

City Council Meeting

January 20, 2010

35 North 1st East
Rexburg, ID 83440

blairk@rexburg.org
www.rexburg.org

Phone: 208.359.3020 x313
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

January 20, 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
Public Works Director Millar – Public Works Director
Val Christensen – Building Official
Blair Kay – City Clerk

5:30 P.M. Work Meeting (Discussion of past and current issues)

Discussion on Projects coming in under budget.

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

The City Council discussed goals for 2010. Council Member Benfield expressed concerns about the recommending committees to the City Council. She wanted to have strong committees for long term planning. The following items were reviewed by City Council:

Council Member Stout:

1. Planning (Mixed Use)
2. Westwood Theatre
 - a. Fundraising efforts
3. Discount cards
4. Finance/Budget
 - a. Online access of information
 - b. “Citizen’s Guide to the budget”
5. Revenue
 - a. Community Development facilitator

Council Member Benfield:

1. Prioritize needs
2. Prioritize wants
3. Ensure funding of needs
4. Transparency
 - a. Online access of budget/checkbook
 - b. Understandable/simple/everyday language
5. Providing city services at lowest cost to residents
6. Change reputation
 - a. “Business-friendly”
 - b. Better understanding of business fees
7. Better relationship with BYU
8. Committees
 - a. Full and functioning
 - b. Long-term planning
9. Define goals for recreation / beautification
10. In-tune with Finance dept / CFO
 - a. Work meeting
 - b. Goal of 32%

11. Infrastructure
12. Roads
13. Recreation

Council Member Egbert:

1. Safety studies
 - a. Traffic safety
 - b. 2nd East crosswalk lighting

Council Member Erickson:

1. Finalization of projects in first 60 days
2. 12th West
3. Riverside grant money
 - a. Use to develop park
4. Wastewater treatment plant
5. 7th South / 2nd East stoplight
 - a. Extension of 7th South
6. Don't spend money that's not budgeted
7. Departmental budgets
8. Extend hiring freeze
9. Consolidate jobs where possible
10. Delay swimming pool
 - a. Consider economic climate
11. 5th West
12. South 2nd West (Henderson)

Council Member Sutherland:

1. Reassessment of emergency preparedness
 - a. Lift stations, city hall, etc.
2. Committees
 - a. More autonomy
3. Budget analysis
4. Get city input on swimming pool
5. Relationships with school district / county / BYU
 - a. Equal partnerships

Council President Mann:

1. Pedestrian safety
 - a. Address cell-phone / texting laws
 - b. Crosswalks, driving
2. Downtown
 - a. 2011
3. Effective, professional, smooth city council meetings
 - a. Properly addressing mayor
 - b. Concise and shortened meetings

Mayor Woodland:

1. Water
 - a. Water rights
 - b. Wells
2. Sewer
 - a. Wastewater treatment plant
3. Safety
 - a. Crosswalk lighting
4. 12th West
 - a. As wide as possible
5. Relationships with school board
6. Generator backup for City Hall/PD

Biggest concerns from City Council:

1. Emergency preparedness (power backup for lift stations, etc.)
2. Prioritizing of projects/spending
3. 12th West
4. Pedestrian safety
 - a. Lighting
5. Water
6. Stay within budget
7. Hiring freeze

7:00 P.M. City Hall – 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) – None.

Presentations: - None.

Committee Liaison Assignments for 2009:

A. Council President Mann *Emergency Services Board · School Board · MYAB*

Council President Mann reported Emergency Services did not meet. The MYAB group met tonight and discussed the Teen Center at City Hall. They will present a discussion on teen violence in February to the City Council. They are an impressive group of young people.

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

Council Member Erickson reported Planning and Zoning did not meet this month. They will be meeting tomorrow night. The Redevelopment Agency meets at noon tomorrow. The Golf Board did not meet.

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

Council Member Sutherland has not visited with all the committees. Mayor Woodland visited with Museum Committee. They are experiencing some wiring problems in the basement; they want to get wiring fixed as soon as possible.

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

Council Member Benfield reported she has contacted each of her committees. The Westwood Theatre Committee will meet February 04, 2010 at 6:00 p.m.

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

Council Member Egbert reported he met with the head of Recreation, Director Bob Yeatman. They reviewed the number of participant in recreation for 2009 and expected participants in 2010. The city has a very good recreation plan.

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

Council Member Stout did not have a report on the Legacy Flight Museum. The Trails of Madison County Committee is working on a proposal for new bike lanes in order to get a clear cut policy in place. They are also working on long range trail planning for non vehicle transportation.

City Clerk Blair Kay reported they were 168 applicants for a cashier/receptionist position at the front desk at City Hall. They are working through the applications to find applicants to interview.

Mayor's Youth Advisory Board

Building Official Christensen reported on the proposed Youth Center at City Hall. He stated the Youth Center is ready to start, and is to be located upstairs at City Hall. There is a need for a new stairwell with a handicap lift. The donated portion of the project is ready for construction. The drywall is installed but it needs to be finished. The stairwell construction can start now. Bids are needed on the lift. The bids could be about \$20,000; the original budget was \$17,000; however, they were told to hold up on the project. The request tonight is to seek approval to move forward and start construction. There was concern as to whether the new City Council would want to pursue the project.

Council Member Erickson asked if the City Council had given approval. He was concerned with the MYAB thinking the project could go forward without supervision, payment, etc. It will take some serious thinking before the project can move forward.

Building Official Christensen is asking what the City Council wants to do. Authorization was not made clear by the last City Council; however the youth believe that the plan is going forward.

Council Member Erickson said the City Council needs to give approval of the plan. The youth should come up with a budget and a plan beforehand.

Council President Mann reported on the MYAB's fund raising efforts to get the space cleaned and painted. He is in favor of the Teen Center. The details need to be worked out first. He wanted to know what the costs would be to finish the space. MYAB needs to know the space may be taken over by the city at a future date. Their parents pay a lot of the taxes. The City Council needs to vote on it.

Council Member Benfield asked if the stairway was approved in the budget. It has not been approved in the budget. She asked about security (who and who's budget). Mayor Woodland said the parents and MYAB liaison would help supervise. There would be added cost for building security and a police officer would have to be on duty for supervision.

Council Member Sutherland agrees with the proposal; however, he is concerned with liability. City Attorney Zollinger said the insurance coverage would be similar to the parks.

Mayor Woodland said the ADA lift would need to be put in anyway. Building Official Christensen said the lift is required anyway for any more finished space upstairs.

Council Member Erickson did not want to spend any money that is not budgeted. It could be discussed in the upcoming budget in May.

Council Member Egbert asked for a plan for supervision. He is in favor of the concept.

Mayor Woodland said it is a proposal from the youth. The youth will raise some of the funds, thus giving them ownership.

Council Member Sutherland asked for a list of activities planned. Council President Mann said the September proposal called for study groups and ping pong, etc.; however, this will not be every night. Police, parents, and City Council members could supervise. There are wonderful people in the community. Let the MYAB know these are the concerns the City Council has on the proposal; we have to have all of the facts.

Council Member Egbert called for two chaperones for their safety and liability issues.

