

City Council Meeting

October 06, 2010



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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October 06, 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

4:30 P.M. – 6:30 P.M. Drive around to review possible 2011 Street Project, Riverside Aquatic Center, Wastewater Plant Upgrade, etc.

The City Council drove through some city streets looking at proposed projects for 2011. Streets reviewed included:

1. Pioneer Road reconstruction
2. 5th West (North of Main Street overlay and South of Main Street reconstruction)
3. 4th South reconstruction
4. 2nd South reconstruction
5. 7th South widening
6. 6th South reconstruction
7. 3rd West reconstruction
8. 2nd West reconstruction
9. 2nd North reconstruction
10. North 1st East reconstruction
11. Valley River Drive overlay
12. 3rd East reconstruction
13. Tera Vista Drive reconstruction
14. Millhollow Road overlay

The street projects will be prioritized and worked into the budget as funds become available with the following street projects prioritized first.

1. Pioneer Road
2. 5th West
3. 7th South
4. 4th East
5. 2nd South

Street Projects currently being completed were reviewed including 12th West reconstruction and the 2nd South Hemming Project reconstruction.

Riverside Park report: Johnny Watson from JRW & Associates toured the Riverside Park Aquatic Park construction site with City Council. He noted several buildings under construction located adjacent to a new swimming pool with associated aquatic amenities to be constructed before next summer. The project is ahead of schedule and it is planned to be completed by Memorial Day, 2011.

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

Riley Webb of the Boy Scouts led the Pledge.
Ashley, a student from Tampa, Florida, gave the opening prayer.

Roll Call of Council Members:

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

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

Kenneth Burt at 1339 Meadow View Avenue, representing Rexburg Heights’ Sewer District discussed his concerns with a billing to repair the wastewater line in Rexburg Heights. He referred to a letter he wrote in response to the repair billing for the sewer district. Public Works Director John Millar sent a letter to the residents of the neighborhood, notifying them they would be billed individually for repairs to the sewer line because they did not have a sewer district. Mr. Burt replied to the letter, stating the neighborhood does have a sewer district to provide routine maintenance. The city charged members of the sewer district for the repair to fix the sewer blockage, which was caused by the lack of regular maintenance. A similar repair was completed in 2008. He was concerned by the need for another repair so soon. If regular maintenance was kept, this repair would not be necessary.

Kenneth O. Burt
1339 Meadowview Ave
Rexburg, ID 83440

May 17, 2010

John Millar
Public Works Director
City of Rexburg
35 N 1st E
Rexburg, ID 83440

Dear John,

I received your letter of May 13, 2010 informing the owners of lots in the Rexburg Heights Sewer District. I would like you to reconsider the charge and credit any charges back to the property owners.

If the Sewer District was disbanded, the City must have assumed ownership of the sewer system, because a sewer district cannot be discontinued unless a municipality takes over ownership and maintenance of the sewer system. In that case, the City of Rexburg is responsible for the maintenance and repairs.

Since the completion of the sewer system, the City has taken care of occasional maintenance repairs as required by the agreement. I assume there haven’t been any parts requirements that exceeded \$100 because we haven’t been charged for any of the repairs. I am trying to understand how this repair is different than the others that have been completed that would change the need to charge us for the maintenance.

If there were parts charges in excess of \$100.00, we need to know what those charges are so we can agree to pay for the parts, as per the agreement you cited. One thing that needs to be considered, is the lack of regular maintenance of our system. Part of the agreement is that the City is to perform regular maintenance to keep the system in proper operating order. I understand that cleaning the lines occasionally is required to keep tree roots from clogging the lines. If that maintenance is not completed, we shouldn’t have to be responsible for repairs due to a lack of maintenance.

A precedence has been established in the last 15 years that repairs like this one will be taken care of by the city. The agreement between the city and the sewer district is clear that this is an expense that should be born by the City. Please credit our accounts. Thank you for taking care of this promptly.

Sincerely

Ken Burt
Rexburg Heights Sewer District

cc. Mayor Woodland
Members Rexburg Heights Sewer District

Mr. Burt has refused to pay his billing for the repair because the sewage contract states that maintenance is paid for by the city. The 2008 repair billing was waived after Mr. Burt discussed the contract with the Finance Department. He has noticed the city workers completing other neighborhood sewage projects in the past and he was not billed for any other repairs. He read from the maintenance agreement with the city. Major repairs would be done by the city; however, the sewer district would be billed for materials and equipment repair. He referred to discussions with John Millar concerning the maintenance agreement. Each unit was billed \$59.22; the total bill is approximately \$2,000. The sewer district asked the city to do the repair.

