

City Council Meeting

May 19, 2010



CITY OF
REXBURG
America's Family Community

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May 19, 2010

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

A BYU-Idaho student, Gina Aguirre from Ecuador gave the opening prayer.

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

Boy Scout Jacob Dees led the Pledge.

Roll Call of Council Members:

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

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

Richard Powell at 490 Pioneer Road said he was representing students from BYU-Idaho who are worried about parking on Pioneer Road. When cars back in to a stall, it is very dangerous, especially during school hours due to the traffic on the road. They are worried about accidents and he asked if it would be possible to redraw the parking lines on the street.

Taralyn Young read a statement. She had concerns about digging to repair a sewer line.

“On December 9th last year we woke up to water coming out of our lawn. The city came to repair the water line and brought a back hoe. The hole was filled with water and as we watched the back hoe dig we knew they were digging right by the sewer line. My husband ran out and told them but they kept right on digging. They fixed the water line and filled the hole with pea gravel. 2 days later, when everyone who lives above us, clear up to Richard Smith got up and started using their bathrooms, we had 2100 gallons of raw sewage gushing into our home through the toilet and shower.

The city insurance company paid to have our basement cleaned and restored and they are willing to pay \$5500.00 towards the \$10,000.00 worth of items we lost which include almost all our food storage which was mainly home canned items as well many other food storage items. We lost Christmas décor, camping gear, personal photos and memorabilia, clothing, a freezer, TV's, tools, air conditioning unit and many other things we are still discovering. These things were in great working condition. The sewage in our storage room was knee deep and our newly remodeled basement was covered in our neighbor's excrement, and all that entails. We still envision the brown sludge covering our basement and all that we have worked for floating around in it. How will we ever really know if it is clean, sewage gone from every crack and piece of lumber?

That morning, while the sewage was flowing and we were frantic I was told by a city employee to call OUR home owners insurance to see what they would cover. Because of that phone call, our insurance co is now dropping us and the only insurance we can find is \$399.00 more a year and all because of something we had NO CONTROL OVER!

In addition to that, we were told we could not be in our home. The restoration co told us to get out. It was a health hazard not to mention it stunk horribly – it still smells. We couldn't live or eat there for 11 days till our house was declared clean. The insurance has told us that they will pay for 3 days of

displacement but will not pay anything for food. Our office is in our home and we lost work hours due to the misplacement among many other financial losses not to mention all the hours and hours we have spent finding values for lost items, shopping for replacements, Dr. visits, working with your insurance co, our insurance company who hasn't paid anything, meeting with the city employees, the restoration co, all to be told that your insurance doesn't cover any of those losses. Mr. Horner told me to write a log of all my hours and that I would be paid an hourly wage for those, I did so and your insurance denied it. He told me to prove loss of wages; I did so and again, was denied. Your insurance insists that they have offered all they will offer and we were told by Mr. Horner that if we were not happy with that we could hire a lawyer. We did and quickly realized we CAN NOT afford a lawyer. It should be noted that our taxes help pay for Mr. Zollinger but he is not on our side. So you get our money AND you get the lawyer.

Mayor Woodland explained to me that he burned his house down smoking some salmon and I would guess that he learned a great lesson from that. He won't do whatever it was that started the fire again. But what lesson can we learn from this? What could we do differently? NOTHING! We learn that we are at the mercy of the city and you can come in anytime you want and ruin our stuff and mess up our lives and walk away. It's not like this is a natural disaster or even an accident. This was neglect on the part of your employees.

The best way to describe the situation is that the city is the bully that takes my lunch money and then tells me that if I will work for it, I can get it back but then offers me, after all my work, a small part of the already eaten lunch and thinks that should be enough.

It is your job as a city council to keep us all safe and protected and we were not protected and we now know we are sitting ducks for the city. I was told by Mr. Horner that the City Council and the Mayor are the last word on if the city will take care of the problem it created. I realize that by law you don't have to do anything more but when my insurance doesn't pay all of my obligations, it is my duty to take care of the rest. That is what anyone with integrity does. We have a media outlet who wants to tell our story based on your decision. I am here to find out what that answer is. We are not asking for more than what was taken from us. We are only asking to be restored to the place we were the day we asked your employees to stop digging by the sewer. Will you cover the rest of our financial loss? If not, how come?"

Her concerns related to insurance issues. She asked to be restored for losses.

