

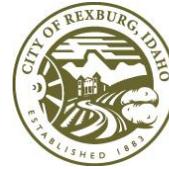
# City Council Meeting

December 17, 2014

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

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

December 17, 2014

**Mayor Richard Woodland**

**Council Members:**

President Sally Smith    Jordan Busby  
Donna Benfield         Jerry Merrill  
Christopher Mann       Brad Wolfe

**City Staff:**

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

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

Council Member Christopher Mann led the pledge.

**Roll Call of Council Members:**

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

Council Member Benfield and Council Member Wolfe asked to be excused.

**Presentations:** NONE

**Committee Liaison Assignments for 2014:**

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

Council Member Mann reported that the Mayor's Youth Advisory Board had a very successful Santa at the Carousel on Monday, December 8<sup>th</sup>. Approximately 1200 people attended the event. He thanked the Standard Journal for advertising the event on the front page of the paper. The weather was warm and it was the largest crowd that they have ever had. Emergency Services has not met.

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

Council Member Busby did not have a report.

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

Council Member Benfield was excused.

D. Council Member Smith: *Legacy Flight Museum · Rexburg Arts Council (Romance Theatre & Tabernacle Civic Center, Orchestra) · M.E.P.I.*

Council President Smith reported that the Arts Council is presenting The Messiah this Friday and Saturday at the tabernacle. Once it's over, she would like to recognize Paula Sonderegger for all the work she has put into it.

E. Council Member Jerry Merrill: *School Board · Parks & Recreation · Urban Renewal Agency*

**Council Member Merrill** reported Superintendent Thomas was awarded the Superintendent of the Year by the Idaho School Board Association. Brian Pyper, who is the Vice Chairman of the School Board, was given an Award of Excellent as a trustee.

**Council Member Busby** asked for an update on the baseball field property. Council Member Merrill said that they are just waiting to hear back from the superintendent, Scott Merotz.

F. **Council Member Brad Wolfe:** *Planning & Zoning · Beautification Committee*

**Council Member Wolfe** was excused.

**Mayor's Report:**

**Public Hearings:** – NONE

**Items for Consideration:**

**A. Ordinance 1125** – adopting the Rules of Building Safety including the 2012 International Residential Code as amended, the 2012 International Energy Conservation Code as amended, the 2012 International Building Code as amended; and amending Ordinance 1108 and Ordinance 1059 by repealing the 2009 International Residential Code, the 2009 International Energy Conservation Code, the 2009 International Building Code, and all other ordinances and parts of the ordinances in conflict therewith – Val Christensen

**Community Director Christensen** reviewed the proposal to adopt the 2012 Codes as presented. They are state mandated codes.

Discussion:

**Council Member Busby** moved to adopt the Rules of Building Safety including the 2012 International Residential Code as amended, the 2012 International Energy Conservation Code as amended, the 2012 International Building Code as amended; and amending Ordinance 1108 and Ordinance 1059 by repealing the 2009 International Residential Code, the 2009 International Energy Conservation Code, the 2009 International Building Code, and all other ordinances and parts of the ordinances in conflict therewith; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**

None

**The motion carried.**

**Community Director Christensen** asked the City Council to suspend the rules and consider Ordinance 1125 as third read.

**Council Member Mann** moved to suspend the rules to consider Ordinance 1125 as third read; Council Member Busby seconded the motion; roll call vote:

**Those voting aye**

Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**

None

**The motion carried** to suspend the rules for Ordinance 1125.

**Council Member Mann** moved to consider Ordinance 1125 as third read and approved; Council Member Busby seconded the motion;

**Those voting aye**  
Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**  
None

**The motion carried**

**Staff Reports:**

**A. Public Works:** – John Millar

**Public Works Director Millar** review upcoming projects. The City Staff is preparing for an IID in 2015. The water study is being completed and it will be presented in an upcoming City Council meeting. Other projects are winding down for the year. City Council Member Busby asked if the City is enforcing the no parking code on City streets after December 15<sup>th</sup> to allow for snow removal.

**Public Works Director Millar** indicated warning tickets are issued for the first week to allow the students some time to be done with classes for the fall term.

