

# City Council Meeting

June 05, 2013

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

June 05, 2013

**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

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

**Mayor Woodland** welcomed everyone to the meeting.

**Police Officer Shawn Scott** led the Pledge to the Flag.

**Karl Ransom** said the Prayer.

**Roll Call of Council Members:**

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

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

**Public Comment on non-controversial issues:** not scheduled on the agenda (limit 3 minutes) – NONE

**Presentations:** – NONE

**Committee Liaison Assignments for 2013:**

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

**Council President Mann** reported the Golf Board and Emergency Services did not meet; MYAB have been busy doing door hangers for the upcoming “Envision Madison” meetings. *Envision Madison is a community wide effort to plan for future growth in Madison County.*

B. Council Member Jordan Busby: *GIS Oversight · Airport Board.*

**Council Member Busby** reported GIS did not meet; the Airport Board met today and they have some budget questions that will be discussed in a future meeting.

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

**Council Member Benfield** reported Trails of Madison County met to discuss a new bike park. She indicated it was a preliminary discussion about a great location for a future bike park. It will be a great addition to the community. MEPI met last Monday to discuss Envision Madison’s upcoming meetings starting with the June 13<sup>th</sup> kickoff meeting. More meetings are scheduled for June 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>. MEPI is the sponsor for Envision Madison. It is an

opportunity for everyone in the community to attend these meetings. Mayor Woodland said it is a great opportunity for citizens to provide input into the process.

## **“What will Madison County look like in 50 years?”**

*“130 years ago pioneers came to this valley and saw in the sagebrush covered land a vision of a thriving community. They laid the foundation for cities, and in 1913 a county, which reflected the values they thought important: community, family, and education; a place of gathering where their children and grandchildren could live, work and raise families. We are the beneficiaries of their vision, in the infrastructure, roads, and towns they founded.*

*Today, our community is growing and changing. Over the last decade Madison County has experienced unprecedented growth, which has brought opportunities and challenges that were not dreamed of ten years ago. These opportunities require us to ask some hard questions, questions that will affect the way our area develops for the next 50 years. These questions include: How can we develop the jobs that will keep our community economically viable for the long term? How will growth affect our open areas? How do we maintain quality of life?*

*Envision Madison is a community driven effort to help identify and develop a "vision" for the future of Madison County.*

*Envision Madison Stakeholders will select elements of the scenarios they think should be explored. The reaction to the scenarios will serve as the basis for the vision's products: a set of goals, along with a vision scenario that illustrates one plausible way these goals might play themselves out in the cities and county. Envision Madison will then take the principles and vision scenario and translate them into an action plan that includes both strategies and short-term tactics to shape the future of Madison County.*

*We invite you to join us in this effort to shape the future of our community for our children, grandchildren and all who choose to make Madison County their home.*

*We invite you to share with us your top five concerns or challenges that we as a community need to address. Examples: infrastructure, jobs, etc. You can email us at [Info@EnvisionMadisonCounty.org](mailto:Info@EnvisionMadisonCounty.org).”*

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

**Council Member Smith** was excused.

**Mayor Woodland** reminded the City Council of the upcoming event at the Legacy Flight Museum this Friday where [GOVERNOR C.L. “Butch” Otter](#) is holding his “Capital for a Day” event. Everyone is invited to come and asked the Governor their questions about state government.

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

**Council Member Merrill** reported the city parks very busy and they are being used a lot; the splash park is busy. Rexburg Rapids will be opening soon. The weather will be great this weekend for all Teton Dam Marathon events. Traffic and Safety met last night; the signage and other requests for new high intensity lights have been done on pedestrian crosswalks. There is \$200,000 remaining in the city lighting fund. The Traffic and Safety Committee would like the City Council to approve additional sights for new lights. The remaining funds will do a pretty good number of lights to improve street lighting. The availability of power to street light sights varies the cost for new lighting. Some of the crosswalk lighting has been raised to help improve the lighting for pedestrians. The pedestrian crossings at the round-about on 4<sup>th</sup> South are being reviewed to see if a better location can be found to improve pedestrian street crossing safety. ITD has funding to enhance railroad crossings; Public Works Director Millar will be working with ITD to obtain some funding to enhance railroad crossings in Rexburg. ITD is also looking for ways to help improve the on/off ramps on Hwy 20 for Rexburg.

- F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police*

**Council Member Sutherland** indicated Planning and Zoning will be meeting tomorrow night. The Police Department is doing well; the Madison School Board has not met.

**Council Member Sutherland** requested to confirm the appointment of Melanie Davenport to replace Scott Ferguson on the Planning and Zoning Commission.

**Council Member Busby** moved to confirm the appointment of Melanie Davenport to replace Scott Ferguson on the Planning and Zoning Commission; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Mayor's Report:**

**Mayor Woodland** indicated the Engineering Department has requested a budget adjustment request for Keith Davidson's schooling to achieve an MBA Degree at BYU in Provo.