Council Member Egbert moved to table this issue until the upcoming 2011 Budget work meetings for further information from the MYAB on those questions; Council Member Stout seconded the motion; all voted aye. Discussion on the plans needed for the Youth Center including associated supervision and security of the Youth Center, financing construction of the Youth Center, internet access, heating, cooling, electricity, maintenance, etc. All voted aye, **the motion carried.**

Public Hearings:

- A. 7:30 P.M. Zone change request** from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 868 Widdison Lane, Rexburg, Idaho – Kendell Fuller

Kelly McKamey purchased the lot from Kendell Fuller since the Planning and Zoning meeting. The request was for a rezone from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 868 Widdison Lane. It is consistent with the zoning in the surrounding area. He reviewed the proposal on the overhead screen. The idea to rezone is to divide the lot into two ½ acre lots with a home being built on the rear of the lot. Previously, he had asked for a curb cut to access Pioneer Road. Staff's concern is a safety issues associated with access. They did do a curb cut accessing Pioneer Road. A seconded option would be to have a curved driveway similar to several properties on West Main Street eliminating the need to back out into the street. The lot could be filled with dirt to bring it up to the level of the street. The Planning and Zoning Commission approved the rezone request without any big concerns.

Council Member Erickson asked why change the zone without a plan. He would entertain a sunset if the planned construction did not happen. Mr. McKamey indicated two individuals want to purchase the property. Council Member Erickson is in favor of the zone change but it should be timed. If approved he asked to restrict the access to Widdison Lane only if possible.

Mr. McKamey understood a zone change could not be conditioned. He wanted to cooperate with staff and do safety studies, etc. Mr. McKamey said he could not sell the back lot until the lot is split. City Attorney Zollinger said the zone change could be conditioned on a time line. The access restriction would be a staff function. There could be a comprehensive condition applied to a rezone request like “No access onto Pioneer Road”.

Council Member Egbert asked for any Covenants, Conditions, and Restrictions (CCR) on the property; Mr. McKamey said they did not find and CCR's restricting a lot split. Council Member Egbert asked if he would apply CCR's. Mr. McKamey said they would have CCR's.

Council Member Erickson asked about road cut on the curb. He understood the curb cut was not granted as a major access to that property. He said cut was used as a temporary access to Pioneer Road.

Mayor Woodland asked for public input:

Those in favor of the proposal: - None

Those neutral to the proposal: - None

Those opposed to the proposal: - None

Mayor Woodland closed the Public Hearing.

Council Member Stout moved to approve the zone change request from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 868 Widdison Lane, with a time limit of 18 months reverting back to RR1 if construction has not began; Council Member Erickson seconded the motion; Discussion: Building Official Christensen reviewed the Planning and Zoning Commission minutes concerning traffic safety study, etc. City Attorney Zollinger indicated the City Council may move the request forward with the 18 month trigger, pursuant to the recommendations of Planning and Zoning and the approval of Public Works Director Millar concerning a traffic study, etc. If it turns out to be an unsafe access, Public Works Director Millar should make that call. Council Member Stout amended his motion by moving to approve the zone change request from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 868 Widdison Lane, with a time limit of 18 months reverting back to RR1 if construction has not began and pursuant to the recommendations of Planning and Zoning and the approval of Public Works Director Millar concerning a traffic study, etc. Council Member Erickson seconded the amended motion; Discussion: Council Member Egbert asked if the 18 month framework is enough time; Mr. McKamey was ok with the 18 month limitation. Council Member Benfield read opposition comments from one residence (Cardon's). There was also one neutral letter (Conrad's). These are part of the public record. Council President Mann was concerned about going down a path to allow other developments on existing lots because it will change the nature of neighborhoods; Council Member Sutherland said most of the area around the property is a little bit more “cut and dried” because it is more residential (RR2). Council Member Erickson said that maybe the whole area (Widdison Addition) should be considered instead of just one lot. Council Member Stout asked for a zoning map to review the area.

Mayor Woodland pointed out the adjoining lot had been split earlier. Council Member Erickson said that lot was changed earlier.

Mayor Woodland called for a vote:

Roll call vote:

Those voting aye

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

Those voting nay

Council President Mann

The motion carried.

B. 7:40 P. M. Zone change request from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 455 South 12th West, Rexburg, Idaho – Jeremy Forsberg

Jeremy Forsberg at 455 South 4th West asked for a zone change from Rural Residential One (RR1) to Low Density Residential Two (LDR2). It has been in process for 1 ½ years, it is a two acre lot. The property across the street is LDR3. He reviewed surrounding neighborhoods on the overhead screen. Building Official Christiansen said LDR3 would be the highest and best use. They are asking for 3-4 homes on the two acre piece. The Planning and Zoning Commission said LDR3 allows more units; however, they recommended LDR2. There is a 24' x 36' shop and trailer currently on the lot. They will be removed as the lot is developed. A lot split could not be done without rezoning. Council President Mann asked for location of the streets accesses for the driveways. Mr. Forsberg indicated the two foot spite strip along Coyote Willow Way was a barrier to disallow any accesses onto Coyote Willow Way. There is a current access onto 12th West for this property. The Planning and Zoning Commission recommended condemnation of the spite strip to allow access onto Coyote Willow Way. Mr. Forsberg is in talks with the spite strip owner, Mr. Forbush, concerning the access issue.

Council Member Erickson asked if he owned 2 acres. Mr. Forsberg said he is purchasing the two acre parcel from Eddie Pincock. The Planning and Zoning Commission recommended approval only onto Coyote Willow Way. They have access onto 12th West. Public Works Director Millar said access onto 12th West would be scrutinized which may limit the number of units. It would be a community access.

Council Member Egbert asked if he was negotiating with adjoining property owners. Mr. Forsberg said not at this time. The Planning and Zoning Commission wondered how the spite strip was included in the final plat. He would support the proposal much more if the access was onto Coyote Willow Way.

Building Official Christensen referred to minutes from Planning and Zoning Commission; He read the motion to City Council noting only the City Council could address the condemnation:

“Dan Hanna motioned to recommend approval to City Council of the Jeremy Forsberg Rezone request, to change from Rural Residential 1 (RR1) to Low Density Residential 2 (LDR2) for the property located at 455 South 12th West, to include that there shall be an access only onto Coyote Willow Way, and, if it becomes absolutely necessary, for the City to condemn the spite strip for the width of the road, to be able to have such access. Josh Garner seconded the motion. None opposed. Motion carried.”

Council Member Erickson asked for direction from City Attorney Zollinger. He called for an executive session for how the spite strip came into existence. It could be condemned for public purposes.

Council Member Erickson asked for direction from the City Attorney. City Attorney Zollinger asked for more time to do fact finding on how the spite strip came into existence. He recommended any further discussion on the issue of condemnation to be done in an executive session.

Council Member Erickson asked if fact finding should be done before the City Council makes a decision on the zone change. City Attorney Zollinger said a zone change is the only decision before the City Council at this time. The zone change approval will give Mr. Forsberg the right to start the design layout phase of the project for four lots facing west onto 12th West or facing south onto Coyote Willow Way. It is only a request for a zone change.

Discussion on a site plan coming later.

City Attorney Zollinger said the only thing to consider tonight is the zone change. This will allow for larger than normal lots in LDR2 lots. The zone change will not be the driving force on the access issue because the way it lays out. It will be an issue when Mr. Forsberg comes back to for the site plan review. The discussion will have to be held concerning access to Coyote Willow Way at that time.

Council Member Egbert recommended getting access onto Coyote Willow Way. Building Official Christensen said Planning and Zoning did not recommend losing the 12th West access for the current home; also, they did not recommend using 12th West access for the new development.

