

# City Council Meeting

March 3, 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 x313  
Fax: 208.359.3022

**March 3, 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

**Mayor Woodland** asked Mr. Yanni Charimana to give the opening prayer.

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

**Mayor Woodland** asked a boy scout to lead the pledge. He welcomed the scouts to the meeting.

**Roll Call of Council Members:**

**A. Appoint Council Member to fill City Council Vacancy – Mayor Woodland**

**Mayor Woodland** appointed Adam Stout to fill a vacant City Council seat which was recently vacated by Mr. Stout who resigned the City Council position to seek a city position. Mayor Woodland called for a vote of the City Council to ratify the appointment of Adam Stout.

**Roll call vote:**

**Those voting aye**

Council Member Egbert

Council Member Erickson

Council Member Mann

Council Member Sutherland

**Those voting nay**

Council Member Benfield

**The motion carried.**

**City Clerk Blair Kay** performed the swearing in ceremony for Mr. Stout.

***Official Oath***

**STATE OF IDAHO,**

} SS

**County of Madison**

I, Adam Stout do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Idaho, and the Laws and Ordinances of Rexburg City, and that I will to the best of my ability, faithfully perform the duties of the office of **Council member** in Rexburg City, Madison County, Idaho, during my continuance therein, so help me, God.

\_\_\_\_\_  
(Signature of Elected or Appointed Official)

Subscribed and sworn to before me this 3<sup>rd</sup> day of March, 2010.

\_\_\_\_\_  
Blair D. Kay, City Clerk

**Council Member Benfield** expressed her concern with the process of the appointment. She explained her concerns with the process; noting it was not an issue of who was being appointed.

**Mayor Woodland** reviewed the process. Council Member Benfield said it may be a perception issue.

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

**Shawn Brower** from Hibbard asked the city to fix the railroad crossing at South 5<sup>th</sup> West. He said two close friends were nearly hit by a train. A pine tree blocks vision to see the train. He wanted a warning device or something to help. They have surveyed the crossing and no one stops and looks. He referenced another crossing 70 yards south which does have warning lights. He proposed that lights and bells be implemented on the 5<sup>th</sup> South crossing. They have done some research and they do have a presentation which the students would be glad to present to City Council.

**Council Member Sutherland** said the issue had been discussed in the past. One solution would be to obtain right away so 5<sup>th</sup> West would run on the west side of the tracks south to Trejo Street, and actually not even cross over the tracks.

**Council President Mann** said he would like the presentation be presented to the City Council in the first week of April. Council Member Benfield suggested the Traffic and Safety Committee would be a good place to start with the presentation.

**Steve Oakey** at 25 South 3<sup>rd</sup> East referenced the re-appointment of Council Member Stout and Mr. Oakey's recent article in the Standard Journal. He was concerned with the speed and the process of City Council's actions. There was no discussion, there wasn't talk about any contradictions or conflicts and there didn't appear to be any disclosure or transparency before the City Council made the decision. He has had conversations with City Council Members and he feels he can approach them on a one on one basis. He is concerned with the swiftness of the process. He does not feel the "good old boy network" exists in the community of Rexburg. He thought in order to alleviate this appearance of supposed prior calculations ahead of time; Council Member Stout should have declined the re-appointment. He hears negative comments from the community about the way the City Council makes decisions.

**Council Member Erickson** responded with his concerns. He explained there seems to be an issue in town, that whatever actions City Council does, if it does not concur with a certain faction in town, it is perceived as wrong. He said to "get used to it." He stated that the facts Mr. Oakey presented today are not the facts that are occurring in the city today. The re-appointment was done openly and fairly. He accredits it to Council Member Stout's character. City Council will not be pushed by this faction that takes exception to everything they do. He said Mr. Oakey was following that faction.

**Mr. Oakey** said "Do I have an opportunity to defend myself?" Mayor Woodland said that they would like to avoid any arguments. **Mr. Oakey** responded saying "I just received some personal allegations, which I never made myself."

**Council Member Erickson** replied that Mr. Oakey did make personal allegations toward the City Council. He is tired of hearing things from this group and not answering them. Mr. Oakey stated that he is not sure what group Council Member Erickson is talking about, and he said he does not sponsor a group. Council Member Erickson disagreed.

**Mayor Woodland** reviewed some of the concerns everyone has expressed with the City Council. He said that we are living in trying times, dissatisfied with Federal, State, and City Government. As members of the City Council and Mayoral Office, they are easy targets. The Mayor's door is always open. He invited Mr. Oakey to come visit him; he has never seen Mr. Oakey in his office, but he is welcome to come in anytime.

**Council Member Sutherland** reviewed the law and the process to appoint a City Council Member. He spoke from experience of being the Mayor, and a City Council Member. He said that it is the Mayor's prerogative to appoint whomever he wants to appoint. The City Council can either

vote for or against the appointee. This does not require any discussion. This is the law. He stated that just because people differentiate in their opinions does not mean they can't work together and have respect for one another.

**Council Member Erickson** asked if the law was followed. City Attorney Zollinger said yes the law was followed. Council Member Erickson said that is all that matters here.

**Council Member Stout** responded that he is willing to provide any information or answer any questions about the appointment.

