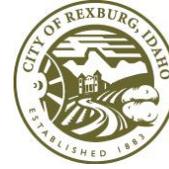


City Council Meeting

September 16, 2009



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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September 16, 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
John Millar – Public Works Director
Val Christensen – Building Official
Blair Kay – City Clerk

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

Roll Call of Council Members:

Mayor Larsen read a statement indicating he was stepping down as Mayor of Rexburg. He loved his associations with the city employee's, the City Council and city. He looks forward to the city's progress and growth. He will be working closely with Council President Mann and the city staff to make sure there is a smooth transition in October. Tomorrow morning the city will issue a formal press release.

Mayor Larsen invited the scouts to introduce themselves and indicate what merit badge they are working to achieve.

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

Presentations:

A. Inter local Agreement and Final Impact Zone Agreement – Brent McFadden of Madison County
(Deferred to the next meeting)

Committee Liaison Assignments for 2009:

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

Council Member Mann reported no meetings in the last two weeks.

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

Council Member Erickson reported the golf board has not met; however, Planning and Zoning has met with items on the agenda. The Redevelopment Agency met Monday morning. Two Urban Renewal areas were approved; Trejo/Mariah and the Hemming Property. Mayor Larsen indicated these two renewal areas will be on the city's agenda in the coming months before the end of the year. The county co-op property is still under bid. It will not open until the first of October. At that time they will know more about what's going to happen with the downtown co-op property, but until bids reopen they can't do anything about it.

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

Council Member Stevens: was excused until later.

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

Council Member Schwendiman reported Parks & Recreation met last Thursday evening requesting more involvement in Riverside Park for ball fields.

Council Member Woodland reported a visit with Roger Harris and his progress in the Tabernacle lighting and sound system. The orchestra concert is coming up so they are working on that also. They are still working on the sound system and have put a cap on the south stairs. Fund raising is not going as planned. It's hard to get people to give the kind of money they need. Mark Ricks is working hard on the effort. Council Member Woodland commended Roger Harris and his wife for all of their work on the project. Council Member Erickson noted some pledges made about a year ago towards the project. Roger Harris indicated there is a list of pledges; however, due to the economy some have pulled back from their commitments. Mayor Larsen reported an energy block grant program was obtained with some money going towards the windows. There was discussion on fixing the roof on the new city hall. The remaining balance of the budget will go towards the Tabernacle windows once the roof is done.

Council Member Stout reported the Legacy Flight Museum met last Friday and they decided to appoint an employee to do some maintenance on the planes using their regular budget. The Trails of Madison County is working on the Great Spud Race which is a fund raiser on September 26. You can purchase plastic potatoes: five dollars per potato or six potatoes for \$25. Council Member Schwendiman asked for some information on spending for the event.

Public Hearings:

A. 7:30 P.M. Amend the Comprehensive Plan Map:

The City Council agreed to take testimony on all three Comprehensive Plan Map proposals before deliberation.

Area One: North of Pole Line Road and west of 12th West (Commercial & Townhomes). In a Planning and Zoning report, Building Official Val Christensen reviewed the properties of Richard Smith and Trent Birch on the overhead screen.

1. East side of property is owned by Richard Smith. The request is to go from Low Density Residential to a highway commercial area in order to have a 1,000 feet commercial frontage on 12th West.
2. West side of property is requested to change from Low Density Residential to Medium Density Residential. The current zoning is Agricultural.

Area Two: 357 West 4th South and 371 West 4th South—Trent Birch parcel (change to HDR for multi-family housing). **Building Official Christensen** reviewed the Comprehensive Plan land use designation. He requested to change it from Neighborhood Residential/Mixed use to High Density Residential. Mr. Birch is looking for HDR to have it completely Residential.

Area Three: Lots 2 & 3, Block 1 of Pioneer Village—Jon Gregory parcel (Business Park/Commercial and Mixed Use)

Mayor Larsen asked Building Official Val Christensen to review the Comprehensive Plan land use designations. The applicant, Jon Gregory, is requesting land use designation changes to Neighborhood/Commercial with mixed use. Discussion on the Comprehensive Plan Map changes to make the entire frontage to 1,000 feet. Medium Density Residential would allow up to 24 units per acre for Area Two item two above.

