

City Council Minutes

August 03, 2016



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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www.rexburg.org

Phone: 208.359.3020 x2313
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August 03, 2016

Mayor Jerry Merrill

Council Members:

Christopher Mann Jordan Busby
Donna Benfield Tisha Flora
Brad Wolfe Sally Smith

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

5:00 P.M. City Hall – City/County Work Meeting (Concerning Joint Airport Oversight)

A. Title 74, Transparent and Ethical Government, Chapter 2, Open Meeting Law:

EXECUTIVE SESSION 74-206 (C) To acquire an interest in real property which is not owned by a public agency.

City Officials Attending: Council President Smith, Council Member Flora, Council Member Benfield, Council Member Mann, Council Member Wolfe, Council Member Busby and Mayor Merrill.

County Officials Attending: Commissioner Jon Weber, Commissioner Todd Smith, and Commissioner Kimber Ricks.

Mayor Merrill welcomed everyone to the work meeting for a joint discussion on acquiring an interest in real property for the City and the County.

Council Member Busby moved to go into executive session per Idaho Code 74-206 (C) to acquire an interest in real property which is not owned by a public agency. Council Member Flora seconded the motion; Mayor Merrill asked for a roll call vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Benfield
Council Member Flora
Council Member Busby

Those voting nay

None

The motion carried

County Commissioner Weber moved to go into Executive Session per state statute **74-206 (C)** to acquire an interest in real property which is not owned by a public agency; Commissioner Weber asked for a roll call vote:

Those voting aye

Those voting nay

Commissioner Weber None
Commissioner Smith
Commissioner Ricks

The motion carried

Executive Session:

Council Member Wolfe came to the meeting after the motion to go into Executive Session.

Executive Session ended at 6:30 P.M.

6:30 P.M. City Hall Council Meeting (6:44)

Mike Walker said the prayer.

Mayor Merrill led the pledge.

Roll Call of Council Members:

Attending: Council President Smith, Council Member Flora, Council Member Benfield, Council Member Mann, Council Member Wolfe, Council Member Busby and Mayor Merrill.

Public Comment: not scheduled on the agenda (limit 3 minutes); issues may be considered for discussion on a future agenda. Please keep comments on point and respectful.

Gerry Adair from the Indian Hills Subdivision indicated that his subdivision has one hundred lots. He introduced a group of people in the audience that are all from his subdivision. They are concerned about bed and breakfast establishments being in their neighborhood. Mr. Adair said their home value would go down fifteen to thirty-five thousand dollars depending on their proximity to a bed and breakfast business. He wants bed and breakfast establishments to stay where they are zoned to be. They do not belong in residential areas. He would like City Council to inform all these types of businesses that what they are doing is illegal.

Council Member Flora asked the group if they have an HOA. She said according to state law, they have the right to disallow vacation rentals. Do they feel that is enough protection?

Compliance Officer Natalie Powell explained where bed and breakfasts are allowed. They are not allowed in Low Density Residential Zones. It is allowed in Medium Density Residential Zones with a Conditional Use Permit and it is allowed in High Density Residential Zones. She has sent out letters to those who are not in compliance. She addresses them as the complaints come in.

Rick Davis from the Indian Hills Subdivision said they simply want the law enforced. The City sending out letters is not sufficient. He suggested the city put an article in the Standard Journal and the Post Register indicating the zoning violations of Airbnbs in residential zones. The article also needs to be sent to all those who are running vacation rentals indicating a deadline for them to comply; and that the police enforce the law. It is not City Council's responsibility to enforce the law.

Council Member Busby asked what their HOA penalty is for those who break the rules. Mr. Davis said they don't have a penalty. When the rules were written, they didn't foresee this type of problem happening. They are now being forced to enforce law that should already be enforced.

Presentations:

A. **Introduce Tanner Terry** as the New Street Department Employee. Tanner wasn't there.

Committee Liaison Assignments for 2016:

A. Council Member Mann: *Golf Board · Emergency Services Board · GIS Oversight · Development Workshop*

Council Member Mann reported the Golf Board met last night. They have a new system for financials. The expenses are down and income is up. Emergency Services has not met. Development Workshop met yesterday. The Vice President of Artco sits on the Development Board and said Artco is going to open up 300 positions soon. Most of them will be temporary through the middle of December. Artco employs many of the clients from the Development Workshop.

