



February 08<sup>th</sup>, 2006

**Mayor & Council Members:**

Shawn Larsen — Mayor  
Donna Benfield – Council President  
Farrell Young      Christopher Mann  
Rex Erickson      Randy Schwendiman  
Bart Stevens

**City Staff:**

Stephen Zollinger — City Attorney  
Financial Officer Horner – Finance Officer  
John Millar — Public Works Dir  
Val Christensen – Building Official  
Kurt Hibbert — Planning & Zoning Dir  
Blair Kay — City Clerk

**7:00 P.M. – Pledge to the Flag**

**Roll Call of Council Members:** All City Council Members were present except Council Member Stevens.

**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 January 18<sup>th</sup> and 27<sup>th</sup>, 2006 meetings
- B. Approve the City of Rexburg Bills

**Council Member Erickson** moved to approve the Consent Calendar; Council Member Mann seconded the motion; discussion: changes, Donna page 1 on 18<sup>th</sup> Business not bus Page 4 Idaho 3<sup>rd</sup> State Page 7 B All three on off ramps Page 12 1<sup>st</sup> Reading. All voted aye, none opposed. **The motion carried.**

**Mayor Larsen** asked the Scouts to introduce themselves and tell what they are working on for merit badges. He welcomed several high school government students to the meeting.

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

**Kevin Youngquist** at 227 South 1<sup>st</sup> West requested a Habitat for Humanity event. They requested renting the Westwood Theatre to inform the public about Habitat for Humanity. At the same time they could help raise funds for the Westwood Theatre. The Community and the students will be invited. They are asking for an in kind donation (no fee) from the City.

**Council Member Mann** moved to approve the donation; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

**Mayor Larsen** asked a second group of scouts from his scout troop to introduce themselves to the City Council.

**Presentations:**

- A. Brightest Star Recipients – Community Council, **Janet Goodliffe** (deferred to 02-22-06)
- B. Snowfest Award – **Kari Bowman**

**Mayor Larsen** explained the process for picking the “Brightest Stars” in the Community for the Governor's contest for the Brightest Star. **Kari** was asked to review her Snowfest program.

**Council Member Young** thanked **Kari** for a wonderful event. She estimated between two (2) to four (4) thousand people attended the event.

**Mayor Larsen** presented **Kari** with a Certificate of Appreciation for her work on the annual Snowfest and for her volunteer service. She was recognized by Patricia Kempthorne to earn the brightest star award.

**Kari Bowman** thanked her committee for all of their hard work.

**Report on Projects: Public Works Director John Millar**

1. Animal Care Facility building was reviewed on the overhead screen.
2. Porter Park Splash Park was reviewed on the overhead screen. It will be bid by the end of the month.
3. Waste Water Treatment Plant new building is planned to treat bio solids with a gravity belt system. It will be bid in April of 2006 and it is expected to be over a million dollar project.
4. Concrete floor in a shop.

**Council Member Mann** asked Public Works Director John Millar to send a letter to Glen Pond (Utah Power) on the Street Light maintenance program. He would like to see the street light maintenance program with Utah Power in writing.

**Public Hearings:**

**7:05 p.m. - Zone change** from High Density Residential One (HDR1) to Community Business Center (CBC). – 258 South 2<sup>nd</sup> West (Rexburg Housing) (P&Z recommended General Business District, GBD.) Planning and Zoning Administrator Kurt Hibbert presented an overhead review of the proposal.

**Jessica Pace, Operations Director for Rexburg Housing**, presented a brief explanation of the site for their office, which is near Arbor Cove and Georgetown Apartment complexes.

**Mayor Larsen** opened the Public Hearing.

**Those in favor of the proposal: Jessica Pace**

**Those neutral: None**

**Those opposed: None**

**The Public Hearing was closed.**

**Mayor Larsen** asked the City Council to deliberate the proposal.

**Council Member Erickson** asked what the difference is between the zoning recommended and what City Council had intended to do for this area.

**Planning and Zoning Administrator Kurt Hibbert** indicated that Planning and Zoning originally recommend the area to be zoned as a General Business District. He explained the difference between Community Business District and General Business District. CBC allows more options for commercial development, such as parking lots.