Robert Ricks at 345 Bare Street is the co-owner of Gringo's Restaurant. He was concerned about parking for Gringo's employees and customers during the daytime. They were not told previously about the parking permits, and now parking permits are required. Another issue which they have been faced with has to do with the parking lot on Carlson Avenue. He said parking lot is now an overnight parking lot; although the signs read three hours only during the daytime. There are cars with overnight parking permits which allow parking all day and all night. The filled parking lot gives the appearance that the restaurant is full, deterring potential customers. The lack of parking is causing them to lose business. The City parking lot is used by theatre customers plus other businesses. He is at the complete mercy of the city's parking policy. He asked the city to take into consideration all the businesses in the area when making policies concerning parking downtown.

Presentations:

A. Crest Haven Subdivision – Stephen McGary

- 1. Street, Curb and Gutter failures** in Crest Haven Subdivision; examples on Hillview Drive:
- 2. Failed plumbing drains**

Stephen McGary at 915 Hillview Drive reviewed a file sent to the City Council and displayed on the overhead screen. The file contained pictures of the curb and gutter along his street in Crest Haven Subdivision. The concern arose in 2005 when the gutters began to fail. Other surrounding streets have experienced the same failures such as: Crestview, Westwood, and Green Haven. He reviewed the location of his neighbor's sewer line connections going through his lot. He said the issues with the curb and gutter are like negotiating an obstacle course. He noted BILL 1047 for LID40 is in process. He had spoken with Public Works Director Millar at various times for different solutions concerning the problem.

Council Member Erickson thanked Mr. McGary for bringing the problem to the attention of the City Council and for including a possible solution; which would entail an area wide LID for the Crest Haven Subdivision. Council Member Erickson recognized the developer did not properly prepare a base for the curb and gutter. He said the streets are the responsibility of

the city, while the curb, sidewalk, and gutter are the responsibility of the home owner. He said he would suggest an area wide LID for the Crest Haven Subdivision.

Mr. McGary said the original LID was initiated in 1982 and it took 15 years to pay it off. He did not want to have to pay for it again. Council Member Erickson agreed and said it needs to be engineered and done right. He has replaced his own curb and gutter twice in the last forty years. It can be done on a city LID or a neighborhood project.

Council Member Sutherland explained he walked the area earlier today; noting some of the areas were in good shape. He thinks an area wide LID would be appropriate.

B. Madison Youth Soccer Association – Robert Bird

1. Requesting two soccer fields in Riverside Park
 - a. Growth of youth soccer in Rexburg
 - b. Benefits of exercise and sportsmanship

Robert Bird at 131 North 3rd East, explained he is President of the Upper Valley Soccer Foundation. He explained the growth of soccer in Rexburg and the need for additional soccer fields. The program has existed for 20 years. The youth soccer program is the largest program in the city's recreation program. He has discussed the need of additional fields for many years, including many of the current City Council Members. He represents the next level of soccer after the city program. The program supports over 900 youth a year in the upper valley area. The program meets a lot of the needs for the youth. They just need flat grass that is watered. Unfortunately, they do not have one full size soccer field to play soccer. He referred to the upcoming development of Riverside Park where full sized soccer fields are planned. Many of the coaches and participants attended the meeting. They were present to confirm the need for those soccer fields and thank the City Council for their support; also, to encourage them to follow through with the planned fields at Riverside Park.

Council Member Sutherland asked if they could use the Nature Park, which is almost full sized for a soccer field. They could use it if a net was available to keep the balls from going into the city sewer plant.

Council Member Erickson said there are two full sized soccer fields planned at Riverside Park. The Rexburg Redevelopment Agency has approved the funding process for the outdoor swimming pool. The city will be co-developing the project by installing the green area for the soccer fields.

Council Member Sutherland asked them to get with the Recreation Department to use the Nature Park.

Council Member Mann encouraged the use of Porter Park if possible for some games. He also supported the use of the Nature Park. Council Member Erickson mentioned the sprinkler system for the Porter Park has been approved in the 2011 Budget.

Council Member Benfield thanked them for coming; their soccer organization is organized and they look great.

Council Member Stout commented on the plans for the Nature Park which include improved parking and signs to direct people to the location of the park. Recreation Director Bob Yeatman said that would be great, because it is a little harder to find, and since teams travel from all over the Snake River Valley to play, the signs indicating directions are definitely needed. Council Member Stout said it should be improved this summer.

