

# City Council Meeting

April 04, 2012



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

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

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April 04, 2012

## Mayor Richard Woodland

### Council Members:

Christopher Mann	Jordan Busby
Donna Benfield	Jerry Merrill
Bruce Sutherland	Sally Smith

### 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

### 5:00 P.M. – 6:30 P.M. Recommending Committee discussion

**Attending:** Council President Mann, Council Member Benfield, Council Member Smith, Scott Johnson, Marianna Gonzalez, and **Mayor Woodland**.

### Items for Consideration:

A. Discussion concerning which committees needs to be continued as recommending committees. Some committees may be changed to “Advisory” committees from recommending committees.

**Economic Development Director Johnson** referred to the Arts Council, The Romance Theater, and Tabernacle Committees. He said after speaking with Arts Council Director RonaLee Flansburg, they both agreed to have the Romance and Tabernacle Committees changed to advisory committees under the direction of Arts Council Committee. Council Member Smith asked if this change would affect the regularity of meetings each committee holds per month. Economic Development Director Johnson said the advisory committees would be able to meet as often as needed; however, the advisory committees need to be made aware which recommending committee directs them, and report to that committee monthly. The recommending committees would then be responsible for agendas, minutes, including the advisory committee’s reports.

**Economic Development Director Johnson** said it is important for these committees to know their correct function. The Romance Theatre Committee was formed as a committee to oversee the restoration of the theater. The committee members currently help with performances, concerts and plays; this is something that the Romance Theatre Committee members need to abandon.

Discussion regarding committee members who are currently active. There were names given to possibly replace the inactive members.

**Council President Mann** asked which committee members were sent letters. The following letters were sent to the Teton Flood Museum and the Trails of Madison County Committee members.

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Richard Woodland  
City of Rexburg  
P.O. Box 280  
Rexburg, ID 83440



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

Teton Flood Museum  
Committee Member  
Address  
Rexburg, ID 83440

Date: 12/13/2013

Dear \_\_\_\_\_,

I am writing this letter to thank you for your service to the City of Rexburg and the greater community. Your contribution is, and has been, greatly appreciated. Your experience on this committee is highly valued.

Some of the members of this committee have had changes come into their lives that may affect their ability or desire to serve. This makes it needful to reorganize the Teton Flood Museum Committee at this time.

If you would like to continue on this committee we encourage you to do so. We in fact, invite you to stay with us as your knowledge and experience while working towards the betterment of this community is important.

I have asked Donna Benfield to be the City Council Liaison to this committee. Her commitment, energy and her desire to serve, along with you, will ensure great results.

Again I express my heartfelt thanks and gratitude for your service.

Sincerely,

Richard Woodland  
City of Rexburg  
Mayor

=====  
Trails of Madison County Committee

Dear \_\_\_\_\_,

I am writing this letter to thank you for your service to the City of Rexburg and the greater community. Your contribution is, and has been, greatly appreciated. Your experience on this committee is highly valued.

Some of the members of this committee have had changes come into their lives that may affect their ability or desire to serve. This makes it needful to reorganize the Trails of Madison County Committee at this time.

If you would like to continue on this committee we encourage you to do so. We in fact, invite you to stay with us as your knowledge and experience while working towards the betterment of this community is important.

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Again I express my heartfelt thanks and gratitude for your service.

Sincerely,

Richard Woodland  
City of Rexburg  
Mayor

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Discussion regarding possibly changing the number of voting members on the recommending committees.

**Council President Mann** asked if the Teton Flood Museum Committee should remain as a recommending committee or as an advisory committee. He said it would be reasonable to have Jill Spencer, the museum's curator as a city liaison to the Tabernacle Advisory Committee because she attends their meetings and gives input and updates this committee on upcoming events held at the Teton Flood Museum. Council Member Benfield reported there are only two volunteers who currently serve out of fifteen on the Teton Flood Museum Committee. The attendance at the museum would increase and attract more business with added volunteers, support with advertising, and display changes.

**Council Member Benfield** said there's a problem with parking; the Madison Library patrons take up the majority of the parking spaces. Economic Development Director Johnson said the city owns the majority of the parking spaces to the northeast and up to the library building. Council Member Benfield is open to suggestions that would help the museum with advertising and with promoting more business.

**Council Member Benfield** asked about possibly combining the Trails of Madison County Committee with the Parks and Recreation Committee. Mayor Woodland said this should be a separate committee due to the many projects this committee has accomplished. Mayor Woodland said he would also like to have a county commissioner serve on this committee.