**1. Amendment 1 to the Engineering contract with GDA.**

(Project: Shoulder grading at the Rexburg Madison County Airport) The Project is to work on the shoulder grading at the Rexburg Madison County Airport and make the airport fence adjacent to the golf course a break-away fence.

**City Engineer Keith Davidson** reviewed the Amendment 1 to the Engineering contract with GDA. (*GDA Engineers provides civil engineering, planning, and surveying for our valued clients in Wyoming and across the Rocky Mountain Region. Our focus areas include aviation, transportation, land development, municipal, and survey.*)

**City Engineer Keith Davidson** asked City Council for approval to amend the contract which would allow for modifications to the four foot chain link fence that runs parallel with the run way and the golf course. The fence modification would allow for a breakaway fence. The Fence posts would be notched to make a breakaway fence to give way if hit by an airplane.

**General Project Sketch**

**Basic Engineering Services**

*In addition to the services described below, the Engineer will provide 100% bid documents for the Sponsor, FAA, and State to review. The Engineer will make the required revisions to the 100% bid documents to develop and deliver the Final Bid Documents. Furthermore, the development of the scoping documents and this Addendum is considered incidental to the services described below.*

*The following work items are required to accomplish the needed tasks:*

**10.0 REVISION PHASE**

**10.1 Fence Modification Addition.** *The Engineer will prepare the engineer services Amendment and conduct the Pre-Design Meeting. The Engineer will develop drawings and specifications to show the work to be performed to make the existing chain link fence posts frangible. The engineer will: adjust Engineer's cost estimate, update General Provisions and Construction Safety and Phasing Plan, and incorporate additions and modifications into plan set for bidding. An Addendum to the Engineer's Design Report will also be prepared to describe the fence modifications.*

**10.2 Runway Opening Revisions and Lighted Cross Removal.** *The Engineer will modify the drawings to remove runway opening requirements and the lighted runway closure cross equipment. Fabric runway closure markings and taxiway barricades will still be required per the original bid package. General Provisions, Construction Safety and Phasing Plan, Construction Articles (Technical Specifications), and plan sheets will also be modified to reflect these changes.*

**11.0 RE-BIDDING PHASE**

**11.1 Advertise for Bids.** *Required advertisement dates and bidding dates will be established. The Engineer will submit notification on behalf of the Sponsor to the local and*

selected publications of the pending project. The Sponsor will pay for, or reimburse the costs of publishing. Copies of the final plans and specifications will be printed for distribution to  
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(Exhibit A-1 – ENGINEER’S Services)

W:\Transportation Projects\Airports\Rexburg-Madison County\141007 Rexburg Runway Shoulder Grading\Agreement\Amendment No 1\2014.10.29 Amendment No 1 RXE Scope of Work -Exhibit A.docm

prospective contractors. The invitation will be provided to chosen newspapers and plan houses.

**11.2 Consult with Prospective Bidders.** During the bidding process, Engineer will be available to clarify bidding issues with contractors and suppliers, and for consultation with the various entities associated with the project. The Sponsor will contact potential bidders to generate interest in the project. The Engineer will supplement the Sponsor’s effort to generate interest in the project.

**11.3 Review Bid Proposals.** Engineer will review all the bid proposals submitted. An analysis of the bid prices, and other documentation provided for the work will be completed. A tabulation of the received bids will be provided to the Sponsor, bidders, and FAA and State.

**11.4 Prepare Recommendation of Award.** Engineer will prepare a Recommendation of Award for the Sponsor to accept or reject the bids as submitted. If rejection is recommended, Engineer will supply an explanation for the recommendation and possible alternative actions the Sponsor can pursue to complete the project. Copies of the Engineers’ Recommendation of Award will be provided to FAA and State Aeronautics.

## **ARTICLE 2 – OWNER’S RESPONSIBILITIES**

C2.01 Compensation For Basic Services – Lump Sum Method of Payment

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A as follows:

1. A Lump Sum amount of **\$8,675.00** based on the following assumed distribution of compensation:

10.0 Revision Phase \$7,310.00

11.0 Re-Bidding Phase \$1,365.00

2. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but shall not exceed the total Lump Sum amount unless approved in writing by the Owner.

