

City Council Meeting

June 15, 2011

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CITY OF
REXBURG
America's Family Community

June 15, 2011

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

6:00 P.M. Joint Work Meeting City Hall – Planning and Zoning/City Council

7:30 P.M. City Hall – Pledge to the Flag

Braden Robinson from Troop 156 led the Pledge of Allegiance.

Emily Perks from Virginia said the prayer.

Roll Call of Council Members:

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

Council Member Egbert and Council Member Stout asked to be excused.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes): - NONE

Presentations: - NONE

Committee Liaison Assignments for 2011:

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

Council Member Stout was excused.

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

Council Member Egbert

Bob Yeatman reported on the planned grand opening in July. He asked for a date for the grand opening. Council Member Mann asked to go for an evening opening to allow more public to come to the event. The soft opening will begin next Thursday, June 23, 2011. Council Member Erickson asked to have next Wednesday as an open house. Then have a grand opening in 30 days. Mayor Woodland would like to finish some punch list items before having the public tour. Council Member Benfield said the upcoming baseball tournament will be an opportunity to have the ball players come to the facility. Richard Horner said ...

Johnny Watson from JRW & Associates reported on the new city swimming pool. There is water in the Lazy River at Rexburg Rapids. The slides were tested today by workers. They came out of the tubs at a fast rate. Street paving will be coming up next Monday by HK Contractors. Swimming Lessons will be the upcoming Wednesday. Signage will be completed next week. The fence is completed. There were 220,000 in the Lazy River in four or five hours. The zero entry area is just beautiful. The punch list will have odds and ends like paint touch ups etc. The 30th of June would be a great day to have an open house.

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

Council Member Sutherland reported nothing

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

Council President Mann reported on an Emergency Services meeting this evening. MYAB films Rexburg Days will clean up the new pool. MYAB will be on a truck in the parade along with the City Council.

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

Council Member Benfield reported the Police Department has 113,000 grant from the Pet Smart foundation to help with ... expenses. Safety videos from BYU-I students ... Tracking system for patients with alztimers etc. parking proposal drug box

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

Council Member Erickson reported Planning and Zoning meets tomorrow night. Golf Board had a good report with finances close to a year ago. The weather has moderated bringing a lot of golfer out.

Public Hearings: - NONE

Public Comment:

Lynn Betts read a letter from the Church of Jesus Christ of Latter Day Saints concerning the 75th Anniversary of the churches welfare program. He asked the city to come up with some projects to benefit the city.

Ms. Emily Perk at 387 Airport Road asked if the Legacy Flight Museum activities with the base noise could be curtailed. She said it shakes her house. She asked if the city could help keep the noise down.

Items for Consideration:

A. Approval of Water Lease Contracts – John Millar

Mayor Woodland reviewed the proposal.

City Attorney Zollinger explained the three contracts. Walters pond for recharge; Rexburg Irrigation to transfer the water to the city’s ponds at the nature park for mitigation purposes. Dalin Jeppsen’s mitigation issue to sprinkle on his farm by trading water with the city; It puts the city’s water into a protected state by using the water.

Council Member Sutherland moved to approve the Water Lease Contracts as discussed; Council Member Erickson seconded the motion; Mayor Woodland asked for a vote:

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

The motion carried.

B. Approve [Fireworks Stand](#) Permits and locations – Staff
Mayor Woodland reviewed the proposal.

Council Member Benfield asked for the dates to start selling fire works. City Clerk Kay explained the dates go from June 26th to July 26th.

Council Member Erickson moved to approve the [Fireworks Stand](#) Permits and locations as discussed; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

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

The motion carried.

C. Parking Proposal-Chief Turman

Mayor Woodland reviewed the proposal.

Chief Turman presented a proposal to help downtown businesses a place to park some of their employees. They proposed to sell 105 permits to businesses in the block ... He reviewed the parking locations the “B” Parking Permits could be utilized from 8:00A.M. to 8:00P.M. 25 free parking stalls are on Carlson Avenue and 27 free parking stalls on South 1st East.

The “B” permits would cost the same as the DR permits. He explained the proposal. It will not alleviate all of the problems for the employers.

Mayor Woodland asked for public comment:

Jacob Free runs the Plasma Center said he creates all kinds of parking issues. He reviewed the proposal on the overhead screen.

Chief Turman said the proposed lots from Jacob Free are the heavies use for customer parking.

Julie Ferrin from 500 Edith Circle for 30 College Avenue asked about the use of the parking lot for her tenants. The lot spaces total 83 spaces. Her 40 spaces and the proposed 83 parking spaces Discussion on having enough parking stalls for all of the proposed permits plus the 30 College Avenue permits. City Attorney Zollinger said if the proposal does not work, they can bring the issue back to City Council.

Keith Ferrin from 500 Edith Circle for 30 College Avenue discussed the problem of the shear numbers of overselling the parking lot from 8:00A.M. to 8:00P.M. He asked to open up additional parking lots for the same proposal. He did not think the City could sell 105 permits.

Council Member Benfield discussed the needed parking for Opinionology and their parking area.

Council President Mann was concerned with selling 105 permits. He suggested selling 35 permits to start; one per business. City Attorney Zollinger explained the city has monitored the parking areas recently; ... The parking lots will be monitored to see if they are at capacity or over capacity. He mentioned ... using the Porter's parking lot before 10:00 A.M. He mentioned a future parking lot just off Main Street which will hold 140 parking stalls. The city has more than enough inventory to handle ...