**Council Member Benfield** said there is a possibility of hosting a historical walking tour of Rexburg which would be an excellent project for the Trails of Madison County Committee to advance.

**Council President Mann** said the Golf Board, Emergency Services Board, and MYAB are functioning suitably as currently constituted.

**Council President Mann** reported on the Rexburg Beautification Committee; he said due to lack of funding this committee has been struggling. Mayor Woodland said with proper funding this committee will be of great service. This committee will be especially beneficial with putting projects together to beautify the city's entries ways. Council Member Benfield said getting water to the entries ways has been an issue in years past.

**Council Member Smith** commented on Yellowstone Hwy; she said one side is well kept while the other side is in need of up keep. She said unfortunately, this isn't the only area in need of up keep.

**Council Member Benfield** asked about including the Rexburg Beautification Committee with the Parks and Recreation Committee. Council President Mann agreed that incorporating these two committees would be best, given that Greg McInnes is the city liaison for the Rexburg Beautification Committee and the Park Director.

**Council President Mann** asked if any changes need to be made to the Planning and Zoning Committee. Mayor Woodland said they are functioning well.

**Council Member Benfield** asked if changes need to be made to IBC Committee. Mayor Woodland said he doesn't believe any changes are need.

**Council Member Smith** asked if any changes needed to be made to the Legacy Flight Museum Committee. Council Member Benfield suggested adding Jill Spencer as a city liaison to the Legacy Flight Museum Committee. She said this would allow for both museums to share information between each other.

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

**Hayden Sorenson** led the pledge

**Marianna Gonzalez** gave the prayer

**Roll Call of Council Members:**

**Attending:** Council President Mann, Council Member Benfield, Council Member Merrill, Council Member Smith and Mayor Woodland.

**Council Member Sutherland & Council Member Busby** asked to be excused.

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

**Presentations:**

A. TRPTA's current financial state and future need for support – Amanda L. Ely

**Amanda Ely** presented a formal request letter for match funding for a 5311 Grant. They have six buses in the City of Rexburg to serve the community. Her board said it was time to institute a fixed route in Rexburg. They will be working with Council Member Benfield at the Chamber of Commerce, the Transportation Committee, and CTAI. The current service in Rexburg is a demand response service, a door-to-door service that allows one to call the previous day by 4:00 p.m. for next-day service. It costs \$2.00 each way in Rexburg. They are seeking funding for the Rexburg area in the amount of \$60,000. The total match for Rexburg is \$161,000 for FY 13. The total grant amount they are seeking for FY 13 is \$518,061. Currently, this will be the first year the budgets will be silo'ed for each area to be self funded. The service begins around 6:30 a.m. and 7:00 a.m. in the morning. They only service 10% of the students, and are interested in serving the University.

**Council Member Merrell** questioned the current service patterns, etc. Ms. Ely explained the current service. They are seeking more funding now due to the loss in Medicaid funds in the future. They have taken away unlimited passes and same-day service, which has reduced ridership. They discontinued the Rexburg to Idaho Falls service too. They are a government entity which prevents them from a duplication of services, which would create competition.

**Council Member Benfield** mentioned there are discussions taking place at the Chamber of Commerce on having a fixed route service. They would like to see if the community would be susceptible to the service. It sounds good for economic development and ridership in the pedestrian zones in the city. Mayor Woodland is on the TRPTA Board.

**Council President Mann** explored the possible stops on a fixed route. Council Member Benfield explained many locations have been explored. There were twenty to twenty-five people discussing the possibilities. Ms. Ely proposed putting together sample routes, mileage projections, and fuel and labor costs.

**Council Member Merrill** said students may find it faster to walk to the destination verses having to wait at the bus stop. Ms. Ely said the service would be made as workable and beneficial as possible. She provided the following letter as an official request for funding.

*April 4, 2012*

*Mayor Rich Woodland  
City of Rexburg  
35 North 1<sup>st</sup> East  
P.O. Box 280  
Rexburg, ID 83440*

*RE: REQUEST FOR FUNDING CONTRIBUTION FOR FY 2013*

*Dear Mayor Woodland:*

*Targhee Regional Public Transportation Authority (T.R.P.T.A.) is requesting the City of Rexburg consider a \$60,000 contribution to Targhee Regional Public Transportation Authority for FY 2013. T.R.P.T.A. is projecting a \$161,608 match requirement for an FY 2013 grant of \$518,061.*

Total Rexburg costs for FY 2011 were \$414,670. Historically, the use Medicaid revenue funded 100% of all match requirements.