3. The Lump Sum includes compensation for Engineer’s services and services of Engineer’s Consultants, if any. Appropriate amounts have been incorporated in the Lump Sum to account for labor, overhead, profit, and Reimbursable Expenses.

4. The portion of the Lump Sum amount billed for Engineer’s services will be based upon Engineer’s estimate of the proportion of the total services actually completed during the billing period to the Lump Sum.

C2.05 Compensation Totals - Lump Sum Method of Payment and Standard Hourly Rates Method of Payment

A. Lump Sum Method of Payment: \$8,675.00

Total: \$8,675.00

**Mayor Woodland** joined the meeting:

Discussion:

**Council Member Busby** moved to approve the amendment 1 to the Engineering contract with GDA; Council President Smith seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Smith

Council Member Mann

Council Member Busby

Council Member Merrill

**Those voting nay**

None

**The motion carried.**

### **2. Appoint Mike Farnsworth to the Golf Board.**

**Council Member Mann** asked the City Council to approve the appointment of Mike Farnsworth to the Golf Board.

Discussion:

**Council Member Merrill** moved to appoint Mike Farnsworth to the Golf Board; Council President Smith seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**  
Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**  
None

**The motion carried.**

**B. Finance Department:** Matt Nielson

1. **Approve the Purchase of property** at 1256 N 2nd East

**Finance Officer Matt Nielson** reviewed the need to purchase of property at 1256 N 2nd East for future street development. The property is by Artco on North 2<sup>nd</sup> East. The property will have a life estate for road improvements. It will come out of streets.

**REAL ESTATE PURCHASE AND SALE AGREEMENT**  
(Earnest Money Deposit)

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF YOU HAVE ANY QUESTIONS, CONSULT A PROFESSIONAL FOR ASSISTANCE.

This Agreement is deemed to have been executed in Rexburg, Madison County, Idaho, between the City of Rexburg, 35 N 1<sup>st</sup> E, Rexburg, Idaho 83440, (hereinafter called "Buyer"), and Bob Squires of 1256 N 2<sup>nd</sup> E, Rexburg, Idaho 83440, (hereinafter called "Seller").

Buyer agrees to purchase, and Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in Rexburg, Madison County, Idaho, and legally described as:

(See legal description on attached deed.)

Discussion:

**Council Member Merrill** moved to approve the purchase of property at 1256 N 2nd East to allow for street improvements; Council President Smith seconded the motion; Discussion: **Council Member Busby** asked **City Attorney Zollinger** to explained why we want to purchase the property for those in attendance who don't already know. Attorney Zollinger explained that it is to widen 2<sup>nd</sup> East from the Wal-Mart development out to the interchange so the whole street can be made into four lanes instead of having an hour glass that would cause traffic problems. Mayor Woodland asked for a vote:

**Those voting aye**  
Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**  
None

**The motion carried.**

**C. Community Development Director Scott Johnson** reported to City Council that he has received requests to allow for the sale of beer and wine on Sunday. It is a request from local restaurants. Their customers can go to nearby location like the State Liquor Store to buy alcohol on Sundays.

**Council Member Busby** reviewed the purchases allowed at the State Liquor Store on Sunday plus two other locations in Rexburg that sell beer and wine on Sundays. Convenience stores on 2<sup>nd</sup> East and 12<sup>th</sup> West currently sell beer on Sundays. The 2<sup>nd</sup> East store is grandfathered and the 12<sup>th</sup> West store is outside the City limits.

**Police Chief Turman** indicated restaurants do not cause a problem with over drinking. Drinking problems come from home parties and problem drinkers.

**City Attorney Zollinger** explained the Sunday sales go up substantially at the two convenience stores compared to the other days of the week. There are no bars in Madison County which is not a dry county; each jurisdiction passes their own laws concerning alcoholic consumption.

