

# City Council Meeting

December 01, 2010



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

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

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x2313  
Fax: 208.359.3022

December 01, 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  
Scott Johnson – Economic Development Director  
Blair Kay – City Clerk

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

**Rexburg City Police Honor Guard** presented the colors and led the Pledge.

**Officer Hope** gave the opening prayer.

**Roll Call of Council Members:**

**Attending:** Council President Mann, Council Member Benfield, Council Member Sutherland, Council Member Egbert, Council Member Stout, and Mayor Woodland.

**Council Member Erickson** asked to be excused.

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

**Brian Handlock**, representing Upper Valley Community Health Services, explained the origin of the non-profit organization that provides low rate discounted health care services based on income and family size. This is possible by generating federal grant funds. There are 8,000 community health centers in the nation. They started in Rexburg as a free health care clinic. They received a grant to open the clinic full-time and they have been operating for three years. They have 26 staff members and two facilities: one for dental and one for health care. Their intent is to expand to the Rexburg area.

He read a statement from the Executive Director of the Idaho Primary Care Association for the City Council. In a recent assessment, Madison County (Rexburg) has been identified as one of the top 10 high need communities in the State. Madison County is a low income county. According to the Idaho Department of Labor, the per capita income of \$17,010 in Madison County is half of the state. The county population increased by 40% between 1999 and 2009, predominately due to the expansion of the University from a two year school to a four year University. This has increased the number of low-income young families. There is currently a tremendous unmet need for affordable health care. Many families in the community are seeking care at the ER for conditions that would be more cost effective and appropriately treated in a health center setting. He asked to have a letter of support from the City Council.

**Council Member Benfield** asked for an explanation as to how this would benefit the community and not create competition with existing medical professionals. Brian Hadlock explained that these facilities are set up for those who would not normally seek regular medical health care. Most of these patients end up in the ER. They are not able to take preventative measures, so they end up in the hospital, which is costing the hospital hundreds of thousands of dollars each year to support that without reimbursement. These facilities can take care of that need. They can see patients based on their income and they do not turn people away, whether they can pay or not, because of the subsidies they receive through grant funding. The St. Anthony facility also brought in 1.2 million dollars in high-paying jobs last year alone.

Mr. Jim Macrae, MA, MPP  
Associate Administrator for Primary Health Care  
901 Russel Avenue, Suite 450  
Gaithersburg, Maryland 20879

Dear Mr. Macrae,

*We are writing in support of the Upper Valley Community Health Services New Access Point grant to expand their services into the City of Rexburg as they establish a permanent location to serve the citizens of Madison County.*

*The City of Rexburg has continued to grow at a very rapid pace and so has the need for its population to access quality, affordable health care. With a large university that will soon exceed 15,000 students, Rexburg has seen a young population come into this city with a desperate need for health care and few resources to gain it.*

*As leaders of this great “America’s Family Community” we understand the benefits of providing a healthy environment for the families in this area and believe that a Community Health Center will help to achieve those benefits.*

*As the Rexburg City Council we join together in giving our support to the Upper Valley Community Health Center and look forward to working closely with this organization to bring health and happiness to “America’s Family Community.”*

**Mayor Richard Woodland** \_\_\_\_\_

**Council Members:**

Christopher Mann – Council President \_\_\_\_\_

Rex Erickson \_\_\_\_\_

Donna Benfield \_\_\_\_\_

Bruce Sutherland \_\_\_\_\_

Brad Egbert \_\_\_\_\_

Adam Stout \_\_\_\_\_

**Council President Mann** moved to sign a letter of support for an *Upper Valley Community Health Services New Access Point* grant request; Council Member Benfield seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

- Council President Mann
- Council Member Benfield
- Council Member Sutherland
- Council Member Egbert
- Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Presentations:** – NONE

**Mayor Woodland** asked City Attorney Zollinger to swear in the new Chief of Police.

City Attorney Zollinger administered the oath of office for the Chief of Police position.

## *Oath of Office*

*I, Shane Turman do solemnly swear that I will support the Constitution of the United States and the State of Idaho, and the Laws and Ordinances of the City of Rexburg, Idaho, and that I will to the best of my ability, faithfully perform the duties of the office of Chief of Police in the City of Rexburg, Idaho, during my continuance therein, so help me God.*

\_\_\_\_\_  
*Signature of Chief of Police*

*Subscribed and sworn to before me this 1<sup>st</sup> day of December, 2010.*

\_\_\_\_\_  
*Stephen Zollinger*  
*City Attorney*

The “Oath of Office” certificate was signed and executed by City Attorney Zollinger for Chief of Police Turman. Mayor Woodland congratulated and welcomed Police Chief Turman to the new position. The City Council and audience congratulated Chief Turman on his new position.