Council Member Erickson asked about the issues concerning the sewer system. The sewer district paid for the sewage system to be installed. The city was involved with the design, but installation was done was an outside construction company.

Public Works Director Millar said a section of line was installed to correct the problem; so it was not a minor repair. The city has cleaned several lines with root intrusion in the sewer district. In the contract, this type of repair is excluded.

Council Member Egbert asked if regular maintenance would have prevented the need for replacing a section of the line. Public Works Director Millar stated the city has completed maintenance in that area. The City Council encouraged Mr. Burt to take up the issue with the City's legal council.

Gary Benson at 620 Parks Street is a member of the Romance Theatre Committee. They would like to stage a zombie parade October 28th for anyone in the community. It would bring a lot of interest and business to the downtown area. It is to draw attention to the Romance Theatre.

Council Member Erickson moved to allow the zombie parade on October 28th; on the condition there are dress standards; Council Member Stout seconded the motion; Discussion: Council Member Benfield said the police have closed off half of Main Street in the past. The City Clerk recommended a public gathering permit; Council Member Erickson amended his motion to require a public gathering permit; Council Member Stout seconded the motion;

Mayor Woodland asked for a vote:

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

The motion carried.

Council President Mann wanted to get more information for City Council on Mr. Burt's request after the Legal Department meets with Mr. Burt.

Presentations: - NONE

Committee Liaison Assignments for 2010:

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

Council Member Stout reported the Trails Committee postponed the Spud Race.

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

Council Member Egbert had nothing to report.

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

Council Member Sutherland had nothing to report.

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

Council President Mann reported the Mayor’s Youth Advisory Board met and discussed the annual Masquerade Ball. It will be held October 23rd at the Carousel in Porter Park. Rexburg Pride Days is planned for the 28th of October. Emergency Services Board has not met.

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

Council Member Benfield reported on the Romance Theatre remodel. They are in the middle of a major renovation. The Romance Theatre Committee is really close to coming to an agreement about the new marquee. The School Board is meeting tomorrow night.

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

Council Member Erickson reported the Golf Board met to discuss the financial report. It was not as good as he expected. They will only make an \$18,000 payment on a \$60,000 expected payment. They are paid one year ahead anyway. To cover winter expenses they have \$142,000, which is better than some past years. Planning & Zoning has an item on the agenda tonight. The Rexburg Development Agency has not met.

Mayor Woodland recognized the Boy Scouts attending the meeting.

Public Hearings:

A. 7:30 P.M. BILL 1055: Amend the Rexburg Development Code:

1. Chapter 2 Section 2.1 to add Medium Density Residential (MDR) Zones and Mixed Use (MU) Zones to the Pedestrian Enhancement (PEZ) Zones;
2. Chapter 3 Section 3.9.080 (minimum yard requirements shall apply in the High Density Residential One (HDR1) Zone): Yard Requirements to reduce “parking lot” front yard setbacks to ten (10) feet;
3. Chapter 3 Section 3.10.080 (minimum yard requirements applying in the High Density Residential Two (HDR2) Zone): Yard Requirements to reduce “parking lot” front yard setbacks to ten (10) feet;
4. Chapter 3 Section 3.14.020 (Mixed Use Two (MU2) Zone Permitted Conditional Uses – add Code 6379 Household Goods, Warehousing and Storage);
5. Chapter 4: Supplementary Regulations Section 4.4 (Accessory Buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings or taller than ten (10) feet in height); and other miscellaneous changes to clarify the Development Code.

Mayor Woodland reviewed the planned changes (Items 1-5) to the Development Code.

Mayor Woodland opened the public hearing.

Staff Report:

Compliance Officer Natalie Powell represented the Planning Department. She reviewed a handout that highlighted the changes to the Development Code. Items two and three are identical. Item four would allow a Conditional Use Permit; projects would need to be presented to City Council in each case prior to approving a Conditional Use Permit (CUP). City Council would be allowed to give instructions regarding landscaping and other areas of concern that have come up in City Council meetings in the past. Item five represents a new change that will appear in the International Building Code in January. The Development Code currently allows for a building of only 120 square feet to be built without a permit; anything larger requires a permit and must follow specific regulations. Compliance Officer Powell mentioned a member of the Planning & Zoning Commission was in attendance and could also assist with any questions.

