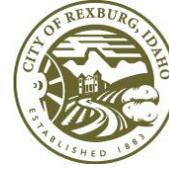


City Council Meeting

August 19, 2009



CITY OF
REXBURG
America's Family Community

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August 19, 2009

Mayor Shawn Larsen

Council Members:

Christopher Mann – Council President
Rex Erickson Randy Schwendiman
Bart Stevens Richard Woodland
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
Public Works Director Millar
Val Christensen – Building Official
Blair Kay – City Clerk

5:00 P.M. Westwood Theatre – Special Budget Meeting (5:00 P.M. to 7:00 P.M.)

Council President Mann opened the special budget meeting to discuss the budget.

Finance Officer Horner reviewed the sales tax and property tax revenue updates. The new construction roll was lower than expected by \$35,000. The sales tax came in lower by \$56,300. It dropped the contingency fund down by that amount. The Supervisors and Department Heads Committee met and came up with a proposal to offset the revenue short fall.

Community Affairs Director Kristy Geisler gave a presentation to the City Council based on a Supervisors and Department Heads Committee meeting last Monday. The proposal was to eliminate merit raises from the 2010 Budget.

Information Technology Director Steve Christenson explained the proposal is to help meet the budget shortfall by lowering the expenses by \$105,000 in the General Fund Budget. The committee requested the City Council continue the merit raise program and emphasize the objective side of employee evaluations. The program will provide current and continued employee improvement. Community Affairs Director Kristy Geisler asked the City Council to continue to support the merit pay program. It is based on performance not just a scheduled merit raise.

Council Member Schwendiman asked if step raises and merit raises are the same thing. Information Technology Director Steve Christenson said they are similar terminology; however, the merit raise program is based on performance.

Discussion on merit raises, cost of living raises and specialized certifications.

Council Member Erickson said the City Council wants to maintain the workforce without increasing the number of employees. If revenue falls below acceptable levels, more cuts will be needed. If the revenue comes back, the merit raises can be reinstated. Any purchases over \$5,000 will be sent to the City Council for approval.

Council President Mann said there is not an implied commitment to avoid future cuts. Information Technology Director Steve Christenson said the hope is that the merit raises will be reinstated if they are supported by revenue.

Council Member Erickson commended the employees and Mayor Larsen for meeting as a committee on the curtailment of performance pay and for making this proposal to City Council. If the money is not available, the City Council has to make the hard decisions.

Information Technology Director Steve Christenson spoke about keeping the communications open and getting the information to the City Council.

Council Member Stout asked whether the committee discussed cost of living raises. Council Member Erickson explained the City Council makes that decision based on revenue and the cost of living index. Council Member Stout reviewed the cost of living time line. Finance Officer Horner explained the proposal to push back funding of the merit program a year; however, the annual reviews will stay in place.

Council Member Schwendiman explained further cuts may be necessary if the revenue does not improve. He appreciated the Supervisors and Department Head's Committee work to propose a budget cut from salaries. Council President Mann thanked the committee too. He said the City Council appreciates the committees work.

Council President Mann indicated Mayor Larsen requested the City Council cancel BILL 1032 regarding a cost of living adjustment for the Mayor's salary. He expressed solidarity from the Mayor and City Council to table BILL 1032.

Discussion on the 2009 Budget and the 2010 Budget given the short fall is budgeted revenue.

Discussion on City Council reviewing all new hires; hires to replace vacant positions and how long to have this policy.

Council Member Stout asked to have the new hiring policy written up in a statement of understanding for the City Council.

Adjourned at 6:43 P.M.

7:00 P.M. Westwood Theatre – Pledge to the Flag

Roll Call of Council Members:

Attending: Council President Mann, Council Member Erickson, Council Member Stevens, Council Member Schwendiman, Council Member Woodland and Council Member Stout.

Excused: Mayor Larsen

Council President Mann introduced Marcel Chowriamah from the island of Mauritius by India and Africa; also by the Island of Madagascar. He is a governmental official from the island. His son worked for Council President Mann at BYU-I for several years. Mr. Chowriamah has been in government for thirty years. He explained his contact with one American business man who set up a business with about 2,000 people in his country. Mr. Chowriamah thanked the City Council for allowing him to come to their meeting and expressed his appreciation for his friendship with Council President Mann.