### **Committee Liaison Assignments for 2010:**

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

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

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 President Mann** reported the Emergency Services Board conducted the Fire Chief’s Challenge tonight. They are being well trained. MYAB is doing great; they participated in the Mayor’s presentation last night. They are also helping with Shop with a Cop. He expressed appreciation for Amanda Saurey for working with MYAB. The Recreation Department and MYAB are sponsoring the Carousel program in a week on Monday night.

*Santa at the Carousel*  
Dec. 13<sup>th</sup> from 6:30 to 8:00 p.m.  
Canned food donations are appreciated

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

**Council Member Benfield** reported nothing however; she wanted to thank MYAB for helping with the Christmas in the Nighttime Sky program last Saturday night.

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

**Council Member Erickson** was excused.

### **Public Hearings:**

A. **7:30 P.M. Master Fee List additions** to the city fee schedule including the addition of “Professional Services” and other business categories – Staff

**Finance Officer Horner** reviewed the proposed fee changes; some fees are new and some are being updated. He explained the list for business registration fees is being categorized for specific business types. Parking fees are increasing in order to make the city’s parking fees higher than the University’s

parking fees. This is meant to encourage students to use the college parking lots. Pet adoption fees are increasing in order to cover costs of neutering and vaccinations. Fire Hydrant connection deposits are increasing.

**Council President Mann** asked about the increase in animal adoption fees. We want to encourage people to adopt the animals and raising costs may make it more difficult. Do animals have to be neutered before being adopted? Finance Officer Horner said the Animal Shelter is just trying to break even. Most of the animals are adopted. The proposed adoption fee will go from \$75 to \$90.

**Mayor Woodland** opened the Public Hearing.

**Those in Favor of the proposal:** – NONE

**Those Neutral to the proposal:** – NONE

Question from the audience: Is there a public record of the number of adoptions?  
Yes, just contact the Animal Shelter.

The Annual Parking Fee for specific city streets is going from \$35 to \$75 per year. The city has always kept the street parking fees \$5 more than the University's. The University has asked the city to support the increase.

**Those Opposed to the proposal:** – NONE

**Mayor Woodland** closed the Public Hearing.

**Council Member Benfield** asked about the hydrant fee increases. It is expensive; however, they get the money refunded when the item is returned. Finance Officer Horner explained there is great wear-and-tear on the hydrants; it is very expensive to repair. It is a deposit; it is meant to cover the costs of damage if they do not bring the equipment back.

**Council Member Egbert** moved to approve the Master Fee List additions to the city fee schedule including the addition of "Professional Services" and other business categories as discussed by resolution; Council Member Stout seconded the motion; **Mayor Woodland** called for a vote:

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

**The motion carried.**

**Items for Consideration:**

- A. Rezone several properties** from (MDR1) to (HDR1) on the east ½ of the block bordered by West 6<sup>th</sup> South, South 4<sup>th</sup> West, and West 7<sup>th</sup> South which includes 415 and 437 West 6<sup>th</sup> South, and 460 West 7<sup>th</sup> South. – **Recommended in a Planning and Zoning Public Hearing** November 18<sup>th</sup>.

**Mayor Woodland** opened the public hearing.

**Judy Hobbs** at 117 W Main Street presented the proposal. She is the owner/broker of Realty Quest in Rexburg. She reviewed the proposed areas on a map. The request includes a one acre parcel and ½ acre parcel. The adjoining properties are high density; they were built before current zoning regulations. There are only 3 single-family homes in the area; however these homes are all being used as rental properties. The 6<sup>th</sup> South Bridge is adjacent to these properties. There is a substantial need for additional community housing for singles.

**Council President Mann** asked if it was being changed for listing purposes. It makes the property more valuable to have a high-density designation. It could accommodate developers who want to build dormitory-style housing for non-BYU-I housing or for families.

**Council Member Sutherland** moved to approve the rezone of several properties from (MDR1) to (HDR1) on the east ½ of the block ordered by West 6<sup>th</sup> South, South 4<sup>th</sup> West, and West 7<sup>th</sup> South which includes 415 and 437 West 6<sup>th</sup> South, and 460 West 7<sup>th</sup> South; Council Member Stout seconded the motion; **Mayor Woodland** called for a vote:

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

**The motion carried.**

**B. Idaho Airport Aid Program Grant** to install miscellaneous NAVAIDS & Perimeter Fencing, Rehabilitate Runway 17/35 & lighting, & update the Airport Master Plan – Staff

**Public Works Director Millar** reported on the proposal. It is a cleanup grant from FAA for \$158; it is matched by the state grant. It authorizes the Mayor to execute the contract.