Council Member Sutherland said the signage could be improved for the Nature Park.

Mr. Bird thanked City Council. He asked to use the University lights for the soccer fields for night games.

Council Member Erickson said they could put the conduit in the road for future development. One of the biggest costs of the swimming pool will be the lights. The committee thought lights would be too costly at this point for the soccer fields.

Carol Williams at 76 Tamarack Avenue in the Evergreen Subdivision was concerned with parking at Evergreen Park because it is very limited. She asked if the canal would be covered or fenced.

Council Member Erickson said the canal company has to have access to the canal. Mayor Woodland said one option would be to widen the canal if the city had the property. City Attorney Zollinger explained the canal cannot be widened due to the proximity of the highway and adjoining private property. The Green family owns the property; not the City of Rexburg. Therefore, the Green family would have to participate to do a canal widening.

Shawn Fisher at 250 Marianne Drive asked about the costs of lights. He asked what the ballpark cost would be for the lights. Council Member Erickson said Public Works Director Millar would have to look into the costs. The type of lighting from the University is old technology; these lights would not be the appropriate lighting for soccer fields. They can take a look at the costs for lights at soccer fields.

C. Outstanding Service Awards – Mayor Woodland

1. Warren Smith – Chairman of Madison/Rexburg Airport Board
2. Roger Porter – Vice Chairman of Madison/Rexburg Airport Board

These gentlemen were not in attendance; Mayor Woodland will present the awards to them personally at a later date.

Committee Liaison Assignments for 2010:

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

Council Member Stout did not have a report.

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

Council Member Egbert was not in attendance at the meeting; however, Parks and Recreation did discuss budgeting today. They are doing great work.

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

Council Member Sutherland worked on Museum Budget and Beautification Budget today. The library construction is inhibiting attendance at the museum. The Beautification Committee is looking for new projects including hwy exits. The Mayor has met with ITD to work on beautifying the city's exits.

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

Council President Mann reported on the Emergency Services meeting where Chief Corey Child reviewed the Bone home fire. The new fire station for Sugar City was discussed. The budget was reviewed for Emergency Services. Council Member Mann appreciated Council Member Benfield being present to help review the budget line by line. Some cuts were made while still making sure our community will be safe.

The MYAB met earlier this afternoon. He appreciated Mayor Woodland being in attendance. The new board for next year was announced. They reviewed the calendar for the year. They do some great things. This is a great way to introduce our young people to city government. They are our future and it is a great cause. He appreciates being allowed to help with that committee.

Council Member Mann wanted to briefly report on the all-day City Council meeting last Thursday. They had a great drive-around. They toured streets, observed city parking, visited parks and the waste water treatment plant, etc. He feels the citizens were well-served that day.

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

Council Member Benfield reported the committees are also conducting budget meetings. She reported specifically on the Romance Theatre Committee, the Rexburg Arts Council, and the Tabernacle Committee. All three committees are serving very well and meeting regularly. They have set short-term and long-term goals and are working towards achieving them. The new co-chairpersons for the Romance Theatre are Joanna Carter and RonaLee Flansberg. Council Member Benfield clarified the committee calls it the Romance Theatre, but it says the Westwood on the outside of the building. Their intent is to have it become the Romance Theatre. Council Member Sutherland said the theatre was built in 1916 and it was called the Romance Theatre. The name changed in 1975.

Council Member Benfield also reported on her liaison assignments with the Madison School Board and the Police Department. With the current economic situation the schools are struggling. They are working hard to keep the Resource Police Officers at the schools. The Police Department and the School District are in agreement to keep the officers at three-quarter funding, while working towards better funding.

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

Council Member Erickson said Planning and Zoning met; however, he was not able to attend. The golf board has not met since the last City Council meeting. He was excited today about the meeting held with the Urban Renewal Board and the Redevelopment Agency. The Urban Renewal Board unanimously voted to accept a bid from Zion's Bank for the financing on the pool. The paperwork will be signed on the 2nd of June. Johnny Watson is planning for the project to be bid to local contractors in different phases. Council Member Erickson was excited to see funding approved for the pool. They have a very good bid from the bond holder; the funding situation will be better than expected.

Mayor Woodland reiterated the excitement in providing the residents of Rexburg and surrounding areas with a pool. He said there has been a lot of work done. With all the sports programs and hard work on the part of Parks and Recreation, we are able to provide activities, exercise, and learning experiences for the youth. Providing these kinds of opportunities is a viable aspect of city government; it is something they are committed to as City Council. They hope to provide a service that is needed at a minimal cost.

