

# City Council Meeting

April 21, 2010



CITY OF  
**REXBURG**  
America's Family Community

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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April 21, 2010

**Mayor Richard Woodland**

**Council Members:**

Christopher Mann – Council President

Rex Erickson      Donna Benfield

Bruce Sutherland    Brad Egbert

Adam Stout

**City Staff:**

Stephen Zollinger – City Attorney

Richard Horner – Finance Officer

John Millar – Public Works Director

Val Christensen – Community Development Director

Blair Kay – City Clerk

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

**Council President Mann** indicated Mayor Woodland was excused. He asked the boy scouts to introduce themselves; Boy Scout Colby Munns from Scout Troop 49 led the Pledge to the Flag.

## **Roll Call of Council Members:**

Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Sutherland, Council Member Egbert, and Council Member Stout.

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

**Charlotte Erikson** at 281 North 5<sup>th</sup> West talked about building an eight lane 25 yard indoor pool. She has done some research regarding this issue; she and other residents are interested in the indoor pool. She does not have numbers yet, but is hoping to gather that data soon, which will include the idea of fees and memberships to the indoor pool that would be issued to maintain the facility. She used an example for a swimming pool from the City of La Grande, Oregon. This example was a model to her idea of maintaining an indoor pool. She has researched the building of an indoor pool facility along with the chemicals needed for the pools, pricings, pool operators, etc. Get her handout.

**Jennifer Whiteside** at 205 Marianne Drive asked about the possibility of an indoor pool. She asked about JRW & Associates and if they had three bids. City Attorney Zollinger explained the procurement process. There have been only architectural estimates at this time. The city is not involved with the construction of the facility at all. The Rexburg Redevelopment Agency will build the pool according to Idaho Statute. Ms. Whiteside was directed to the Rexburg Redevelopment Agency for comments and recommendations.

**City Attorney Zollinger** explained the history of the swimming pool project. Discussion concerning Rexburg Urban Renewal funding. Urban Renewal Districts are authorized to build recreational facilities. The Rexburg Redevelopment Agency will determine the bids; the construction of the project will be at their prerogative, etc. The city's part in this will be the maintenance and management of the facility. Glen Pond is the Chairman of the Rexburg Redevelopment Agency where City Attorney Zollinger directed Mrs. Whiteside to contact. They have not even started the bidding process. He gave an analogy of buying a car.

**Council Member Sutherland** explained the history of the effort to get a swimming pool built. There has been much research conducted along with years and years of discussion. Mrs. Whiteside understands all of the work and discussion that has gone on, and respects all that has been done in order for the citizens to be safe and receive possible recreational areas in the

community. She believes the city has changed; she referenced the library bond; the school bond; and the demographics of the area have changed. When the Tabernacle was built in town, it was not an easy task, but the builders knew it would last. Mrs. Whiteside would seek funding for an indoor facility. Mrs. Whiteside will continue to do research. It takes a 2/3 majority to pass a bond.

**Council President Mann** thanked Mrs. Whiteside; while indicating he does not agree with her, he did thank her for her input. She said it is the numbers that count in the end. Council President Mann said there are many who support and are in favor of an outdoor pool. Council Member Erickson said these women should have been on the committees six or seven years ago to provide input to the pool committee when it was decided what would be built. Mrs. Whiteside said she moved to Rexburg three years ago and she has been involved since then. Council Member Erickson explained the history of the last two years and he said the swimming pool facility will be a duplicate of Payson, Utah. The City Council, unanimously voted in favor of this outdoor facility. City Attorney Zollinger explained the weather differences between Rexburg and La Grande, Oregon.

**Presentations:** None

**Committee Liaison Assignments for 2010:**

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

**Council Member Stout** reported the Madison Airport Board has two committee vacancies. One vacancy is from the county and the other vacancy is from the city. Mayor Woodland would like some names recommended to fill these two committee positions.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

**Council Member Egbert** did not have a report.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee.*

**Council Member Sutherland** did not have a report.

D. Council Member Christopher Mann *Emergency Services Board · School Board · MYAB*

**Council Member Mann** reported the Mayor's Youth Advisory Board meets every week on Wednesday's after school. He reported on some upcoming projects for the group including Pride Days at Smith Park next Thursday evening. There are 100 T-shirts available for the 1<sup>st</sup> 100 people to show up. The whole community is invited. The "May Masquerade" event at the Rexburg Carousel will be on May 01, 2010. Emergency Services has not met.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

**Council Member Benfield** reported the Romance Theatre Committee is meeting tomorrow night. They are in the process of electing a new chairperson and secretary/treasurer. The Tabernacle Committee is also selecting a new chairperson in the next month or two. There was a fantastic free concert a couple of nights ago.