Those in favor of the proposal:

Eddie Pincock at 112 South Maple Avenue, Sugar City, indicated he is the owner of the property. He has been in talks with Mr. Forbush about the spike strip concerning street improvements. Mr. Pincock stated that some party needs to compensate Mr. Forbush for the improvements that he has made to the Coyote Willow Way; however, they have not reached any conclusion as to any monetary compensation. It is not their intention to have the spite strip condemned. He does not want to have a problem with Mr. Forbush. He wanted the record to show the spite strip issue was raised by Planning and Zoning not by him. Initially they only wanted to split the property in two; they had to go to a higher density due to the size of the lot and the zoning required for the property. The community became concerned with the problems with access and the possibility of increased density; their proposal to Planning and Zoning Commission was 1-4 lots. He wanted City Council to consider approval; he understands their safety concerns.

Dan Hanna at 850 East 7th North indicated it is a bigger issue than two lots. It is the vision of Planning and Zoning that Mr. Forbush could put together the property next to his unsold lots to make a four acre parcel which would allow for good planning to avoid hodge-podge planning of different developments. The neighborhood could be buffered by having Mr. Forbush buffer the rest of the subdivision with a fence and bushes. It is a city development which lends itself to city planning. Planning and Zoning was looking at going north on Coyote Willow Way, accessing all four parcels of property, thus enabling more of a master plan; realizing property owners would need to trade land and dollars back and forth. Approving of this request for LDR2 will open the gate for Mr. Forbush to come in and amend his plat and pursue a master plan for the remaining four acre parcels. Mr. Forbush could be part of the proposal.

Council Member Egbert asked if the access was discussed with Mr. Forbush; Mr. Hanna said yes, and he explained it was not the intention to have the spite strip allowed; apparently it was overlooked. Mr. Hanna said they don't want developer's to stop in any way the orderly development and planning process, especially dealing with traffic.

Council Member Erickson asked why Mr. Forbush's property has anything to do this zoning proposal. Mr. Hanna explained it was because it will open the door for things to happen in the future concerning this issue. Mr. Hanna asked why City Council would not follow the recommendations of Planning and Zoning. Council Member Erickson explained it was because it is a City Council decision. Council Member Erickson said that they need to consider what is before them from Mr. Forsberg and not anyone else.

Council Member Egbert appreciated Planning and Zoning Commission's desire to have master planning showing ideally what would work for these properties.

Aaron Robertson at 84 North Cambridge Drive, Rigby, Idaho indicated the zone change does affect surrounding properties. The two lots are hard to develop due to access, etc. The communal feel of lots is exactly the issues at hand (lots that will or will not sell). The zone change does open the door to better master planning of the area. Conceptually it makes good sense, and it is good planning.

Those neutral to the proposal: None

Those opposed to the proposal: None

The public hearing was closed.

Council President Mann asked about opposition letters; he noted they were in the Planning and Zoning minutes.

Council Member Stout liked the idea of the zone change, but he is concerned with access to 12th West. He was uncomfortable with condemnation of someone else's property in behalf of the zone change. Mayor Woodland indicated the zone change will not have any impact. Council Member Stout wanted to make it clear they are not recommending condemnation. If the City Council approves the zone change; it is not by the recommendation of Planning and Zoning to use condemnation. City Council is simply dealing with the zone change and they are not taking that step toward condemnation.

Council President Mann said that Mr. Pincock was concerned not to use condemnations. It is a little dangerous to use against someone who is not at the meeting. Council President Mann agreed with Council Member Stout.

Mayor Woodland closed the public input portion of the public hearing.

Council Member Erickson moved to approve the zone change request from Rural Residential One (RR1) to Low Density Residential Two (LDR2) at 455 South 12th West excluding the Planning and Zoning Commission recommendation to only allow access onto Coyote Willow Way; thus, enabling access onto 12th West. If access is worked out for Coyote Willow Way, so much the better for the requestor; Council Member Stout seconded the motion.

Roll call vote:

Those voting aye

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

Those voting nay

Council President Mann

The motion carried.

C. 7:50 P.M. Zone change request from Low Density Residential One (LDR1) to Low Density Residential Two (LDR2) at Ridge View Drive and Pole Line Road, Rexburg, Idaho.

Aaron Robertson from Rigby quoted City Attorney Zollinger's comments earlier: "We are here to look for the right constructive process to redevelop the property." Our property is zoned LDR1 and the property joins Pole Line Road. For a number of reasons they want to rezone to allow twin homes for four lots against Pole Line Road. The intent is to generate interest in the development and maximize their profit. They are not changing the number of buildings; only the number of garages and front doors. The new lots require 10,000 square feet (for a home lot) in LDR2. They would use existing utility stub outs by the road to avoid any road cuts. Their property (lots) are currently platted for 14,000 square foot lots. The impact is relatively small. Nine lots against Pole Line Road are going to be twin home lots. They have sold some interior lots. They are trying to promote the community. The neighborhood needs a little diversity. He said restrictive covenants would not allow for student housing. They are looking for subdivisions, short and long term.

Council Member Egbert asked about CCR's for quality of home. Mr. Robertson said that the CCR's deal with the upgrade of the entire house, (the solid surfaces). They are not changing any of the CCR's restrictions except for square footage.

Mayor Woodland opened the public hearing.

Those in favor of the proposal:

Dan Hanna at 850 East 7th North explained he made the motion in Planning and Zoning. They did ask question about CCR's and how this rezone would impact the neighborhood. He explained there is a similar project by the water tower that has LDR2 Zoning. There is twin homes built in Eaglewood Subdivision which buffers the neighborhood from the street. Other twin homes have been built by Kennedy School. There have been twin homes built throughout the area along major arterial roads including some on South 2nd East. It is appropriate and consistent with neighborhoods and property values. Planning and Zoning felt this location was appropriate to have twin homes as a buffer from Poleline Road.

Those neutral to the proposal: None

Those opposed to the proposal:

Dean Dalling at 1225 South 2nd East disagreed; it does have an impact on surrounding neighborhoods. A number of homes have quite large lots and homes. The whole area of Rexburg Heights has larger homes and larger lots. The Proposal is to cut down the size of the lots and the size of the homes, and this will have an impact on the neighborhood. What will be proposed in the future? The economy is driving this proposal. He believed other changes to increase density with smaller lots may be proposed if the economy does not improve. He was concerned with the twin homes by the water tower. It is not the same neighborhood as one adjacent to the University. It is inconsistent with the existing neighborhood on South 2nd East.

Randall Porter at 1296 South 2nd East agreed with Mr. Dalling. The proposal should be denied. This discussion should have occurred three years ago. The Planning and Zoning Commission and City Council gave approval for the creation of this subdivision. He felt this was spot zoning to change the zone after the subdivision was approved the first time. He explained there is an expectation in Rexburg that if you move into a neighborhood already zoned LDR1, and spend money on your home and landscaping etc. "and played by the rules that others who move into the neighborhood will also play by those rules." A developer shouldn't be able to come into a neighborhood and seek unwanted development at the expense of the existing neighbors. He thought that was unfair. At the Planning and Zoning hearing, there was only one person in favor of this proposal, and the rest testimony was against. The one development cited by the applicant is not comparable. It is a sliver of land adjacent to the water tower, massive radio towers and a metal building once used for a diesel repair shop. No one wanted to develop it into large lots for large homes. Bart Stevens built twin homes on it in 2007 which have not sold. This proposal is asking to make a project viable by allowing twin homes. It's understandable that people would like to go back to 2007 and get a "do over." The applicant is probably one of them. He concluded by stating it is not the duty of the City Council or the Planning and Zoning Commission to shift zoning around and disrupt the lifestyle of a neighborhood by someone who discovered later his project was not economically viable.