**Council Member Erickson** asked if GBD would allow a Shopping Mall.

**Planning and Zoning Administrator Kurt Hibbert** thought the lot was too small for a shopping mall, but that use would be allowed if the lot was large enough.

**Council Member Young** reviewed the several apartments that are managed by Rexburg Housing.

**Council Member Mann** asked if the applicant would have to come back again and ask for a zone change to put apartments there in the future. Kurt indicated they would need another hearing to change the zone.

**Mayor Larsen** asked if the applicant was aware of the differences in the two zones. She was not aware of the differences. Their plans are for a very basic office.

**Council Member Erickson** asked how the property was currently zoned. It is currently High Density Residential (HDR). He asked Winston Dyer if GBD was better than CBC. Mr. Dyer said GBD was better fit for this location.

**Council Member Erickson** moved to change the zoning from HDR to GBD. Council Member Benfield seconded. All voted aye, none opposed. **The motion carried.**

**Committee Liaison Assignments for 2006:**

- A. **Council Member Chris Mann:** *Parks & Recreation · Museum Committee;* - NONE
- B. **Council Member Donna Benfield:** *Beautification Committee · Police Department update;* No police report. Leslie Jensen has been added as a new member. The wrong template for signs on Main Street was ordered, but the new one should be here within two weeks for City Council approval. The committee has elected officers, which have not changed.
- C. **Council Member Rex Erickson:** *Airport Board · Planning & Zoning;* Planning and Zoning has held two meetings and is processing some new requests which will soon come before the City Council. The Airport Board had a meeting a week ago. Ray Pocock was appointed as a new member from the County Commission. Richard Smith helped to discuss budgets. Every month they will know where they stand with the budget. All Airport Board Members were on board with the Legacy Flight Museum project, despite previous reservations. It is an excellent museum.

**Mayor Larsen** mentioned John Bagley was the person that got the building built and the John obtained the planes. The grand opening was last week. The Museums purpose is to allow people to view old planes from World War II. It is a great addition to the City of Rexburg. Council Member Erickson indicated everyone should go out and see the museum. The grand opening was well attended. Council Member Schwendiman asked about the hours, which are 9-5 on Friday and Saturday. In the summer it will include weekdays. Council Member Erickson reviewed the Board of Directors. They are John Bagley, Terry Bagley, and appointees from the City & County. The museum will be operated by volunteers.

- D. **Council Member Randy Schwendiman:** *Golf Board · Traffic & Safety · Emergency Services Board;* Lynn Archibald is the new chairman of the Traffic and Safety Committee. Council Member Schwendiman was unsure of how the street lights are maintained. Utah Power is notified and a work order is prepared to replace the lights at Utah Power. Council Member Schwendiman asked why they are not complying. They have never been pushed to comply.

**Council Member Schwendiman** moved to have Utah Power clean and replace lights per the agreement; Council Member Benfield seconded the motion; Discussion: Public Works Director John Millar will visit with Glen Pond (Utah Power) before taking action. All voted aye, none opposed. **The motion carried.**

**Council Member Schwendiman** discussed 12<sup>th</sup> West and Main Street – trucks are not supposed to enter or exit 12<sup>th</sup> West. It is a “no truck through” road. City Attorney Zollinger indicated that the problem is with trucks using 12<sup>th</sup> West to access Valley Wide Coop. Council Member Schwendiman said it is a major problem. Public Works Director John Millar will visit with Idaho Transportation Department (ITD) to see if there can be a turning lane added. Council Member Schwendiman indicated that it is too tight of a corner for trucks. Council Member Mann would like to ensure that they don’t encourage more trucks to use the road. Council Member Erickson recommended using the stop light for the trucks instead of the mid block entry. Council Member Schwendiman agreed with Council Member Erickson. Council Member Schwendiman mentioned the Old Yellowstone Hwy by the Hard Hat Café. John said the paving was unacceptable. It will be replaced as soon as weather permits. There will be steel guardrail instead of concrete to allow two more feet of room. Mayor Larsen asked if the developer was responsible.

**City Attorney Zollinger** indicated that the City is not agreeable with the current configuration. The developer is working to fix the problem. Council Member Schwendiman was uncomfortable with the road so close to the Power Poles. He explored the possibility of moving the road to the east. He did not want to live with the current configuration.