**D. Chief Turman** reported on “Shop with a Cop” on Saturday with 90 Officers from 11 different agencies helping 78 children and 40 families. Wal-Mart was a partner; they donated \$5,000 to the program through their employee community service program in 2015. They kids get boots, a warm winter coat, a hat and gloves and \$75.00 to buy Christmas gifts for their families. This is what the Rexburg Police Department is about. It is a five county effort; also, other participants include the Bureau of Land Management, the Idaho Fish and Game, and the Idaho State Police. The kids are selected from all five counties. They are nominated by a law enforcement officer. These kids have usually had some encounter with law enforcement due to various things such as domestic violence in their family or other reasons. Also free breakfast at McDonalds is provided by Trent Cichos.

**Council Members Busby, Smith, Merrill and Mann** congratulated them for their community service. It is a great program for the five county areas.

**Mayor Woodland** indicated that it is the most fun thing he does every year. **Council Member Busby** asked if there is some kind of community award that could be presented to Trent Cichos for the donations he gives to the community.

**Calendared Bills and Tabled Items:**

**A. USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:**

1. **Ordinance 1124 - Rezone 252, 260, and 274 West 1<sup>st</sup> North, and 118 North 3<sup>rd</sup> West from Low Density Residential 2 (LDR2) to High Density Residential 1 (HDR1).**

NOTE: **Requires a suspension of the rules.**

**City Clerk Kay** asked the City Council to suspend the rules for Ordinance 1124 because the public hearing on the proposal was approved by City Council on December 03, 2014.

**Council President Smith** moved to suspend the rules for Ordinance 1124; Council Member Merrill seconded the motion; Mayor Woodland called for a roll call vote;

**Those voting aye**

Council President Smith  
Council Member Merrill

**Those voting nay**

Council Member Busby  
Council Member Mann

**City Attorney Zollinger** indicated a suspension of the rules requires a unanimous vote.

**The motion failed.**

**City Clerk Kay** indicated a first reading of Ordinance 1124 would be the next step.

**Council Member Smith** moved to consider Ordinance 1124 first read to rezone 252, 260, and 274 West 1<sup>st</sup> North, and 118 North 3<sup>rd</sup> West from Low Density Residential 2 (LDR2) to High Density Residential 1 (HDR1); Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Merrill

**Those voting nay**

Council Member Busby  
Council Member Mann

The vote count on the motion was tied requiring Mayor Woodland to vote to break the tie.

**Mayor Woodland** voted to approve the first reading of Ordinance 1124.

**The motion carried.**

**B. BILL Introduction: – NONE**

**C. First Reading:** Those items which are being introduced for first reading:

1. **Ordinance 1125** adopting the Rules of Building Safety including the 2012 International Residential Code as amended, the 2012 International Energy Conservation Code as amended, the 2012 International Building Code as amended; and amending Ordinance 1108

and Ordinance 1059 by repealing the 2009 International Residential Code, the 2009 International Energy Conservation Code, the 2009 International Building Code, and all other ordinances and parts of the ordinances in conflict therewith.

**Community Director Christensen** asked the City Council to suspend the rules and consider Ordinance 1125 as third read.

**Council Member Mann** moved to suspend the rules to consider Ordinance 1125 as third read; Council Member Busby seconded the motion; roll call vote:

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

**The motion carried** to suspend the rules for Ordinance 1125.

**Council Member Mann** moved to consider Ordinance 1125 as third read and approved; Council Member Busby seconded the motion;

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

**The motion carried**

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

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

1. **Ordinance 1122** - Rezoning 117 South 2nd East; and 204, 216, and 230 East 1st South from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2).

Discussion:

**Council Member Merrill** moved to consider Ordinance 1122 third read to rezone 117 South 2nd East; and 204, 216, and 230 East 1st South from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2); Council Member Smith 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 Smith		Council Member Busby
Council Member Merrill		Council Member Mann

The vote count on the motion was tied requiring Mayor Woodland to vote to break the tie.

**Mayor Woodland** voted to aye to consider Ordinance 1122 third read.

**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.

- A. Minutes from December 03, 2014 meeting
- B. Approve the City of Rexburg Bills

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

**Those voting aye**

Council President Smith  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**

None

**The motion carried.**

**Adjourned at 8:35 A.M.**

APPROVED:

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Richard S. Woodland, Mayor

Attest:

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Blair D. Kay, City Clerk