

City Council Meeting

December 04, 2013

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CITY OF
REXBURG
America's Family Community

December 04, 2013

Mayor Richard Woodland

Council Members:

Christopher Mann Jordan Busby
Donna Benfield Jerry Merrill
Bruce Sutherland Sally Smith

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

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

Mayor Woodland welcomed everyone to the meeting.

Boy Scout Troop 418 led the Pledge to the Flag.

Ying Ng said the prayer.

Roll Call of Council Members:

Attending: Council President Mann, Council Member Benfield, Council Member Smith, Council Member Busby, and Mayor Woodland.

Council Member Sutherland and Council Member Merrill asked to be excused.

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

Kelly McKamey from Rexburg gave a book on Law to the City Council concerning the proper role of government. The author, Frederic Bastiat, was from France. Mr. McKamey said the book is an effort to fight socialism.

Claude Frédéric Bastiat (French: [\[klod frɛdɛʁik bastja\]](#); 30 June 1801^[1] – 24 December 1850) was a French [classical liberal](#) theorist, [political economist](#), and member of the French assembly. He was notable for developing the important economic concept of [opportunity cost](#), and for penning the influential *[Parable of the Broken Window](#)*. His ideas have gone on to provide a foundational basis for [libertarian](#) and the [Austrian](#) schools of thought.^{[1][2]}

Mr. McKamey requested more information from the Rexburg Redevelopment Agency. He was concerned with the agency meeting without public input because they have control over millions of dollars. He requested their agendas to be posted on Rexburg's web site "rexburg.org".

Presentations: – NONE

Committee Liaison Assignments for 2013:

A. Council Member Christopher Mann: *Golf Board · Emergency Services Board · MYAB*

Council President Mann reported the Mayor's Youth Advisory Board (MYAB) is working on the December 14th "Shop With a Cop" event to go towards Christmas presents for the youth. All of the funds are collected the previous year for the current year.

*The Shop With a Cop program joins children who are in need with local law enforcement officers, providing the children with money to shop for Christmas presents for their families and themselves. **The program is funded completely from donations.** Underprivileged children who participate in the program are chosen by law enforcement officers.*

Children and officers meet the morning of Shop With a Cop where they travel together in a law enforcement vehicle, with lights and siren. First they enjoy a breakfast donated by McDonalds and then go to Kmart to shop. Not only do the children get a chance to purchase Christmas presents that they otherwise would not be able to buy, but they also get a chance to build a positive relationship with law enforcement.

The program benefits children in Madison, Fremont, Jefferson, Clark and Teton Counties.

Fundraising and donations are done throughout the year to insure that funds are available at the time families and children are selected for the yearly shopping event. We appreciate any donation you make to this program at any time of the year. All donations go to the Shop with a Cop program to help provide Christmas for children in need.

Santa Claus will be at the Rexburg Carousel in Porter Park on December 9th from 6:00 P.M. to 8:00 P.M. along with free carousel rides. *(The Rexburg Children's Museum and the Teton Flood Museum will be free to children 11 and under during the month of December with the contribution of a non-perishable food item for the local food bank. Admission is \$2.00 for adults and \$1.00 for those 12 TO 18.)*

Emergency Services is meeting tomorrow night. The Golf Course contract is being renewed and it will be discussed tonight. He complimented the Police Department for their service during the power outage this morning. They contacted the hospital, and other entities to check on people in the power outage emergency. They were assisting as necessary during the power outage. Mayor Woodland reviewed the power outage and recommended people go to the radio station (KRIC) and 91.5 FM for information due to the overload experienced at 911. Council President Mann said text messaging works really well too; his students were texting him that they would not be into work due to the power outage. Students were invited to go to campus to stay warm.

B. Council Member Busby: GIS Oversight · Airport Board.

Council Member Busby reported the Airport Board has not met; however the GIS group is prepared to give the City Council a presentation on mapping. He asked for a work meeting at 6:00 P.M. on the 8th of January to hear Craig Rindlisbacher's presentation for the need for a surveyor; the county commissioners should be invited. The plan is to get a surveyor on board for next March.