Mayor Larsen opened the meeting up for public testimony.

Those in favor of the proposal:

Rod Jones, 1014 Erickson Drive, representing Richard Smith: they are proposing to match the city's commercial line with the county line and have entry level homes like the subdivision by the high school.

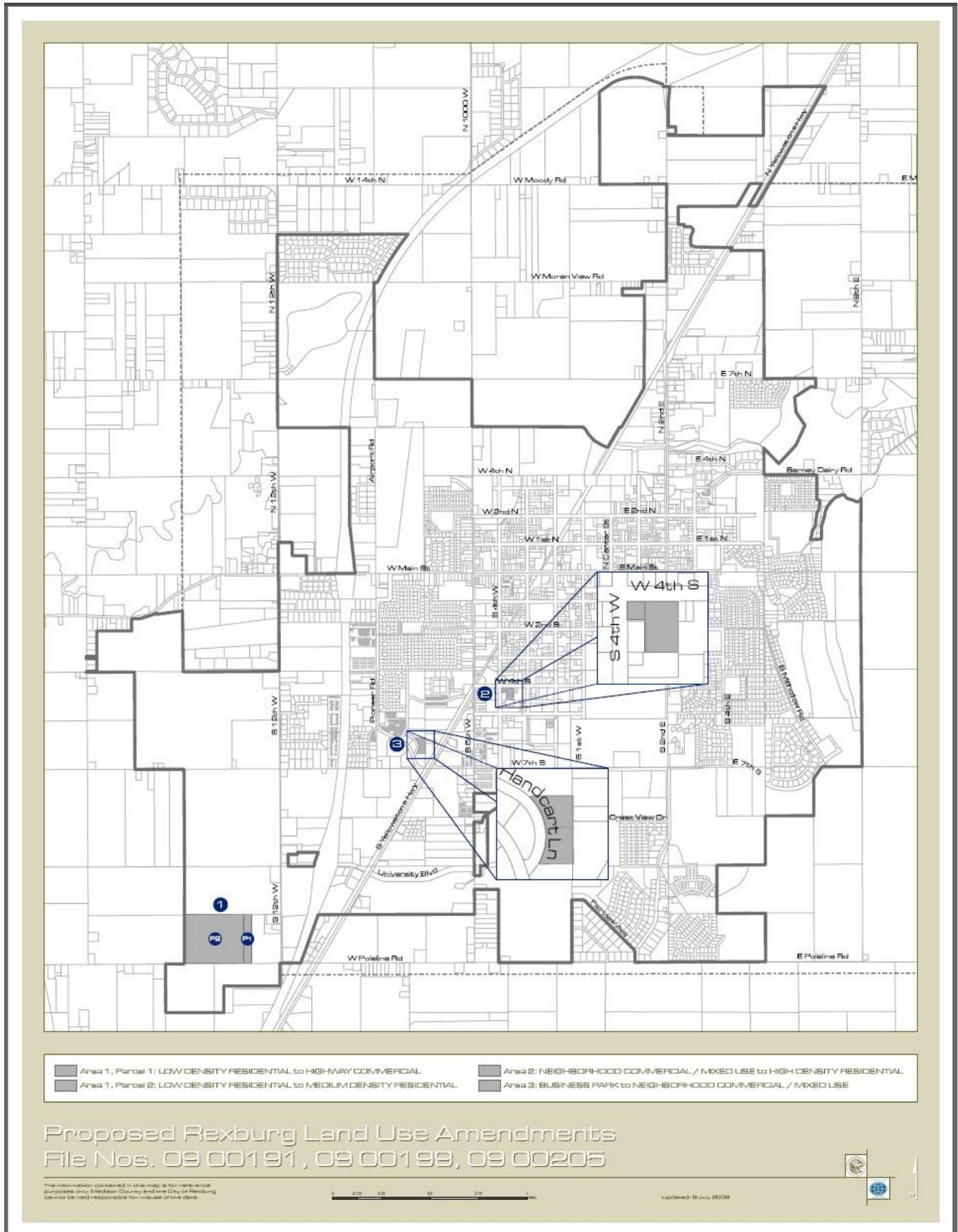
Trent Birch spoke regarding Area Two. He's been trying to develop the property. He has not been able to get it done. He has had three different realties with no success. He has even tried to build a strip mall; however, the economy went south. Fourth South is in a PEZ Zone. Mixed Use is not workable for this area. Two businesses will not have enough parking to work; however, HDR would work.