Planning & Zoning Commissioner Thaine Robinson at 390 Maple Dr. explained “Mixed Use” has been added for growth around the University. This would allow someone to take advantage of both the Pedestrian Emphasis Zones and the Mixed Use “MU2” for Medium Density Residential; however, a Conditional Use Permit and public hearing would be required for approval.

Council President Mann clarified this would allow for more types of developments in the PEZ District than the City Council created. He asked if the City Council is being taken out of the approval process. Planning & Zoning Commissioner Thaine Robinson explained this is not a “Mixed Use Zone” change; for someone to request a zone change it would have to come before City Council. At this point only HDR is allowed in the PEZ Zone. This will allow for lower density as well as HDR.

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.

Mayor Woodland asked for any discussion from the City Council. He called for a motion:

Council Member Stout moved to approve all of the changes to the Rexburg Development Code as presented; Council Member Egbert seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

Council President Mann

The motion carried.

Items for Consideration:

- A. Ordinance 1056 Rezone Pioneer Village** at 591 Pioneer Road, approximately 594, 595, & 625 Handcart Lane from CBC to MU2 – Jon Gregory

Natalie Powell indicated the property has 3.41 Acres. The request is to change the zoning from Community Business Center (CBC) to Mixed Use Two (MU2). She explained the surrounding area is currently High Density Residential to the west, Light Industrial to the east, and Community Business Center on all other sides. The Preferred Land Use Map identifies the property as Neighborhood Commercial Mixed Use; therefore the request is compliant with the current Comprehensive Plan. They do not feel the change will have any negative effect. City Engineers felt the infrastructure was adequate. Planning & Zoning did not have any problems with the request and they felt it was a good use for the area.

Jon Gregory (applicant) at 204 West 225 North in Blackfoot indicated they are asking for a Mixed Use Two (MU2) Zone. He reiterated the request is in line with the current Comprehensive Plan.

Council President Mann moved to approve the rezone of Pioneer Village at 591 Pioneer Road, approximately 594, 595, & 625 Handcart Lane from CBC to MU2; Council Member Stout seconded the motion;

Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

- B. Block Grant application** for a pressurized sewer line – Development Company (Rick Miller)

Rick Miller reviewed the process to make an application for a Block Grant from the State Department of Commerce. The city meets LMI standards, which means over half the city has low or moderate income. This makes the city eligible to apply for the Block Grant to fund this sewer project. The best way to help the city offset some of their costs is to apply for a pressurized line. The public facility grant cycle will start in November. The city will need to go through a certified grant administrator. The City Engineering Department will work on a feasibility study. A Block Grant gives about \$500,000. The plans are about 50% complete with a total cost of about \$2,000,000.

Council Member Benfield asked if there was any competition with the county's Block Grant application. Rick Miller explained there would not be competition for grant funds; they are two separate application processes and two separate entities. Council Member Erickson asked if the city or the Development Company would make the application. City Council can decide who they would like to have prepare the application; it can be prepared by a certified grant administrator of their choosing.

Council Member Erickson stated the city has to sponsor the block grant. He expressed concern with applying while the county is applying for a similar grant. Council Member Sutherland explained the two grants are apples and oranges. They both come from the Department of Commerce; however, there are two different needs and two different benefits. The qualifications are totally different. Block Grants require matching funds.

Public Works Director John Millar said this is a city project. The Development Company is not involved in this proposal tonight. This is a continuation of the Wastewater Treatment Facility project.

Discussion on the grant and application process.

Council Member Sutherland shared that with the grant application a presentation must be made application.

Council Member Stout moved to approve the application process to seek a Community Block Grant as discussed; Council Member Egbert seconded the motion; Discussion: A grant administrator would need to be selected. **Mayor Woodland** asked for a vote:

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

The motion carried.

Staff Reports:

A. **Public Works:** – John Millar

1. Approve Fall Cleanup from (October 11 to November 12)
Discussion: Depends on a hard frost to determine the best time for yard cleanup.

Council Member Erickson moved set the fall yard cleanup dates from October 11, 2010 to November 12, 2010; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

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

The motion carried.