Bevin Jeppesen at 1282 South 2nd East was opposed to the proposal and he agreed with what has been said by Mr. Porter and Mr. Dalling. He struggled with changing the original zone due to economic conditions. What will happen a year from now. What if they want to do more and more zone changes down the road? Where does it stop? The developer wanted the proposal to get something going. The concern is what if he sells the lots? Who is going to come in and what will they build? He is opposed to the proposal.

The Public Hearing was closed.

Mayor Woodland called for staff comments:

Building Official Christensen did not have any new information, and he referred to Planning and Zoning Commission minutes. The people opposed to the proposal indicated the proposed

uses were inconsistent with the neighborhood. The applicant thought it was a good buffer to the neighborhood.

Council President Mann said he felt for Mr. Robertson; it is a tough economic climate, and it is not up to the city to downzone. He does not think it will lower the property values of those who live in the Rexburg Heights area. He is against the proposal. He voted against the proposal three years ago. We don't need to downzone.

Council Member Sutherland stated spot zoning allows things to get away from you. He did not think it would affect 2nd East. He did not want to spot zone after the fact.

Council Member Erickson is opposed to the spot zone too. He did not think the Planning and Zoning Commission would have approved it with a full body.

Council Member Egbert understood the request; however he was opposed to the spot zone.

Council Member Benfield was appreciative of the efforts of Planning and Zoning. She commended them for their hours of effort; however, she agrees with the neighborhood, to stay consistent. The neighbors have good sized lots and a huge investment in their properties. She was opposed to the proposal.

Council Member Stout said the negatives of the proposal are over stated. This request is a small spot zone that could grow more and more. It is not worth the risk.

Council Member Egbert moved to deny the zone change from Low Density Residential One (LDR1) to Low Density Residential Two (LDR2) at Ridge View Drive and Pole Line Road; Council Member Benfield seconded the motion; all voted aye. **The motion carried.**

Break.

D. 8:00 P.M. Local Improvement District No. 37 Assessment Roll report showing in detail the total cost and expenses of the improvements, the dollar amount thereof payable from assessments, and a form of assessment roll showing the amount chargeable to each lot or parcel: **Ordinance 1037 needs approved – Matt Nielson**

Deputy Finance Officer Matt Nielsen presented the LID Assessment Roll sheets to the City Council. He asked for the City Council's input or concerns with the final assessment roll. There were estimated costs followed by actual bids from the contractors. The results came lower on BILL 37 and 39. LID 37 total costs was \$26,858.32, the city's cost was \$17,790.83 and the property owner costs about \$9,067.49.

Council Member Erickson reviewed the fees for the friendship club. The fees were waived for the first year. It is based on non profit status. Finance Officer Horner suggested to have staff mail the bill out and let them come in for an appeal.

Mayor Woodland opened the Public Hearing.

Those in favor of the LID Assessment Roll - None
Those Neutral to the LID Assessment Roll - None
Those Opposed to the LID Assessment Roll - None

The public hearing was closed.

Council Member Sutherland moved to approve Ordinance 1037 for LID 37; Council Member Egbert seconded the motion; all voted aye, **the motion carried.**

E. 8:15 P.M. Local Improvement District No. 39 Assessment Roll report showing in detail the total cost and expenses of the improvements, the dollar amount thereof payable from assessments, and a form of assessment roll showing the amount chargeable to each lot or parcel: **Ordinance 1038 needs approved – Matt Nielson**

Deputy Finance Officer Matt Nielsen introduced Ordinance 1038 with some carry over from prior LIDs. Some of the bids are large due to applicant changes who signed a waiver to do the work.

Deputy Finance Officer Matt Nielsen presented the LID Assessment Roll sheets to the City Council. He asked for the City Council's input or concerns with the final assessment roll. There were estimated costs followed by actual bids from the contractors. The results came lower on BILL 39. LID 39 total costs was \$338,894.83, the city's cost was \$27,177.67 and the property owner costs about \$311,717.16. All of the parties have been notified by mail. The improvements are for curb, gutter and sidewalk. The city has changed the approach from doing scattered improvements to doing a block at a time. City Attorney Zollinger explained it saves money by allowing the contractor to keep the work contained to an area verses scattered properties throughout the city.

The Public Hearing was opened:

Those in favor of the LID Assessment Roll - None

Those Neutral to the LID Assessment Roll - None

Those Opposed to the LID Assessment Roll - None

Mr. Nielsen explained LID concept.

Council Member Erickson explained the payments are due by the month.

Mayor Woodland closed the public hearing.

Council Member Erickson moved to approve Ordinance 1038 for LID 39; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

Items for Consideration: - None

Staff Reports:

A. **Public Works:** – John Millar

Public Works Director Millar presented a list of projects: He explained a project list is reviewed every year for City Council approval. His first project is to get approval for crack sealing/seal coating bids for 2010.

1. The Crack sealing and seal coating low bid is \$2,057 per ton allowing for 9 ½ tons to be paid with a \$20,000 budget. Imperial Asphalt LLC's bid was \$2,057 per ton; Asphalt Maintenance's bid was \$2,250 per ton; and Klingler Asphalt did not respond.

Council Member Sutherland moved to approve the low bid for seal coating and crack sealing; Council Member Benfield seconded the motion; all voted aye. **The motion carried.**

2. Canal Company bridge: (Precast Bridge on 12th West widen to 44 feet); Public Works Director Millar recommended replacing the bridge on 12th West; the project must be completed by April 1st, 2010, due to spring water being turned into the canal. They have coordinated the timing with Madison School District. Staff will bring the bids back to City Council at a later date.
3. Pioneer road street signal is operational.
4. Storm water pond by Gale Harding's is 70% complete.
5. An outflow line behind Mother Hibbard's is almost done.
6. Standby power systems for the Fire Department, Police Station and City Hall was discussed by City Council. Since that discussion Public Works Director Millar has done a lot of investigation on what the city currently has for power back up and what the city needs for power backup. City Hall is on a 480 volt three phase system; The Fire Department and Police Department are on 120/208 voltage power. Originally the plan was to have one generator to service all three buildings; however, an electrical engineer came up and reviewed the power systems and he indicated one

generator would require sizable transformers, voltage sizing, and a major conductor between the buildings. Therefore, the recommendation is to have two generators for three buildings. It is more cost effective to have a 200 KW generator for City Hall located on the north property line utilizing existing underground conduit and a joint 200 KW generator for the Fire Department and the Police Department which would provide 100% backup for heat, lights, etc. There is a projected 35% increase in cost from manufactures due to new emissions standards for purchasing generators in the future. Public Works Director Millar indicated he has located a seven year old 120/208 three phase for \$20,000. It has 34 hours of use and it could cost up to \$50-\$60,000. This generator could be used for standby power at the Fire Department and the Police Department with an installed cost of \$30 to \$35,000. Funding could come from the Fire Department (\$6,000), Police Department (\$18,000) and the balance from Fire District and Ambulance District. He asked for City Council to approve the purchase. His offer is good until tomorrow morning at 10:00 A.M.

Finance Officer Horner asked to have Police Chief recommend some way to cover \$18,000 of the cost. Council Member Egbert said it would be a very good buy and the city should move on it.