Jon Gregory, 204 W 225 N, Blackfoot wants 99 acres rezoned to Mixed Use.

Those **neutral** to the proposal: None

Those **in opposition** to the proposal: None

Mayor Larsen closed public testimony.



Council Member Schwendiman asked if parking would be addressed when the project was presented. Council Member Mann had some concerns due to the plan to keep the front of the property commercial. He did not want to give up too much commercial; however, he did not have a problem moving the property to residential.

Council Member Erickson agreed to all three changes to the Comprehensive Plan. He moved to pass the resolution amending the comprehensive plan. Council Member Stout seconded. All voted aye. The motion carried.

B. 8:00 P.M. Rezone 10.352 Acres at 2540 West 1000 South from LDR2 to LDR3 Kartchner Homes, East side of the Kartchner Subdivision 11.2 acres from LDR2 to LDR3 minimum sq. ft. of 8,000 down to 6,000. This would add an extra 16 units to the 11.2 acres.

LDR2 Zone is eight thousand (8,000) sq. ft. plus two thousand (2,000) for each additional dwelling. **3.5.040. Lot Width=**The minimum lot width in the LDR2 zone is sixty (60) feet.

3.5.045. Lot Depth= The minimum lot depth in the LDR2 zone is sixty (60) feet.

3.5.050. Lot Frontage= Each lot or parcel of land in the LDR2 zone shall abut a public street for a minimum distance of twenty-two (22) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

LDR3 Zone **3.6.030. Lot Area=** The minimum lot area on any parcel of land in the LDR3 zone is six thousand (6,000) sq. ft. **3.6.040. Lot Width=** Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a width of not less than sixty (60) feet. **3.6.045. Lot Depth=** Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a depth of not less than sixty (60) feet. **3.6.050. Lot Frontage=** Each lot or parcel of land in the LDR3 zone shall abut a public street for a minimum distance of twenty-two (22) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

Mayor Larson asked Building Official Christensen to explain the difference between LDR2 and LDR3. Val said it allows an 8,000 sq. foot minimum lot with 2,000 extra sq. feet. This would account for a 10,000 sq. foot lot. You could have a duplex. Both require a Conditional Use Permit for a duplex. Basically, the difference between the two is 2,000 sq. feet or the small lot size. Council Member Stout asked about road right of way and was told there was one.

Council Member Erickson asked whether the 6,000 square foot lots could be 8,000 sq. ft. if desired. Building Official Christensen believed even 10,000 square foot lots would be possible.

Council Member Woodland asked what the maximum lot number would be and he was told it could be 58 lots. This would be similar to 2nd East and Harvard Ave. where the house burned down.

Mayor Larsen opened the issue to a public hearing

Dan Larsen, 601 West 2nd South Logan Utah, said Building Official Christensen did a good job presenting the proposal. The adjacent twin homes are on 5,000 square foot lots. Rexburg is in desperate need of affordable housing.

Those in favor: None

Neutral: None

Opposed: None

Mayor Larsen closed the public testimony and turned the time to council discussion.

Council Member Woodland asked if any of the homes on the plat have been built or sold and he was told no.

Mayor Larsen asked what the plan was along 12th West. 50 foot, 30 foot, and 10 foot units are not part of the PUD but are part of the association.

Council Member Erickson asked about curb and gutter on 12th West. It is in the 50 foot road right-of-way in the 30 foot section. No additional access requested on 12th West. It is approximately 700 South on the County Grid, which is why they won't allow it to be called 7th South; therefore, it's not named yet.

Mayor Larsen read Planning and Zoning recommendations to move forward with the request. Passed the proposal by the Planning and Zoning Commission unanimously.

Council Member Mann said there was a need for affordable housing.