B. Council Member Busby: *· Airport Board · Traffic & Safety · Trails of Madison County*

Council Member Busby reported the Airport Board met today and received an update from the GDA engineers. Traffic & Safety met at the same time so he was not able to be there. He was out of town when Trails of Madison County met.

Mayor Merrill had Mike Walker introduce himself as the newest member of the Traffic & Safety Committee. Mike has retired from the Fire Department after 41 years. He has lived in Rexburg for 47 years. Having worked in safety and with traffic increasing in Rexburg, he is concerned about safe roads.

Council Member Busby motioned to ratify Mike Walker to the Traffic & Safety Committee; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Benfield
Council Member Mann
Council Member Wolfe
Council Member Busby

Those voting nay

None

The motion carried

C. Council Member Benfield: *Police · MYAB · Parks & Recreation*

Council Member Benfield reported the Parks and Recreation Department is doing a great job with the pool. It's great to see so many people from outside of town come to the pool.

Council Member Busby asked about the water loss at the pool. Officer Nielson said the last read was much better.

D. Council Member Smith: *Legacy Flight Museum · Beautification Committee · M.E.P.I.*

Council President Smith reported Legacy Flight Museum and M.E.P.I. took the summer off. She commented the Parks Department does such a good job on the parks. She receives a lot of positive comments from people.

E. Council Member Flora: *School Board · Rexburg Arts Council/ Museum of Rexburg*

Council Member Flora reported Cultural Arts Director, Jackie Rawlins has started working on the sound booth at the museum. The Arts Council and the Cultural Arts Department are working together to preserve histories and record them. They are writing several grants to purchase equipment to help share those stories. She is grateful for the mayor's message in the newsletter and reiterated they are looking for volunteers at the museum. School starts soon and the district is looking to extend their operational levy for two more years.

F. Council Member Wolfe: *Planning & Zoning · Urban Renewal Agency · IBC*

Council Member Wolfe reported Planning & Zoning met on the 21st of July and had a public hearing to amend the Comprehensive Plan Map that will be presented tonight. Tomorrow there is another public hearing to consider changing the property on 263 and 267 West 4th South from Community Business Center to High Density Residential zone. Urban Renewal Agency did receive

some funding for the North Interchange Development and there will be a public hearing next Wednesday at noon for that consideration.

Staff Reports:

A. Finance: - Matt Nielson

Financial Officer Nielson reported that he was able to add the funding for the Building Maintenance Coordinator by reducing some funds in some other areas. He has also worked through the numbers from the property taxes and was close with original estimates.

Building Maintenance Coordinator

Grade 14

Wage Range	\$38,769 to \$57,387
Year 1 Projected Wage	\$ 47,800
Benefits	\$ 31,000
Total Wages/Benefits	\$ 78,800
Operations	\$ 6,200 from general fund (New Dept 408)
Total	\$ 85,000

Payroll Fund	Percentage	2 months 12 months		Funding Sources		Notes
		FY 16 Cost	FY 17 Cost	Fiscal Year 2016	Fiscal Year 2017	
General (New Dept 408)	40%	\$ 5,253	\$ 31,520	from carryover-projected at \$390,000	Contingency-reduce \$247,300 to \$209,600	Bill as part of overhead cost
Aquatic Center	25%	\$ 3,283	\$ 19,700	from carryover-projected at \$200,000	Carryover-projected at \$230,000	Bill Department Directly
Water	20%	\$ 2,627	\$ 15,760	from carryover reserves	From reduction of other operating exp	Bill Department Directly
Wastewater	15%	\$ 1,970	\$ 11,820	from carryover reserves	Contingency- reduce \$ 146,000 to \$134,100	Bill Department Directly
Total	100%	\$ 13,133	\$ 78,800			