Council Member Erickson said it would be a good buy. He asked Finance Officer Horner to pull the money from each department. He did not want to pull money out of the contingency fund. The old generator would go to the Parks Department building for backup power to pump fuel. Finance Officer Horner said the department budget monies would need to be amended.

Council President Mann asked if the generator covers everything. Public Works Director Millar said it covers 100% backup for the Police Department and the Fire Department.

Council Member Erickson recommended making the purchase; however, he asked Finance Officer Horner to explore where the money would be expended. Finance Officer Horner explained the Mayor and Chief of Police would have to find a way to cut Police Department expenditures by \$18,000 or the money would have to come out of the contingency fund.

Discussion on the recent power outages which caused data losses for GIS mapping and other server losses. The interruption in service from city departments lasted for up to one week. Some services are still struggling to be restored. Mayor Woodland said the last two outages have caused a loss of servers, and staff could not serve the customers. Public Works Director Millar said this proposal will have 100% backup for all facilities in the Police Department and the Fire Department.

Council Member Sutherland said the problem is to have insurance against the very things that have happened to protect the community and keep the communications up. It is like water and sewer; it can only be “turned off” for so long.

Council Member Benfield moved to approve the purchase of a 120/208 three phase generator for \$20,000 for the Police Department and the Fire Department; including contacting Police Chief Archibald to see what he can cut out of budget with the balance coming out of contingency; Council Member Egbert seconded the motion; Discussion: Mayor Woodland notified the City Council that Chief Archibald slipped on some ice and fell on his neighbors steps. He was injured (knee and broken ribs) and he is recovering at home. All voted aye, **the motion carried.**

Mayor Woodland asked the City Council if they wanted to pursue a second generator. The consensus was to look for a second generator for City Hall.

F. Finance Department: – Richard Horner
1. Monthly Budget Report

Finance Officer Horner reviewed two reports:

1. Treasures Quarterly Expenditure Report (one page showing each fund).
There are 50 different funds including larger funds for streets and utilities; overall the expenditures are at 60% of budget. Unfinished projects and other shortfalls in spending are the reasons for the shortfalls. **Council Member Stout** referred to the interoperability grant; Finance Officer Horner said it is closed out. The Debt Service is consolidated onto one line. The Budget Summary Report is two pages for the first quarter: Page one of the Budget Summary

Report contains the operating department's funds broken down by responsibility. Some items are combined, such as recreation. The Budget Summary Report represents 25% of the year.

**CITY OF REXBURG
TREASURER'S QUARTERLY EXPENDITURE REPORT
FISCAL YEAR TO DATE ENDING 09/30/09**

FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET	END BAL.
GENERAL	3,274,037	252,131	3,071,310	6,597,478	7,038,700	94%	1,914,716
STREETS	364,457	335,569	1,811,519	2,511,545	2,576,300	97%	-4,591
RECREATION	24,197	4,200	154,387	182,784	231,900	79%	18,108
TABERNACLE	14,552	4,640	30,321	49,513	63,900	77%	
TABERNACLE ORCHESTRA			1,849	1,849	9,700	19%	8,113
BUSINESS PARK			0		250,000	0%	-101,289
POLICE IMPACT FEES		49,085	0	49,085	91,300	54%	-544,675
D.A.R.E.			12,489	12,489	17,500	71%	2,745
DRUG ENFORCE		11,521	2,658	14,179	15,300	93%	13,969
POLICE GRANTS		12,585	12,786	25,371	21,400	119%	14,236
ANIMAL CONTROL	38,838		40,761	79,599	86,400	92%	
FIRE OPERATIONS	873,391	93,402	728,199	1,694,992	1,936,900	88%	
FIRE EQUIPMENT		2,839	0	2,839	109,100	3%	-20,285
FIRE DISTRICT		38,015	337,795	375,810	1,547,600	24%	1,010,097
ESD IMPACT FEES			0		21,200	0%	1,082
ESD PAID CALL			6,908	6,908	48,100	14%	28,961
REVOLVING LOAN FUND		10,071	0	10,071	717,000	1%	2,528,534
LEGACY FLIGHT MUSEUM		162,090	41,762	203,852	337,900	60%	76,936
UTILITY	743,153	981,102	3,527,954	5,252,209	7,681,000	68%	24,069,379
BUILDING SAFETY/P&Z	480,333	8,931	320,895	810,159	881,000	92%	331,568
GIS	198,557	2,680	129,911	331,148	331,200	100%	
DOWNTOWN REVITALIZATION			0		1,000,000	0%	350,034
BEAUTIFICATION		4,409	0	4,409	10,000	44%	21,062
CITY HALL	80,934	2,631,638	0	2,712,572	2,656,000	102%	-1,327,082
STREET IMPACT FEES		624,650	0	624,650	400,000	156%	
WATER CAPITAL RESERVE		111,511	0	111,511	1,685,600	7%	1,476,269
SEWER CAPITAL RESERVE		209,868	0	209,868	2,220,800	9%	1,356,547
ARTS PROMULGATION			0		69,800	0%	27,426
PARAMEDIC CARE UNIT		138,150	11,062	149,212	200,000	75%	-149,212
PARK IMPACT FEE		37,191	0	37,191	30,100	124%	-5,176
TRAILS OF MADISON COUNTY		70,671	0	70,671	110,000	64%	-43,221
ROMANCE THEATER	1,348	6,744	29,017	37,109	47,500	78%	
RIVERSIDE PARK CONSTRUCTION		142,761	0	142,761	1,100,000	13%	-48,760
SOUTH WATER TANK AND WELL			0		1,500,000	0%	
STREET REPAIR CONTRACTS		470,782	59,015	529,797	450,000	118%	19,148
STREET NEW CONSTRUCTION		2,060,278	0	2,060,278	2,331,600	88%	364,466
MAYOR'S YOUTH COMMITTEE			3,180	3,180	6,200	51%	-1,551
SEWER WATER LINE EXTENSION		170,854	0	170,854	1,100,000	16%	3,573
AIRPORT OPERATIONS	5,547	4,823	15,823	26,193	173,100	15%	-11,483
INTEROPERABILITY GRANT		143,052	0	143,052		0%	
GOLF COURSE OPERATIONS		48,389	433,126	481,515	451,200	107%	1,562,727
GOLF COURSE CONSTRUCTION		80,809	0	80,809	307,000	26%	-687,176
SEWER PLANT CONSTRUCTION		57,877	0	57,877	2,000,000	3%	52,595
LID 36 CONSTRUCTION		1,032	0	1,032	500,000	0%	
LID 37 CONSTRUCTION		24,250	0	24,250	200,000	12%	-5,618
LID 38 CONSTRUCTION		109,108	0	109,108	200,000	55%	-17,834
LID GUARANTEE			0		24,800	0%	24,794
LID DEBT SERVICE			167,674	167,674	1,146,800	15%	10,676
FARMERS MARKET			5,797	5,797	10,000	58%	-5,797
REXBURG ARTS COUNCIL FUND			9,963	9,963	25,000	40%	224
COMMUNITY SAFETY LIGHTING FUND		21,947	0	21,947	30,000	73%	32,276
VETERANS MEMORIAL		48,928	0	48,928	20,000	245%	13,716
CLARK FAMILY BENEFIT TRUST			104,114	104,114	150,000	69%	
TOTAL	6,099,344	9,188,583	11,070,275	26,358,202	44,168,900	60%	32,360,227