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

Presentations: - NONE

Committee Liaison Assignments for 2009:

A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*

Council President Mann did not have a report.

B. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*

Council Member Erickson reported the Golf Board met a week ago Tuesday night at the golf course to tour the new nine (9) hole course. They practiced on the entire new tee off greens. The city got a jewel with the amount of money spent on the new nine holes. It will officially open September 01, 2009. They were really impressed with the new course. Planning and Zoning did not have any items on this agenda. He was out of town for the last Planning and Zoning meeting and he didn't see anything significant to mention on the minutes. The Rexburg Redevelopment Agency met last Monday morning to go over the budget. The next meeting is Friday morning, August 28th to make some redevelopment decisions. One of the questions is the Hemming Pro-Zone project. Should it be a new redevelopment

district or should in be included in the downtown urban renewal district? They are seeking legal Council out of Boise to help make the decision.

C. Council Member Bart Stevens *Airport Board · Romance Theatre Committee · MYAB · School Board*

Council Member Stevens did not have a report.

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*

Council Member Schwendiman did not have a report.

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

Council Member Woodland did not have a report.

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*

Council Member Stout reported the Legacy Flight Museum met on fund raising goals. Public Affairs Director Kristy Geisler reported the Barney Dairy Bridge grant is closing.

Public Hearings: - NONE

Items for Consideration:

A. Set Public Hearing to amend 2009 Appropriation Budget for September 02 at 8:00 P.M.– Staff

City Attorney Zollinger asked if we needed to wait until 8:00 P.M. for this item, but it is not a public hearing so that was not necessary.

Financial Officer Horner asked the City Council to set a public hearing to amend the 2009 Appropriation Budget. He presented a sheet to the City Council showing the different funds needing amended due to revenue and expense adjustments. He wanted to know if he should go through each topic, or only specified ones. Finance Officer Horner said they had to split the Orchestra Budget from the Arts Council Budget. Another question was raised about the funding of the Community Safety Lighting fund. The new Community Safety Lighting fund will be funded from the new lighting fees. The maintenance expense from Rocky Mountain Power will be charged to the fund. There was further discussion on this topic.

Council Member Stevens and Council Member Schwendiman were opposed to allocating safety lighting funds to maintain existing street lights. Finance Officer Horner reviewed the policy to add maintenance charges to the Safety Lighting program. Council Member Erickson said the net would be a savings to the city. There was discussion about the BYU-I student presentation placing new lower energy light bulbs in the street lights. The students claimed these bulbs last for 8 years; however, the City Council was skeptical of this claim because the city workers replace the current lights three times a year. There was further discussion on the student presentation. There was more discussion on the need to hire new workers to replace all of the old bulbs. Finance Officer Horner explained the City Council did not have to amend the new budget. Council Member Schwendiman reviewed the expense side and the revenue side of the budget which must balance.

Council Member Woodland asks if the Farmers Market is self sustaining. The numbers are not in yet to judge whether or not the Farmers Market is profitable; however, Finance Officer Horner assured the City Council the city will not subsidize the market.

Council Member Stevens moved to **Set Public Hearing** to amend 2009 Appropriation Budget for September 02, 2009 at 8:00 P.M. Council Member Stout seconded the motion; all voted aye.

The motion carried.

Finance Officer Horner explained the different columns in the revised budget, and what they mean in response to a question about the budget form.

Staff Reports:

B. Public Works: – John Millar

1. 1st North has been reviewed by Bill Baranowski – (*Salt Lake City, Utah - licensed traffic engineer*) Mr. Baranowski will provide the pros and cons for changing the street to a two lane street with turn lanes in the middle. After review by Traffic and Safety the item will be on the 2nd

- meeting in September. Discussion on any safety issues reviewed before the City Council on 1st North.
2. Pioneer Road extension will be out to bid in about two weeks. We should have the bids prior to the second City Council meeting in September. The storage shed is on the Comfort Inn's property and so is not part of the project.
 3. Work on parking lot at City Hall is completed. It was paved last Friday, and all the lights are installed.
 4. Storm water outfall line at Mother Hibbard's is out to bid. The bid should come back about the same time as the Pioneer Road bid. Money has been allocated for this project already.
 5. Storm line budgeted on the hill had seven bidders. The high bid was \$225,716 and the low bid was \$136,209 from Edstrom Construction. The second lowest bid was from Bowen Construction at \$149,000. \$136,209 is about half of what was budgeted. The total budget for this project is \$250,000.