Council Member Mann moved to approve the rezone 10.352 Acres at 2540 West 1000 South from LDR2 to LDR3; Council Member Stout seconded the motion. Discussion: Council Member Woodland asked to wait until some progress has been done on the previous plans. Council Member Erickson agreed to put it on hold until they see development. City Attorney Zollinger weighed in the circumstances; they are seeking the ability to develop the project but can't with the current loan. The developer said the proposal is to develop both sides of the road to be cost effective. 6,000 sq. ft. verses 8,000 sq. ft. costs points to town homes. Council Member Schwendiman said the project was given a year to move forward. City Attorney Zollinger said this is an undeveloped parcel. Council Member Mann said he did not want to hold them up based on whether they think its business is viable. It's for the business to decide whether their business is viable. Council Member Erickson reiterated his concern to change the zone without any building. Building Official Christensen indicated there is very little LDR3. People are looking for small lots. There was discussion on LDR2 for Founders Square. These lots would be 6,000 without a common area. Council Member Schwendiman asked why the original development is not moving forward. Ball Ventures is buying the project and Kartchner Homes will buy the property back as it is developed. They are starting on two homes across from the new Burton School. They want both projects going at the same time. Council Member Stout was in favor of the zone change.

Mayor Larsen said this project will contribute to the development of 12th West making the street a safer street. Council Member Erickson asked if they would put in their portion curbs, gutters, side walks and at the same time the City's did theirs. Yes.

Mayor Larsen called for a vote.

Roll Call vote:

Those voting aye

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

Those voting nay

Council Member Woodland

The motion carried.

Items for Consideration:

- A. **Resolution 2009-12 – LHTAC Local Agreement** for federal participation in the costs of development and construction of 12th West (Cement Recycled Asphalt Base Stabilization (CRABS)) – Staff

Mayor Larsen reported on the Boise LHTAC meeting. He read the resolution authorizing reception of the grant with matching funds. It is planned for later this fall. Council Member Erickson reported on the 12th West project due for construction at the beginning of next year. There are some problem areas where waterways cross the road. The roads will be channeled down to the bridges. The old pavement will be okay to create a new base. Mayor Larsen reported engineering will be done this fall for 12th West which will be funded out of the grant. Council Member Schwendiman reiterated the cost over \$450,000 would be paid with other funds.

Discussion: Council Member Mann said this would not be the total cost of the 12th West improvement. It will only get the 12th West project started. Mayor Larsen said sidewalks on the street will be planned for future development. The local subdivision and the school district will need to be involved in the final project.

Council Member Mann moved to approve Resolution 2009-12 – LHTAC Local Agreement for federal participation in the costs of development and construction of 12th West (Cement Recycled Asphalt Base Stabilization (CRABS)). Council Member Stout seconded the motion. All voted aye. **The motion carried.**

- B. **Fall Clean up** period is from October 6th to November 2nd, 2009

Council Member Erickson moved to approve the Fall Yard Clean Up dates from October 6th to November 2nd. Council Member Schwendiman seconded the motion. All voted aye. **The motion carried.**

- C. **Resolution 2009-13** Approve Eligibility Report for Yellowstone/Trejo District of Rexburg Redevelopment Agency. **(Deferred to the next meeting)**

Mayor Larsen said three parcels of land were added since the last meeting. The purpose of the district is to make the whole area available for development. The other area jets out to Mariah Avenue and Trejo Street.

Staff Reports:

A. **Public Works:** – John Millar

Public Works Director Millar reported on two bids:

1. Reroof City Hall with money to improve energy efficiency on the stimulus package. The cost estimate was \$100,000. There were two bids: Briggs Roofing for \$76,232 and Robinson Roofing for \$91,503. There was a \$123,000 Grant for insulation in City Hall and windows for the Tabernacle. Light tubes were not eligible for the grant.

Council Member Woodland moved to accept the low bid of \$76,232 from Briggs Roofing; Council Member Erickson seconded. All voted aye. The **motion carried**.

2. The Airport Runway grant matching funds for \$20,000 is covered by the city in next year’s budget. The match is shared with the county 50/50. The FAA will award the grant pending city/county approval. The city is allocated \$150,000 every year by the FAA for maintenance of the runway. There were two bids. Intermountain Slurry Seal offered the low bid.