Public Hearings: (Continued from May 05, 2010)

- A. 7:50 P.M. Rezone 325 and approximately 275 North 1st East from Light Industrial (LI) and Professional Office (PO) to Mixed Use (MU2) – Steve Kelly
(Ordinance 1046 to rezone from LI/PO to MU2)

Mayor Woodland continued the public hearing for the zone change from May 05, 2010.

Council Member Erickson asked if Mr. Steve Kelly was informed of the City Council meeting. Community Development Director Christensen said yes, Mr. Kelly was informed. It was unusual for him to be absent. Council Member Erickson said if there were any concerns, there would be a need to ask question to a representative.

Council Member Sutherland moved to continue the rezone request at 325 North 1st East and approximately 275 North 1st East from Light Industrial (LI) and Professional Office (PO) to Mixed Use (MU2) to June 02, 2010; Council Member Egbert seconded the motion;

Those voting aye

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

Those voting nay

None

The motion carried.

Items for Consideration:

A. Agreement with Madison Economic Partners, Inc. – Staff

Dan Hanna, at 850 East 7th North indicated he was representing the Madison Economic Partners, Inc. He proposed to have Economic Development Director Scott Johnson serve as Madison Economic Partner's Executive Director along with serving the city as Economic Development Director. This proposal is due to the retirement of Clair Boyle. They would like to continue to receive the \$20,000 donation from the city with the expectation donate the funding back to the city to support the city's contribution to Madison Economic Partners. He spoke specifically of the committee's preference to encourage systematic growth; rather than outside businesses coming into Rexburg. He mentioned successful businesses have started in Rexburg and expanded nationally.

Council Member Erickson said this is contrary to what Economic Development Director Johnson was hired to do at the city. Mr. Hanna said this compliments what the city hired Economic Development Director Johnson to do. Council Member Erickson asked how much time Mr. Hanna would expect Economic Development Director Johnson to allocate to the Madison Economic Partners position. He indicated the position would need to spend an hour each month for a meeting with the Madison Economic Board to report. He will come to them with a report, outlining and identifying areas where he wants their support. Council Member Erickson asked how much time Mr. Boyle put in on the job. Mr. Hanna said Mr. Boyle spent quite a bit more time; however, the city has already hired an Economic Developer to do the same thing Mr. Boyle had been doing.

Council Member Sutherland responded saying it is a great segway by working together and having Economic Development Director Johnson in a fortuitous location. It will be a win-win situation.

Council Member Benfield agreed with Council Member Sutherland by getting more support out of the Madison Economic Partners by mentoring new opportunities.

Mr. Hanna said they will provide Economic Development Director Johnson with additional resources that the city may not be in position to provide. The goal is to create systemic growth within the City of Rexburg.

Council Member Egbert was positive with the proposal. He understands what Council Member Erickson was saying; how he did not want it to divert from the city's mission. Council Member Egbert doesn't think it will. It will compliment the city.

Mr. Hanna said they will not distract Economic Development Director Johnson from doing his job. They are not there to tell him how to do his job; he is there to tell them how to help him.

Council Member Erickson said Mayor Woodland had a great idea to hire Economic Development Director Johnson. He was concerned with losing Economic Development Director Johnson's effectiveness with the city.

Mr. Hanna said if Council Member Erickson thinks they will distract Economic Development Director Johnson, or take him away from his duties to the city, Council Member Erickson had misunderstood. It is an opportunity to identify growth and it is our duty to respond in a positive manner; including responding to other opportunities.

Council Member Egbert said it sounds like a really good partnership, and it will provide Economic Development Director Johnson with more resources.

Council President Mann asked Mr. Hanna if the other contributors to Madison County were ok with this proposal. Mr. Hanna said yes, they were ok with the proposal. Madison Economic Partner's are excited to focus on systemic growth. Economic Development Director Johnson concurred.

Mayor's Report:

1. Staff discussion of right-of-way beautification.

Mr. Hanna said **right-of-way beautification** is needed for economic development. He referred to LID's and the need for beautification in the city. One example is the Rail Road right-of-way which is a distraction. He recommended having residents participate in a program to plant a tree to help beautify Rexburg. The South exit has water; this would allow for the planting of crab-apple trees every 30 feet along Hwy 20. Individuals could buy and plant a tree as a family to

beautify Rexburg; also, mowing the medians would be nice. The state mows the exit interchanges once a year. We have one of the most neglected interchange curb appeals in the state.