C. Council Member Donna Benfield: Trails of Madison County · IBC · Teton Flood Museum Committee · M.E.P.I.

Council Member Benfield reported the Trails of Madison County is working on a new trail for the trails system behind FAT CATS on 2nd East. Also, a new trail is planned to connect at Madison Junior High. MEPI met Monday to hear the Business Contest winners present their business proposals. Jake Butikofer presented his log fire business proposal; Jane Sheets presented her 3rd Place proposal for a yarn store which she has already opened. She bought a point of sales system with her prize money. The second place winner presented a card business.

Council Member Benfield mentioned another meeting with "Madison Cares Governance Board" which is serving 537 families (turkey or ham dinners) this thanksgiving season from the food bank. Twenty one percent of Madison children have a food concern or insecurity daily. Parents have to decide to purchase food or pay some bills.

Council Member Busby said at school, the school children lineup for a whole block with a box on their heads for the free food and they are happy to get the food each day. He indicated the elementary school lunch is the only meal some children get for the day. Council Member Benfield said the children start lining up at 6:30 A.M. to get the free food. Council Member Busby said it is a great opportunity for someone who would like to do service. Contact “Madison Cares” to sign up. Volunteers are always welcome at the schools.

- D. Council Member Sally Smith: *Legacy Flight Museum · Rexburg Arts Council (Romance Theatre & Tabernacle Civic Center, Orchestra)*

Council Member Smith indicated the Legacy Flight Museum has not met; She read the Art’s Council report.

Arts Council Report December 3, 2013

The Rexburg Arts Council has had a full calendar of events in the Fall 2013 Season. The Romance Theater had 37 nights of events; movies, plays, live concerts, etc. The Tabernacle, in addition to the regularly scheduled practices held by community musical groups, held 9 events, including the annual Turkey Choir, the Deep Love Rock Opera, and the Fall Tabernacle Orchestra Concert.

Rehearsals for the plays and the Tabernacle Orchestra occupied most of the nights of the week at these two venues.

The Arts Council has worked with City’s Recreation Department to advertise its events in the Arts & Recreation Guide, two of which were published this Fall (one for the Fall, and the Winter Guide). This Winter’s guide is a wholly digital publication which will save \$2,000 in printing costs. A postcard advertising the Guide will be sent out on Friday to every household in the City inviting people to use the new digital Rec Guide.

About 4,600 people attended events at the Romance Theater and Rexburg Tabernacle during the Fall 2013 Season.

In addition, the Arts Council has established relationships with the Rexburg Community Theater to produce this year’s Christmas Play: A Christmas Carol, as well as a Spring Production of the Taffetas. A professional theatrical group out of Utah, the Echo Theater, performed at the Romance this October, and plans to return in January and April to perform.

The Winter 2014 Season is already full with classic movies every Wednesday night from January to April; Upper Valley Idol every weekend in February and March, and 3 plays: The Taffetas, 39 Steps, and The Ciniamatics.

Work continues at the Romance Theater and Rexburg Tabernacle. The Rexburg Tabernacle has had its roof re-stained and sealed, thanks to the efforts of the City’s Parks Department. The glass for the front windows at the Romance Theater has been purchased.

The Arts Council would like to thank the efforts of its volunteers, particularly Gwyn and Roger Harris, and Margret Arnold.

Council Member Smith said the venues are being used for some great events.

Council Member Benfield said Pat Hewish needs to be recognized with a thank you from City Council and a plaque for his service at the Romance Theatre.

- E. Council Member Jerry Merrill: *Beautification Committee · Parks & Recreation · Traffic & Safety · Urban Renewal Agency*

Council Member Merrill was excused. Mayor Woodland said Traffic and Safety met last night.

- F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police*

Council Member Sutherland was excused.

Community Development Director Christensen indicated that the Planning and Zoning meeting has been canceled tomorrow night. He said the Wal-Mart Zone change hearing is on the 19th of December meeting for Planning and Zoning. He referenced the proposal on the same agenda in the Impact Zone to enlarge the boat house trailer park just south of the golf course on 12th West. The County Commissioners will consider the final approval of the trailer park proposal.

Mayor's Report:

Mayor Woodland requested City Council input on allowing duck feeders at the City's Nature Park.

Dr. Rex Head reviewed his proposal to install a duck feeder at the Nature Park. He runs a non-profit orphanage in Ecuador. The feeders are built in Georgia and they cost about \$800 each. He will maintain the feeders and use the money collected for the orphanage project. Council Member Busby asked about the sales tax issue. A quarter will buy a hand full of food. He wants to do the feeding project in other cities too.

