improved results at the plant. It is showing up positive.

2. The pool work is going forward, even with the winter weather. They are still doing concrete work, installing stainless steel piping, and adding roof trusses and decking on several of the rooms. They are working to get the buildings closed in. They have also started on the installation of the pool itself. The structure of the pool comes in steel pieces that are bolted together. Everything is still ahead of schedule.

**Council Member Benfield** shared that in the past, many parts of the project have come in under budget. She asked about where we stand with the budget now.

**Public Works Director Millar** has not received any new information on the status of the budget from Johnny Watson. He is out of town tonight, but should be able to give a detailed report at the next City Council meeting.

3. Streets – Public Works staff is ready to meet with the committee of City Council representatives to discuss the LID options for Pioneer Road. He will set up a meeting.
4. SKM Contract for the control system at the treatment plant allowing remote control of the plant. They would be able to control the speed of pumps, the speed of the bio-tower distributor, and monitor in much more detail the conditions of the plant. The contract is to provide the software, develop the input for the programming, and also to provide the computer. They have set the contract for an hourly basis of work completed, not to exceed \$80,000. He seeks approval of the City Council in order to move forward with the contract.

Council Member Sutherland moved to approve the **Control Services Contract for the Wastewater Treatment Facility upgrades**; including programming; SCADA monitoring; HMI programming for the PLC controls; Providing monitoring screens for overview, trending, each process, and control screens; Programming for the software dialer (Win 911) for alarm points, etc.; Council Member Stout seconded the motion;

**Those voting aye**

Council President Mann  
 Council Member Benfield  
 Council Member Sutherland  
 Council Member Egbert  
 Council Member Stout

**Those voting nay**

None

**The motion carried.**

**C. Finance Department:** - Richard Horner

**Finance Officer Horner** reviewed the sale of the pool bonds. The interest rate was 3.2% on average for the bonds. They were sold at a premium of 2½% to 3%.

**Calendared Bills and Tabled Items:**

**A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:** – NONE

**B. BILL Introduction:** – NONE

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

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

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

1. **BILL 1059 - Adopt the International Building Code, 2009 edition**, the International Residential Code 2009 edition, the International Mechanical Code 2009 edition, the International Fuel Gas Code 2009 edition and the International Energy Conservation Code 2009 edition, all published by the International Code Council, the NFPA 70 National Electrical Code as currently required by the State of Idaho and the Uniform Plumbing Code as currently required by the State of Idaho and published by the International Association of Plumbing and Mechanical Officials.

**Council Member Egbert** moved to approve **the International Building Code, 2009 edition**, the International Residential Code 2009 edition, the International Mechanical Code 2009 edition, the International Fuel Gas Code 2009 edition and the International Energy Conservation Code 2009 edition, all published by the International Code Council, the NFPA 70 National Electrical Code as currently required by the State of Idaho and the Uniform Plumbing Code as currently required by the State of Idaho and published by the International Association of Plumbing and Mechanical Officials; Council Member Sutherland seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Egbert  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

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

**Mayor's Report:**

**A.** The School Board is interested in leasing the area at City Hall that is unfinished. The Mayor's Youth Advisory Board had plans to turn that area into a Youth Center. Mayor Woodland visited with Amanda and the Mayor's Youth Advisory Board about the plans. They are willing to lease the space.

**Council Member Stout** said the Madison Library and the new high school offer places for the students to gather. When plans for the Youth Center were first discussed there was no real gathering place for the youth.

**Council Member Sutherland** said the new pool location will have an activity room the youth can use for meetings. It would be a great location for the youth to get together. He thinks we could move things around without denying the kids a place to gather. Council Member Benfield agreed; it makes good sense and good use of the space. Council President Mann agreed it made sense economically. MYAB had a hard time getting the details worked out in one committee for supervision, etc. Discussion on the price per square per square foot for commercial property. The hospital pays \$0.86 per square foot for the space they lease.

**Council Member Egbert** said it makes good economic sense, but it also helps in building a good relationship with our local School District.

**Council Member Sutherland** said it would help the School Board's budget to not have to build a new facility. It is a win-win situation. We all serve the local taxpayers; by helping the School District it would save the taxpaying residents money in the end.

**Council Member Benfield** asked about what would be required of the city before the space is ready for leasing. The construction would have to be finished. The additional stairway would not be required with a limited number of people. The lease period will need to be discussed.

**Council Member Sutherland** moved to allow Mayor Woodland; City Attorney Zollinger and Finance Officer Horner to negotiate a contract for the unfinished upstairs area of City Hall for the Madison School District to lease; Council Member Benfield seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Egbert  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**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. December 01, 2010 meeting
- B. Approve the City of Rexburg Bills

**Council Member Egbert** moved to approve the Consent Calendar consisting of the minutes, and the city bills; Council Member Stout seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Egbert  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Adjournment**

Attest:

\_\_\_\_\_  
Richard Woodland, Mayor

\_\_\_\_\_  
Blair D. Kay, City Clerk