Public Works Director Millar reported on current Public Works Projects:

- A. 12th West paving is complete; the sewer manholes and water valves are being raised back to grade and will be completed next week. Striping of the road should be done by next week as well, depending on the weather. There are indications the project will come in under budget.
- B. Wastewater Treatment Facility project is progressing. Staff members met with the judge last Monday and he gave confirmation about the money for the project that is now available. All of the equipment is here except for the distributor. The remainder of the project is moving along on schedule. It should be completed by late November.
- C. Sewer lines are being installed on 6th South.
- D. The Riverside Aquatic Facility was reviewed by City Council during the drive around meeting. The project is ahead of schedule. As long as the weather is good they will be working until it gets dark.

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

1. Monthly Budget Report

Finance Officer Horner reviewed end of the fiscal year issues for the year end report which will come under budget. The report is not done.

Calendared Bills and Tabled Items:

- A. **“LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:**
 1. **Ordinance 1054 Rezone** 208 East 3rd South from LDR2 to MDR2 (approved September 1st)
 2. **Ordinance 1056 Rezone Pioneer Village** at 591 Pioneer Road, approximately 594, 595, & 625 Handcart Lane from CBC to MU2
- B. **BILL Introduction:** - **“BILL 1059 Adopt International Building Code 2009”** – Staff
- C. **First Reading:** Those items which are being introduced for first reading.
 1. **BILL 1055 Amend Ordinance 1026** (Add Medium Density Residential and Mixed Use to Pedestrian Enhancement Zone)

Council President Mann commented regarding his vote on Ordinance 1054. He asked for more information and more notice to make informed decisions in the future.

Council Member Erickson moved to first read BILL 1055 Amending Ordinance 1026 (Add Medium Density Residential and Mixed Use to Pedestrian Enhancement Zone); Council Member Stout seconded the motion; Discussion: Council Member Stout said these items have been before the City Council previously. **Mayor Woodland** asked for a vote:

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

The motion carried.

2. **BILL 1057 Cable TV Franchise Agreement with Cable One, Inc. Deferred.**
3. **BILL 1058 Prohibiting Synthetic Cannabis (Spice or K2): The Use, Manufacture, Possession, and/or Delivery of Certain Intoxicating Chemical Substances**

Assistant City Attorney Aaron Davis asked **Patrol Assistant Supervisor Chuck Kunsaitis** to give a presentation on Spice or K2. Mr. Kunsaitis reviewed some issues on the overhead screen. It is a synthetic material sprayed with a compound that imitates THC, which is the psychoactive ingredient in marijuana. He discussed the ingredients of Spice.

I. Intoxicating chemical substances:

1. Definition and application: As used in this ordinance:

- (a) *“Intoxicating chemical substance” shall only mean one or more of the following chemical compounds or their analogs or homologs, whether isolated or contained in any liquid, fiber, paper, powder, solution, herbal or plant material, aerosol, plasma, incense or other medium:*
- i. 1-pentyl-3-(1-naphthoyl) indole (JWH-018); naphthalen-1-yl-(1-butylindol-3-yl) methanone (JWH-073); 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP 47,497); OR*
 - ii. any artificial chemical substance simulating, copying to a significant degree, or emulating any of the compounds listed in section 1(a)(i) of this ordinance, or any substance regulated or governed by Idaho Code Title 37, Chapter 27, which substance itself is not presently regulated by that Chapter, capable of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of the brain or nervous system as a result of the ingestion, injection into the bloodstream, or inhalation of the fumes or vapors of such chemical substance; OR*
 - iii. for purposes of sections II(1)(a), II(1)(b) and II(1)(d) only, any substance or product labeled “Not for Human Consumption,” or any other label warning against humans introducing that substance or product into the body.*
- (b) *“Paraphernalia” shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in injecting, ingesting, inhaling, or otherwise introducing into the human body, an “intoxicating chemical substance” (as that term is defined herein).*
- (c) *Application. Nothing in this ordinance shall be construed to include, govern over, or regulate any controlled substance or item of drug paraphernalia regulated by the provisions of Idaho Code Title 37, Chapter 27, the Uniform Controlled Substances Act.*

Patrol Officer Eric Wheeler explained “Spice” has been sold legally and locally. It is marketed as an incense product, although it is not intended for that purpose. Spice is usually smoked. It can also be added to liquid and made into a drink. As far as the Police Department is aware, it is no longer being sold commercially in Rexburg; however, there are still individuals selling it. They are 1 – 3 gram packages. The substance was being sold at a more expensive price than marijuana, but now it is more common so it is sold for less. It has been called a “fake weed,” but it is a lot different. The difference is how it is mixed and what ingredients are used to mixed with it. It is as highly addictive as cocaine, heroin or meth. Signs you will see are anxiousness, hallucinations, paranoia, edginess, and other clinical signs.