Considerations:
To help coordinate more routine maintenance schedules of buildings and equipment and minimize premature repairs or replacement
To provide a central point of contact for building maintenance issues and begin to provide institutional knowledge pertaining to the maintenance of our large building/equipment assets
To make small repairs where an outside contractor is not required
To provide much needed oversight and maintenance of the Aquatic Center building and water system
Should provide a decrease in the hired work and building maintenance expense accounts over time
Would provide more time to water department to complete core responsibilities and possibly defer future hires that would otherwise be needed
Preventative maintenance should provide long-term savings
Would require a budget adjustments in Fiscal Year 2017 budget as detailed above

Tasks to Take Over-

- Generator annuals and fueling Lynn filled up last time, but not sure if all of them
- snow removal on roofs of building to protect condensers-lost one at city hall last winter because of snow
- Aquatic Center Maint.
- Spray Park Maint.
- Daily Boiler Checks-Romance and Tabernacle

B. Public Works: John Millar

Public Works Director Millar reported that 4th South is under reconstruction. They are putting in a 48” storm drain line. They are supposed to be done before college starts back up. The first water project is moving along and about 35 percent done. The second water project will start in September. The waste water project is on schedule and will start the masonry work next week along with installing some of the equipment. That should be finished in November.

Council Member Busby asked if they are working 24 hours a day on the 4th South project. Public Works Director Millar said, no, but they do have three crews working.

Council Member Busby asked if they are ready for snow. Public Works Director Millar said, yes, they have two brine trucks now and they added another sander last year.

Council Member Benfield asked about pruning the trees on Center Street. Mayor Merrill indicated that the whole street will be remodeled next year but they can see about pruning them for now.

Council Member Busby asked about the flood mitigation schedule and if they are still cleaning the canal. Mayor Merrill said the Streets Department has been cleaning the canal every month and they mowed down the weeds along the canal. Public Works Director Millar indicated the streets foreman, Bill Blair, has been very diligent about walking the canal every month to check for debris. Mayor Merrill said they have also sent a letter to the residents of Hidden Valley and Ricks Palmer subdivision of all the things that the city has done toward flood mitigation.

C. Community Development: Compliance Officer Natalie Powell reported the building department is thriving and has been very busy. Community Development Director Christensen

comes in every Monday, Wednesday and Friday afternoon. He has a good attitude. She reviewed the July building valuation report. The Cedars is moving quickly.



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Building Valuation Report

From: 07/01/2016 To: 07/31/2016

Building Safety Department
35 N. 1st E.
Rexburg, ID 83440
Phone: (208)-359-3020
www.rexburg.org

PERMIT NUMBER	PARCEL NUMBER	PROJECT NAME	PROJECT LOCATION	APPLICANT NAME	CONTRACTOR NAME	IMPACT FEES	BUILDING FEES	PUBLIC WORKS FEES	PROJECT VALUATION
Building - Single Family Residence									
16-00458	RPRSMRF3130150	2339 W 900 S - SFR	2339 W 900 S	Kartchner Homes, Inc.	Kartchner Homes, Inc.	\$2,620.00	\$3,013.00	\$3,755.00	\$305,976.46
Multi-Family Residential									
15-00684	RPRWSTAT020030	Paddington Place Apts - Bldg 5 (12 Units)	535 Mariah Ave	Badham Construction	Badham Construction Curt Quick	\$19,080.00	\$7,587.00	\$14,815.00	\$647,231.20
16-00289	RPRRXB10540090	Hemming Cedars II - Bldg A - Dormitory Hous	W 2nd S	Headwaters Construction Co.	Headwaters Construction Co.	\$111,300.00	\$83,950.00	\$52,812.00	\$14,357,882.00
SFR Basement Finish									
16-00493	RPRFNDR0020010	255 Jefferson Dr - SFR Basement Finish	255 Jefferson Dr	Mr. & Mrs. Sam Simmons	Mr. & Mrs. Sam Simmons	\$0.00	\$683.00	\$0.00	\$16,000.00
Single Family Residential Addition									
15-00608	RPRWLBE0000080	676 Willow Brook Circle - SFRA	676 Willow Brook Circle	Frank & Stacey Kunz		\$0.00	\$1,015.00	\$0.00	\$56,325.00
						\$133,000	\$96,248	\$71,382	\$15,383,414.66

Council Member Busby asked about the project on 3rd West and 5th South. Compliance Officer Powell said they have torn down the houses but no permit has been issued, yet.