Discussion: City Attorney Zollinger said there will be a claw back clause in the agreement to ensure the employee maintains employment with the city for a number of years in proportionality. The total cost of the program is \$45,000. The request will require \$11,000 to be directed to the program each year in 2013 and 2014. Council Member Busby reviewed the salary and certification benefits with the new certification. Council Member Sutherland was complimentary towards Mr. Davidson's excellent service for 11 years for the city. City Attorney Zollinger indicated the police have a three year claw back clause when their employees go to Post Academy. The criterion used to allow employees to participate in the educational benefit program is the program must benefit the department.

Discussion of other employees that have used the program. Some departments do not use the program due to the lack of upward mobility in the department. Police Department employees and an employee in the Finance Department have used the program.

**Council Member Merrill** moved to approve the request to participate at 50% match towards the MBA Degree for Keith Davidson with a claw back clause for a number of years in proportionality to the employee's benefit for up to \$22,000; Council Member Sutherland seconded the motion; Discussion on the same policy concerning other departments. Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Public Hearings:** – NONE

**Items for Consideration:**

**A. Approval of Fireworks Stands – Staff**

<b>BL #</b>	<b>Company Name</b>	<b>Address of stand</b>
2376	TNT FIREWORKS	530 N 2ND E (WALMART)
2374	TNT FIREWORKS	124 W MAIN (BROULIM'S) 125 VALLEY RIVER DRIVE (VALLEY RIVER CENTER)
2820	FAMILY FUN FIREWORKS	
2204	BIG BEAR OF UTAH/PHANTOM FIREWORKS	490 N 2ND E (ALBERTSON'S)
2572	POWWOW FIREWORKS	404 N 2ND E (CAL RANCH)
2818	JK MARKETING LLC/ ACME DISCOUNT FIREWORKS	328 N 2ND E

**City Clerk Blair Kay** reviewed the process to obtain a Fireworks Stand Permit. The applicant must obtain a Business Registration along with a permit for each Fireworks Stand. The Business Registration is \$20.00 and the Fireworks Stand Permit is \$50.00. The applicant's application is reviewed by staff before the Madison Fire Department does the inspection and delivers the Fireworks Stand Permit. The permit is authorized from June 26<sup>th</sup> to July 26<sup>th</sup>.

**Discussion:**

**Council Member Benfield** moved to approve the Fireworks Stands Permits; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

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

**The motion carried.**

- B. Surplus Real Property** at approximately 278 North 2nd West – Idaho Statute 50-1402; Declaration, either in the form of a minimum dollar value, or an explanation of an intended exchange or conveyance for other than monetary consideration shall be made on the record at a public meeting of the council. The city council may also declare that the subject property will be offered for sale without establishing a minimum price. The city shall publish a summary of the action taken by the city council in the official newspaper of the city and provide notice of a public hearing before the city council on June 26<sup>th</sup>, 2013.

**City Attorney Zollinger** explained a portion of the property would be retained for a future pathway. It is 4.27 acres in size at an expected value of \$70,000 per acre. The sand shed is currently located on the property. The plan is to relocate the sand shed to the city's shop area to avoid transporting the sand to and from this location.

**Discussion:**

**Council Member Sutherland** moved to approve by resolution the surplus of Real Property at approximately 278 North 2nd West; Council Member Merrill seconded the motion; Discussion: Council President Mann had a real problem with selling the property. He was not in favor of selling the property in case there was a future opportunity to develop the property for a city park. He requested more information concerning the possibilities for the property including transferring the property or exchanging the property for a city park in another location, etc.

**City Attorney Zollinger** indicated the cost to convert the property to a park would be cost prohibitive. It has a number of concrete bunkers on it plus it is inaccessible from the street. The property adjacent to this property is going to be developed which would require the city to develop a road back to the sand shed. Public Works Director Millar did not want to spend the money on the road verses the relocation of the sand shed.

**City Attorney Zollinger** indicated there was a rodent problem in the area. The property is not big enough for soccer or baseball fields and it would cost a \$100,000 to put the property into grass. Council President Mann did not recommend spending money on the property at this time.

**Council Member Busby** asked if the revenue would be used to relocate the sand shed. City Attorney Zollinger explained the allocation of funds would be determined by the City Council. The proposed sale price was derived from real estate inquiries.

**Council Member Benfield** indicated the property is a liability to the city due to its location. City Attorney Zollinger said it is an attractive nuisance area. Police have to go into the area to control vandalism, etc. The staff does not feel the city has a need for the property. This property is adjoined to the east by a property owned by Eastern Idaho Railroad (WATCO). The plan is to add a bike path section across this property going west. The proposal includes vacating a railroad crossing in exchange for a bike path crossing. It would require further negotiations with adjoining property owners including the railroad.

Discussion on putting the funds towards parks development.