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

**CITY OF REXBURG
FY 2010**

**BUDGET SUMMARY REPORT
3 months ending 12/31/09**

EXPENSES

OPERATING DEPARTMENTS & FUNDS

Mayor, Council & Economic Development
 Community Affairs & Arts
 Customer Services
 Information Technology
 Financial Management
 Legal Services
 Planning & Zoning
 Building Safety
 GIS
 Emergency Services
 Golf Courses
 Parks & Ball Diamonds
 Recreation Administration & Programs
 Miscellaneous: MYAB, Airport, Legacy Flight Museum

Police Department

Administration Division & Fund 09
 Patrol Division & Funds 13
 Investigations Division
 Community Services Division & Funds 08, 11, 14
 Total Police Department

Public Works

Public Works Director & Engineering
 Shop
 Sanitation
 Water
 Wastewater
 Street Operations
 Street Repair Contracts
 Total Public Works

TOTAL OPERATING DEPARTMENTS & FUNDS

	BUDGET	ACTUAL	25%	Budget vs Actual	FORECAST	Budget vs Forecast
	296,600	73,431	25%	223,169	296,600	0
	287,500	46,459	16%	241,041	287,500	0
	239,800	63,922	27%	175,878	239,800	0
	176,400	44,566	25%	131,834	176,400	0
	603,000	148,250	25%	454,750	603,000	0
	195,500	53,071	27%	142,429	195,500	0
	96,400	16,720	17%	79,680	96,400	0
	634,300	165,683	26%	468,617	634,300	0
	350,400	82,289	23%	268,111	350,400	0
	2,020,900	414,569	21%	1,606,331	2,020,900	0
	473,100	76,460	16%	396,640	473,100	0
	372,600	61,261	16%	311,339	372,600	0
	354,600	47,774	13%	306,826	354,600	0
	276,000	106,347	39%	169,653	276,000	0
	842,300	289,195	34%	553,105	842,300	0
	1,485,100	399,493	27%	1,085,607	1,485,100	0
	541,400	154,547	29%	386,853	541,400	0
	448,200	101,885	23%	346,315	448,200	0
	3,317,000	945,120	28%	2,371,880	3,317,000	0
	405,500	124,068	31%	281,432	405,500	0
	263,300	61,603	23%	201,697	263,300	0
	1,583,300	140,961	9%	1,442,339	1,583,300	0
	1,824,900	220,477	12%	1,604,423	1,824,900	0
	3,277,900	324,442	10%	2,953,458	3,277,900	0
	1,441,900	203,769	14%	1,238,131	1,441,900	0
	224,600	393,626	175%	-169,026	224,600	0
	9,021,400	1,468,946	16%	7,552,454	9,021,400	0
	18,715,500	3,814,868	20%	14,900,632	18,715,500	0

Non-Operating Funds NON-OPERATING FUNDS	BUDGET	ACTUAL	25%	Budget vs		Budget vs Forecast
				Actual	FORECAST	
General Fund Contingency	110,300		0%	110,300	110,300	0
General & Street Fund Transfers	1,593,200		0%	1,593,200	1,593,200	0
Construction 06,23,30,31,32,36,39,41,42,44,46,49,51-58,85	18,270,900	1,208,218	7%	17,062,682	18,270,900	0
Contributed Capital	2,800,000	905,605	32%	1,894,395	2,800,000	0
Capital Reserve Funds 07,18,20,33,34,35,38	3,960,100	276,512	7%	3,683,588	3,960,100	0
LID Debt Service Funds 59-69	407,400	908	0%	406,492	407,400	0
Trust & RLF Funds 15,16,19,21,22,90,91	744,900	18,641	3%	726,259	744,900	0
TOTAL NON-OPERATING FUNDS	27,886,800	2,409,884	9%	25,476,916	27,886,800	0
TOTAL EXPENSES ALL FUNDS	46,602,300	6,224,752	13%	40,377,548	46,602,300	0

REVENUES	BUDGET	ACTUAL	25%	Budget vs		Budget vs Forecast
				Actual	FORECAST	
General Revenues	9,399,200	2,825,581	30%	6,573,619	9,399,200	0
Building Safety & P&Z	730,700	78,588	11%	652,112	730,700	0
Golf	473,100	76,723	16%	396,377	473,100	0
Parks, Recreation, Museums, Arts	615,100	74,903	12%	540,197	615,100	0
Street	2,326,500	1,124,789	48%	1,201,711	2,326,500	0
Utility	6,689,100	1,457,074	22%	5,232,026	6,689,100	0
TOTAL OPERATING DEPARTMENTS & FUNDS	20,233,700	5,637,658	28%	14,596,042	20,233,700	0
Contributed Capital	2,800,000	1,909,654	68%	890,346	2,800,000	0
Construction Funds	17,934,600	700,316	4%	17,234,284	17,934,600	0
Capital Reserve Funds	3,960,100	265,643	7%	3,694,457	3,960,100	0
LID Funds	404,400	21,069	5%	383,331	404,400	0
Trust Funds	744,900	204,133	27%	540,767	744,900	0
Fund Transfers In	524,600		0%	524,600	524,600	0
TOTAL REVENUES ALL FUNDS	46,602,300	8,738,473	19%	37,863,827	46,602,300	0

NET REVENUES OVER EXPENDITURES 2,513,721

Council Member Stout asked why street revenues are so high. On the fifth line down; Finance Officer Horner explained it is due to the accrual of state revenue, like gas tax; it has been forecast down in the budget. The Streets Budget has carry over from last year which should close out in the next week. Finance Officer Horner explained he would do a revenue forecast at the next meeting showing revenue to budget.

Council Member Erickson asked about street projects being over budget. Finance Officer Horner said it was due to carryovers of new street construction donated to the city verses budgeted repairs. Finance Officer Horner discussed the over budget reasons which

differentiated from new verses repairs and from finishing some prior year projects. The city was under budget in 2008. Street repair contracts were 175% over in the first quarter. Council Member Erickson asked for more clarity with budgets. Finance Officer Horner explained how to match up budgets.

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**

City Attorney Zollinger presented BILL 1027 amending the Temporary Sign Sections of the current Sign Ordinance. He asked for a first reading. Council Member Erickson was agreeable to move the BILL forward amending the temporary sign section of Ordinance 908.

Council Member Sutherland moved to first read **BILL 1027 Amending Ordinance 908 for the Temporary Sign Sections**; Council Member Erickson seconded the motion: Discussion:

Council Member Stout asked about how strict is page 8 “other events.” Is it for temporary sales? City Attorney Zollinger said it would not be extremely strict; the temporary sign would need a request for a free permit. City Attorney Zollinger said the goal is to regulate fence post signs and hand painted signs in front yards because of the increase during the recent moratorium. It does allow national ad campaigns for tire stores and car dealers and it also allows car dealers to use 20 foot gorilla signs by having a simple temporary sign permit. Council Member Stout did not think the BILL was set up to correct current problems. He discussed options that could change the wording on the BILL. (i.e. Pull out No. 4 and No. 1)

Council Member Stout does think it is not up to date to deal with the current problems. City Attorney Zollinger said it does address current problems. Council Attorney Zollinger said the example could be taken out; however, he did not want to remove No. 4. No. 1 and No. 2 could be merged. All they want is that if a temporary sign is to be put up, to let the city know about it. Cow Pie Bingo signs were discussed. Property owners were calling about Cow Pie Bingo signs. Also, stretched banners need contact information if it breaks loose. Only one staff employee administers the sign ordinance. As Planning and Zoning moved to restrict temporary signs it became problematic for businesses; therefore the temporary sign section was modified to be less restrictive.