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

**Council Member Erickson** reported Planning and Zoning met last week recommending a couple of items (Summerfield Church preliminary and final plat) on the agenda tonight. The Rexburg Redevelopment Agency met Monday with the Madison County Commissioners to discuss the proposed joint county parking lot concerning options. The city is going to participate in the design of the parking lot. The Golf Board has not met. The proposed new parking lot is located across the street from the Rexburg City Hall on 1<sup>st</sup> North. The county has the corner lot sold.

**Public Hearings:** None

**Items for Consideration:**

**A.** Preliminary Plat – Summerfield L.D.S. Church #2 at 12<sup>th</sup> West and 400 South – Wayne Crow

**Wayne Crow** at 380 Spring Creek Road, Providence, Utah representing Wayne L. Crow and Associates, Inc. indicated the parcel is nine acres on the west side of 12<sup>th</sup> West. The improvements will be completed by the developer and the LDS Church. Summerfield Lane will be developed and extended to the west. The church will have two chapels similar to the church on Trejo Street.

**Natalie Powell** provided a staff report.

**Natalie Powell** presented the staff report for the Summerfield plat proposal. She informed the City Council that Community Developer Director Val Christensen was sick and therefore unable to present the report himself, however she thanked the City Council for the opportunity to fill in for him. Ms. Powell stated the proposal is for a one lot subdivision as part of the Summerfield development. This subdivision is nine (9) acres. The street is to be named Summerfield Lane. It fronts out on South 12<sup>th</sup> West. This building will be similar to other LDS churches that have recently been built in Rexburg. The plat shows two accesses onto 12<sup>th</sup> West. The separation distance is 200 feet. The proposal is to build curb and gutter and to donate the necessary right of way to the city. The private property directly to the north will be buffered by landscaping and fencing. In addition, staff review comments noted adequate parking will be addressed and that landscaping shall be at 30%. The Fire Department expressed standard concerns regarding fire lanes and hydrant locations. Public Works didn't have any additional comments. The Building Department didn't have any code issues with this proposal.

**Council Member Stout** asked if the Fire Department requirements were satisfied. She said they met the specifications.

**Council Member Erickson** asked about the street. Mr. Crow said county and city address grids come together on 12<sup>th</sup> West. They are using the county grid going west. There will be sidewalk, curb, and gutter. The ditch will be moved back beyond the right-of-way line in a 30 inch covered pipe.

**Council Member Sutherland** moved to approve the Preliminary Plat for Summerfield L.D.S. Church #2 at 12<sup>th</sup> West and 400 South; Council Member Egbert seconded the motion; Council President Mann called for a vote:

<b><u>Those voting aye</u></b>	<b><u>Those voting nay</u></b>
Council Member Egbert	None
Council Member Erickson	
Council Member Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Stout	

**The motion carried.**

**B.** Final Plat – Summerfield L.D.S. Church #2 at 12<sup>th</sup> West and 400 South – Wayne Crow

**Council Member Egbert** moved to approve the Final Plat for Summerfield L.D.S. Church #2 at 12<sup>th</sup> West and 400 South; Council Member Benfield seconded the motion; Council President Mann called for a vote:

<b><u>Those voting aye</u></b>	<b><u>Those voting nay</u></b>
Council Member Egbert	None
Council Member Erickson	
Council Member Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Stout	

**The motion carried.**

**C.** Resolution 2010 – 06 Intent to create LID 40; approve notice to proceed for publication of a public hearing on May 05, 2010 at 8:00 P.M.

**City Engineer Keith Davidson** reviewed the spreadsheet showing the properties proposed in LID 40. All the items in orange were things that they changed. The Smith subdivision on Millhollow Road has the corner lot extended around the corner on the LID. (Contact City Hall for LID 40 file content).