**Presentations:** - None

**Committee Liaison Assignments for 2009:**

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

**Council Member Stout** did not have a report available. **City Attorney Zollinger** reported on the Airport Board meeting this afternoon. They had a request for a new hanger. It will be built on one of the eight vacant lots, which should proceed fairly quickly. They reviewed their plan for the next ten years, and of the progress of the airport study that is currently underway.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee nothing*

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

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

**Council Member Sutherland** reported that he visited with members of the Museum Committee about reorganizing, getting new members, etc. and he invited members of the community to join the Museum Committee. The Beautification Committee is also in the process of reorganization. The Traffic and Safety Committee did not meet.

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

**Council Member Mann** reported the Emergency Services Board has two BILL's on the agenda for consideration. The Mayor's Youth Advisory Board did not meet this week. They are getting ready for a presentation on the 17<sup>th</sup> of March concerning the youth center. They had a good activity with the "Romance at the Romance" activity held at the Romance Theatre.

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

**Council Member Benfield** reported the Romance Theatre Committee met and they are doing a lot.

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

**Council Member Erickson** reported Planning and Zoning met twice since he has attended their meetings.

**Council Member Erickson** reported he has gotten answers concerning his four questions from the Attorney General's office in Boise. The Green Fee Waivers request from the Golf Board went to Madison County for approval. They asked for more numbers before making a decision. The new nine hole golf course will be opening on June 25<sup>th</sup> with the Chamber of Commerce Golf Tournament. The Teton Lakes Golf Course will be using new software starting this year called the "Point of Sales" accounting system.

**Mayor Woodland** recognized Mr. Thayne Robinson for his service on the Planning and Zoning Commission. Mr. Robinson has served his first term at the Planning and Zoning Commission. Mayor Woodland re-appointed Mr. Thayne Robinson to the Planning and Zoning Commission for a second term; he asked the City Council to ratify the appointment:

**Those voting aye**

Council Member Egbert  
Council Member Erickson  
Council Member Mann

**Those voting nay**

None

Council Member Sutherland  
Council Member Benfield  
Council Member Stout

**The motion carried.**

**Mayor Woodland** introduced Scott Johnson as the new Community Development Facilitator. He welcomed him to the City. Council Member Egbert was excited to see Mr. Johnson in the new position. Mayor Woodland said there were 54 applicants.

**Public Hearings:**

- A. 7:30 P.M. “Land Exchange”** between the City of Rexburg and Ferguson and Company, LP - Staff  
(Approve **Ordinance 1043** exchanging property with Ferguson and Company, LP)

**Keith Davidson** reviewed the land to be exchanged on the overhead screen. The property is the same size in square feet and it is located on the corner of North 1<sup>st</sup> East and Valley River Drive. Council Member Stout asked if there were any conflict for street development. Mr. Davidson clarified saying street expansion would not be allow because the city does not own the right-of-way. There is space for a future sidewalk of about five feet.

Those in favor of the for the proposal – None

Those neutral to the proposal – None

Those opposed to the proposal – None

**Mayor Woodland** closed the public hearing.

**Council Member Egbert** moved to accept the **“Land Exchange”** between the City of Rexburg and Ferguson and Company as a value for value exchange; Council Member Sutherland seconded the motion; all voted aye. **The motion carried.**

**Items for Consideration:**

- A. East Parkway Corridor Plan**, Madison County Summary of Findings – Keller Associates

**Todd Tuckett** reviewed the plan on the overhead screen. The East Parkway Corridor was done to provide connectivity. The purpose was to have another route into Rexburg. There is enough traffic in Rexburg and Sugar City to justify another route. 2<sup>nd</sup> East carries over 20,000 cars per day. Now is a good time to be planning. There is anticipation for more traffic. They contracted with the county and the city (through a grant) to do the study and they started having meetings with the public, receiving their input etc.

◆ **Project History / Background**

- The “Madison County Transportation Plan (2004)” supported the “East Parkway” concept
- The Transportation Plan was adopted by Madison County, Rexburg and Sugar City
- Madison County, Rexburg, and Sugar City made the “East Parkway” their mutual #1 priority
- In 2006, Madison County received a LHTAC grant for this study
- Construction of the southwestern segment - the 3.3 mile “South Rexburg Arterial” (University Boulevard) was completed in 2008

◆ **Purpose and Goals**

- Provide for long-term needs and regional benefits
- Provide mechanism for all users to provide input
- Allow affected property owners to plan for the future
- Provide guidance for decisions necessary to protect the identified corridor
- Allow local jurisdictions to fund manageable sized projects

◆ **How? The Corridor Plan Will...**

- Decide how wide the corridor should be
- Determine the roadway location (alignment)
- Identify the location of primary intersections (access)
- Identify proposed right-of-way needs
- Identify a logical sequence of interim construction projects

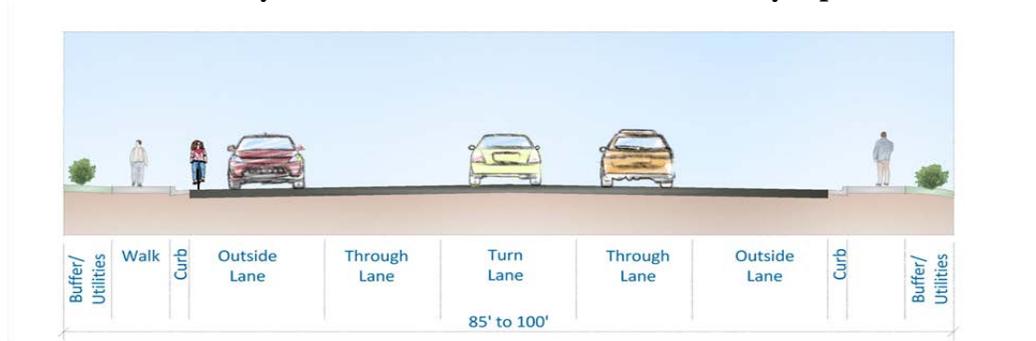
**When Will This Happen?**

◆ **As you review the information presented tonight, please keep in mind the following:**

- Under current conditions, it could easily be 10 years before anything is actually constructed.