**Mayor Larsen** reviewed the options. City Attorney Zollinger mentioned that the road would have to meet minimum safety standards before the City could accept the road. Public Works Director John Millar will assess the safety of the road. Council Member Benfield has also received complaints.

**Council Member Schwendiman** indicated taking parking off 2<sup>nd</sup> East to 7<sup>th</sup> South is also recommended by the Traffic Safety Committee. Council Member Erickson mentioned that 2<sup>nd</sup> East will continue to get worse with the construction of the Temple and the new Walgreen's.

**Mayor Larsen** agreed there is a problem on 2<sup>nd</sup> South and 1<sup>st</sup> East. He recommended putting these items on the 22<sup>nd</sup> of February agenda. He would like to get Community input on removing parking off 2<sup>nd</sup> East. Council Member Mann wanted to solicit residents input before the City makes a decision. Council Member Schwendiman thinks it is a safety issue. You can't see people getting out of cars, etc. Mayor Larsen asked how the residents can be contacted. They can be contacted by mail with a 300 foot notification letter.

**Richard Smith** reviewed the changes on 2<sup>nd</sup> East. The University has offered some changes that the Traffic Safety Committee has not acted upon at this time. He feels the situation is better now. He was concerned with parking shifting to other areas with the proposed changes for removing traffic off 2<sup>nd</sup> East. Mayor Larsen asked to put the item on the work meeting agenda on the 22<sup>nd</sup> of February.

**Richard Smith** thought the University could make some changes that would improve the situation. Council member Erickson asked if the Traffic Safety Committee could hold public information meetings before any more City Council action. Mayor Larsen will coordinate the meeting with the University and the Transportation Committee.

**Mayor Larsen** reviewed the plan to get the budgets monthly to the Council for the Committee meetings.

**Council Member Young** asked if 7<sup>th</sup> South is due to be resurfaced. The city will have to pay for it the second time. Council Member Young is concerned that it did not work the first time. It will be re-painted in June or July.

**Council Member Erickson** asked what the plan was for 2<sup>nd</sup> West to 4<sup>th</sup> West. It is narrow and in poor condition. The North side is planned to be widened in a year. A portion will be assessed on an LID for the property owners for the minimum width for the road. The College has not been contacted about helping with cost, aside from the private property they own.

E. **Council Member Farrell Young:** *Tabernacle Committee · Rexburg Arts Council;*

The Tabernacle Committee met last week. The handicap ramp will fit in with the décor of the building on the south side of the building by using the rock from the old Spori building if the University will allow. The stage needs to be polished with some varnish. Scheduling was discussed to varnish the stage floor. The 29<sup>th</sup> of March is the next Orchestra concert. The Tabernacle committee is going smoothly. The Rexburg Arts Council met last night. Things seem to be going smoothly there too.

Mayor Larsen mentioned an upcoming IBC review meeting. Merrill Rudd will be the contact for the Tabernacle rock for the ramp.

F. **Council Member Bart Stevens:** *Trails of Madison County · IBC Committee:* - NONE

G. **Mayor Larsen:** *Mayor's Youth Advisory Board:* - NONE

**New Business:**

A. **Final Plat Review for Harvest Heights Division 2: South Millhollow Road Area**

**Richard Smith** presented a review of the final Plat on the overhead screen. It has been approved by the Planning and Zoning Commission. The conditions have been met. Lots 1 and 2 will be included in the subdivision for the new home of President Kim B. Clark.

**Council Member Erickson** reviewed the Planning Decision to accept the Plat if the conditions are met. The lots will be platted in Division One or Division Two.

**Richard Smith** indicated the next phase will be started in the Fall of 2006. 1000 East is ¼ mile east of this subdivision.

**Council Member Erickson** moved to accept the plat on Harvest Heights Division 2 with the change as discussed by Richard; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

**Calendared Bills and Tabled Items:**

**A. First Reading:** Those items which are being introduced for first reading. - NONE

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

1. **BILL 954 Franchise Agreement** for Intermountain Gas (20 years)

**Mayor Larsen** reviewed the timing of the agreement for a second reading.

**Council Member Young** moved to consider BILL 954 as second read; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

**C. Third Reading:** Those items which have been second read. – NONE

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

**Old Business:**

**A. Supervisory Manual Update – Financial Officer Richard Horner** explained the changes that were made on the Manual update from the last meeting.