Council Member Benfield move to approve the Parking Proposal as presented with a 30 day review every 6 months; Sutherland seconded; Discussion: Council President Mann asked if problems occur under this proposal, another parking lot could be opened up to help the situation. City Attorney Zollinger said we will work it out. Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

D. Resolution 2011 – 07 [Rexburg Community](#) Access Network Initiative - Staff

Mayor Woodland reviewed the proposal.

Economic Development Director Scott Johnson asked for questions on the Resolution 2011-07. The resolution is setting the stage for a lot of work ahead for the city. It is important to have a resolution to invite others to partner with the city and preempts possible litigation. Council Member Sutherland like to do this resolution verses using a national resolution. Scott said the city is looking at all possibilities. Council Member Erickson was concerned with future costs this resolution may start in motion. Scott said this resolution only says the city supports the initiative City Attorney Zollinger said the initiative facilitates partnering if there are interested parties. Our share of the cost may be allowing access to public right-of-way. Government can do it themselves if other parties do not ask to be a partner; otherwise, the resolution will be a facilitating document to bring parties together.

Council Member Benfield read the ... of the Resolution 2011 - 07. Council President Mann said it is just a document to open the door for discussion. City Attorney Zollinger explained issues with cities in Colorado where this issue was presented.

Council Member Sutherland moved to approve Resolution 2011-07 [Rexburg Community Access Network Initiative](#); Council Member Benfield seconded the motion; Discussion: Economic Director Development Johnson said there was a \$3,500 grant for the Arts Council to help with promoting the arts in Rexburg. The grant could continue to future years if used appropriately. **Mayor Woodland** asked for a vote:

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

The motion carried.

Staff Reports:

- A. **Public Works:** - John Millar
1. 150 Hp motor abandoned from a construction project.

Mayor Woodland reviewed the proposal.

Public Works Director Millar said the motor could be surplus and then sold for revenue.

Council Member Sutherland moved to surplus the 150 Hp motor as presented; Council President Mann seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

Public Works Projects:

1. 7th South Sewer line needs a gas line repaired.
2. LID 41 has been started by Depatco.
3. County Parking Lot will have construction contracts issued by mid July to complete this year.
4. Community Block Grant for sewer pressure line did not come through. The city will have to get the job going on city funds.

The Teton River flooding has some issues. A check was built up and the RR Bridge looks good. The bridges by the golf course are close to capacity. There is not any erosion on the dikes.

- A. **Finance Department:** - Richard Horner
1. Set Public Hearing to change the method of costing for the Building Department Fees

Mayor Woodland reviewed the proposal.

Community Development Director Christensen reviewed the Building Department Fees for inspecting the jobs in Rigby and Madison County. The problem is having multiple fee

schedules. He wants to follow the state rules to allow only one fee schedule. Overall, it will lower the city's fees for Mechanical (HVAC ...) He thought it was worth doing. The analysis show less revenue for commercial jobs. Mayor Woodland said it would level the playing field for the people building in other communities. Council President Mann asked about setting a date for a public hearing. Discussion on setting the hearing for the 20th of July. Richard said most permits come through

Council President Mann moved to set the public hearing to change the method of costing for the Building Department Fees to level the playing field with the state fees for July 20th at 8:45 P.M.; Council Member Benfield seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

Calendared Bills and Tabled Items:

- A. **BILL Introduction:** – NONE
- B. **First Reading:** Those items which are being introduced for first reading.
 - 1. [BILL 1071 Rezone – Community Business Center](#) (CBC) and Medium Density Residential One (MDR1) to High Density Residential 2 (HDR2) at approximately 360 South 4th West.

Mayor Woodland reviewed the proposal.

Jared Sommer said the Traffic Study is under way. It is underway at no small expense.

Discussion on the reading plan:

Public Works Director Millar said the reading process for BILL 1071 to rezone the property is ok to proceed as long as the third reading is not done until the traffic study is completed with associated recommendations.

Council Member Sutherland moved; Erickson seconded; Discussion: Benfield was concerned with the traffic so high density may be a problem. She has worked in the area for several years and observed traffic problems.

Ms. Michelle Solvine at 351 E 5th South is the property owner; she explained the flowers at the hotel exit on 4th South are more intrusive for traffic entering 4th West than the 4th West and 4th South intersection. **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

Mayor Woodland cast the deciding vote aye.

The motion carried.

- C. **Second Reading:** Those items which have been first read. – NONE
 - 1. [BILL 1014](#) - January 20, 2010: "THE TOWING AND PARKING ENFORCEMENT ORDINANCE"

Mayor Woodland reviewed the proposal.

City Attorney Zollinger explained the issues covered by BILL 1014 have been the same for seven years.

Council Member Sutherland moved to second read [BILL 1014](#) “THE TOWING AND PARKING ENFORCEMENT ORDINANCE”; Council Member Erickson seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

Council Member Erickson
Council Member Sutherland

Those voting nay

Council President Mann
Council Member Benfield

Mayor Woodland cast the deciding vote aye.

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:

Mayor’s Report: The “State of the City” is very well.

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, Bills, etc:

June 01 and June 08, 2011 meetings
Approve the City of Rexburg Bills

Council President Mann moved to approve the Consent Calendar consisting of the minutes, and the city bill; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Adjournment

Richard Woodland, Mayor

Attest:

DRAFT