				Intermount Slurry		Big Red Asphalt	
Item No	Airport Slurry Seal	Unit	Bid Quantity	Unit Bid Price	Bid Amount	Unit Bid Price	Bid Amount
s.p. Adv Cir	Airport Safety & Closure	LS	1	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00
S.p. P-605	Crack Seal	Ton	10	\$2,500.00	\$25,000.00	\$3,800.00	\$38,000.00
s.p. P-626	Slurry Seal	SY	35030	\$1.83	\$64,104.90	\$2.050	\$71,811.50
s.p. P-620	Remove Paint Markings & Applying Paint Markings	LS	1	\$50,000.00	\$50,000.00	\$34,000.00	\$34,000.00
				Total	\$140,104.90	Total	\$146,311.50

Council Member Erickson asked how long on completion. Public Works Director Millar indicated it would take two or three days. He asked if they awarded the bid.

Council Member Erickson moved to award Airport Runway grant including matching funds ASAP; Council Member Stout seconded, all voted aye, the **motion carried**.

3. FAA 3-16-0031-10 Grant for Airport Lighting and Seal Coating.

Public Works Director Millar requested authorization to have the mayor sign this grant.

Council Member Woodland moved to approve the FAA 3-16-0031-10 Grant for Airport Lighting and Seal Coating; Council Member Erickson seconded the motion; Discussion: Council Member Erickson asked if the money was available in this year’s budget without using contingency monies. Public Works Director Millar indicated contingency funds are needed. Council Member Stout asked about the county’s contribution to the jointly owned facility. Council Member Schwendiman asked for the city’s match. It would be \$4,000. Council Member Erickson would like to pay for it this year; however, the city has maxed out on this year’s budget. This project is about \$170,000; therefore, they have to use part of next year’s city allocation to cover this year’s grant.

4. Savings from 2009 bid projects is about \$500,000. All projects have been bid and some completed.

New projects:

- A. Realignment and Traffic Signal for Pioneer road including sidewalk, curb and gutter from main to the south side of Parkside including sidewalk; costing an additional \$92,000. Council Member Erickson clarified that they saved money from the pioneer project of \$1,050,000. They saved about \$300,000 which was already budgeted, so the proposal was to take \$92,000 from the \$300,000 and have the contractor go from his completed project on south to end of Parkside. Discussion on putting sidewalks on LID.
- B. Two roads in poor condition: North end of 1st east between 2nd North and the canal, by school district offices for next year. Comanche Ave. no base spent \$12,000 on one patch done that four times recommending rebuilding 400 feet of road. They have 7 bidders: \$61,067 to \$78,665 for this fall.

- 5. Let remaining funds sit uncommitted for 12th West.

Council Member Erickson asked for clarification; only Pioneer and Comanche are planned this year with minimum curb and gutter replacement. Overlays don't have the cost savings other projects have due to the cost of oil.

Council Member Schwendiman asked what was the most important. Public Works Director Millar recommended at least moving forward with the Pioneer Road and Comanche Drive Project. They are ready to go now. Council Member Mann asked if they could get it done this year. Yes. Council Member Woodland asked if there was good base. The overlay on Pioneer Road will have good base. Comanche Drive will take out at least 18 inches of top soil to put in a base.

Mayor Larsen asked about the existing pavement ground up for a change order on Pioneer Road and whether to bid out the other projects.

- 6. Accept change order on Pioneer Road.

Council Member Erickson reviewed the proposal. He recommended doing the additional three projects including Pioneer Road and Comanche Drive. There is still money set aside for downtown. Public Works Director Millar said preliminary numbers on 12th West were \$300,000 to \$500,000 beyond grant. Council Member Erickson felt street improvements were needed. The more they could do with the money saved they could use it on roads the city needs done. Council Member Woodland agreed with Council Member Erickson. Mayor Larsen said Public Works Director Millar could put the bids out for City Council appropriation Building Official Christensen.

Council Member Woodland moved to accept the change order on Pioneer Road and the low bid on Comanche Drive; Council Member Erickson seconded the motion, all voted aye, **the motion carried**. There was mention of putting the other three out to formal bid.

Council Member Erickson called for a commitment from contractors to complete the projects this year.