Council Member Schwendiman moved to accept the low bid of \$136,209 from Edstrom Construction; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

6. Wastewater Plant upgrade is moving along.
7. Signing project for University Vicinity Parking has installed 150 sign bases with help from the Parks Department. The bases will be completed in a couple of days.
8. Signal at 7th South and 2nd East - met with the Church; however, the city is waiting on a property owner across the street from the temple.
9. No parking for 2nd East plus reseal coat and repaint in process.
10. Handicap access on corner by Louise Smiths. There is lawn on the west side of 4th East between the curb and sidewalk; she wants concrete. Public Works Director Millar will check with her to see if the lawn should be taken out.
11. Water retention pond by Mariah for "Weststates" is completed.
12. Roundabout signs need reviewed to match paint on pavement.
13. Sign is needed on Main Street and 2nd East for traffic going south.
14. Crestview Drive LID for curb and gutter. (cross gutter is being installed)

C. Finance Department: – Richard Horner

1. Monthly Budget Report

Finance Officer Horner explained the monthly budget report. He said that next time he is going to produce a fund by fund report. He encouraged the council to ask any questions they might have. The individual departments are lower than budget except for three or four departments. These departments plan to be under budget by fiscal year end. Council Member Erickson reviewed the budget number with 83% of the year expended. The operation budget is a 73%. The overall budget is maybe \$10,000,000 under budget due to projects under spent. We will probably be closer to \$34,000,000 under the budget by the end of the year. Revenue is about \$6,000,000 under the total of the \$44,000,000. \$4,578,000 to the good. We will be \$6,000,000 less than the projected \$44,000,000. He was appreciative of the under spent budgets. Council Member Stevens asked about the 82%. Finance Officer Horner explained how the 82% number was calculated. He reviewed \$881,000 forecast is 1.1 million. That is revenues, but about \$500,000 is carryover which was included in the forecast. Council Member Stevens asked if there was 1.1 million because there was a 1/2 million carryover. They have \$558,000 in 10 months in revenue. Council Member Schwendiman asked about the year end numbers. Finance Officer Horner explained what the different columns meant.

Calendared Bills and Tabled Items:

A. BILL Introductions:

1. **BILL 1014 – Towing and Parking enforcement** – Staff

Council President Mann asked for review of the bill from City Attorney Zollinger.

City Attorney Zollinger explained the BILL deals with how apartments deal with towing and booting issues. This is in reference to Randi Beeton's concerns about this policy. He pointed out the language in the actual BILL referencing the owner. The property owner or manager will make the decision to tow or boot a vehicle. The owner or manager must make the decision to "OK" the tow. Nothing has changed significantly from last year except the city is getting the blame for the towing and booting policy of

private property owners. He explained the University has recommended increasing visitor parking at the apartment complexes; however, this recommendation was not welcomed by the property owners. The University wants to see how the “PEZ” Ordinance 1021 and Ordinance 1028 play out over the next few months, and then revisit the issue of predatory booting. The booting companies are required to license, identify and post the fees.

Council Member Schwendiman indicated the University was to address the issues driven by the public. City Attorney Zollinger explained the current code requires apartments to manage their own parking; also, they have to verify their parking meets their contracts without over selling their parking stalls. They have to have one stall per person with a car. The University committee feels strongly that zoning and apartments should be managed by the city to be equivalent across the board. The University would like the city to manage all the parking within the city. The problems arise when booters, boot or tow cars when empty stalls are available; therefore, the apartment owners are not addressing a problem they are policing.

Council President Mann referred to the one problem of booting. City Attorney Zollinger said the city is interested in have the customer treated fairly without bias. The consensus of the property owners is to have rentable parking stalls without visitor parking, and not be forced to make the decisions themselves as to who gets towed. The wording in the BILL requires the property owners to make the call about who gets towed and not the towing companies.