Council Member Egbert asked what size tree, and the cost? Mr. Hanna said a five foot tree would cost about \$20; with a placement of about every 30 feet. How many trees? 2000/30 feet = 70 trees on each side of Hwy 20. The total cost would be for about 200 trees. Council President Mann said they reviewed the entryway issues on their drive around last week. He thought it was a great idea. Mr. Hanna asked for a mowing commitment from the city. Hwy 20 Medians could be mowed.

Economic Development Director Johnson clarified the discussion with ITD focuses on the outside of the street along the fence line.

Mr. Hanna said this would be a time for citizens of Rexburg to make an investment in the beautification of the city. He would plant a tree for each of his five children.

Council Member Erickson referred to Ucon’s tree planting project; it is a similar their project.

Mr. Hanna said the state will not allow new development to replace the state hwy border fence which is a field fence. The proposed trees would do well in this environment. It is an attractive tree. He asked the city to provide the water.

Second issue: Planning and Zoning timing to get a proposal. He started a proposal in April; Planning reviewed it May 06, 2010; City Council will hear it June 02, 2010. It was unanimous at Planning and Zoning that he asked to expedite the process. It detracts from Economic Development by being too laborious.

Staff Reports:

A. **Public Works:** – John Millar

1. North Hill water project is completed and in service. Final cost is below original bid.
2. 7th South signal is under construction. The holes are dug for the poles. The project is moving along well, with 6 weeks to complete.
3. 12th West utility extension project is under construction. It is moving along well. Widening and reconstruction of the road is coming next. Everything is on schedule.
4. Airport hanger restrooms are requested on the north end of the Airport. An extension of the sewer line with hookup fees will be required. The use of the hangers is closely monitored to keep the hangers used only for airplanes. The money would come from the wastewater fund reimbursed by hookup fees. Mayor Woodland confirmed the money would be recovered by revenue from sewer system connections.

Council President Mann had a concern; he said the hangers are used for airplanes. He didn’t understand why there would be a need for restrooms for the airplanes. Council Member Erickson understood the need for the restrooms; people work there all day and they practically live there.

BID PROPOSAL

Engineers Estimate

Airport Rd. Sewer Extension	Unit	Bid Quantity	Unit Bid Price	Bid Amount
Sewer				
Gravity Sewer Pipe - 8", SDR 35	LF	80	\$ 10.00	\$ 800
C 900 (150 psi) Pressure Class Pipe	LF	20	\$ 25.00	\$ 500
Gravity Sewer (Trenching/ Backfill)	LF	100	\$ 30.00	\$ 3,000
48" Sanitary Sewer Manhole Type A	EA	1	\$ 2,500.00	\$ 2,500
Street Crossing	LF	25	\$ 150.00	\$ 3,750
Connection to Existing Manhole	EA	1	\$ 800.00	\$ 800
			Total	\$11,350.00

Recovery

Unit Bid Price	Bid Amount	Unit Bid Price	Bid Amount	Unit Bid Price	Bid Amount
\$ 9.95	\$ 796	\$ 16.25	\$ 1,300	\$ 16.00	\$ 1,280
\$ 18.75	\$ 375	\$ 22.60	\$ 452	\$ 37.00	\$ 740
\$ 18.99	\$ 1,899	\$ 32.00	\$ 3,200	\$ 44.00	\$ 4,400
\$ 1,200.00	\$ 1,200	\$ 2,150.00	\$ 2,150	\$ 1,600.00	\$ 1,600
\$ 118.50	\$ 2,963	\$ 40.00	\$ 1,000	\$ 45.00	\$ 1,125
\$ 575.00	\$ 575	\$ 800.00	\$ 800	\$ 650.00	\$ 650
Total	\$7,807.50	Total	\$8,902.00	Total	\$9,795.00

DePatco

Unit Bid Price	Bid Amount
\$ 7.00	\$ 560
\$ 14.00	\$ 280
\$ 44.00	\$ 4,400
\$ 1,900.00	\$ 1,900
\$ 95.00	\$ 2,375
\$ 400.00	\$ 400
Total	\$9,915.00