Council Member Benfield said Compliance Officer Powell is wonderful and she will be following up on the bed and breakfast issue.

Mayor Merrill clarified Panda Express is not waiting on permits from the City as was stated in the newspaper. We are actually waiting for them.

Mayor's Report: Mayor Merrill reported they had the public hearing with the county commissioners on July 26th for the expansion of the impact area. That passed with some modifications. There was a ribbon cutting at the new Huntsman Cancer Care Center at the hospital.



Mayor Merrill met with the Chamber of Commerce regarding the Rexburg Unplugged Event coming up. The City had a retirement party for City Treasurer, JoLyn Briggs last week. The City hosted Dennis Porter with the Idaho Department of Commerce. Yesterday they had a planning meeting for the Heritage Festival. The Mayor hosted a young boy, Jack, who got hurt on the playground at Smith Park. His mother just wanted us to be aware of the dangers. They have ordered a new rubber guard piece for that playground and have inspected the other parks. They have also torn out the rubber tiles that Jack tripped on.



Mayor Merrill also indicated he, along with Economic Development Director Johnson, has met with two different companies that are interested in coming to town.

Council Member Busby asked if the new Building Maintenance Coordinator will also maintain the parks equipment. Mayor Merrill said yes, that is one of the things that position will take care of. He also indicated that with the new Asset Management Software, they can put annual safety checks into the system and every year it will produce a report that reminds them to check specific equipment.

Public Hearings:

A. 7:00 P.M. BILL 1147 Amending Appropriation Budget 2016 from \$76,726,000 to \$83,174,800; an additional amount of \$6,448,800 which includes budget transfers from uncompleted budget items in 2015 and new revenue.

**NOTICE OF PUBLIC HEARING
CITY OF REXBURG, IDAHO**

Notice is hereby given that the City Council of Rexburg will hold a public hearing for consideration of an amendment to the 2016 fiscal year budget by appropriating additional monies received by the City of Rexburg, said hearing to be held at City Hall, 35 N 1st E, Rexburg, Idaho at **7:00 pm on the 3rd day of August, 2016**. All interested persons are invited to appear and show cause, if any, why such budget amendment should or should not be adopted. City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to the budget documents or to the hearing, please contact City Hall, 359-3020 at least 48 hours prior to the public hearing. This Notice can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.
Se le puede proveer esta notificación en un formato accesible para las personas discapacidades y/o personas con conocimientos limitados del inglés a pedido.

CITY OF REXBURG
BUDGET AMENDMENT
FISCAL YEAR 2016 (Year ended 9/30/2016)

FUND	ORIGINAL	AMENDMENT	FINAL
GENERAL	10,422,100	208,800	10,630,900
STREET OPERATIONS	3,014,500	320,000	3,334,500
RECREATION	189,200	61,800	251,000
TABERNACLE OPERATIONS	125,200	6,300	131,500
POLICE SMALL GRANTS	55,700	1,800	57,500
POLICE ANIMAL CONTROL	130,900	8,900	139,800
EMERGENCY SERVICES	2,794,000	(18,500)	2,775,500
WASTEWATER OPERATIONS	7,402,500	1,071,500	8,474,000
BUILDING SAFETY/P & Z	1,657,200	129,200	1,786,400
GEOGRAPHIC INFORMATION SYSTEMS	419,500	(2,800)	416,700
STREET SHOP CONSTRUCTION	212,000	639,000	851,000
SEWER CAPITAL RESERVE	3,279,900	877,700	4,157,600
ROMANCE THEATRE	83,100	15,700	98,800
STREET NEW CONSTRUCTION	3,023,900	50,000	3,073,900
AIRPORT CONSTRUCTION	170,800	478,900	649,700
AIRPORT RELOCATION	-	160,000	160,000
SEWER PLANT CONSTRUCTION	3,000,000	2,441,500	5,441,500
REXBURG ARTS COUNCIL	97,400	(3,500)	93,900
ARTS COUNCIL TRUST	-	2,500	2,500
NON-AMENDED FUNDS	40,648,100	-	40,648,100
GRAND TOTAL	76,726,000	6,448,800	83,174,800

Discussion:

Mayor Merrill opened the public hearing.