City Attorney Zollinger said the request would fall within the general use of city parks. He will check on the sales tax question. It should fall under the charitable organization umbrella. The City Council should just give permission to use the land; so, the business would not be under the city's review.

- Orphanage Support Service Organization, OSSO will place vending machines that sell quality duck food (also good for geese and fish) in the nature park. Bread is bad for duck's health.
- We will install fill and maintain the machines.
- The city will not incur any cost in buying installing or maintaining the machines.
- All profit will go to support orphanages through OSSO
- If at any time the city wants the machines removed we will do that at no cost to the city.



Dr. Head called many of the parks people in cities using these feeders. He could provide references. Everyone he talked to was very pleased with the decision to place feeders in the parks. Most were extremely positive in their praise stating that it had cleaned up the parks, improved water quality, and trained the ducks to eat duck food in the water so that they did not invade picnickers who did not want to share their lunch with the ducks.

His Proposal:

I would like to place 3-4 vending machines similar to the one pictured on the right that sell food that is appropriate for ducks, geese and fish at the Rexburg Nature Park.

The Need:

One of the most popular activities at the nature park is feeding the ducks. Parks employees told me they estimate 30-40 people a day come to feed the ducks. While this is a great opportunity for people to interact with nature the current arrangements has the following problems.

1. *Bread, popcorn, chips, etc. are not good for the ducks.*
2. *The ducks can be quite aggressive at times and it can be difficult to have a picnic in peace near the water.*

3. Duck feces makes sitting or playing on the grass near the water difficult.
4. The ducks tend to wait in certain spots on the grass for people to come feed them.

The solution:

At no cost to the city I would like to place quality duck feed vending machines in 3-4 locations in the park. The city would not need to pay or do anything besides giving me permission to place and service the machines. If at any time the city would like the machines removed I would remove them.

Why am I interested in doing this?

While I am interested in improving the park the main reason I am interested in doing this is as a fundraiser. 100% of the profit from these machines will go to provide support to orphanages through Orphanage Support Services Organization (OSSO). Other organizations have found this to be an effective fundraiser in other parts of the country.

Where has this been done before?

1. Huntsville, Al. (It has saved the Parks Department \$1,000s in maintenance costs)
2. Snellville, Ga (All we had to do was give the approval and it has solved our Duck problem.)
3. Knoxville, TN
4. Rome, Ga (It has been great having the feeders and the city doesn't have to do a thing.)
5. Knox County, TN
6. Cartersville, Ga
7. Hendersonville, TN (Ducks spend their time in the water and don't cover our walks with feces.)
8. Fountain City, TN ("after installing the machines water quality improved 1,000%")
9. More Cities and references available on request.

Ways that Vending machines benefit the ducks and geese:

1. They provide food that can be properly digested.
2. They provide food that is properly balanced with a handful of small pellets it is easier for the food to be distributed to multiple birds.
3. When people break bread to feed them a few aggressive birds can eat all the food as quickly as it is thrown and the weakest or least aggressive birds get nothing. In time this will lead to an increasingly aggressive flock.

Ways that Vending machines would benefit the Nature Park:

1. Decreased amount of feces in the water since the food can actually be properly digested.
2. By deciding where to place the vending machines you can decide in what part of the park the birds will be fed.
3. Stickers on the vending equipment encourage people to feed the birds in the water. With the floating food there will be less feces on the grass and less worn down areas from the duck traffic.
4. The way it is now as soon as a person approaches the water the birds leave the water to come beg for food. In parks where machines are placed in areas where the food can be easily thrown into the water and people are encouraged to do so, as soon as the birds hear the sound of the vending machine they head to the water.
5. The food pellets are more easily tossed into the water than bread.
6. Feeding birds in the water means rats and mice are less likely to be attracted to left-over food.
7. No messy bread wrappers in the park.
8. The food floats so it will not sink to the bottom fouling the water.
9. If any food is missed by the ducks the food is also good nutrition and appropriate for the fish to eat. Improved water quality: Other parks that have started using vending machines vending appropriate food for the birds has noted as much as 1000% improvement in water quality. (Fountain City Duck Pond, Tennessee)
10. Improved water quality and clarity means more and healthier fish can be supported and grow faster.
11. Improved water quality means more aquatic plants, more tiny invertebrates, and overall a healthier park ecosystem.