- The primary goal of this study is to select a corridor so that future development within the needed right-of-way will not obstruct the route when the East Parkway is built.
- A project like this will not be built all at once.
- When sections are constructed, they may not be built to full width until it becomes necessary (similar to how University Boulevard was built).

### Roadway Sections Possible with Selected Study Option



## Minimum Section (Attached Walkways)



## Landscape Strip (Detached Walkways)



## Landscaped Parkway (University Drive / Drainage Swale Option)

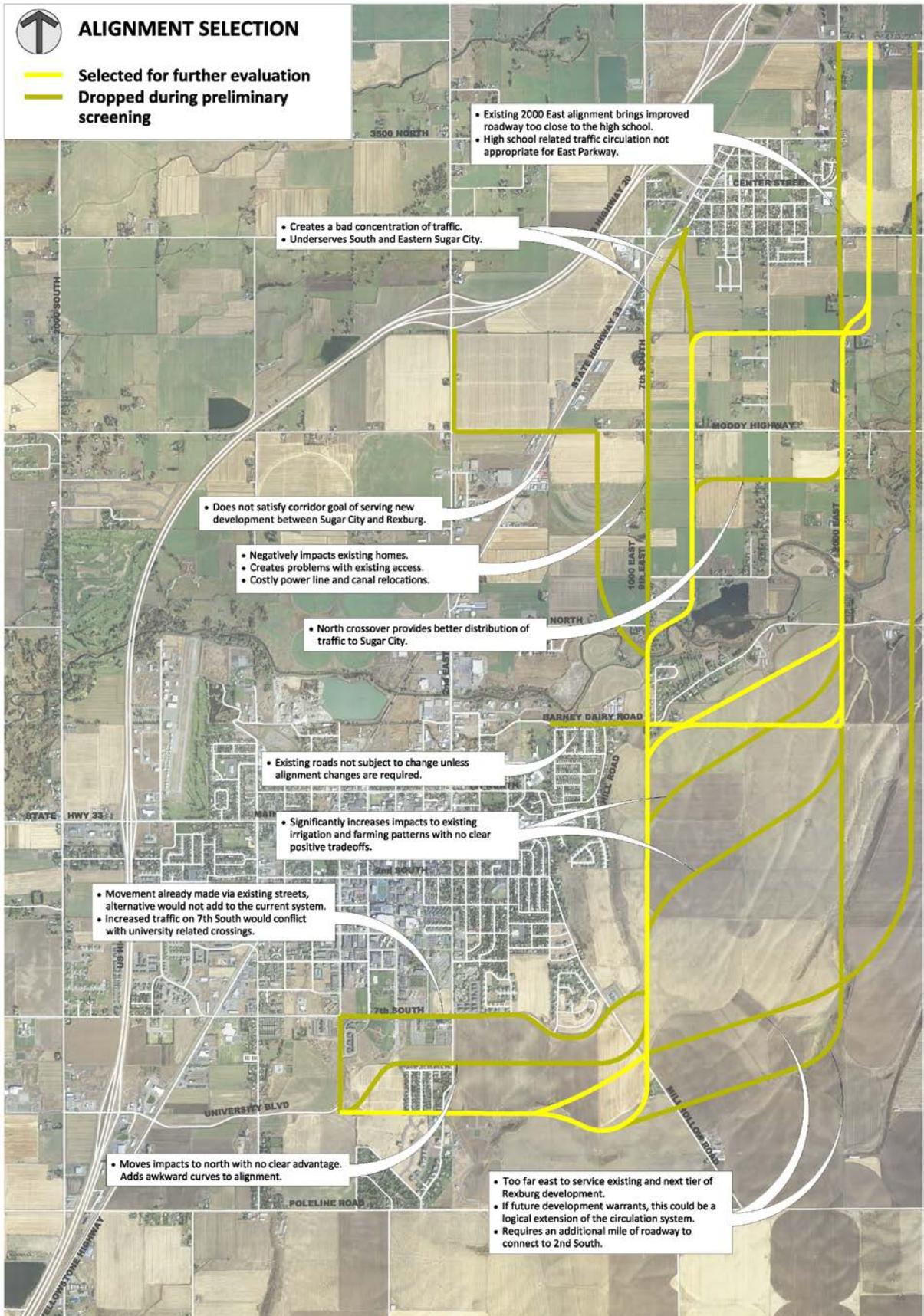
- ◆ **The fundamental goal is to improve traffic circulation throughout the area**
  - Reduce congestion on 2<sup>nd</sup> East
  - Meet future demands from future growth east of Rexburg, between Rexburg and Sugar City, and in southern Sugar City
  - Provide an effective alternative to 2<sup>nd</sup> East for emergency vehicles
- ◆ **The two alternatives being considered DO NOT provide the same level of traffic benefits**
- ◆ **Therefore, selection of a preferred corridor requires consideration of traffic benefits verses the physical effects of the right of way needed for the corridor**
- ◆ **Comparisons of traffic benefits and physical effects follow.**