#### **RESOLUTION NO. 2010 - 18**

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, ACCEPTING THE GRANT OFFER OF THE STATE OF IDAHO THROUGH THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS, IN THE MAXIMUM AMOUNT OF \$158 TO BE USED UNDER THE IDAHO AIRPORT AID PROGRAM, PROGRAM NUMBER FAA8REX, PROJECT NUMBER: 3-16-0031-010 IN THE DEVELOPMENT OF THE REXBURG-MADISON COUNTY AIRPORT

Be it resolved by the Mayor and City Council of the City of Rexburg, Idaho (herein referred to as the “City” as follows:

Sec. 1. That the City shall accept the Grant Offer of the State of Idaho in the amount of \$158, for the purpose of obtaining State Aid under Program Number: FAA8REX, Project Number: 3-16-0031-010 in the development of the Rexburg-Madison County Airport; and

Sec. 2. That the Mayor of the City of Rexburg is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Acceptance) on behalf of the City. The City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

Passed by the City Council and approved by the Mayor this 1<sup>st</sup> day of December, 2010.

By \_\_\_\_\_  
Richard Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

#### **CERTIFICATE**

I, Blair D. Kay, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2010 – 18 adopted at a regular meeting of the City Council held on the 1<sup>st</sup> day of December, 2010, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 1<sup>st</sup> day of December, 2010.

**Council President Mann** moved to approve the Idaho Airport Aid Grant (IAAP Program Number: FAA8REX) and (IAAP Project Number: 3-16-0031-010) by resolution; Council Member Egbert seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

- Council President Mann
- Council Member Benfield
- Council Member Sutherland
- Council Member Egbert
- Council Member Stout

**Those voting nay**

None

**The motion carried.**

**C. Amend the Surplus List - Staff**

**The Parks Department** asked to include a 4x6 gator vehicle that has expired in the surplus list.



This Photo is only a representation of the type of vehicle.

**Council Member Benfield** moved to amend the surplus list to include the 4x6 gator; Council Member Egbert seconded the motion; **Mayor Woodland** called for a vote:

**Those voting aye**

- Council President Mann
- Council Member Benfield
- Council Member Sutherland
- Council Member Egbert
- Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Staff Reports:**

**A. Economic Development:** – Scott Johnson asked to be excused.

**B. Public Works:** – John Millar

1. Wastewater Bio-tower will go online tomorrow. There is only some wiring to complete.
2. Priority list on roads for next year’s repairs is underway. Council Member Erickson, Council Member Stout, Council Member Egbert and Mayor Woodland are on the committee to work with the engineering staff on the LID formation. They will meet next week.
3. The roof is being installed on the Rexburg Aquatic Facility. Construction has continued even in the current weather conditions. When the roof is closed in the work can continue indoors.
4. Public Works staff met with the Airport Board to discuss the bidding process. The FAA will participate in bidding for a Federal Surplus snow plow or a new snow plow, not a used one because of the inability to obtain comparable bids. The city plows have helped with some of the runway plowing.

**C. Finance Department:** - Richard Horner

**Finance Officer Horner** reviewed the City of Rexburg Health & Dental Insurance proposals. Regence Blue Shield increased the renewal rate by 24%. After bidding for other rates, Regence Blue Shield lowered the increase to 17.8% from last year. The city budgeted for a 10% increase.

- Option One (1) Regence/Assurant Dental \$2,500 Deductable 90/10 Renewal for 24% increase came down to 17.8% increase after negotiations. Family/Employee costs were discussed.
- Option Two (2) Blue Cross/Assurant Dental \$2,500 Deductable 90/10 New Policy
- Option Three (3) Blue Cross/Assurant Dental \$2,500 Deductable 80/20 New Policy
- Option Four (4) Pacific Source/Assurant Dental \$2,500 Deductable 90/10 New Policy
- Option Five (5) Pacific Source/Assurant Dental \$2,500 Deductable 80/20 New Policy

The Employee Committee agreed to raise their contribution to 4% because the City wants to be ahead of the costs as costs increase. The benefits are almost the same for all options. Council Member Sutherland said the 6.9% increase is a bargain considering past increases.