- 7. The parking stall count from the student report for University parking totaled 955. Residential parking totaled 454. At the time this survey was completed, people were utilizing approximately 43.8% of those spaces. Of the University area with vehicles, 56% had permits. Of the Residential area with parking spaces, 11.7% were parked with vehicles and about 24% had permits. The conclusion was that they sold 1,000 permits and that now there were 100 plus applications pending for the U permits. Public Works Director Millar recommended authorizing the sale of 300 more U permits to better utilize space available for those who need permits.

Council Member Stout thought it was a little bit early in the semester to start issuing more permits. He recommended waiting a few more weeks.

City Attorney Zollinger estimated 1,500 stalls were available in the U-parking zones. He requested selling parking passes in 100 block increments each week. He said they won't sell more passes than there are spots available. As they continue to have vacancies they'll request to sell more passes. Council Member Schwendiman talked about how there are over 70% of people parked in residential zones without parking passes. He said it was because many people simply didn't have permits. As of now the

city is putting up warnings in the form of paper notices on cars parked in University and Residential-designated parking zones without parking passes.

Council Member Schwendiman asked BYU-I Attorney Phil Packer about University parking. He said it is not full. Discussion on estimated stalls.

Council Member Stout felt 300 additional Parking Permits was a little too much. Council President Mann concurred and stated that 100 might be fine but not 100 a week. People have been calling and have been very thrilled with the program. The residents have seen a big difference. Public Works Director Millar requested 100 parking passes until the next meeting.

Starting September 22, parking tickets would be issued. The police department indicated that the ratio of cars with parking permits went up dramatically that week. Times indicating when permit parking was in effect were added to the university and residential parking signs along with additional reverse diagonal parking signs. Public Works Director Millar said that the 100 extra parking permits would satisfy the current backlog they had.

Council Member Erickson asked whether a person could park in any U parking if they had a U permit. Yes, but not in the R district. They will be ordering 100 permits.

8. Signal at 2nd East and 7th South waiting on property owner.

Council Member Schwendiman asked to seal coat earlier.

9. Water on 2nd East from sprinkler systems.

10. ITD agreements

- a. 12th West Resolution
- b. \$500,000 for three traffic signals at Pioneer Rd, Main St., and 1st East on a 50/50 basis. ITD is waiting for the city's input.

11. Pinebrook Subdivision lot adjustments report no progress. Council Member Erickson talked about how trenches are dug on every one of the streets. What they're doing is laying pipe for power.

5 minute break

Council Member Stevens joined the meeting

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
(BILL 1027 delayed to next meeting)
- C. **Second Reading:** Those items which have been first read.
 1. **BILL 1014 – Towing and Parking enforcement** – Staff

City Attorney Zollinger reviewed the changes. The University feels strongly the city council shouldn't make visiting hours that long. Visitors and students are to be back at their own place at curfew. The other change was to reduce visitor parking from a ten percent to five percent ratio.

Council Member Stout asked about pre-existing parking lots. They usually had ten visitor parking stalls. Zollinger said they would have to comply with 5%.

Council Member Schwendiman asked BYU-I Attorney Phil to comment on University policy. He said it is hard to intervene. Their point is they should be in their apartments by curfew. The Dean would like it before curfew. A compromise would be to leave it at curfew or shorter than ½ hour. Discussed times of patrol towing and authorized towing. Visitor end at curfew and towing would wait 30 minute to start towing.

Council Member Woodland asked for a pass for clergy. Stephen said the city would not control it. Council Member Woodland asked whether a bishop parked after curfew could have a permit. The

industry has made some stride in towing clergy etc. But as of now clergy would be towed if parked after curfew.

Council Member Stout asked about visitor parking being committed to tenants. City Attorney Zollinger said there was one apartment that needed direction. Mayor Larsen suggested having a public hearing without much support. Council Member Erickson made changes for 2nd reading. Have window before unauthorized tows can occur. Daytime parking is most offensive for classroom parking. Woodland thinks it is not a bad idea to have the non authorized towing take place between 4:00 pm and curfew to cure unauthorized parking. (non-signature tows) Council Member Schwendiman asked about clergy in the afternoon.