Alignments suggested by the public, officials and study team



◆ **Traffic Evaluation**

- All measures indicate that the 1000 East Alternative would attract the most use.
- The 1000 E Alternative would provide the largest shift of traffic from congested roadways within Rexburg.
- Comparing the 2000 East and South 2000 East alternatives indicates that the more eastern the alignment, the less traffic benefits will accrue.
- The key element of the 1000 East Alternative is the location of the Teton River Crossing.
- This location is convenient to key destination points including commercial areas north of the river, the Rexburg business district, and the BYU Idaho Campus.
- The 1000 East crossing provides a more direct path for emergency vehicles serving a greater area of existing and future growth.
- Other crossing sites were sought, but all would incur far more right-of-way impacts due to existing development and the increased width of sensitive areas adjoining the Teton River.
- The first reasonable location to the east is, in fact, 2000 East.

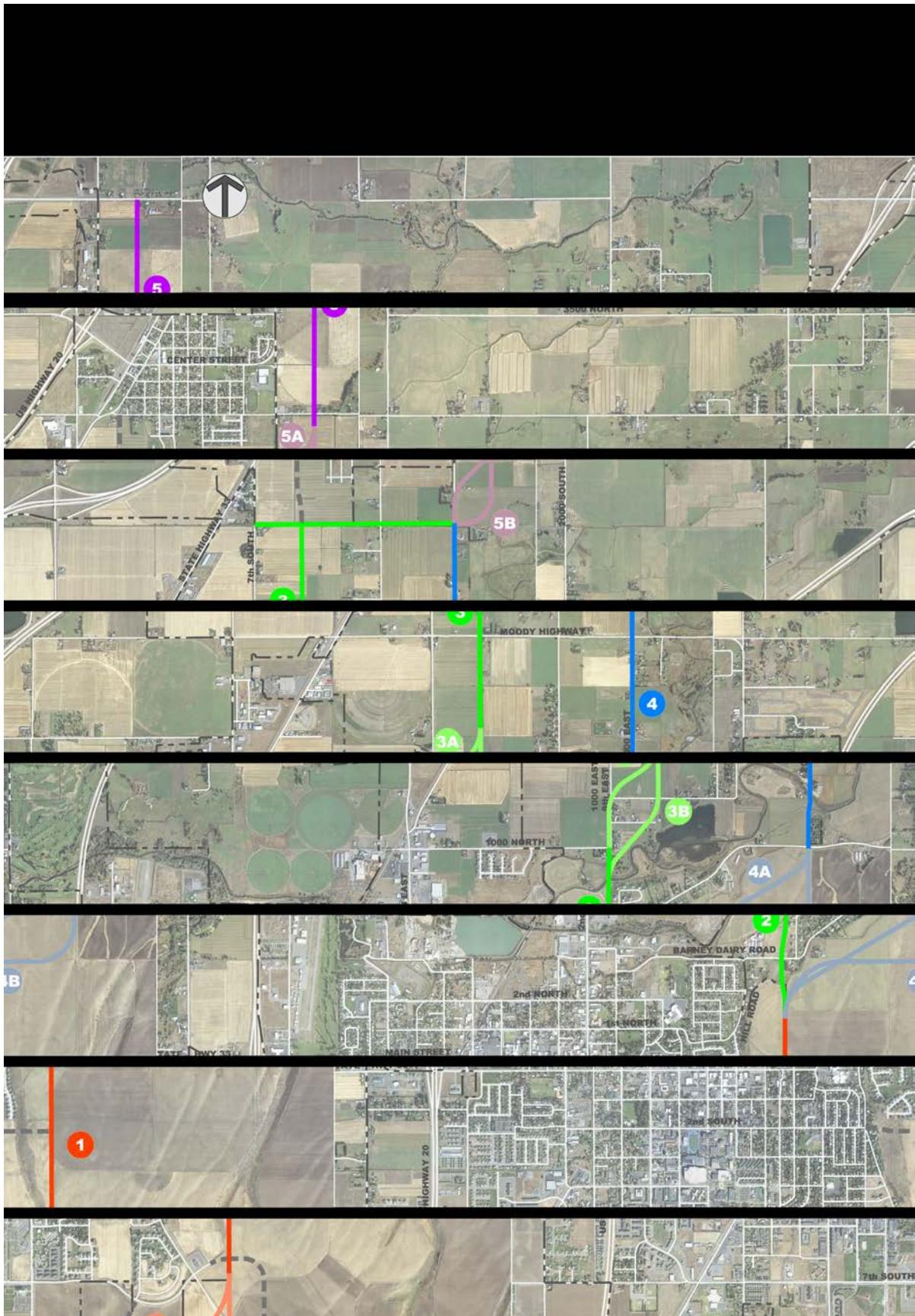


◆ **Right-of-Way Effects Evaluation**

- Perhaps the most significant difference is that of houses taken:  
2000 East Alternative - 4  
1000 East Alternative - 1
- However, for a corridor of this length, no difference in impacts could be considered a compelling reason for selecting one alternative over the other.