**Council Member Busby** moved to make a substitute motion to surplus the property and earmark the revenue from the land surplus sale for beatification or parks; Council Member Benfield seconded the motion; Discussion: Council Member Merrill asked if the need arose in the future to use the funds for an emergency or another city project, could the funds be reallocated? Council President Mann said this City Council could not bind a future City Council from reallocation the funds for an emergency, etc. Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

Council President Mann

**The motion carried.**

**Staff Reports:**

**Public Works:** – John Millar

**A. Surplus equipment and material** that is old, broken, or unused including a John Deere Loader. John Millar explained the list to the City Council. The three vehicles will be put in Gale Harding's auction. These vehicles usually bring between \$500 and \$1,000 dollars. The John Deere loader is a two year old loader. He would like to replace the loader by selling it now and getting a new loader with pricing from a piggy back bid from ITD. This loader can be sold for \$130,000 to \$140,000 and the replacement loader could be purchased for about \$130,000. The plan is to rotate the two loaders the city owns every two years at minimal or no cost. The advantage is the units will be new and under warranty by piggy backing on state bids.

Discussion: The city does not buy new equipment like road graders in every case because some equipment is not used enough to warrant a new purchase. The Bob Cat front end loader is an item that could take advantage of this program. The surplus bicycles will be sold in the police auction. These bicycles came from the Police Department because there was not enough storage room and these bikes are in very poor condition. City Attorney Zollinger explained these were overflow bikes from a building that was full of bicycles. Some of the stockpile of bikes came from BYU-I when they had to legally remove 100 plus bikes from their location. The repairs to these bikes could cost more than a new bicycle. This process only declares the items surplus so the items can be sold at the highest dollar amount possible through an auction, etc. City Attorney Zollinger explained the list of items is declared to be excess by the department heads and the City Council is being asked to approve the list of items as surplus to be sold for as much money as possible through a legal process. One method of disposal is a public auction held by Gale Harding. Tonight the City Council is being asked to approve the list of items as surplus so the Department Heads can dispose of the items through a legal process.

**Council Member Busby** moved to approve Resolution 2013-05 for the surplus list of old equipment and excess material; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Public Works Director Millar** reviewed city projects.

1. TMC Contractors hit the power line by the fairgrounds tonight and some of the city lost power.
2. There was a broken water line on 2<sup>nd</sup> East due to an installation 42 years ago on a six inch water line. The pipe was resting on a rock and it finally broke.
3. The Sugar City School District had five hundred kids at the splash park today when a \$485.00 pump motor failed. It will be repaired tomorrow.
4. Rexburg Rapids is ready to go. They are doing staff training to get life guard certifications.
5. 5<sup>th</sup> West apartment project has closed the road for two days to pave. A local resident was unhappy with the road closure. The road will be open in the morning.
6. The 5<sup>th</sup> West wastewater line project by Kennedy School has another 500 feet of wastewater line to install on the south end of the project.
7. The State will be finishing the Main Street sealing project by the end of next week which is a month ahead of schedule.
8. The treatment plant is on schedule with completion in mid to late August.
9. A new well pump is out to bid on Well Seven at the elevated water tank.

**Finance Department** – Richard Horner (Excused)

**Building Department** – Val Christensen

**Community Development Director Christensen** reviewed a list of new permits. The building value for the new permits was \$19,923,786; \$621,859 of the building value is for buildings in Rigby where the Rexburg building inspectors do the building inspections. He discussed the process for processing a building permit and inspections for the buildings. Impact Fees are the largest fees for a building permit.

Discussion on which Impact Fees would be charged for this project. Parks Impact will not be charged for the cogeneration project.

Discussion on the permit cost of a building in Rexburg. The cost to take out a building permit is higher due to the cost of Impact Fees and other city fees. The building permit fee portion of the fees is about 20%. The Rexburg Building Permit Fees come from the 1997 UBC. Most of the surrounding cities use the 1997 UBC for their building permit fees. There is a new cogeneration plant being reviewed for BYU-I University.

The city’s tax structure is lower to compensate for the higher building permit fees. It levels out in four or five years.

**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: – NONE

**Consent Calendar:** The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual City 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 May 15, 2013 meeting
- B. Approve the City of Rexburg Bills

Discussion: **Council Member Busby** asked what the total cost was for Envision Madison. The city has committed to pay \$30,000 towards the process. There are multiple contributors to Envision Madison. Discussion concerning Envision Madison.

**Council President Mann** moved to approve the Consent Calendar and pay the bills; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Council Member Sutherland** moved to go into Executive Session per Idaho State Statute 67:2345 (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Busby seconded the motion; Mayor Woodland asked for a roll call vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Executive Session:** 8:18 P.M.

**Executive Session ended.** 8:32 P.M.

APPROVED:

\_\_\_\_\_  
Richard S. Woodland, Mayor

Attest:

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