While preparing the budget, T.R.P.T.A. contacted National Bus Sales in Houston, Texas. National Bus Sales is one of several sources for bus parts. The National Bus Sales' parts manager said they were projecting transmissions would be 37% higher in FY 2013 than they were today. T.R.P.T.A.'s insurance costs increased by an estimated \$16,000 for FY 2012. The budget reflects estimated inflationary increases, plus increased number of trips. Every trip cost contains both fixed and variable costs and every trip must be subsidized by both grant and local match funds.

ITD has announced they were going to require every grantee pay 100% of every strategy cost overrun while returning any surplus grant funds from a different strategy to the state for reallocation the following year. For that reason, T.R.P.T.A. included a vehicle maintenance budget per strategy rather than across the region.

T.R.P.T.A. replaced a total of 14 rural program vehicles in FY 2010 with ARRA funds transferred from Urban ARRA grant. T.R.P.T.A. currently has nine vehicles in Rexburg. If the match requirements for the cost of the bus plus security cameras and RouteMatch hardware, is allocated over a 5 year period, T.R.P.T.A. must reserve approximately \$28,000 per year to accumulate the necessary match to replace all nine vehicles at the end of five years. Five years is the FTA estimated useful life for a small cut-a-way. However, as the vehicles will not be used as extensively in Rexburg as in a more urban area, T.R.P.T.A. will need to accumulate an estimated \$20,571 per year to replace all of the vehicles at the end of seven years.

More Medicaid cuts are predicted for the near future and transit providers must reduce their heavy reliance on Medicaid revenue as local match. At the same time, the Medicaid broker, AMR refuses to pay any deadhead miles. The combination of increased costs and system wide declining Medicaid revenue even as the local governments struggle with the same inflationary pressures as T.R.P.T.A. All funds provided by the City of Rexburg will be used only in Rexburg.

T.R.P.T.A.'s three ADA compliant buses are available for local emergency response. T.R.P.T.A. provides a prior day request, demand-response service for all citizens, Monday through Friday, 7:00 a.m. to 5:00 p.m. Service is provided within the Rexburg area and 15 miles around including service to and from St. Anthony, Rigby, Sugar City and Menan.

#### **REXBURG AREA DEMAND-RESPONSE DEMOGRAPHICS**

<b>Fiscal Year</b>	<b>Gen Pub</b>	<b>Students</b>	<b>Seniors</b>	<b>Seniors W/Chair</b>	<b>Disabled</b>	<b>Disabled W/Chair</b>	<b>Total</b>	<b>%Increase</b>
FY 2009	4,778	7,581	2,820	414	15,617	4,266	35,476	
FY 2010	6,290	5,035	2,825	468	10,814	3,425	28,857	-18.66%
FY 2011 t	4,359	3,588	1,152	693	10,243	3,681	23,718	-18.0-0%

If any Council member who would like additional information is encouraged to contact the office at (208) 535-0356 and use either Lynn Seymour's extension – 103, or Amanda Eby's extension – 110. T.R.P.T.A.'s fax number is (208) 524-0216. On behalf of the Board of Directors, I would like to take this opportunity to thank the citizens of the City of Rexburg for working with T.R.P.T.A. since July 2006.

Sincerely,

Lynn S. Seymour  
Executive Director

#### **Committee Liaison Assignments for 2012:**

A. Council Member Christopher Mann: Golf Board · Emergency Services Board · MYAB

**Council President Mann** reported the Golf Board met last night. He explained revenue was up 400% from last year at this time. All is well with Emergency Services. They had a successful fund-

raiser with Bar "J" Wranglers; they made over \$10,000. MYAB met today, they are putting posters up for the Masquerade Ball, being held on Saturday, April 28<sup>th</sup> at the carousel.

B. Council Member Jordan Busby: *Beautification Committee · Airport Board*

**Council Member Busby** has been excused.

C. Council Member Donna Benfield: *Trails of Madison County · IBC · Teton Flood Museum Committee*

**Council Member Benfield** reported Trails of Madison County and IBC have not met. She met with the Teton Flood Museum curator, Jill Spencer, to discuss parking, signage and patronage. They are working on ways to improve attendance, and suggested issuing coupons. Mayor Woodland suggested putting coupons at Rexburg Rapids. Council Member Benfield also suggested the library and the legacy flight museum would be good locations for coupons.