Written correspondence: - NONE

Public Testimony in favor of the proposal (5-minute limit): NONE

Public Testimony neutral to the proposal (5-minute limit): NONE

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

Mayor Merrill closed the public hearing.

Deliberations:

B. First Read: Those items which are being introduced for first reading:

1. BILL 1147 amending Appropriation Budget 2016

Discussion:

Council Member Busby moved to approve Amending the Appropriation Budget 2016 from \$76,726,000 to \$83,174,800; an additional amount of \$6,448,800 which includes budget transfers from uncompleted budget items in 2015 and new revenue and first read BILL 1147; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Benfield
Council Member Mann
Council Member Wolfe
Council Member Busby

Those voting nay

None

The motion carried

Items for Consideration:

A. Resolution 2016-09 - Comprehensive Plan Map Amendment at approximately 1100 South 12th West from Low-Moderate Density Residential & Commercial to Commercial – Douglas S. Kauer
(Planning and Zoning recommended approval of this amendment to the Comprehensive Plan Map)

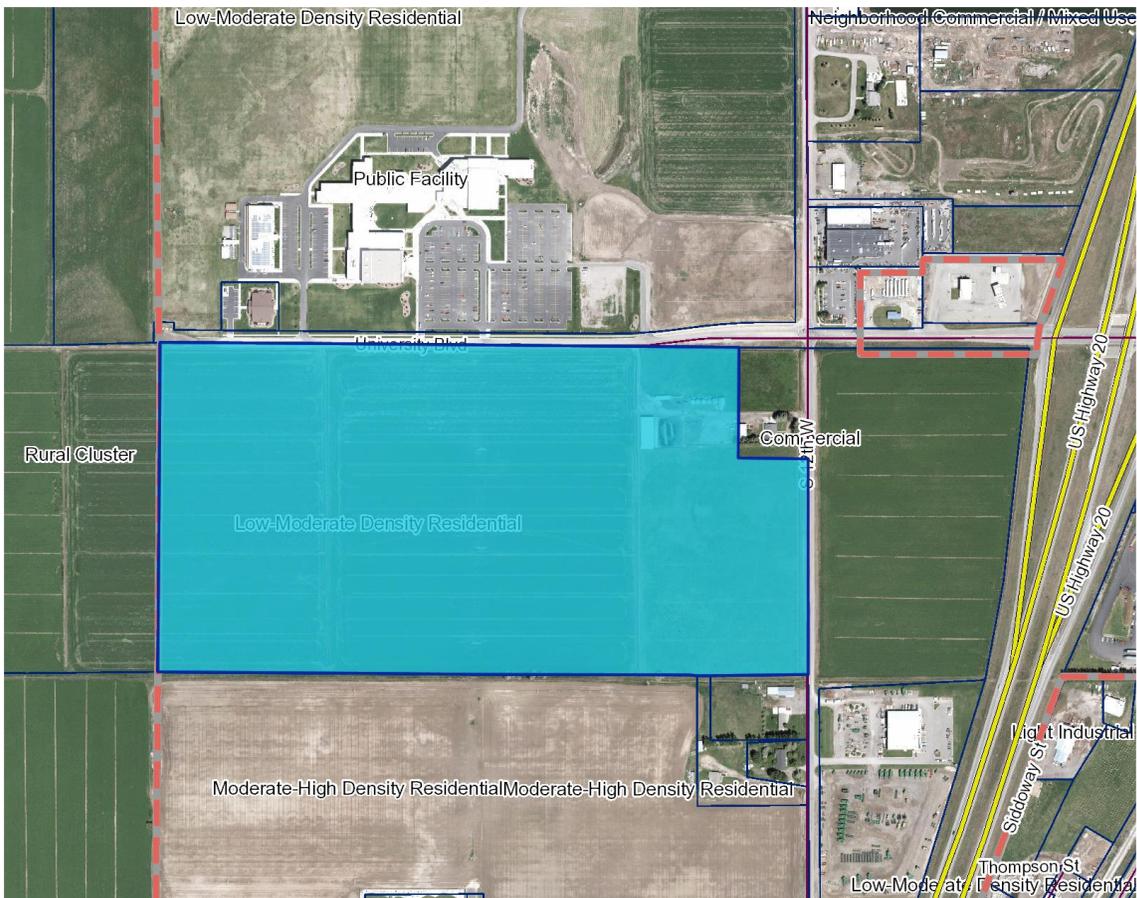
Doug Kauer and his family have owned and farmed the property at 1100 South 12th West since 1955. He has been fielding a lot of calls and feels it's time to change this piece to commercial. This would allow some big staple store to come into the back of the parcel and perhaps smaller businesses to fill up the front. It's a great place for development. He knows that there are traffic concerns.