Discussion of policing the unpermitted temporary signs.

Council Member Benfield asked about sandwich board signs and if it is allowed in this BILL. City Attorney Zollinger said they are allowed if they are designed as a permanent sign. Some zones don't allow these signs. Other zones do allow sandwich signs.

Other zones do allow sandwich signs.

Mayor Woodland called for a vote:

Roll Call vote:

Those voting aye

Council Member Benfield
Council Member Erickson
Council Member Egbert
Council Member Sutherland
Council President Mann

Those voting nay

Council Member Stout

The motion carried.

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

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

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

Mayor Woodland introduced BILL 1014 for third reading. City Attorney Zollinger asked Attorney Phil Packer from the University to give a proposal from the University. The BILL was tabled to see if the University and their committee could help resolve some issues with BILL 1014.

BYU-I Attorney Phil Packer presented a proposal to have a cooperative effort with the city to address the booting issue. The draft proposal from the University was provided to the city last Friday. The committee out of Housing and Student living from the University worked on the proposal for a couple of months. The product is the draft document presented to the city. Basically, the University is taking on a roll assisting the city in a much larger degree to administer Ordinance 911. The University sensed the feelings for some on the City Council to maintain the Ordinance 911 over any proposed changes in BILL 1014. This is the product of those efforts. The University is willing to play a much larger role with current approved housing. The issue is to place more responsibility on the students; monitor compliance and implement and manage an appeal process. He asked for the City Council's consideration of the proposal.

Council Member Benfield was excited to see the draft proposal addressing Ordinance 911. The appeals process is really important. She would go with the proposal to keep Ordinance 911 in force.

Council Member Erickson said it has been kicked around for six years with the University. Attorney Packer has done a great job on the proposal. He supported the booting business with contractual agreements between the property owner and the booting company. The booting company should be treated the same as other businesses. He supports Ordinance 911 over changing to BILL 1014. It should have been done years ago.

Council Member Stout supported the proposal. He is impressed with the proposal and it addresses all of his concerns. He has not seen towing issues in his housing unit in two years. He like the plan to have the students sign the agreement.

Council President Mann did not like the proposal. He liked the idea where the owners would sign during the day time hours when they wanted a car towed. This does not solve the problem; it does not protect the students. They will have an appeals process, but they will still come to the city. The owner should direct the tow or boot of a car in the middle of the day. He was disappointed the new policy does not require the apartment manager or owner to sign off on the tow or boot.

Attorney Packer recognized owner authorization did not come with the University's new proposal. He hopes that this is a start, and that the University is willing to go to that route.

Council Member Stout said personally if it doesn't work he would support manager directed tows at a later date.

Council Member Sutherland said the predatory booting is one of the problems of the issue. He understands why apartment owners do it to protect their parking places. He agrees with Council President Mann. The first thing is the offender will come to the city for help if he has a problem with cart blanch towing without any restraint. It is one of those difficult things to address.

Council Member Stout motioned to remove BILL 1014 from the agenda; Council Member Erickson seconded the motion;

Roll call vote:

Those voting aye

Council Member Benfield
Council Member Erickson
Council Member Egbert
Council Member Stout

Those voting nay

Council Member Sutherland
Council President Mann

The motion carried.

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

Mayor's Report: **Mayor Woodland** explained the City business is going fairly well. The "State of the City" address is being delayed until a few issues are resolved. The Mayor's Youth Advisory Board will be supported by the Legacy Flight Museum event for the "State of the City" address.

City Attorney Zollinger reported on using the city facilities by outside entities. He discussed the 1st Amendment which allows freedom of religion and speech.

- First Amendment – Establishment Clause, Free Exercise Clause; freedom of speech, of the press, Freedom of Religion, and of assembly; right to petition,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

City buildings need a use policy to allow use of the building for city business. Public use of the buildings should be regulated. He addressed the need to have a formal policy for the use of various rooms in City Hall. Earlier city policy set aside the Fire Station’s training room as a public forum room. He referred to an individual desecrating the flag on public property. What areas of City Hall and city owned property would be designated as a public forum area? The Tabernacle and Westwood Theatre are used for fund raising events; therefore, they should not be designated as public forum buildings.

Council Member Erickson asked if City Hall had to be used for public forums. City Attorney Zollinger explained allowing one group to use the building allows all groups to use the facility. Political activity should be disallowed because the city government is non political. Council Member Erickson said political activity is an activity the city should not allow in city buildings. The city buildings should only allow “city or government activities.” Discussion on who should be allowed to use city buildings: What about the U.S. Census Bureau or Irrigation District, or Governmental entities? City Attorney Zollinger explained government and public entities are different than private entities. The Westwood Theatre could be used by private entities with a request for a fee waiver.

Finance Officer Horner and Council Attorney Zollinger will put a policy together.

Mayor Woodland indicated the city is in need of hiring a position: Kristy Geisler’s position has been vacated. He suggested filling the position with a grant writer. The salary could be supported with grant funding. The City needs a grant writer to generate grants and facilitate the Building Official Christensen’s work in the permit process; plus assist the Mayor’s Office. February is a deadline for a great many grant applications. There is money available for grants to sell and promote Rexburg and assist the Mayor’s Office. Currently the city is ham strung without a grant writer. we need all the help we can get. He asked for discussion:

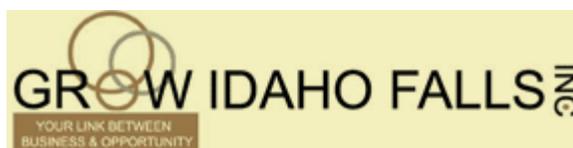
Council President Mann asked for more information on the position; he saw a job description for an Economic Development/Grant writer person and the associated wage. It had nothing to do with public affairs. Is there going to be two jobs? Mayor Woodland explained it was the same job and it is going to be called a Community Development Facilitator/Grant Writer. The position is a consolidation of other jobs. Council Member Egbert explained the position was discussed at the last City Council meeting. Finance Officer Horner said a Masters Degree is preferred for this position.

Mayor Woodland asked for support of the Mayor’s Office for secretarial work and grant writing. Council Member Egbert said it is needed to support funding for the city.

Council Member Erickson referred to Council Member Stout’s response to the proposal in a letter. He would not support this position along with supporting a position in the Redevelopment Company. He thought it would be reckless to support both positions. Mayor Woodland explained the city has a cooperative agreement with Madison Economic Development Corporation to pursue economic development.