◆ **Cost Estimate**

- A planning level cost estimate indicates the either alternative would cost approximately \$15 million to construct (exclusive of right-of-way).
- The 1000 East alternative, is 0.6 miles longer; however greater costs are likely along 2000 East for purchase of homes and canal/utility relocation.



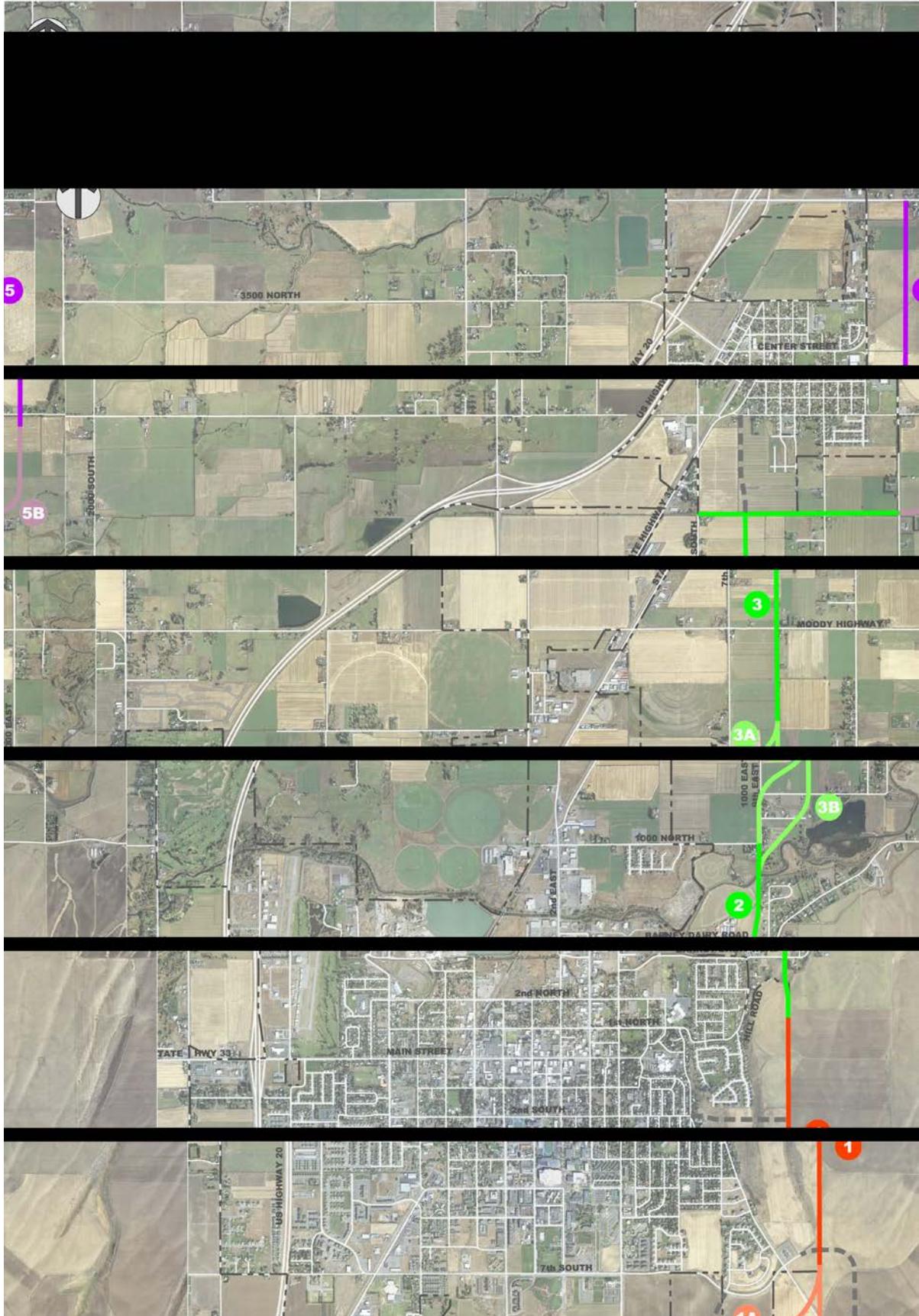
- ◆ The 1000 East Alternative will provide the most transportation benefit with no significant difference in right-of-way impacts.
- ◆ The most critical component of the 1000 East Alternative is the Teton River Crossing.
- ◆ Analyses have shown that, the number of future homes within ½ mile of the 2000 East Alternative would be about 80 percent of the number of homes within ½ mile of the 1000 East Alternative.
- ◆ This suggests that the 2000 East Alternative, with the addition of a new river crossing at 1000 East, could be an effective solution.

#### What's Next

- Tri-Agency (Rexburg, Sugar City, Madison County) consensus on a preferred alignment to be further detailed.
- An “Environmental Scan” indicating potential issues.

- Edge of pavement drawings showing roadway alignment, conceptual geometry at major intersections, and other locations of special interest.
- A refined cost estimate.
- A draft report documenting the findings, decision making process, and design studies.
- Public Meeting No. 3 presenting the findings of the draft report.
- Final Project Report.