Council Member Erickson stated the City Council is only reviewing 9G of the BILL. The agent can't make the decision to tow in BILL 1014. Council President Mann thinks that probably the best way to solve the problem is to follow what is in 9G in BILL 1014. Council Member Stevens asked if the apartment owner has to be home at a specific time near midnight or 24 hours a day? Is it reasonable to have a manager go out at 2:00 A.M.? City Attorney Zollinger said it was written to solve a problem, not as a policing or fund raising policy. All students should be in their apartments by 2:00 A.M. The predatory tower does not need to be there a 2:00 A.M. because all the students should be in there stalls by 11:00 P.M. Visitor parking should resolve that problem. Visitors should be gone from the apartment by 11:00 P.M.; thus resolving this conflict.

Council Member Erickson felt for property owners; however, when they built the building and went into business, it became part of their own business. We can regulate towing but it is the property owner's responsibility to have visitor parking. The city can not interfere into private property owners. Towing companies can not patrol private property lots every two hours; they can do that on commercial properties, but not private property residents.

Council Member Erickson said private parking lot owners can authorize towing on their lots. City Attorney Zollinger explained the need to have authorization to remove or boot a car or even ignore the boot. The example given was an empty parking lot when a customer was booted. Council Member Schwendiman stated that this act showed a lack of judgment. The towing companies can come into cruise (*less intrusive*) under this ordinance; however, they would need permission to tow or boot. As a community the visitor thinks the city should enforce visitor parking, or regulate the manner in which the lack of visitor parking is addressed.

Council President Mann requested the city notify apartment owners of this request to modify the booting ordinance requiring owner or manager authorization. He asked if there should be a public hearing or just make a decision on the ordinance? City Attorney Zollinger explained why a public hearing was not required; because it is an administrative change as opposed to a land use change like a zoning change.

D. First Reading: Those items which are being introduce Sections – Staff

1. BILL 1027 – Amend Ordinance 908 Temporary Sign Sections – **(Deferred)**

City Attorney Zollinger explained BILL 1027 will be ready for 2nd meeting in September.

2. **BILL 1032** – Mayor's salary January 01, 2010

“Council President Mann indicated Mayor Larsen requested the City Council cancel BILL 1032 regarding a cost of living adjustment for the Mayor’s salary. He expressed solidarity from the Mayor and City Council to table BILL 1032.”

E. Second Reading: Those items which have been first read.

1. **BILL 1030 Amend** Ordinance 523 (winter overnight parking restrictions) – Staff

City Attorney Zollinger explained the BILL is the same as the first reading; there was not any requests to change anything in the first reading. College students could have an expectation of parking on the city streets until Dec. 15.

Council Member Stevens moved to second read **BILL 1030 Amending** Ordinance 523 (winter overnight parking restrictions); Council Member Erickson seconded the motion; all vote aye. **The motion carried.**

2. **BILL 1031** – Appropriation Ordinance for 2010 Budget – Finance Officer Horner

Finance Officer Horner explained the need to have a second reading because the 2010 Budget was reduced by \$1.282 million in four different funds with additional adjustments discussed today.

Council Member Schwendiman moved to second read BILL 1031 – Appropriation Ordinance for 2010 Budget; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

F. Third Reading: Those items which have been second read.

1. **BILL 1024 Amending Ordinance 926** by modifying Architectural Design Standards in Industrial Zones; modifying Architectural Design Standards; and modifications to the Architectural Design standards review process – Staff (**Deferred**)
2. **BILL 1026 Amending Ordinance 926** by increasing building height, remove Pro-Zone, reduce parking requirements for Medical Clinics, and other substantive and non-substantive items – Staff (**Deferred**)

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table:

Mayor’s Report:

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.

Minutes:

- A. August 05, 2009 meeting
- B. Approve the City of Rexburg Bills

Council Member Erickson moved to approve the consent calendar; Council Member Stevens seconded the motion; Discussion: Page three shows Council Member Schwendiman leaving the meeting. He left the meeting on August 05 before the BILLS were reviewed; all voted aye. **The motion carried.**

Adjournment

Attest:

Christopher Mann
City Council President

Blair D. Kay
City Clerk