Council Member Busby mentioned that high school kids will also use the access through the property. Mr. Kauer understands that and it may help with traffic. Council Member Busby asked Public Works Director Millar if they will be widening University Boulevard. Public Works Director Millar said, yes, it will eventually be widened.

Council President Smith asked to bring up the zoning map. It shows that half of the property is already commercial.

Doug Kauer is requesting a land use map designation change from Low-Moderate Density Residential and Commercial to Commercial. He feels that because the frontage is commercial, and the property to the North is the High School property, that the high volume traffic makes the subject portion of the property conducive to commercial development. The property is currently adjacent to Moderate-High Density Residential to the South, Rural Cluster to the West, Public Facilities to the North and Commercial to the East on the Comprehensive Plan Map.

Staff believes that given the current uses in the immediate vicinity, and the proximity to the High School and its associated traffic, that this particular request is consistent with the long term plan for this area. Traffic and pedestrian concerns should be reviewed relative to the South Interchange.



Discussion:

Council Member Smith motioned to approve **Resolution 2016-09 - Comprehensive Plan Map Amendment** at approximately 1100 South 12th West from Low-Moderate Density Residential & Commercial to Commercial; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

- Council President Smith
- Council Member Flora
- Council Member Benfield
- Council Member Mann
- Council Member Wolfe
- Council Member Busby

Those voting nay

None

The motion carried

Calendared Bills and Tabled Items:

- A. **“LAND USE ACTION”** – Bills Recommended/Approved in a Land Use Public Hearing Procedure (Recommend Suspension of the Rules): – 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
 - 1. **Bill 1146 Appropriation Budget 2017**

Council Member Mann moved to consider Bill 1146 for Appropriation Budget 2017 third read; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

- Council President Smith
- Council Member Flora
- Council Member Benfield
- Council Member Mann

Those voting nay

None

Council Member Wolfe
Council Member Busby

The motion carried

Mayor's Business: Mayor Merrill

Council President Smith said that BYU-I President, Clark Gilbert would like to host the Mayor and City Council on Friday, August 26 at noon at BYU-I. City Council agreed that this time would work for all of them.

Council President Smith asked if they need another work meeting next time on Aug. 17th. Council Member Flora will be out of town. Planning & Zoning will host the next work meeting on the first Thursday in September.

Mayor Merrill mentioned that he will be out of town for the next week so refer questions to Council President Smith.

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 July 20th, 2016 meeting;
- B. Approve the City of Rexburg Bills

Council Member Flora moved to approve the Consent Calendar containing the minutes and the city bills; Council Member Busby seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Benfield
Council Member Mann
Council Member Wolfe
Council Member Busby

Those voting nay

None

The motion carried

Adjourned at 7:39 P.M.

City Attorney Zollinger asked to go into executive session per state statute 74-206 (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.

Council Member Benfield motioned to go into executive session per Idaho State Code 74-206 (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 Merrill asked for a roll call vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Benfield

Those voting nay

None

Council Member Mann
Council Member Wolfe
Council Member Busby

The motion carried

**Council moved into executive session at 7:40.
Executive session ended at 8:10.**

APPROVED:

Jerry Merrill, Mayor

Attest:

Mary Flanary, Deputy City Clerk