Patrol Assistant Supervisor Chuck Kunsaitis said it is really prevalent in Madison County. In local drug offender programs, Spice usage rates almost 100%. Many users have tried it. Smoking is the fastest way to ingest it. Users reported symptoms including light headedness, tremors, seizures, nausea, and poison-like symptoms. There are so many compounds in the substance that it can cause many adverse reactions. Users are typically high for 4-8 hours. They can experience panic attacks with possible adverse effects on the heart, circulation and the Central Nervous system.

Patrol Officer Wheeler said people needing a clean urine analysis (UA) (including people on probation, military personnel, etc) show up using Spice. It has not been tested for in most urine tests. Because it is not illegal, it has also been used by kids who are too young to get tobacco.

Some of the brands and names include: Yucatan Fire, Cotton Candy, AK47, Spice, K2, Black Mamba, Euphoria, Zohai, Magma, and Blaze. It is smoked with pipes, rolled, with bong, orally, mixed in drinks, etc. It has been advertised and sold in many ways, including: “Spice in Rexburg” site on Facebook; fliers passed out on cars with phone numbers, convenience stores, gas stations, etc. It was made illegal in Europe 10 years ago. Idaho is planning on a temporary ban.

Patrol Assistant Supervisor Kunsaitis said it is already here and it is being used. There is a huge following, you can get it online.

Assistant City Attorney Aaron Davis explained the purpose of this ordinance is to curb a very dangerous substance. It is to get the young ones to say, “No, that’s illegal.” It is already illegal for the youth under the huffing statute. He showed a web site that advertised home delivery of the substance in Idaho cities, including Rexburg, with a 45-minute delivery guarantee. It is on Craig’s List and all over.

The ordinance being presented tonight is not a “Spice” ordinance; it was inspired by Spice. One chemical change takes these substances out of the Board of Pharmacy’s schedule. The schedule is a rating system used to determine the severity of drugs. Substances like Spice have gone through a slight formula alteration from more common drugs. This ordinance is broad enough to include other formula-altered drugs, not just Spice. The ordinance includes a clause that forbids the use of substances not intended for human consumption.

Attorney Aaron Davis further described the details of the ordinance. The three offenses include being under the influence, in possession of, or having paraphernalia with the intent to use or attain possession of the substances. Offenses also include delivering and manufacturing.

Attorney Davis acknowledged City Council is being asked to suspend the rules tonight because this is an urgent issue. This substance abuse is dangerous and wide spread. He referred to youth who are involved in an addiction program as part of paraphernalia dismissals; six out of six of these youth are Spice users. In a tobacco addiction recovery program, five out of five youth are also current Spice users. Police have heard that it is commonly seen and passed around in middle schools.

The Board of Pharmacy has asked the Governor to enact a temporary order. The Governor’s office has announced it will go into effect October 15th and it will stay in place until the legislature is out of session. They will place three substances in the Board of Pharmacy schedule at the same severity level as marijuana. The soonest a law could be put into place is next April, and that is only on an emergency order. It will take months and only the three substances the Board of Pharmacy has identified will be made illegal. The ordinance will be more thorough in not allowing any altered substances. This community will not accept this dangerous behavior.

Council Member Erickson asked if the ordinance takes care of the current problem. Attorney Davis stated that it was written to be as broad as possible to include any future alterations in substances.

Council Member Erickson moved to suspend the rules to consider BILLS 1054; 1056; and 1058; Council Member Stout seconded the motion; **Mayor Woodland** asked for a roll call vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Council Member Sutherland moved to approve **BILL 1058** Prohibiting Synthetic Cannabis (Spice or K2): The Use, Manufacture, Possession, and/or Delivery of Certain Intoxicating Chemical Substances; Council Member Erickson seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

Council Member Stout moved to approve Ordinance 1054 to rezone 208 East 3rd South from LDR2 to MDR2 (approved September 1st); Council Member Erickson seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

Council Member Erickson moved to approve Ordinance 1056 Rezone Pioneer Village at 591 Pioneer Road, approximately 594, 595, & 625 Handcart Lane from CBC to MU2; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

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

The motion carried.