**Council Member Benfield** asked if 2<sup>nd</sup> South was included. City Engineer Davidson said yes.

**Council Member Erickson** moved to approve Resolution 2010 – 06 for the intent to create LID 40; approving the notice to proceed for publication of a public hearing on May 05, 2010 at 8:00 P.M.; Council Member Benfield seconded the motion; Council President Mann called for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Egbert	None
Council Member Erickson	
Council Member Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Stout	

**The motion carried.**

#### **D. Public Parking Lot Discussion - Staff**

**City Clerk Blair Kay** presented a proposal to sell 30 parking permits in the downtown parking lot south of the movie theatres on Center Street. The city has received requests for parking passes in this parking lot for employees of local businesses instead of having to comply with the three hour parking code for the public parking lot.

**Council Member Erickson** asked if 30 parking permits were issued; would there still be room for the general public. He thought it would run into a problem. City Clerk Kay suggested maybe it would be better if only a certain number of permits were granted per business. There are more employees than there are parking spots, so it would be first come first serve. Either way, it will not be comfortable. The problem has started from the three-hour parking limit; it is like this in all city parking. **Council Member Benfield** suggested there should be an experiment held before deciding what to do.

**City Attorney Zollinger** stated the original plan was to use the vacated 20 INL parking spaces vacated by INL employees as of April 15<sup>th</sup>. There are a total of 87 parking spaces. The idea is provide 30 parking spaces by parking permit. Council Member Benfield said there should be an inventory conducted before a decision is made. Some hesitancy arose in relation to the businesses in downtown, with some receiving more or better parking privileges than others. City Attorney Zollinger said the measurements would not favor anyone based on proximity.

Discussion: These parking lots were constructed for public parking—not employee parking. If the city were to give 30 spaces for businesses for permits, it would be based on a first come, first serve basis, limited so one business could not buy all of them.

**Council Member Stout** thinks this should not be based on per square footage. An example of the Wells Fargo Parking Lot was given where the city joined with Wells Fargo and other businesses to combine their parking lots and parking spaces into one parking lot on the north side of Main Street.

**Council Member Erickson** said there needs to be a look at all of the parking lots downtown and do the same thing for all the parking lots for the various businesses if this is to be implemented; in order to be consistent. Council President Mann commented saying how the City Council has expressed for this not to be long term, because the City Council may change its mind later. It is important for the city to control those parking lots, and there may be a need for an experiment or inventory to be conducted. Council Member Stout agreed.

**City Attorney Zollinger** said the tenants of the property owners are coming in and complaining about the lack of parking available and spaces given. This needs to be known to the City Council. The landlords/property owners are sending their tenants to come to City Hall and complain. Council Member Erickson is concerned with the opening of other parking lots if this particular one would be given precedence over the others. Council Member Sutherland discussed the

disadvantages of locations. He sees the challenges; however, those people who had decided to start their businesses in that specific area were aware of the lack of parking.

### **Staff Reports:**

#### **A. Public Works:** – John Millar

1. Downtown Parking Lots – Public Works Director Millar explained there are six parking lots in the downtown area with 399 parking stalls. The proposed county parking lot will add another 150 parking stalls to the downtown area.
2. Backup Power for the Police Department and the Fire Department is almost complete.
3. The Police Department roof repair is near completion.
4. 12<sup>th</sup> West Street rebuild is receiving bids for utility extension work. (The bridge is complete). The low bid to extend utility services on 12<sup>th</sup> West was from Edstrom Construction for \$92,106.00. The high bid was M.D. Nursery for \$285,146.30.

**Council Member Benfield** moved to accept the low bid for the extension of utility lines on 12<sup>th</sup> West from Edstrom Construction for \$92,106.00; Council Member Egbert seconded the motion; all voted aye, **the motion carried.**

5. 7<sup>th</sup> South and 2<sup>nd</sup> East traffic light will start Monday.
6. North Hill Road water project by Barney's going west to Nina Drive will start tomorrow.

**Council Member Egbert** asked about the plan for the Main Street trees. The aging trees are being replaced by smaller trees.