### Final Alignment Segments



Two options stick out the best.

#1 Connect to University Blvd cross the Teton River at Barney's to 2000 East and ending just east of Sugar City High School. They need a decision from the county and cities to support and champion the plan. Engineering analysis of traffic says this route is far better for traffic than 2<sup>nd</sup> East. The cost is around \$15,000,000. This will not be implemented within the next two years; this will be for plans in the future. The chances are future developers will own the right-of-way property. **Council Member Erickson** asked why the road would be located east of 2000 East when it meets Hwy 33 heading east. Mr. Tuckett explained how homes and irrigation run along

that street and it would bring in traffic, so that notion was abandoned. Sugar City does not want traffic down their Main Street.

**Council President Mann** had reservations with building a \$15,000,000 road when the growth is slowing in Sugar City. The growth of Rexburg is going west.

**Council Member Sutherland** said the road is needed because there is only one access across the Teton River coming into Rexburg. The new road would take a lot of traffic off of 2<sup>nd</sup> East and eventually, there will be growth to the north and east. He emphasized again the need to have another access across the river. Council President Mann thought most of the 2<sup>nd</sup> East traffic was for the shopping center. Council Member Erickson reviewed possible routes and he was concerned with access from the new road to the shopping area, etc. Mr. Tuckett said they were trying to separate traffic. They were trying to achieve a loop.

**Council Member Erickson** was concerned with adding an additional road to bypass Sugar City and Rexburg. Traffic can use Hwy 20 to bypass these communities.

**Council Member Sutherland** reviewed options for Rexburg; he was concerned how the new road would impact Rexburg. This will be a joint resolution between Rexburg and Sugar City; each is concerned with the impact on their city. The area that concerns Rexburg most is up to 9<sup>th</sup> North. Rexburg's stance should weigh heavier in that area than Sugar City's.

**Mr. Thayne Robinson** said Rexburg Planners would like another road over the Teton River within the city that will also provide access to shopping areas; whereas, Sugar City Planners would prefer a road by the cemetery. Mayor Woodland said Fire Chief Child would most likely promote the importance of having a route that's close and it would connect with the hospital.

**Council Member Stout** wanted to keep the route close to the city. Council Member Sutherland reviewed some history of how the first was done. Council Member Stout reviewed the Comprehensive Plan to have commercial growth east and north of Rexburg. He emphasized the importance of this route, and noted it is something that Rexburg needs for the future. Mayor Woodland said this is an informational meeting, so it will not be voted on.

In the review Mr. Tuckett explained the reasons for adding additional transportation growth east of Rexburg. The need is to have a plan when development comes to the area. This is beneficial to the city and will help avoid problems. They are planning a workshop with the county and cities.

#### **B. Resolution 2010 – 3 Update Airport Master Plan and rehabilitate runway and lighting – Staff**

**City Attorney Zollinger** explained the resolutions. Approval would mean accepting grant monies that are available to make necessary improvements.

**Council Member Sutherland** moved to approve **Resolution 2010 – 3 for Updating the Airport Master Plan**; Council Member Egbert seconded the motion; all voted aye. **The motion carried.**

#### **Staff Reports:**

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

**City Engineer Keith Davidson** represented Public Works Director Millar to report there were several bid openings this week and the approval of the City Council was requested to move forward with these projects.

1. Bidding for the chip seal project opened Tuesday. There were two bidders, HK Contractors and TMC Contractors. The lower bid was from HK for \$158,945.75. TMC bid the project for \$174,055.83. The engineer's estimate was \$192,600. The project would include University Blvd, 7<sup>th</sup> South, the road near the hospital, etc.

**Council Member Erickson** asked to have a warranty. Mr. Davidson said there is a year warranty. Finance Officer Horner explained how over the years, there have been problems with the oil and chip sealing with almost every contractor. City Attorney Zollinger said the city could not refuse the low bid. The City Council had concerns with the quality of recent chip seal projects. Mr. Davidson restated some of the streets which have been recently done by these contractors, and the results of their work are positive.

**Council Member Benfield** asked what could be done to limit road damage on 7<sup>th</sup> South. Mr. Davidson explained the damage to the chip seal due to snow plowing and water running down the road. He further explained how the water from the street will be funneled into catch basins. **Council Member Egbert** asked to fix the pavement across from the Ridge Apartments. Mr. Davidson said road contour and a broken sidewalk corner cause an excess of water to run down 7<sup>th</sup> South.

**Council Member Egbert** moved to accept low bid from HK Contractors; Council Member Erickson seconded the motion; all voted aye. **The motion carried.**

2. The second bid opening was for the 7<sup>th</sup> South Lift Station by South Gate Apartments south of Gale Harding. The lift station would lift water from the Rexburg ditch into a storm basin to prevent storm water from going directly into the canal. The storm water detention basin would build up a water reserve before gravity flow into the canal.

**City Attorney Zollinger** clarified that this is part of the process to have additional run-off in the canal while providing a better quality of water.

There were several bidders, Jerome Bowen being the lowest at \$75,094.35. Other bidders included: Hill & Son for \$86,822.50; Bybee for \$88,824.57; Zollinger for \$89,720.00; Depatco for \$90,770.00; TMC for \$92,075.00; 3H Construction for 95,378.50; and HK Contractors for \$96,324.00. The engineer's estimate was \$81,773.35.