- A. Second Reading:** Those items which have been first read. – NONE
- B. Third Reading:** Those items which have been second read.
 - 1. **BILL 1053** Electronic Pawn Tracking Ordinance

Council President Mann moved to third read and approve **BILL 1053** for the “Electronic Pawn Tracking” Ordinance; Council Member Egbert seconded the motion: Discussion: Council Member Sutherland asked about any changes being made to the ordinance. Legal Council adjusted the previous areas of concern. Mayor Woodland asked for a vote:

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

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:

A. Proclamation No. 2010-03 “Resident’s Rights Week 2010”

Eastern Idaho Community Action Agency requested the proclamation.

NATIONAL LONG-TERM CARE
“RESIDENTS’ RIGHTS WEEK 2010”
Defining Dining... It’s about me

PROCLAMATION
No. 2010 – 03

WHEREAS, there are more than 1.6 million individuals living in 16,000 nursing homes; and one (1) million individuals living in 50,000 board and care/ assisted living facilities in the U.S.; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individually, and to reaffirm their rights as community members and citizens, including the right to have a say in their care; and

WHEREAS, individuals and groups across the country will be celebrating Residents’ Rights Week with the theme – “Defining Dining: It’s About Me” – to emphasize the importance of affirming these rights through facility practices, public policy and resident-centered decision-making that impacts quality of care and quality of life.

NOW, THEREFORE, I, RICHARD WOODLAND, MAYOR of the City of Rexburg, Idaho, do hereby proclaim October 03rd to October 9th, 2010, as **National Long-Term Care Residents’ Rights Week**, in the City of Rexburg, Idaho, and encourage all citizens to join me in these important observances.

ATTEST:

Richard Woodland
Mayor

Blair D. Kay
City Clerk

Council Member Stout moved to ratify Proclamation No. 2010-03 “Resident’s Rights Week 2010”; Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

B. Safety Program amendments

Finance Officer Richard Horner presented the proposal to amend the Safety Program. Rules and Definitions Item No. Four (4) on the mission statement has been added. It was reviewed with Mayor Woodland. Basically, it is more effective in helping to reduce safety problems in the city.

Employee Groups:

1. *Fire/Ambulance Personnel*
2. *Police Personnel*
3. *Public Works, Parks, and Recreation Personnel*
4. *Building and Engineering Inspectors*
5. *Office Workers of All Departments (Personnel spending >90% of their time in an office).*

Rules and Definitions:

4. *Safety Training Meetings:*
 - a) *Monthly by Groups 1-4; Group 5 is not required to meet*
6. *Risk Assessments are defined as:*
 - a) *Must identify a hazardous or unsafe condition, situation, or city work procedure. This applies to anything under City jurisdiction where the city, its citizens, employees or their property can be damaged.*
 - b) *Must be documented and submitted to the Group Safety Coordinator immediately so that the condition might be addressed as soon as possible, but no later than the first business day following the end of the quarter.*

Council Member Erickson moved to approve the Safety Program amendments; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

C. City of Rigby “Mutual Aid Agreement”

Mayor Woodland reviewed the planned “Mutual Aid Agreement” with the City of Rigby. He asked for a motion.

Council Member Sutherland moved to approve a “Mutual Aid Agreement” with Rigby; Council Member Egbert seconded the motion; Discussion: Council Member Erickson said it has never been invoked, although it has been in place for a long time. It is a compliment to both cities that these services have never been needed. Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Mayor Woodland reviewed the city street issues. The City Council did a tour of planned street repairs for 2011. They also toured the Riverside Park Aquatic Center which is under construction.

Visual Aids for the front conference room at City Hall: IT Director Steve Christenson proposed to add a permanent computer with monitor, etc. for \$900.00; plus a projector or 47 inch LED TV. He recommends the LED TV, which would cost around \$700.00; the projector costs about \$550.00. A laptop could be used with this system by visitors. Council Member Egbert said BYU-I media applications have gone to TV’s for this type of setting. IT Director Christenson asked to charge it to the building. Finance Officer Horner explained the possible funding sources.

Council Member Erickson moved to approve adding visual aids to the front conference room including a permanent computer with monitor, etc. for \$900.00; a 47” LED TV for \$700.00;

contingent upon funding coming from each department; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

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:

- B. September 15, 2010 meeting
- C. Approve the City of Rexburg Bills

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

Those voting aye

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

Those voting nay

None

The motion carried.

Council Member Stout moved to go into Executive Session per Statute 67-2345 (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; Council Member Erickson seconded the motion;

Mayor Woodland asked for a roll call vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Executive Session.

Executive Session ended.

Adjournment

Richard Woodland, Mayor

Attest:

Blair D. Kay, City Clerk