**Council Member Sutherland** moved to approve Option 3 Blue Cross/Assurant Dental for health care coverage; Council Member Stout seconded the motion; **Mayor Woodland** called for a vote:

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

**The motion carried.**

**Calendared Bills and Tabled Items:**

**A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:**

1. **BILL 1061 Rezone** the area west of **Targhee Professional Offices, LLC** from “Low Density Residential Two (LDR2) and Low Density Residential One/Professional Overlay (LDR1/PO)” to Mixed Use 2(MU2) “AND” **Rezone several properties** from (MDR1) to (HDR1) on the east ½ of the block bordered by West 6<sup>th</sup> South, South 4<sup>th</sup> West, and West 7<sup>th</sup> South which includes 415 and 437 West 6<sup>th</sup> South, and 460 West 7<sup>th</sup> South.

**Mayor Woodland** reviewed BILL 1061 which contained land use actions previously approved by City Council. He called for a motion to suspend the rules to consider BILL 1061 for approval.

**Council Member Sutherland** moved to suspend the rules for BILL 1061; Council Member Stout seconded the motion; Mayor Woodland called for a roll call vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	Council President Mann
Council Member Benfield	
Council Member Sutherland	
Council Member Egbert	

**The motion carried.**

**Council President Mann** did not see an emergency to suspend the rules. City Attorney Zollinger explained the suspension of the rules. The passing of the ordinance is set several weeks after the public hearing process. They are suspending the rules simply because these actions have had plenty of time to receive public comment.

**Council Member Stout** moved to approve **BILL 1061 Rezone** the area west of **Targhee Professional Offices, LLC** from “Low Density Residential Two (LDR2) and Low Density Residential One/Professional Overlay (LDR1/PO)” to Mixed Use 2(MU2) “AND” **Rezone several properties** from (MDR1) to (HDR1) on the east ½ of the block bordered by West 6<sup>th</sup> South, South 4<sup>th</sup> West, and West 7<sup>th</sup> South which includes 415 and 437 West 6<sup>th</sup> South, and 460 West 7<sup>th</sup> South; Council Member Egbert seconded the motion; **Mayor Woodland** called for a vote:

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

**The motion carried.**

- A. BILL Introduction:** – NONE
- B. First Reading:** Those items which are being introduced for first reading. – NONE
- C. Second Reading:** Those items which have been first read. – NONE
- D. Third Reading:** Those items which have been second read.
  - 1. **BILL 1057 Cable TV Franchise Agreement** with Cable One, Inc. – Staff

**City Attorney Zollinger** explained they were waiting for approval from Cable One, Inc. on the document prepared and presented by the city. Cable One, Inc. has reviewed the document and made a minor change by splitting a paragraph into two paragraphs for their purposes. Basically, it is the same document the city has used in prior franchise agreements.

**Council Member Benfield** moved to third read and approve **BILL 1057** for the Cable TV Franchise Agreement with Cable One, Inc.; Council Member Sutherland seconded the motion; Mayor Woodland called for a vote:

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

**The motion carried**

- 2. **BILL 1059 - Adopt the International Building Code, 2009 edition**, the International Residential Code 2009 edition, the International Mechanical Code 2009 edition, the International Fuel Gas Code 2009 edition and the International Energy Conservation Code 2009 edition, all published by the International Code Council, the NFPA 70 National Electrical Code as currently required by the State of Idaho and the Uniform Plumbing Code as currently required by the State of Idaho and published by the International Association of Plumbing and Mechanical Officials.  
**(Deferred to a Public Hearing December 15, 2010)**

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

**Mayor’s Report:**

**A. Swear in new Police Chief Shane Turman** – City Attorney Zollinger  
 The ceremony was conducted earlier in the meeting.

**B. Ratify appointment** to the Planning and Zoning Commission – **Deferred.**  
 The last nominee was a city resident and the new appointment needs to be from the county in the Impact Area. This Planning and Zoning Commission member has to live in the Impact Area they are representing. Ted Hill is leaving the Planning and Zoning Commission; Mayor Woodland will honor him at the Planning & Zoning meeting tomorrow night.

**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. November 17, 2010 meeting
- B. Approve the City of Rexburg Bills

**Council Member Benfield** asked about a Police bill. The largest portion of the invoice for that vendor was from the Police Department; therefore, the billing comes under the Police Department approval process.

**Council Member Egbert** moved to approve the Consent Calendar consisting of the minutes, and the city bills; Council Member Sutherland seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

Council President Mann  
Council Member Benfield  
Council Member Sutherland  
Council Member Egbert  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Council Member Sutherland** thanked the Mayor and Staff for the "State of the City" program last night. The program was excellent. Mayor Woodland thanked past Mayor Sutherland for his support.

**Adjournment**

Attest:

---

Richard Woodland, Mayor

---

Blair D. Kay, City Clerk