D. Council Member Sally Smith: *Legacy Flight Museum · Rexburg Arts Council (Romance Theatre & Tabernacle Civic Center)*

**Council Member Smith** said her committees will meet next week.

E. Council Member Jerry Merrill: *Parks & Recreation · Traffic & Safety · Urban Renewal Agency*

**Council Member Merrill** reported Parks and Recreation are gearing up for the summer season. Traffic and Safety Committee met last night to discuss lighting upgrades of the streets, etc. A student was hit by a car on 2<sup>nd</sup> West and 1<sup>st</sup> South. He is OK, with minor injuries. There has been confusion with the red turn light by the Temple; it will be changed to a standard format.

F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police · M.E.P.I.*

**Council Member Sutherland** has been excused.

**Mayor Woodland** said the Police and M.E.P.I. are doing very well

**Public Hearing:**

- A. **8:00 P.M. Improvement District No. 42**, ("L.I.D. No. 42"). The estimated total cost of the Improvements is approximately \$1,064,400. Approximately \$ 906,900 will be paid by the City, representing the amount of benefit to the general public resulting from the improvements. The balance of the cost will be paid by a levy of special assessments on the properties benefited, calculated according to a front foot method or a square foot method, or in proportion to the benefits derived to such property by said improvements, or a combination thereof, subject to any variations there from to be determined by the Council.

**Presentation by staff:**

**Engineer Keith Davidson** reported they sent out letters to the property owners with the notice of the public hearing, along with the assessment of their properties pertaining to LID 42. He reviewed the properties proposed to be involved in the LID. There have been eleven people with concerns.

The main concerns included:

1. 3<sup>rd</sup> East landscaping
2. Ins and outs of an LID; financing options, etc.
3. Some did not want to pay
4. Some did not think their sidewalk was bad enough



Dear Property Owner,

The City of Rexburg will be reconstructing the street along your property. Attached is a copy of the replacement criteria used during evaluations by the City of Rexburg and a map of your property showing the location of areas needing to be replaced or new sidewalk installed.

Each property owner is responsible for sidewalk, curb and gutter along their street frontage. The City of Rexburg participates for sidewalk replacement at \$1.75 per square foot and replacement of curb and gutter at \$7.70 per linear foot.

Due to scheduling constraints during street reconstruction, property owners will not be allowed to use their own contractor to replace their curb and gutter. Property owners will be allowed to replace their sidewalk or install new sidewalk with their own contractor or use the city contractor.

The cost shown is an estimated amount only; the final costs will be made available upon completion of the Improvements.

If you have questions about this assessment, please contact me.

Thank you,



Joel Gray, Engineer  
208-372-2331  
[joelg@rexburg.org](mailto:joelg@rexburg.org)  
PO Box 280  
Rexburg, ID 83440

### City of Rexburg Replacement Criteria

#### SIDEWALK

- Vertical Displacement
  - More than 1/2 inch
  - 1 1/2 inch or greater between the sidewalk and back of curbing
- Spalling or surface damage
  - 50% spalled to a depth of 1/4 inch per 5' section
  - Missing pieces of sidewalk (3" x 3")
- Cracks or Fissures
  - 10' or more of cracking per section
  - 1/2 inch wide for 3' crack
- Voids under the sidewalk
- Depressions
- Safety hazards
- No existing sidewalk

#### CURB & GUTTER

- Vertical displacement
  - More than 1/2 inch
- Spalling or surface damage
  - 50% spalled to a 1/4 inch depth per 10' section
- Cracks or fissures
  - 3 cracks across per 10' section
  - Greater than 1/2 inch cracks across section
- Depressions or high spots that impede water flow
- Back broken off driveway
- Safety Hazard
- Missing Sections

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**Council President Mann** asked if anything was worked out in regards to their concerns. Engineer Davidson said it's the City Council's decision, not the staffs.

**Written correspondence:** - Rachel Woolery submitted a letter which was reviewed by Council President Mann. She's concerned about the homes for sale that will be moved off the property for a

larger project coming for the Fall Semester 2013. She was concerned any work done would be torn out. Engineer Davidson said to go ahead with curb and gutter, and hold off on the sidewalk. He recommended giving her a time line to complete the project. They could let the city know if the driveway locations would change. Council Member Merrill suggested going ahead with the LID project with letting the developers identifying locations for any new driveway locations.