**Mayor Larsen** reviewed the proposed change to allow the Mayor to pull budget money out of contingency under \$10,000. Financial Officer Horner mentioned that new positions or new equipment would need to be approved by the City Council.

**Mayor Larsen** indicated that new budgeting processes can be conducted on a monthly basis. He explained the proposal. Most of it is what has already been happening, but it is now in writing.

**Council Member Schwendiman** reviewed the City policy. He did not understand the need, and was concerned about the lack of Council oversight. The reason for the proposed policy change was discussed.

**Council Member Erickson** reviewed the proposed policy to allow the Mayor to change the budget without City Council approval. “Is it a good policy?”

**Council Member Schwendiman** reviewed his concerns with changing the policy. He did not want to approve a policy that would allow multiple budget changes without coming to the City Council.

**Council Member Erickson** asked what the penalty would be for over spending the Department Head’s budget. He was concerned with the lack of recourse to control the Department Heads’ budgets.

**Council Member Mann** expressed his concern with a full-time Mayor not being allowed to control the budget if changes are needed.

**Council Member Schwendiman** did not want over budget spending to be carried to the next year by trending the budget for the next year.

**Mayor Larsen** expressed the thought that setting the budget is not a science.

**Council Member Schwendiman** did not want to use budget trending to set Department Head budgets.

**Financial Officer Horner** said the budgets are started from zero. It is called zero-based budgeting.

**Council Member Schwendiman** wanted the City Council to approve all budget overruns. Otherwise there may as well be no budgets.

**Financial Officer Horner** explained the current process to keep the budgets under control by using new software and watching budgets like a hawk. However, sometimes things happen that they have no control over, such as the rise of the power bill.

**Mayor Larsen** asked the City Council about the budget shift paragraph.

**Public Works Director** John Millar explained the reason for needing to shift budgets based on current events.

**Council Member Erickson** asked for clarification on the reason to buy a vehicle that is not budgeted. John indicated that a new staff member would be an example.

**Financial Officer Horner** mentioned that \$40,000 was rolled back to the budget this previous year. The City was in fact under budget. Flexibility must be in place for unexpected situations.

**Council Member Schwendiman** reviewed the past performance of the departments. Public Works Director John Millar indicated that the Departments have rarely gone to request any funds out of contingency.

The City Council continued to discuss the proposed issue of having the Mayor approve budget changes under \$50,000.

**Council Member Schwendiman** indicated that departments could get approval for one thing and then shift that money for use on something else. He is willing to try it, but if it does not work he wants to immediately go back to the old system.

**Mayor Larsen** explained that he has to have confidence in the Department Heads to manage their Departments. Council Member Mann was in agreement with Mayor Larsen.

**Council Member Erickson** reviewed the issue of relying on the expert for a budget decision when the City Council should be informed.

**Mayor Larsen** mentioned that there is new software being installed that will allow monthly budget reports. Financial Officer Horner indicated that the expense will be tied to the budget as an expense when the purchase order is requested.

**Public Works Director** John Millar explained the enterprise funds are not eligible to draw on the contingency in the General Fund. Big ticket items have been approved by the City Council.

**Council Member Schwendiman** would like to be aware of these budget changes on a timely basis. He recommended the Department Heads should seek funding changes out of their own budgets before they go to the Mayor for a change up to \$10,000.

**Financial Officer Horner** will change the wording to have contingency changes reported to the City Council.

The City Council wanted to be informed on budget changes. The City Council discussed the concept of saving money by doing work in-house. Financial Officer Horner mentioned that outsourcing some of the engineering work is more expensive than doing the work in-house.

**Council Member Mann** asked to have the changes written up for the next City Council review.

**Executive Session:** Per Idaho State Code 67-2345 (B) (F)

**Mayor Larsen** asked for a motion to go into executive session

**Council Member Benfield** moved to go into executive session, Council Member Mann seconded.

**Roll call vote:**

**Those voting aye:**

Council Member Benfield  
Council Member Young  
Council Member Mann  
Council Member Erickson  
Council Member Schwendiman

**Those voting nay:**

None

**The motion carried.**

**Executive Session:**

**Executive Session ended.**

**Adjournment**

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Shawn Larsen, Mayor

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Blair D. Kay, City Clerk