**Council Member Egbert** moved to accept low bid from Jerome Bowen Construction; Council Member Benfield seconded the motion; all voted aye. **The motion carried.**

3. Another bid was opened for an electrical project (backup power) for the City Hall. There were four bidders to install the backup generator. Lieshman Electric was lowest bid for \$9,723. Other bidders included: Darnell Weeks Electric for \$10,100; Lon Ricks Electric for \$11,160; and Wheeler Electric for \$16,825. The engineer's estimate was \$10,000.

**Council Member Mann** moved to accept the low bid to install the generator; Council Member Sutherland seconded the motion; all voted aye. **The motion carried.**

**Council Member Mann** asked about the traffic light at Pioneer Road and Main Street. The signal turns red too quickly for drivers trying to turn from Pioneer Road to Main Street. Mr. Davidson will look at it. Mayor Woodland had the same comments on the south end of Pioneer Road's street light at South Yellowstone Hwy. City Attorney Zollinger explained the locations were at University and Yellowstone, 7<sup>th</sup> South and Yellowstone, and Pioneer and Main. Cars are not stopping at the right spots on the tracks at University and Yellowstone. Mr. Davidson said cameras won't catch cars if they are not lined up in the right spots.

4. **Council Member Erickson** asked about the recycling survey. Mr. Davidson said it went out in the newsletter. Mr. DJ Barney is waiting for the survey results. Since results are not ready, the city will need to extend the contract of \$3500 a month. Mr. Barney said the program is working for now, but some adjustments need to be made with the current contract. Mr. Barney asked to extend the contract for a year's time, but suggested that it should be re-written to include a stipulation that they be given a "window" to cancel if necessary for the next year. This would provide the opportunity to renew the contract one year at a time.

**Council Member Erickson** suggested extending the contract of \$3500 per month until November. It is not fair to have Mr. Barney continue month-to-month without renewing his contract. Council Member Stout agreed.

**Council Member Egbert** asked if there would be need for a renewal or not for the future. Mayor Woodland said they would see when the time came.

**City Attorney Zollinger** said Mr. Barney was the only responsive bidder on a request for proposal. The city can extend until a meeting can be held to resolve the contract issue. Council Member Erickson said the city needs the survey results. Mr. Barney asked for a \$1,000 draw each month for new equipment. He asked to receive the \$2,500 monthly with the \$1,000 held each month to build up a fund for new equipment.

**City Attorney Zollinger** said he is asking for the same contract that was provided originally.

**Council Member Erickson** moved to approve the \$3,500 per month extension; \$2,500 being billed monthly and the remaining \$1,000 being drawn for the equipment fund, with an advance of up to \$9,000 available for new equipment. Council Member Egbert seconded the motion; all voted aye. **The motion carried.**

5. **6<sup>th</sup> South LID.** Mr. Davidson reviewed on the overhead screen. Some LID properties need to be finished on 6<sup>th</sup> South. The new North and Southgate Apartments plan to build a bridge over the canal for 6<sup>th</sup> South, as well as building a portion of the road on 6<sup>th</sup> South. The discussion is now to build the remaining portion of 6<sup>th</sup> South. The north part of the road has been built by Timberhawk townhouses, but the south portion has not been completed.

The City Council asked for more information. The staff will return with a proposal at a later date.

6. **Mr. Davidson** asked if the City Council would like to proceed with chip sealing more areas. They had approved a budget of \$200,000 and the current plans will only use \$158,000 of those funds. Mill Hollow Road is in need of repair. This year's rates are better than last year for a ½ inch chip seal.

**Council Member Sutherland** moved do additional chip sealing; Council Member Benfield seconded the motion to move forward; all voted aye. **The motion carried.**

The City Council asked Mr. Davidson to come back with bids.

#### **Calendared Bills and Tabled Items:**

**A. BILL Introductions:** – NONE

**B. First Reading:** Those items which are being introduced for first reading.

1. **BILL 1041 Open Burning Guide** - Fire Chief Corey Child

**Fire Chief Child** reviewed the BILL. He said the county is favorable. Item two is the correct statute.

**Council Member Stout** asked if items two and three are already required. Fire Chief Child that is correct. Mr. Betts asked about compliance and enforcement. He was concerned with losing his personal rights.

Discussions concerning the reason to request an open burning permit. If a fire started and burned without a permit, it would result in a misdemeanor. Mr. Betts claimed this is taking away the citizens freedom. City Attorney Zollinger reiterated that a person can do all of the same things that they do now. The purpose is not to penalize people, but to help the fire department be aware of the fires in the area. Council Member Stout said they also need to consider the added expense of sending fire response teams when they are not needed. Mayor Woodland viewed it as a courtesy. Council Member Stout asked what types of fires are included. Fire Chief Child said anyone who registers is allowed to burn, but they are required to follow state regulations listed in state statute 38.15. Their main concern is to be aware and to prevent a quick response call if it is not necessary. Just let them know if you plan to have an open burn.

**Council Member Erickson** moved to first read BILL 1041 for an Open Burning Guide; Council Member Egbert seconded the motion; all voted aye. **The motion carried**

2. **BILL 1042 Amending Ordinance 918** adding additional lock boxes for structures in excess of 20,000 square feet. - **Fire Chief Corey Child**

**Council Member Erickson** moved to first read **BILL 1042 Amending Ordinance 918**; Council Member Sutherland seconded the motion.