**Council President Mann** asked how they would proceed with the concerns being proposed by different individuals and their properties. Finance Officer Horner said they have to allow each property owner to address their concerns. City Attorney Zollinger said to keep track of the individuals concerns as they move forward.

**Public Testimony in favor of the proposal (5 minute limit):**

**Gerald Griffen** at 352 South 3<sup>rd</sup> East is in favor of the project. He has served on the Beautification Committee in the past, and he is in favor of preserving the site lines that were laid out. He believes this even though it's invasive to the property owner's property because of the sidewalk being set back 10ft. with a 5ft. sidewalk. He is the one to lose the most in this situation. He believes each individual should be allowed to approach the City Council with a variation if they see fit. He came in on behalf of his neighbor, Norma Westwood, who lives on the corner of 3<sup>rd</sup> East and 4<sup>th</sup> South. He has a concern with Mrs. Westwood's property – if they preserve the 10ft. setback all the way up the street it will wipe out a lot of his landscaping as well as others. Then when it reaches the corner, 4<sup>th</sup> South has a sidewalk right up against the curb coming down from the east going west. Mrs. Westwood has to contend with not only a 10ft. set back but also a sidewalk that abuts the curb on 4<sup>th</sup> South. He reviewed the properties involved in the LID. He believes it would be impossible to stick a side walk in her property, because of the grade, without it severely impacting her property. He requested they consider a variance for Mrs. Westwood's property. He asked the City Council to be sensitive and to allow Mrs. Westwood to do what she needs to do, because to cut it back would be a tremendous mistake. He appreciated working with the staff; Keith and Joel. They were easy to work with and accommodating.

**Milton Westwood** is Norma Westwood's son. He asked to keep his mother's sidewalk against the curb.

**Public Testimony neutral to the proposal (5 minute limit):**

**Steve Hart** representing Roger and Sibyl Ferguson as Ferguson and Company Limited Partnership. Mr. Ferguson owns the Valley River Drive property behind Sonic, which is 1.9 acres, and they have a 5ft. proposed sidewalk. He is OK with that; however, for years the city has had a lift station on the corner, which was on their property. He found out when they paid Harper-Leavitt Engineering, Inc. to survey the property and found a city lift station on the property. He has billed the city for the encroachment for the past six years, charging them for rent for renting the property. He felt this was fair, seeing the city built this without seeking who owned the property. About a year ago, Public Works Director John Millar approached him and they worked out a swap with the city to exchange Ferguson property with city property. They swapped the land the lift station was on for some of the land along the road; it was a 1,300 sq. ft. swap. He said Public Works Director Millar assumed the rent was absolved because of the swap. He is still seeking the rent money.

**Mr. Hart** gained some frontage and the city gained the property for the city's lift station. If the city pays for the back rent he will pay for the sidewalk. He proposed to trade the rent money for the proposed sidewalk. He has never received any money from the city since they have used the land. He has sent bills, with added interest, to Finance Officer Horner, Public Works Director Millar and Mayor Larsen. His last rent bill was over \$5,000 to the city. He charged \$600 a year. He is asking to have the city pay for the LID portion square foot for square foot that used to be the city's land and he would take care of the rest.

**City Attorney Zollinger** said there was never a legal obligation to pay Mr. Hart for the land, and there is no legal debt owed. Mr. Hart asked if there was a moral debt. Council Member Merrill said they will take that into consideration, what is the legal thing to do versus the right thing to do.

**City Attorney Zollinger** asked Mr. Hart what kind of losses he experienced by having the lift station on the property. Mr. Hart said he allowed the city to dump their excess snow on the property. City Attorney Zollinger asked if the city prevented Mr. Hart from using the property for a meaningful purpose. The property was for sale, but they couldn't sell it because of what was being stored in the tanks. The property could have been sold for \$500,000 and now only for \$150,000. The loss is about \$350,000.

**City Attorney Zollinger** believed that anyone looking to buy it would not be concerned with the location of the tanks. Mr. Hart was not looking to argue; he already made his proposal and wanted to move on.

**Karen Newman** at 141 East 2<sup>nd</sup> South is part of the Woolery project. She requested a delay for her portion of the LID; there has been a six week delay with closing due to the 1918 lean dilemmas. From her point of view she feels their curb and gutter is perfect, and it would just be the sidewalk. Council Member Merrill said it would be wise to delay the sidewalk portion, the curb and gutter may be tough to delay.

