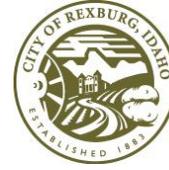


City Council Meeting

December 16, 2009



CITY OF
REXBURG
America's Family Community

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December 16, 2009

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Randy Schwendiman
Bart Stevens Brad Egbert
Adam Stout

City Staff:

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

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

Roll Call of Council Members:

Council Member Erickson, Council Member Stevens, Council Member Schwendiman, Council Member Egbert, Council Member Stout, Council President Mann and Mayor Woodland were in attendance.

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 Member Mann indicated the Museum Committee, Beautification Committee, and the Emergency Services Board did not meet.

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

Council Member Erickson reported Planning and Zoning has a couple of proposals on the table. Planning and Zoning will have two items in January that was a little controversial. He asked City Attorney Zollinger about the zone change requests before Planning and Zoning. There was concern about conditioning zone changes. City Attorney Zollinger indicated conditional zone changes are allowed; however, the conditioning should not be on the zone aspect. There could be conditioning on functionality (i.e. access to the development). He will visit with Planning and Zoning on the issue. You can grant a zone change conditioned on the function not the use. The one request was told they could not have conditions on a zone change. Council Member Stevens was concerned the decision to grant the zone change was based on getting an engineering study. He thought the engineering study should be done first before granting the zone change.

Council Member Erickson said the other committees did not meet.

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

Council Member Stevens reported on the Romance Theatre Committee's work on fund raising efforts for the theatre and their work on the committee's leadership structure. He did not have any current information concerning the use of the community ball fields from the school district.

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

Council Member Schwendiman indicated he had not met with the Parks & Recreation Committee or the Traffic & Safety Committee.

E. Council Member Brad Egbert *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

Council Member Egbert indicated he had not met with the Rexburg Arts Council, IBC Committee, or the Tabernacle Civic Center Committees.

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

Council Member Stout indicated he had not met with the Legacy Flight Museum Committee or the Trails of Madison County Committee.

Public Hearings: - NONE

Items for Consideration:

A. Waste disposal contract with DJ Barney – Staff

Mayor Woodland indicated DJ Barney is requesting a contract.

DJ Barney said he had a recycling agreement last year with the city that ended in November. He asked for an extension of three to five years to allow for the purchase for more equipment. He asked for 50% of the funding up front to make the purchases to make the recycling process more efficient.

Public Works Director Millar explained the city has talked about going on a month to month basis with Mr. Barney. The city is looking at curbside recycling. A three to five year contract should go out to bid. Mayor Woodland asked if the Barney Contract could be extended six months. City Attorney Zollinger said a short term extension could be done if the time period is shorter than the original contract. A short term extension (month to month) was offered to allow the city some time to evaluate the program. Council Member Stevens asked if the contract was the one subsidized at \$3,500 per month.

Mr. Barney said that was the contract; however, the economy has caused some problems. Council Member Stevens said he would favor a short term extension of the \$3,500 monthly contract. Mr. Barney asked for a decision one way or the other. He has committed to buying a bailer; however, he can still back out at this time. Mr. Barney referred to his proposal from an RFP request last spring which has not been accepted. He has tried several avenues for financing, etc. to make the proposal viable. He needs to know which way to go on the recycling enterprise. He believes it is time to make a decision to move on without doing recycling for Rexburg or to have a contract for recycling.

Council Member Schwendiman wanted to look at single stream recycling. Mr. Barney is not prepared to go single stream recycling at this time. He could switch to single stream recycling in the future. He hand sorts the debris and hauls the recyclables to Salt Lake City in boxes. Mr. Barney said the city has not moved on an RFP put out seven months ago. Council Member Schwendiman indicated the city would not move at the same speed as private enterprise. The City Council has not had access to the RFP's to make any decisions. The City Council has not discussed this issue in depth at this time.

Council Member Mann concurred with Council Members Schwendiman and Stevens to extend the contract only six months. Council Member Erickson asked if the current process is working. Public Works Director Millar said it has been working; however, some questions remain about the source of the material. Is it city or non-city recyclables? It has worked well for the city but the numbers have not been evaluated to know if it is profitable or not profitable. Council Member Erickson asked if the city owns the bins. Public Works Director Millar said the city is in the recycling business and the city owns the recycling bins.

Public Works Director Millar asked if the city should continue current recycling service or expand to single stream recycling under one contract. Council Member Stevens asked if a decision could be made by Jan 20. Council Member Schwendiman said the city needs more time to do a survey, etc. There have been 400 tons of recyclables collected since last January. City Attorney Zollinger explained the RFP did not include single stream recycling. He explained Mr. Barney needs to know if he is going to be in the recycling business two months from now. The recycling survey will take a couple of months. Financing for a building to store recyclables is required before Mr. Barney can go to single stream recycling. Mr. Barney indicated he expected a decision at the last meeting. Council Member Erickson asked Mr. Barney if he could wait until March for the decision on the contract whether the contract would go out to bid or extend the current contract. Mr. Barney said he could wait until March, 2010.