#### **B. Finance Department:** – Richard Horner

1. Monthly Budget Report

**Deputy Finance Officer Matt Nielsen** reviewed the budget reports. **(See attachment)**

Discussion: The City Council reviewed the balance on the Riverside Park fund. The negative balance of \$48,760 was reviewed. The negative balance is the interim balance showing the amount spent last year for land improvements (\$105,000) and engineering (\$37,000). The revenue of \$100,000 was overspent with borrowed funds netting out a negative balance of \$48,760. The balance remaining of the \$450,000 appropriated from federal sources is about \$302,000 per City Attorney Zollinger. Council Member Sutherland explained the funds are allocated to be spent this year. The federal funds will reimburse expenditures spent by the city. Deputy Finance Officer Matt Nielsen pointed out some of the larger fund balances including the airport fund from grant monies for slurry seal, master plan, and lighting project; street repair projects; etc. Council Member Mann asked about the Veteran's Memorial fund of \$20,000. It is donated monies planned for the Veteran's Memorial. Deputy Finance Officer Matt Nielsen reviewed the Budget Summary Report which was under budget at the half year point. Discussion on the amount owed to pay off the new nine hole golf course which is \$688,000. The revenue projections from the state are forecasted to be pretty good considering the economy. Public Works Director Millar said the water revenue will increase in the summer months. The city sells double the water in the summer.

#### **Discuss Riverside Park ground preparation.** – Staff

**Public Works Director Millar** reviewed how Riverside Park project was being split-up between Rexburg Redevelopment Agency and the city. The entryway and parking lots are part of the cost of the pool project being developed by JRW & Associates for the Rexburg Redevelopment Agency. The city will do the grass area north of city shop.

Federal appropriations have been "Ear Marked" for the redevelopment project by congress. The first appropriation of \$100,000 from EPA has been spent on a water project (water and sewer study); allowing the city to begin the groundwork for the project using city funds. The second source of funding was the reimbursable appropriation of federal fund by congress for \$350,000. Water and sewer money reimbursed the Riverside Park funds used to do a water study. These funds were used to provide topsoil fill material at a cost of \$1.00 per cubic yard. Council Member Erickson clarified that the city is only doing the landscaping, not the entryway.

**Council Member Sutherland** reviewed site preparation work that has been completed. Public Works Director Millar said the city would provide water for some of the green space for the pool project. **Council Member Stout** clarified the \$100,000 from the city covered the cost of buying and moving topsoil onto the site.

**Council President Mann** asked about state revenue and the economy picking up. Deputy Finance Officer Matt Nielsen said no new revenue projections would be available until next week.