Hill and Son

Jerome Bowen

Zollinger

HK

Unit Bid Price	Bid Amount						
\$ 25.38	\$ 2,030	\$ 5.49	\$ 439	\$ 24.00	\$ 1,920	\$ 10.00	\$ 800
\$ 25.00	\$ 500	\$ 23.00	\$ 460	\$ 30.00	\$ 600	\$ 18.00	\$ 360
\$ 30.00	\$ 3,000	\$ 42.87	\$ 4,287	\$ 45.00	\$ 4,500	\$ 63.00	\$ 6,300
\$ 1,300.00	\$ 1,300	\$ 1,636.16	\$ 1,636	\$ 1,800.00	\$ 1,800	\$ 2,500.00	\$ 2,500
\$ 180.00	\$ 4,500	\$ 192.31	\$ 4,808	\$ 150.00	\$ 3,750	\$ 381.00	\$ 9,525
\$ 750.00	\$ 750	\$ 543.00	\$ 543	\$ 800.00	\$ 800	\$ 1,100.00	\$ 1,100
Total	\$12,080.40	Total	\$12,173.11	Total	\$13,370.00	Total	\$20,585.00

Council Member Sutherland moved to accept the low bid from Barney Towing for **\$7,807.50** to extend Airport sewer line; Council Member Egbert seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Those voting nay

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

Council Member Mann

The motion carried.

B. Finance Department: – Richard Horner

Finance Officer Horner passed out the monthly budget report through the end of April.

**CITY OF REXBURG
 FY 2010**

**BUDGET SUMMARY REPORT
 7 months ending 4/30/2010**

Budget vs EXPENSES	BUDGET	ACTUAL	58%	FORECAST	Forecast
OPERATING DEPARTMENTS & FUNDS					
Mayor, Council & Economic Development	296,600	148,260	50%	253,900	42,700
Economic Development	287,500	120,081	42%	265,200	22,300
Customer Services	239,800	142,414	59%	242,100	-2,300
Information Technology	176,400	104,081	59%	177,900	-1,500
Financial Management	613,800	357,617	58%	609,800	4,000
Legal Services	195,500	109,811	56%	192,300	3,200
Planning & Zoning	96,400	54,390	56%	107,600	-11,200
Building Safety	634,300	364,262	57%	618,700	15,600
GIS	350,400	192,407	55%	343,800	6,600
Emergency Services	2,020,900	1,044,369	52%	2,063,900	-43,000
Golf Courses	473,100	201,044	42%	457,300	15,800
Parks & Ball Diamonds	372,600	123,641	33%	368,700	3,900
Recreation Administration & Programs	354,600	93,279	26%	292,600	62,000
Miscellaneous: MYAB, Airport, Legacy Flight Museum	276,000	87,607	32%	131,000	145,000
Police Department					
Administration Division & Fund 09	851,000	502,401	59%	877,700	-26,700
Patrol Division & Funds 13	1,485,100	886,923	60%	1,479,700	5,400
Investigations Division	541,400	328,855	61%	560,400	-19,000
Community Services Division & Funds 08,11,14	448,200	239,779	53%	436,800	11,400
Total Police Department	3,325,700	1,957,958	59%	3,354,600	-28,900
Public Works					
Public Works Director & Engineering Shop	405,500	238,989	59%	415,000	-9,500
Sanitation	263,300	162,512	62%	271,100	-7,800
Water	1,583,300	759,531	48%	1,480,600	102,700
Wastewater	1,824,900	804,097	44%	1,726,300	98,600
Street Operations	3,280,900	1,509,591	46%	3,057,700	223,200
Street Repair	1,441,900	689,772	48%	1,340,200	101,700
Contracts	224,600	258,292	115%	725,700	-501,100
Total Public Works	9,024,400	4,422,784	49%	9,016,600	7,800
TOTAL OPERATING DEPARTMENTS & FUNDS	18,738,000	9,524,005	51%	18,496,000	242,000

Council President Mann asked about Planning and Zoning revenues. There is lack of consistency; the department can't maintain current levels of expense without offsetting revenue. Finance Officer Horner explained the revenue carryover from last year for the department. Tax

revenues come in July and the water revenue comes in the summer. There are some impact fees coming into the city with building permits.

Council Member Erickson asked if the city will have the revenue in 2010 as budgeted. Finance Officer Horner said it looks fine. Council Member Erickson said the revenue looks good. Will the city have the needed revenue to cover the budget? Finance Officer Horner explained sales tax revenue is down \$60,000 and other revenue is up. The budget is looking fine.