Council Member Egbert asked if the first quarter would be a better time line. Mr. Barney said he could live on the month to month agreement for three months. The used bailer he is seeking to purchase costs over \$30,000. Council Member Stevens said the City Council needs more time to review the process.

Council Member Schwendiman moved to do a month to month agreement with Mr. Barney for three months with ongoing information being shared with the City Council; Council Member Egbert seconded the motion; all voted aye, **the motion carried.**

B. Final Plat – Lille Landsby Subdivision – North 5th West - David Schiess (Schiess & Associates)

David Schiess from Schiess and Associates presented the proposal for Lille Landsby Subdivision on North 5th West. Council Member Stevens indicated the proposal had been reviewed several times and the only remaining concern from the minutes was where the snow storage would be located. There is a snow storage location area on the final plat. Council Member Erickson said it was recommended by Planning and Zoning.

Council Member Stevens moved to approve the Final Plat for Lille Landsby Subdivision on North 5th West with the Planning and Zoning conditions; Council Member Erickson seconded the motion; Discussion: Public Works Director Millar said there are minor presentation changes to the final plat; (i.e. the access easement needs better definition which is a drafting problem, etc.) Council Member Stevens changed the motion to add approval subject to a final review by Public Works Director Millar; Council Member Erickson seconded the amended motion; all voted aye, **the motion carried.**

Staff Reports:

A. Public Works: – John Millar

Public Works Director Millar reviewed some Public Works projects:

1. A street light is being installed at Pioneer Road and Main Street by the end of the year.
2. Rexburg Headwork's Expansion & Upgrade Bids on equipment at the wastewater treatment plant for the screening mechanism which collects plastics and other debris. *The equipment includes two (2) influent screens, with one (1) conveyor and washpactor system (may be combined) as shown in the drawings, and delivered to site for the total price.*

Public Works Director Millar asked the City Council to approve the bid from Huber Technology – Joshua J. Ziembiec for a total of \$232,761.50.

Council Member Erickson asked where the \$232,761 expenditure fits with the proposed \$10,000,000 wastewater treatment plant upgrade. It is part of the project. The original equipment has reached its life. The current system has one screen with manual backup to pull debris off the screen when a screen failure occurs. This fits with the current upgrade plan. It has been moved forward because a screen failure requires manual intervention. It would give a backup system to the screening process. The current system can cost up to \$10,000 a month when there is an equipment failure. Council Member Stevens asked if the bid would carry through saving 20% over the engineers estimate. Public Works Director was hopeful the bid price would hold to keep the savings in place. Council Member Schwendiman reviewed the bid information asking about the repair parts and he asked how a screen failure occurs. Public Works Director Millar said a screen failure occurs when the raking mechanism (teeth) get stuck in the screen. The new equipment (two screens) is better technology with significantly greater capacity than the current screening equipment which was installed 15 years ago. Council Member Erickson indicated the City Council is relying on the expertise and oversight of Public Works Director Millar and Mayor Woodland for City Council direction. The funding mechanism is in place to pay for upgrade.

Mayor Woodland said the request needs to go forward to prevent a system failure all together.

Council Member Mann asked if there was value to the old equipment. Public Works Director Millar said the old equipment is “scrap” overall and the new equipment has two new screens which allow for a dual backup system.

Council Member Egbert moved to accept the bid and move forward on the head works equipment at the wastewater treatment plant for the screening mechanism; Council Member Schwendiman seconded the motion; all vote aye, **the motion carried.**

3. **Airport Study over \$100,000 requires an independent review.**

Public Works Director Millar explained federal law requires an independent estimate review of the study cost where the bid is over \$100,000. The fee estimate for the independent

estimate has been contracted by Armstrong Engineering for \$1,400. It will be funded by the airport's annual grant funding allotment.

Council Member Erickson moved to accept the independent fee estimate for \$1,400 from Armstrong Engineering; Council Member Egbert seconded the motion; all voted aye, **the motion carried.**

4. **Summary bid sheet for a storm water retention basin on 7th South** going into the Rexburg Canal. The basin needs to be built per an agreement with Rexburg Irrigation District. The agreement with the canal company was to have the retention basin completed this fall to retain water from the 7th South area to clean the water before it is allowed to flow into the Rexburg Canal. The canal company will allow an extension of six months to get it built. In the recent past the city built a retention basin off 2nd East for \$131,000 with a STAG Grant. This retention basin is expected to cost ½ as much as the retention basin on 2nd East because the Corp. of Engineers will allow the city to move dirt from the upper retention basin to this retention basin for construction. The low bid for the retention basin is \$51,000. There will be 51% of the cost of this retention basin to be covered by the remaining STAG Grant with other funding coming from the University paying for a portion of the project with the remaining cost coming out of the city's street storm water management funds. This retention basin area is directly south of Gale Harding's property. Part of this project is getting dirt from the retention basin up on the hill.