*March 31, 2012*

*RE: Creation of the L.I.D and Related Sidewalk Improvements*

*Our Properties Include: 165 South 1<sup>st</sup> East, 177 South 1<sup>st</sup> East, 111 East 2<sup>nd</sup> South, and 117 East 2<sup>nd</sup> South*

*Mr. Mayor and Members of the Rexburg City Council:*

*On behalf of Saqqara Properties Trust and as a Rexburg citizen and property owner, this letter is to express our appreciation for the consideration being given the L.I.D repaving project. Such projects improve the appearance and safety for pedestrians walking on our city's streets.*

*If the Council decided to approve the L.I.D and proceed with the repaving projects, the Council is encouraged to consider the following:*

- 1. Saqqara Properties Trust owns and manages four contiguous properties on 2<sup>nd</sup> South and 1<sup>st</sup> East in Rexburg. There properties are located across the street from BYU-I's Kirkham Building and current are occupied by 44 BYU-I students.*
- 2. Saqqara Properties is aware of the City's plan to promote high density student housing on lots in close proximity to the campus.*
- 3. For more than a year Saqqara Properties has worked with Rexburg's planning and zoning departments on zoning and other issues needed to implement Rexburg's high-density strategy. As a result, architect Ken Harris has designed two new multi-story apartments to replace the four houses currently located on the Saqqara 4 parcels. These two new residential buildings will house 262 students, will be constructed in the City's new MU2 zone, and will serve as efficient proto-types for high density student housing that will have minimal impact on surrounding neighborhoods.*
- 4. The design and construction of the two new multi-story housing will require removing current sidewalks and pouring new ones and our goal is to have construction completed for Fall Semester 2013.*
- 5. If the proposed L.I.D repaving were to take place before construction of the two new student housing buildings, the time, effort and resources spent on such repaving will be wasted.*

*Therefore, we respectfully recommend any repaving work contemplated at the above listed properties be temporarily delayed and coordinated as part of the final construction phase of the new student housing construction projects on the corner of 1<sup>st</sup> East and 2<sup>nd</sup> South.*

*Cordially,*

*Saqqara Properties Trust*

*Matthew Whoolery-Trustee*

*Dennis Richardson-Trustee*

*Rachel Whoolery-Manager*

**Public Testimony opposed to the proposal (5 minute limit):** NONE

**Mayor Woodland** closed the public hearing:

**Develop findings and conclusions:**

**Council President Mann** excused himself from any discussion regarding Rachel Woolery and Karen Newman because he sold the homes.

**Engineer Davidson** explained the sidewalks are against the curb if the city does not own the right-of-way. The initial layout was set for 99ft. right-of-ways, and then they were brought down to 60ft. right-of-ways, which did not allow enough room to set the sidewalk back. That is why those neighborhood sidewalks are against the curb and gutter. This proposes several issues: plowing snow onto the sidewalk, mailboxes on the sidewalk, and runoff going between the curb and gutter causing erosion. The city really wants to push sidewalks away from the curb and gutter.

**Public Works Director Millar** said it may be possible to develop a solution with the property owner where real issues exist; then bring the proposal back to the City Council for approval. Council President Mann said the location has been problematic.

**Engineer Davidson** explained this is a three reading process. Final decisions don't have to be made at this time.

**Council Member Smith** said she was the agent on sale of Council President Mann's properties.

Discussion on the property mentioned by Mr. Hart:

**Council Member Merrill** would like to work with the Fergusons to amend the discrepancies.

**Mayor Woodland** asked if the lift station was within the city's right-of-way; it's in the right-of-way. It's one above ground 500 gallon fuel tank.

**City Attorney Zollinger** said the encroachment to the property was approximately 200 square feet. The corner stuck out, and it was not relevant to the property at the time. It was between the canal and the City's right-of-way. It was less than 30ft. wide. This transpired 25 years ago. The street was created as a remnant piece of property. It had little or no actual value. The city worked with the Ferguson family on the original installation. The city responded to the billings; however, the property was allowed to be used for snow storage by the Ferguson's.

**Council Member Merrill, Mann and Benfield** wanted to work with property owners including Mr. Hart to work out an equitable agreement with each party giving a little. The adjustments will be made before the Second Reading.

**Council Member Merrill** moved to approve the first reading of Local Improvement District No. 42, ("L.I.D. No. 42") as presented; Council Member Benfield seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Merrill  
Council Member Smith

**Those voting nay**

None

**The motion carried.**

**Council President Mann** thanked the neighbors and neighborhoods for working with the city on these LID improvements. Mayor Woodland hopes to make everyone happy.