CITY OF REXBURG						
TREASURER'S EXPENDITURE REPORT BY FUND						
FISCAL YEAR TO DATE ENDING 3/31/2010 @ 50% of the year						
FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET
						END BAL.
AIRPORT OPERATIONS	3,581	54,655	3,562	61,798	18,400	-56,921
ARTS PROMULGATION			0	0	29,800	27,426
BEAUTIFICATION		5,211	0	5,211	6,500	16,100
BUILDING SAFETY/P&Z	209,270		149,959	359,229	730,700	115,707
BUSINESS PARK			0	0		-101,289
CITY HALL CONSTRUCTION	5,666	167,343	897	173,906	175,000	-591,457
COMMUNITY SAFETY LIGHTING FUND		2,779	31,252	34,031	1,300,000	79,948
DOWNTOWN REVITALIZATION			0	0	10,000	350,034
FARMERS MARKET	583		814	1,397		1,044
FIRE ARCHER EMPLOYEES		108	240	240	606,500	1,347,493
FIRE DISTRICT		10,206	106	10,312	149,000	-73,272
FIRE EQUIPMENT			0	0	30,000	9,104
FIRE IMPACT FEES	441,074	24,631	408,894	874,599	1,820,900	-319,633
FIRE OPERATIONS			3,532	3,532	41,400	25,455
FIRE PAID CALL			1,650	1,650	200,000	-152,240
FIRE PARAMEDIC CARE UNIT			1,719	1,719		2,577
FIRE PIPES & DRUMS			0	0	6,763,300	2,010,262
GENERAL	1,581,828	98,963	1,454,620	3,135,411	350,400	-43,366
GEOGRAPHIC INFORMATION	97,097		76,450	173,547	749,600	-688,921
GOLF COURSE CONSTRUCTION		1,040	705	1,745		1,408,635
GOLF COURSE OPERATIONS		52,184	126,685	178,869	473,100	35,066
LEGACY FLIGHT MUSEUM	3,657	49,248	9,311	62,216	234,700	-6,207
LID 37 CONSTRUCTION			588	588	150,000	0
LID 38 CONSTRUCTION		71,953	585	72,538	500,000	-90,373
LID DEBT SERVICE			256,449	256,449	404,400	-262,787
MAYOR'S YOUTH COMMITTEE		51	235	235	7,300	3,444
PARKS IMPACT FEE			0	0	34,800	26,532
POLICE ANIMAL CONTROL	17,400		15,872	33,272	88,900	-30,564
POLICE D.A.R.E.			486	486	17,100	12,558
POLICE DRUG ENFORCEMENT			6,025	6,025	10,500	25,667
POLICE GRANTS	8,200	4,415	4,392	17,007	36,900	-10,070
POLICE IMPACT FEES			564	564	100,000	-528,545
RECREATION	2,889	3,044	40,586	43,475	251,800	9,612
REVOLVING LOAN FUND			11,766	11,766	97,000	2,140,338
REXBURG ARTS COUNCIL FUND			0	0	29,200	2,735
RIVERSIDE PARK CONSTRUCTION		30,210	107	30,317	450,000	-48,760
SEWER & WATER LINE EXTENSION			0	0	3,000,000	-30,317
SEWER CAPITAL RESERVE		143,012	0	143,012	1,823,300	2,015,548
SEWER PLANT CONSTRUCTION			0	0	9,000,000	-143,012
STREET IMPACT FEES			0	0	250,000	95,944
STREET NEW CONSTRUCTION		596,598	0	596,598	2,300,000	-109,854
STREET OPERATIONS	198,152	9,942	434,203	642,297	2,326,500	37,522
STREET REPAIR CONTRACTS		249,752	5,658	255,410	224,600	-255,410
TABERNACLE	8,485		18,358	26,843	75,700	26,547
TABERNACLE ORCHESTRA			2,230	2,230	10,500	5,882
TRAILS OF MADISON COUNTY		3,323	100	3,423	110,000	-1,753
UTILITY (Water, Sewer, Garbage)	385,049	703,567	1,861,547	2,950,163	7,489,100	24,127,118
VETERANS MEMORIAL			0	0	1,573,000	20,621
WATER CAPITAL RESERVE			0	0	2,500,000	1,545,858
WATER TANK AND WELL	1,642		21,295	22,937	52,400	-7,276
WESTWOOD THEATER			0	0	46,602,300	31,972,500
<b>TOTAL</b>	<b>2,964,573</b>	<b>2,282,235</b>	<b>4,951,442</b>	<b>10,198,250</b>	<b>46,602,300</b>	<b>22%</b>

Citizens are invited to inspect the detailed supporting records of the above financial statement.

**Mayor's Report:**

**Discussion on Impact / Permitting Fee Matter** - Temple View/University Gateway Apartments at 431 West 4<sup>th</sup> South – Jared Sommer - Deferred

**City Attorney Zollinger** met with Mr. Sommer earlier and he will meet with Public Works Director Millar and Finance Officer Horner later. The city will have a report on the formula for "Impact Fees" for the Rexburg 101 drive-around on May 13, 2010. The City Council will take the matter under consideration.

**Council President Mann** reported on the planned drive around to look at upcoming budget items for City Council on May 13, 2010. The City Council will plan to attend the AIC Conference in June in Idaho Falls. The City Clerk will make the reservations.

**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. April 7, 2010 meeting
- B. Approve the City of Rexburg Bills
- C. Yard Spring Clean-up dates from April 20<sup>th</sup> to May 28<sup>th</sup> - Staff

**Council Member Sutherland** moved to approve the Consent Calendar; Council Member Stout seconded the motion; all voted aye; **the motion carried.**

**Executive Session** 67-2345 (B) & (F) to consider personnel and legal issues.

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

**Council Member Stout** moved to go into Executive Session per Statute 67-2345 (B) & (F) to consider personnel and legal issues; Council Member Benfield seconded the motion; Council President Mann asked for a roll call vote:

**Those voting aye**

Council Member Egbert  
Council Member Erickson  
Council Member Mann  
Council Member Sutherland  
Council Member Benfield  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Executive Session.**

**Executive Session ended.**

**Adjournment**

Attest:

\_\_\_\_\_  
Council President Mann

\_\_\_\_\_  
Blair Kay, City Clerk