Discussion on the report by fund.

Calendared Bills and Tabled Items:

- A. **BILL Introductions:** - NONE
- B. **First Reading:** Those items which are being introduced for first reading.
 - 1. **BILL 1029 repealing Ordinance 709** for business registrations including non-permanent vendor regulations - Staff

Mayor Woodland introduced BILL 1029.

City Attorney Zollinger reviewed the BILL; City Clerk Kay and Compliance Officer Natalie Powell put the BILL together. Mayor Woodland asked if it would restrict business.

Discussion: City Clerk Kay gave the example of hot dog stands seeking a location; this BILL would allow the city to designate certain locations in Rexburg for portable types of business activity. Those locations are not yet identified; the BILL allows for that opportunity. The hot dog vendor is looking for a spot to maximize his business.

Questions arose concerning people selling their own produce; for example on the side of the highway. City Clerk Kay clarified BILL 1029 contains the same phraseology for vending. City Attorney Zollinger explained the BILL contains protections for girls selling girl scout cookies, and other instances regarding temporary/seasonal vendors. The taco bus was required to pave a certain portion of the parking lot on 4th South because they were staying in that location for more than six months.

Continued discussion:

City Attorney Zollinger explained the locations for regulated use include such vendors as Mobile vendors, Seasonal vendors, and temporary vendors, etc. The fees are to be charged just as any other business, from the fee schedule. A normal business has a fee of \$20.

Some business are regulated by restrictions in the building code. Community Development Director Christensen said having the ability to choose locations helps the city's ability to look at parking lots or areas where parking is already tight. They can be looked at individually for parking compliance. Community Development Director Christensen gave the example of selling shaved ice at the Carousel at Porter Park. There are different views to consider at a location; to see whether they are hazardous to children, parking issues, etc. The best places for a particular type of portable business can be selected. Seasonal vendor are on site more than 14 days, but less than 180 days. Once they are in a location over 180 days, they will need to comply with structure requirements. The Taco Bus is an example of a structure, which is inspected. The only thing they were exempted from was a lavatory facility. It is a temporary structure up to one year.

Council President Mann wanted to protect brick and mortar stores.

Council Member Mann moved to first read BILL 1029 repealing Ordinance 709 for business registrations including non-permanent vendor regulations; Council Member Egbert seconded the motion; Discussion: all voted aye, the motion carried.

- C. **Second Reading:** Those items which have been first read.
 - 1. BILL 1047 for the creation of LID40

2. **Council President Mann** moved to consider BILL 1047 for the creation of LID40 second read; Council Member Erickson seconded the motion; Discussion: Council Member Stout asked if the LID areas are set and confirmed now that they have finished the public hearing. Mayor Woodland said it can be challenged, even at the third reading. Council Member Erickson said they cannot add to, but they can take away from the LID. Finance Officer Horner explained that someone could be added to the LID after a public hearing if they volunteer to be added. Mayor Woodland called for a vote:

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

The motion carried.

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:

Council President Mann mentioned a request for community gardens at Evergreen Park; the proposed grass area across the street.

Public Works Director Millar explained there is water available; however, there is not a lot of spare space, only 323 feet by 225 feet. A soccer field would need a 20 foot high fence; not much space for gardening. The map was reviewed on the overhead screen concerning Evergreen Park.

City Attorney Zollinger was able to show City Council the area, explaining parking specifically the ideal amount of spaces needed; the area could accommodate approximately 40 parking stalls. Council Member Benfield asked about a possible garden. Council Member Mann said they should ask the Green Family for permission.

Mayor Woodland reviewed 2011 Budget meeting which are covering some hard issues. He commended the staff for their hard work to prepare budgets. He thanked everyone for coming to participate in city government.

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. May 05, 2010 and May 13, 2010 meetings
- B. Approve the City of Rexburg Bills
- C. Appointment of Shawn Bagley to the Legacy Flight Museum Board; replacing John Bagley.

Mayor Woodland asked the City Council if they had any concerns with the Consent Calendar.

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

Council Member Sutherland moved to go into Executive Session per Statute 67-2345 (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Benfield seconded the motion;

Mayor Woodland asked for a roll call vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Executive Session.

Executive Session ended.

Adjournment

Attest:

Richard Woodland, Mayor

Blair Kay, City Clerk