Discussion: Mr. Betts is a maintenance manager at the Village Community Gardens. He complained it has a lock box, but he still gets calls in the middle of night to open it for emergency response teams.

**Council Member Erickson** also is affected and thought it was a good idea. Fire Chief Child clarified it would only require lock boxes on new construction and would be voluntary for existing buildings.

**Council Member Stout** asked about the lock box keys. There are four keys issued to the four full-time personnel. These keys open every lock box in the city. The owners go through the building with the Fire Department and give them access to what they feel would be needed to cause less damage. BYU-I buildings are affected. Currently, the buildings on campus are being re-keyed and prepared with lock boxes.

**Council Member Stout** asked how keys are kept safe. Fire Chief Child said the keys are transferred hand to hand between shifts. If a key were to be lost, the office would be notified immediately and they would replace all the lock boxes with a new core.

**Council Member Erickson** reviewed the problem of calling Mr. Betts in the middle of the night. If an owner changes keys they should notify the city to prevent problems. Mayor Woodland called for a vote: All voted aye. **The motion carried.**

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

**D. Third Reading:** Those items which have been second read. – NONE

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

**Mayor's Report:**

**A. Non-traditional work schedule proposal - Staff**

**Cory Newton** from the Employee Committee explained a work schedule proposal. The employees and supervisors have asked to change to nontraditional work schedules to manage employees more efficiently. Mayor Woodland asked if they were seeking a four day work week. Example would be a 4-10 work schedule in the summer for the street department. They work 36 to 37 hours Monday to Thursday, leaving 3-4 hours on Friday before going off the clock.

**Council Member Erickson** reviewed the example. He supports a five day a week job, and said they need to be there on Fridays. Mr. Newton gave some alternative options of the four day work schedule, where some people come Monday to Thursday, and others come Tuesday to Friday. This is only being made so managers will be able to manage their employees more effectively. Council Member Erickson was opposed.

**Council President Mann** has concerns with this schedule influencing other departments to desire a four day work week. He wanted to serve the people well. Many other communities have tried implementing four day work weeks and the results were ineffective. He requests that they not move forward with any decision now. Council Member Benfield said it was more efficient to have five day work weeks. City Attorney Zollinger explained it would be better for some workers to follow the same schedule as the contractors who work with the city. Most general contractors have Friday off. He referred to inspectors. The employee committee wanted to manage efficiencies of any department that is not in sync with job requirements.

**Council Member Erickson** asked for numbers. City Attorney Zollinger said they need the Mayor’s approval; they have to present a proposal. This is a policy change being requested by the employee committee.

**Council Member Egbert** said there are cases where this would be more efficient.

**Council Member Benfield** suggested City Council might be more comfortable with approving schedule changes if they approved it for a trial period. City Attorney Zollinger stated if they wanted to reword the language to say “by the approval of the City Council” there would be only three or four proposals; it would not be burdensome.

**Council Member Erickson** agreed that department heads would need to be sure there is structure and consistency in the schedule. Council Member Sutherland does not have a problem with the wording. He would like to see a motion ensuring a report/notification to the City Council; that way City Council will be informed. Council President Mann questioned if this includes exempt employees. Exempt employees cannot go on a four day work week.

**City Attorney Zollinger** said all that is being proposed tonight is to organize a department head in order to make a proposal to maximize the efficiency of the department. Council Member Erickson wants to know how this efficiency will benefit the city. City Attorney Zollinger explained how this will save on time and will get more work done. Council Member Erickson disagreed. Mr. Newton responded that the current policy does not allow a non-traditional schedule. The employees would like the option of being able to propose changes for departments where it might be efficient.

**Council Member Stout** moved to approve with City Council notification; Council Member Sutherland seconded.

Discussion: Finance Officer Horner said the proposals would need financial review. Council President Mann is going to vote no. He appreciates the employees but he wants more review time. Council Member Benfield explained that it has become too easy to get a four day work schedule. City Attorney Zollinger reviewed the issues—nothing is being passed here, just the ability to bring forth proposals to be passed in the future. Now there is sophistication with the ability of managing alternative schedules. Examples include the Fire Department on one schedule, the Police Department on one schedule. Some Departments are experiencing efficiency problems.

**Roll call vote:**

**Those voting aye**

Council Member Egbert  
Council Member Sutherland  
Council Member Stout

**Those voting nay**

Council Member Erickson  
Council Member Mann  
Council Member Benfield

**Tie vote.**

**Mayor Woodland** 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. March 03, 2010 meeting
- B. Approve the City of Rexburg Bills

**Council Member Benfield** asked to correct the minutes; removing Adam Stout’s name from the heading because he was not at the meeting.

**Council Member Erickson** moved to approve the Consent Calendar with the recommended changes to the minutes; Council Member Egbert seconded the motion; all voted aye. **The motion carried.**

**Council Member Sutherland** asked to have an executive session per Idaho Code 67-2345 (F) to consider legal issues; Council Member Egbert seconded the motion. Mayor Woodland called for a roll call vote:

**Roll call vote:**

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

**Executive Session:**

**Executive Session ended.**

**Adjournment**

Attest:

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Richard Woodland  
Mayor

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Blair D. Kay  
City Clerk