City Attorney Zollinger indicated the Pocatello model was worrisome to the Redevelopment Company. They want some assurance the city is not pulling out of the area wide development group alliance. It is a business that would bring economic development to Rexburg and continuing to participate in Madison Economic Partners by placing this member on the board of Madison Economic Partners. *The contacts for “Eastern Idaho Economic Development Partners” are inserted below:*

Co-Chair - Linda K. Martin
Executive Director
Grow Idaho Falls, Inc.
151 N. Ridge, Ste. 130
Idaho Falls, ID 83402
Phone (208)522-2014
Toll Free (800)900-2014
Fax (208)522-3824
Linda@growidahofalls.org



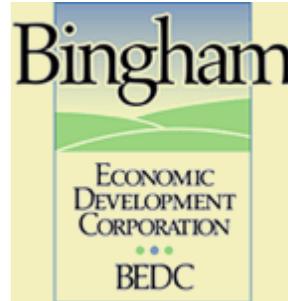
Co-Chair - Michelle Holt
Executive Director
Lost River Economic Development
(LRED)
P.O. Box 46.
Arco, Idaho 83213
(208) 527-3060 Ext. 11,
Cell: 339-5900
LRED@atcnet.net
www.lred.org



Kristen Jensen
Director
Great Rift Business Development
Organization
550 N. Oregon Trail
American Falls, ID 83211
208-380-1719 cell
208-226-5931 office
208-226-2548 fax
kristenj@sd381.k12.id.us



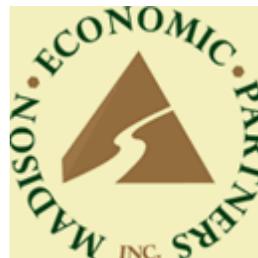
Brandon Bird
Executive Director
Bingham Economic Development
Corporation
P.O. Box 1435
167 W. Bridge St.
Blackfoot, ID 83221-1435
bedc@qwest.net
(208) 785-8002 office
(208) 680-0490 mobile



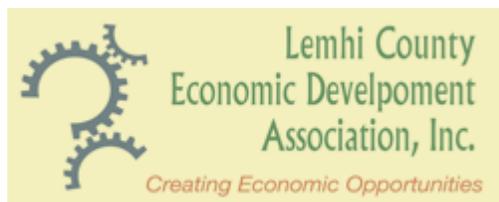
Gynii Gilliam
Executive Director
Bannock Development Corporation
1651 Alvin Ricken Drive
Pocatello, ID 83201
Toll Free: 1-866-395-3500
Phone: (208) 233-3500
Fax: (208) 233-0268
gynii@bannockdevelopment.org



Clair Boyle
Executive Director
Madison Economic Partners Inc.
310 N. 2nd E.
Suite 114
Rexburg, Idaho 83440
Phone: 208.356.6484
clair@madisoneconomicpartners.org



Rene Toman
Executive Director
Lemhi County Economic Development
Association, Inc.
renet@centurytel.net



Kerri Ellis
Clark County Economic Development
P.O. Box 205
Dubois, Idaho 83423
ccecodev@mudlake.net
208-374-5808
Cell 208-709-6763

The regional economic development groups represent the background for a conceptual painting of economic development. The City of Rexburg would like to paint a house in the middle of the picture for economic development. The city committed to leave the relationship with Madison Economic Partners at a “status quo” for the first year. If the city’s position is hitting home runs and Economic Partners is hitting bunts in the first year, the funding budget would be re-evaluated. The city is continuing the partnership concept for right now.

Mayor Woodland indicated “AREVA” is coming to the INL and they may provide some business spin-off for Rexburg. (*AREVA, world energy expert, offers its customers reliable technological solutions for*

CO2-free power generation and electricity transmission and distribution.) He did not want to sever the relationship with Madison Economic Partners which may jeopardize future opportunities with INL.

City Attorney Zollinger explained the INL representative supported the city's new position as long as the city did not pull out of Madison Economic Partners. The long term relationship could be re-evaluated if the city's efforts were successful. Some businesses including the INL, BYU-I University are members of the Madison Economic Partners. One concession was not to use economic developer in this position's title. We want a community facilitator. It is going to involve economic development and public relations. Kristy Geisler's position was truly overkill. The city didn't need a full time public relations position. The position needs a little bit of public relations, a little bit of public facilitating, so that when the developers walk through the door, they will have someone shown them what is needed for Rexburg.

Council Member Erickson asked about the preference for a Masters Degree. Finance Officer Horner said it is not required; however, it is desirable. City Attorney Zollinger explained the city is looking for an educated person.

Council Member Benfield said we have Economic Development right now; she wanted to be careful with spending money. There is a freeze on hiring. It is an economic slow down. She asked for the percentage of time for each area. Is it 50% or 10% on grant writing? Mayor Woodland thought it could be 60% economic development and 40% grant writing? (Depending on the time of year.) Council Member Benfield recommended getting out of economic development outside the city if this position is hired due to the budget. She did not want to pay for two positions doing the same work.

Council Member Egbert understands the issue after reading the letters. He did not think this position violated the hiring freeze because it replacing a position. The job description has been changed, grant writing will pay for the position and bring money to the city. Council Member Benfield asked to establish a goal for bringing in grant funds. Finance Officer Horner explained Kristy Geisler initiated over 1/2 million if funding including \$150,000 for the Westwood Theatre; \$110,000 for City Hall and the Tabernacle plus a Trails Committee grant and a storm drain grant. This funding needs to be followed to come to fruition. Finance Officer Horner said a goal of \$300,000 to \$500,000 could be established. Council Member Egbert recommended a goal of \$300,000 to \$400,000 to start with evaluations later.

Council Member Benfield asked if the position could be filled from an existing staff with a promotion. Finance Officer Horner did not know of any employees with the credentials to fill this position.

Mayor Woodland indicated the city staff has been reduced by six positions in recent months. Finance Officer Horner explained some positions are being replaced at the Fire Department and the Police Department.

Council President Mann disagreed with City Attorney Zollinger stating Kristy Geisler did more than was stated. City Attorney Zollinger explained his comments were noting that Kristy Geisler's position was not a full time public relations person. She was doing some of the work in this new job description. An economic development position outside the city does not know the internal contacts to direct developers to for consultations on their developments. Council President Mann discussed the need to support the Mayor's proposal; however, he is concerned with duplication. That is \$20,000, which could be used for other things, such as the Teen Center, or another generator. He wanted to take some time and do it right with bench marks by involving the City Council.

Council Member Egbert explained the program should be monitored year by year, keeping the relationship with Madison Economic Partners. City Attorney Zollinger said the relationship with Madison Economic Partners should be done in an executive session due to discussing personalities.

Council Member Egbert moved to post the job and take applications; Council Member Sutherland seconded the motion. Discussion: Council Member Stout asked to abstain because of his interest in the position. City Attorney Zollinger said it was ok to step down from a vote on a perceived conflict.

Roll call vote:

Those voting aye

Council Member Sutherland
Council President Mann
Council Member Egbert

Those voting nay

Council Member Benfield
Council Member Erickson

Council Member Stout abstained.

The motion carried.

Appointments:

Mayor Woodland indicated Mr. Glen Pond asked for two people to serve on the Urban Renewal Board. Mr. Pond submitted the name of Marsha Bjorn and Mayor Woodland requested Bill Riggins (business man and he is familiar with swimming pool construction.) The Planning and Zoning Commission needs some positions filled too. Mayor Woodland submitted the name of Scott Ferguson for the Planning and Zoning Commission.

Three people for ratification: Marsha Bjorn and Bill Riggins to the Urban Renewal Board plus Scott Ferguson to the Planning and Zoning Commission.

Council Member Sutherland moved to ratify Marsha Bjorn and Bill Riggins to the Urban Renewal Board and Scott Ferguson to the Planning and Zoning Commission; Council Member Egbert 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. January 06, 2010 meeting
- B. Approve the City of Rexburg Bills

Council President Mann moved to approve the Consent Calendar and pay the city bills; Council Member Stout seconded; Discussion: Need to change the minutes for the timing of when Council Member Sutherland and Council Member Benfield were seated on the Dias. Also, the name of the person getting moved by the Fire Department with a fire truck needed to be changed. All voted aye, **the motion carried.**

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

Roll call vote:

Those voting aye

- Council Member Sutherland
- Council Member Benfield
- Council Member Erickson
- Council President 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