**Dawn Anderson** at 324 South 3<sup>rd</sup> East is neutral about the LID improvements. She requested more information on the need for sidewalks. She understands the need for streets, curb and gutter. In the past sidewalks were done when the property changed hands.

**Engineer Davidson** explained it's a cost benefit to the home owner to do the work in conjunction with other properties being improved on the street. She wondered why the push now; knowing streets are in bad shape. Discussion followed on getting your own contractor to do the work with inclusion into the LID financing.

**Engineer Davidson** explained it's cost effective and more efficient to get the work done timely. She asked what factors go into the cost estimate. Her cost estimate was over \$4,700. Tree removal probable bumped her cost higher. She could do her own tree removal. Her trees were set back to allow for street widening; however, they were installed where the new sidewalk is to be located. She would like to save the trees. Finance Officer Horner said the estimate did not include landscaping. Ms. Anderson's property has more linear feet of frontage.

**Council Member Benfield** said the estimates are usually high.

**Ms. Anderson** asked about repairing damaged sprinkler systems. They will be repaired as the project moves forward through the property.

### **Items for Consideration:**

#### **Staff Reports:**

A. **Public Works:** – John Millar

Public Works Director Millar:

1. They will be working on a new fiber line going from the swimming pool over to the wastewater treatment plant. They completed a connection under the railroad tracks, which will tie city hall, the wastewater treatment plant, the water department, shop, and the animal shelter into the central system. The city will be able to monitor these facilities with cameras for better security.
2. Traffic signals on Main Street are fully operational, and the sidewalk will be completed in two weeks. Street projects that were approved earlier in the year are involved with the LID process, hearing will be later this evening.
3. The repaving project on North 2<sup>nd</sup> East is moving forward by Hwy U.S. 20. The bid will go out tomorrow; an earlier bid allows them to schedule the asphalt grinding machine in advanced.
4. New well on the hill is at 250 feet. They have encountered soft materials when drilling, which caves in. They have to pour 20 ft. of concrete then drill through the concrete.
5. The recycling project is moving forward with Cresthaven and Hidden Valley Subdivisions. The town hall meeting did not get a good turnout, but received a good response. The recycling bins have been distributed, and it will be monitored for two months. If it goes well, a proposal will be presented to the City Council to go city wide.

**Council Member Smith** asked about the North 2<sup>nd</sup> East project, and wondered if the construction on Hwy U.S. 20 would conflict. Public Works Director Millar explained they have to do the project when the equipment is available, and they will try and coordinate the projects with ITD. Council Member Smith asked about the completion of the 7<sup>th</sup> South Bridge; the 7<sup>th</sup> South Bridge was accident free.

**Council Member Merrill** asked about a bill for a hydraulic filter system for irrigation water for the parks. It's a filtering system for the irrigation water; it replaces a manual process to clean the water, and has a higher capacity to filter.

**Council President Mann** asked about the detours for North 2<sup>nd</sup> East. The Moody Road route would be one detour route. They have inspected the base for adequate gravel down to two feet.

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

**Finance Officer Horner** reviewed the budget calendar on the overhead screen. He proposed moving the City Council meetings to the Second and Fourth Wednesday's of July and August. It will then be July 11<sup>th</sup> and 25<sup>th</sup> and August 8<sup>th</sup> and 22<sup>nd</sup>.

1. Review Budget Calendar
2. Set Public Hearing Date (by motion) for Budget (July 25, 2012).

**Motion** to set a public hearing was deferred to the next meeting.

3. Review City Council Drive-Around Date

**Council President Mann** said they have scheduled Wednesday May 16<sup>th</sup> for an all-day drive-around. A discussion on setting a different drive-around date continued. The drive around was suggested to be on May 02, 2012 from 10:00 a.m. to 6:00 p.m. in conjunction with the local legislators' meeting in Rexburg. The drive-around helps in setting the budget.

A discussion and review continued on the 2012 budget calendar. The tentative budget has to be published by July 11<sup>th</sup>, 2012. The budget hearing will be on July 25<sup>th</sup>. They will review the calendar at the next meeting before finalizing the calendar.

4. Review Employee Cost of Living Adjustment (COLA)

**Finance Officer Horner** said the COLA was 2.9% (*annual consumer price index change from the March, report in 2011*). The benefit increase was 4.9% for the 2011 budget. This budget item will be reviewed for approval later in the budget cycle.