The new retention basin area was reviewed on the overhead screen. The storm water comes from 7th South properties.

Discussion on the storm water retention basin being built for the run off from 7th South. All storm water in this area needs to be cleaned up before going into the canal. The 2nd retention basin will be enlarged allowing some soil to be moved to the University's retention basin at the intersection of University Blvd and 7th South which will be maintained by the University. Any break in the lower retention basin will flow into a gravel pit close by the new retention basin. Public Works Director Millar is working with Kartchner Homes to reroute some storm water coming from the northeast to another storm water line in the area. This line would be pumped into the new retention basin. A dike will be built from the 2nd retention basin up the hill going around Gale Harding's property. The canal company is happy with the plan to retain all storm water in this area and discharge clean water into the canal at a controlled rate. This solution is going to save millions of dollars over alternative methods of storm water control.

Discussion on Henderson's development near 7th South retaining storm water on site under the buildings; moving the water into the system at a lower rate.

Council Member Erickson asked if there was an escalation clause. Public Works Director Millar indicated there is not an escalation clause.

Council Member Erickson moved to accept the low bid for a storm water retention basin on 7th South from Hill & Sons for \$50,461.03; Council Member Schwendiman seconded the motion; Discussion on the dike being built in conjunction with the retention basin noting this is only part of the job. Mayor Woodland asked about the construction of the retention basin. The bank will be about ten feet tall. Public Works Director Millar said it should only fill once in 50 years. City Attorney Zollinger asked about elevation of the retention basin. It is a gravity discharge system with the retention basin about 10 feet above the canal allowing for the water to gravity flow into the canal. All voted aye, **the motion carried.**

5. **Traffic signal on 2nd East and 7th South** bids on Monday of next week. The street going east and south will be completed with widening for 150 feet. The bid includes curb, gutter, storm drain, and sewer line infrastructure being installed. The electric utility box for Rocky Mountain Power will not need to be relocated. The bids ranged from \$50,000 to \$140,000.
6. **Manual switch on 2nd West Hawke light** needs replaced with a better (visual/audible) switch; also a new pedestrian screen message for better clarity. Council Member Erickson

referred to crossings in Salt Lake where there is signage on the pavement warning not to walk before the light changes.

Calendared Bills and Tabled Items:

A. **BILL Introductions:** NONE

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

1. **BILL 1027 – Amend Ordinance 908 Temporary Sign Sections** – Staff
(Delayed to January 20, 2010)

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

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

1. **BILL 1014 – Towing and Parking enforcement** – Staff
(Tabled until January 20, 2010)

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

Mayor’s Report:

“**Shop with a Cop**” was a lot of fun for everyone involved. It was rewarding to see the faces of the children and the cops as the presents were selected. They spent about \$7,000 on the **Shop with a Cop** project. County and city law enforcement officer’s came to Rexburg from Teton, Jefferson, Madison and Fremont Counties. There were 80 children and 90 law enforcement officers (Cops) involved with **Shop with a Cop**. The Mayor’s Youth Advisory Board wrapped the gifts for the children. The students from Paul Mitchell’s Hair Academy school helped with the gift wrapping at the stores. It was a real success. Mayor Woodland commended the law enforcement departments from the city and surrounding counties for their participation in the “**Shop with a Cop**” program.

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. December 02, 2009 meeting
- B. Approve the City of Rexburg Bills

Council Member Erickson asked about the “parking attendant vehicle” costs. The vehicle is a neighborhood electric vehicle used to monitor parking compliance.

Discussion on reverse angle parking during BYU-I University events. The City Council recommended suspending ticketing cars parked incorrectly in reverse angle parking stalls during these events.

Council Member Stevens moved to approve the Consent Calendar; Council Member Egbert seconded the motion; all voted aye, **the motion carried.**

City Attorney Zollinger asked for a motion to go into executive session.

Council Member Mann moved to go into Executive Session per state code 67-2345 (B) & (F) to consider personnel and legal issues; Council Member Schwendiman seconded the motion;

Roll call vote:

Those voting aye

Council Member Schwendiman
Council Member Stevens
Council Member Erickson
Council Member Mann
Council Member Egbert
Council Member Stout

Those voting nay

NONE

The motion carried.

Executive Session:
Executive Session ended.

Adjournment

Attest:

Richard Woodland
Mayor

Blair D. Kay
City Clerk