Discussion on daytime towing problems and the overload parking. Suggestions to make changes were talked about visitor parking at curfew. Students (30 minutes after curfew until 1:00 P.M)

Council Member Stout moved to first read with changes 1014; Council Member Schwendiman seconded all voted aye; the **motion carried.**

D. **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 **(BILL 1024 delayed to next meeting)**
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 **(BILL 1026 delayed to next meeting)**
3. **BILL 1032 Amend Appropriation Budget 2009** – Richard Horner (Suspension of the rules required)

Mayor Larsen referred to the September 2nd minutes where the amended 2009 Budget was approved including the addition of BYU-I Police to the city police force; street fund changes for “Share The Road Campaign;” cuts in the fuel budget; training savings; drug dog; etc. “spay care” was funded through adoption fees; Emergency Service cuts; and a Paramedic Care Unit was added to the 2009 Budget; Farmers Market is also self funded; and the Community Safety Lighting Fund was added to the 2009 Budget.

Council Member Erickson moved to suspend the rules on 1032; Council Member Mann seconded; Discussion: Council Member Stevens brought to attention discussion on safety lighting.

Roll Call vote;

Those voting aye

Council Member Mann
Council Member Schwendiman
Council Member Stevens
Council Member Erickson
Council Member Woodland
Council Member Stout

Those voting nay

None

The motion carried

Council Member Erickson moved to third read and adopt 1032; Council Member Stout seconded the motion; all voted aye, **the motion carried.**

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

Mayor’s Report:

- A. Proposal from owner to remove the awning on Targhee Pawn at 435 Yellowstone Hwy – Staff: **Mayor Larsen** read the letter from Bill Kunz.

To whom it may concern.

When the new road was made on south Yellowstone highway and the new corner was developed at the intersection of 5th west and Yellowstone highway the city bought part of my ground. It was valued at that time

as being worth \$7,500 I was given \$5,000 and was charged \$2,500 to keep the awning on the front of my building. I did not know nor do I think that the city officials knew at the time the road would be built under that awning. I was assessed approximately \$13,000 plus interest for the LID. As the awning seems to be a hazard and the street sweeper hits its most years. I would propose that I take the awning down and that the remaining approximately \$4,000 left on the LID be dropped from my assessment. I appreciate your consideration on this matter and thank you for considering this proposal.

Sincerely,

Bill Kunz

Council Member Stevens felt it would be nice to get it down. Council Member Mann felt it would be nice to get it down and clean it up. Mayor Larsen said officers get complaints about the cleaning up, because it tends to turn into a junk area. Discussion to remove awning. Mayor Larsen asked if the city is willing to remove \$4,000 from LID.

Council Member Erickson asked what he is going to do to the building. It doesn't have anything with cleaning up the property. The suggestion was made to remove the awning and make the face of the building consistent with what the rest of the building is. Council Member Schwendiman and Council Member Woodland agreed.

Council Member Woodland moved to accept the request to remove the awning on Targhee Pawn at 435 Yellowstone Hwy while maintaining a consistent building face consistent with rest of the building; Council Member Schwendiman seconded the motion; all voted aye, 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.

Minutes:

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

Questions on bills: Council Member Erikson asked about moving a generator for the water department. It used a generator to move the crane weighing 9,000 lbs. He also asked about the sewer plant wiring repairs. The staff is working on repairs to the generator.

Council Member Mann moved to approve Consent Calendar and minutes from last meeting. Council Member Stevens seconded the motion; all voted aye, **the motion carried**.

Council Member Stout asked about mayoral succession. Council President Mann would act as mayor until the City Council appoints a new mayor in the first meeting in October. Appointment could be within or outside the City Council. Council Member Erickson asked if a temporary mayor could be appointed for 60 days. Once appointed a mayor is put in place; he would be mayor until 2011.

Council Member Erickson moved to go into Executive Session per Idaho Code 67-2345 (F) to communicate with legal counsel for the public agency to discuss legal ramifications of and legal options. Council Member Schwendiman seconded the motion.

Roll Call vote:

Those voting aye

Council Member Mann
Council Member Schwendiman
Council Member Stevens
Council Member Erickson
Council Member Woodland
Council Member Stout

Those voting nay

None

The motion carried

Executive Session:

Executive Session ended.

Adjournment

Attest:

Christopher Mann
Acting Mayor

Blair D. Kay
City Clerk

Adjournment