**Council President Mann** moved to put the employee cost of living benefit increase of 2.9% in the budget for later consideration; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Merrill  
Council Member Smith

**Those voting nay**

None

**The motion carried.**

**Finance Officer Horner** reviewed an agenda item from the last meeting, on March 21<sup>st</sup>, regarding Service Line Warranties of America offering insurance to Rexburg residents on their sewer and water lines. He checked around and no one offers this type of insurance in Rexburg. He believes it would be a great deal for some people, and would like to allow Service Line Warranties of America to present this offer to the City of Rexburg. He suggested handing out a mailing list to the company to offer the insurance. City Attorney Zollinger was unsure of giving out a mailing list to a commercial vendor, unless it was required of the citizens. He asked for more information before coming to a decision.

**Council Member Merrill** thinks it's a good program. He is worried if the city is involved; any problems will be attributed to the city.

**Council President Mann** does not want the city to endorse the program.

**Finance Officer Horner** explained the National League of Cities has endorsed the insurance for sewer lines failures. The insurance is only for residential customers, and he believes the information should be offered somehow. It could be offered as an informational item to residents through bulk mail.

**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.
  - 1. **Ordinance 1082** to Rezone 415 and 437 West 6<sup>th</sup> South from High Density Residential 1 (HDR1) to High Density Residential 2 (HDR2).

Discussion:

**Council President Mann** moved to the first read **Ordinance 1082** to Rezone 415 and 437 West 6<sup>th</sup> South from High Density Residential 1 (HDR1) to High Density Residential 2 (HDR2); Council Member Merrill seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Merrill  
Council Member Smith

**Those voting nay**

None

**The motion carried.**

- 2. **Ordinance 1083** for the creation of LID 42.

Motion was done under the public hearing discussion.

***Council Member Merrill** moved to approve and first read Local Improvement District No. 42, ("L.I.D. No. 42") as presented; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:*

**Those voting aye**

*Council President Mann  
Council Member Benfield  
Council Member Merrill  
Council Member Smith*

**Those voting nay**

*None*

***The motion carried.***

- D. **Second Reading:** Those items which have been first read:

- 1. **Ordinance 1081** to sell 10 yr warrants in the amount of \$300,000 through a bid process for LID 40.

Discussion:

**Council President Mann** moved to second read **Ordinance 1081** to sell 10 yr warrants in the amount of \$300,000 through a bid process for LID 40; Council Member Smith seconded the motion;

**Mayor Woodland** asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Merrill  
Council Member Smith

**Those voting nay**

None

**The motion carried**

E. **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

**Mayor’s Report:**

1. Burning within the city:

**Mayor Woodland** received notice that people were concerned about the health hazards associated to burnings within the city. Burnings are allowed within city limits, residents are required to call the Madison Fire Department to notify them of the burn.

**City Attorney Zollinger** explained residents can not burn household wastes. Timber, dry yard waste and camp fires are permitted. If the smoke from the fire becomes a nuisance to the general public; it would need to be curtailed. The City Council was agreeable with the current ordinance.

**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 21 & 28, 2012 meetings
- B. Approve the City of Rexburg Bills
- C. Spring Yard Clean-up dates from April 9<sup>th</sup> to May 18<sup>th</sup> – Staff

**Council Member Benfield** moved to approve the consent calendar; Council Member Merrill seconded the motion; Discussion: **March 21 minutes:**

**Council Member Smith** noted items to be changed on the March 21, 2012 minutes. Page 8 said, “chain length” change to “chain link”. Change “Council Member Smith thinks it is a good project” to “It was a good fit for the area” on page 8, because there was no project. Her comments, on the bottom of page 13 needed amending. It said she asked about responses to the LID payments, but she was really asking about the large amount for LID payments, such as the school district and the Ferguson property, and how it was handled in the past.

**Council Member Benfield** amended her motion to approve the consent calendar to include changes to the March 21, 2012 minutes as discussed; Council Member Smith seconded the amended motion; Discussion: Mayor Woodland asked for a vote:

<b><u>Those voting aye</u></b>	<b><u>Those voting nay</u></b>
Council President Mann	None
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

**The motion carried**

**Council Member Merrill** moved to adjourn; Council President Mann seconded the motion;

**Mayor Woodland** asked for a vote:

<b><u>Those voting aye</u></b>	<b><u>Those voting nay</u></b>
Council President Mann	None
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

**The motion carried**

**Adjournment**

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Richard S. Woodland, Mayor

Attest:

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Blair D. Kay, City Clerk