Benefits to the people visiting the park:

1. Since the birds will be accustomed to eat bird food in the water they will be less likely to annoy picnickers.
2. There will actually be nice grassy picnic areas close to the water without as much feces.
3. Those who want to feed the birds will easily be able to without going to buy bread.

I think this will be good for Rexburg and for the orphans as well.

If you have Questions please contact me:

Rex Head MD

Council Member Benfield moved to approve the duck feeders as requested; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

Public Hearings:

A. 7:30 P.M. Final Assessment Role for LID 43 and the Engineer's report – Matt Nielson

Deputy Finance Officer Matt Nielson reviewed the 5th West LID for the Storm Drain and Street work. He indicated many people have paid their share already. The project was a very timely project with a 20% reduction in the engineering estimated cost. Property owner costs were about \$161,000.

Council Member Busby asked if anyone disputed their billings. Finance Officer Nielson said there was one property owner that questioned some damage that the city should cover. There was a contractor price change on one property. The school district employees were very appreciative of the project.

Mayor Woodland opened the public hearing.

Written correspondence: - NONE

Public Testimony in favor of the proposal (5 minute limit): NONE

Public Testimony neutral to the proposal (5 minute limit):

Vernal Adams from Rexburg said the project went pretty good except for a water line break that pumped debris through his house. They had to replace faucet stems, gaskets, etc. He requested reimbursement for those costs. He did not feel the contractor did an adequate job compacting the soil for the curb and gutter. He said one other home had similar damage where the contractor fixed some fixtures in the home. City Attorney Zollinger asked Mr. Adams to submit the bills to the city for reimbursement on sediment damage.

Public Testimony opposed to the proposal (5 minute limit): NONE

Rebuttal by applicant: NONE

Mayor Woodland closed the public hearing for deliberations.

Deliberations:

Deputy Finance Officer Nielson asked for approval of Final Assessment Role.

Council President Mann moved to approve the Final Assessment Role for LID 43 with the allowance to pay the reimbursements as requested for sediment damage to interior plumbing; and the Engineer's report; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

LOCAL IMPROVEMENT DISTRICT 43

Item #	No.	Dir	Street	Company / L Name	F Name	Notes	Cost	Engineering	City Participation	Final Cost	Original Estimated Cost	Difference
								32%				
1	466	W	2nd N	MADISON COUNTY		County asked if could have us do and pay over 2 years, but bill one needs to be to them by August 15th 2013. I believe this would be fine to do across two fiscal years.	\$ 16,787.56	\$ 2,014.51	\$ (1,529.33)	\$ 17,272.74	\$ 20,900.00	\$ (3,627.26)
2	468	W	2nd N	U F W (Attn: Charis Office for Tagley)		County asked if could have us do and pay over 2 years, but bill one needs to be to them by August 15th 2013. I believe this would be fine to do across two fiscal years.	\$ 6,565.88	\$ 787.91	\$ (1,744.58)	\$ 5,609.21	\$ 10,100.00	\$ (4,490.79)
3	166	N	5th W	BOISE HOUSING CORPORATION			\$ 218.93	\$ 26.27	\$ (70.88)	\$ 174.32	\$ 400.00	\$ (225.68)
4	150	N	5th W	PRICE	THOMAS H		\$ 2,818.00	\$ 338.26	\$ (777.19)	\$ 2,079.06	\$ 4,600.00	\$ (1,620.94)
5	144	N	5th W	VALORA	PABLEY O		\$ 462.38	\$ 55.46	\$ (149.67)	\$ 368.01	\$ 600.00	\$ (231.99)
6	138	N	5th W	HUTCHENS	KENNETH J		\$ 220.64	\$ 26.48	\$ (61.60)	\$ 185.52	\$ 400.00	\$ (214.48)
7	128	N	5th W	ADAMS	KOPPE		\$ 1,450.00	\$ 174.01	\$ (436.28)	\$ 1,187.73	\$ 1,900.00	\$ (712.27)
8	464	W	1st N	COVINGTON	JOYCE I	Pre-Payment Received for \$600-Need to reimburse \$251.36 to Joyce Covington	\$ 437.84	\$ 53.43	\$ (141.74)	\$ 349.53	\$ 600.00	\$ (250.47)
81	464	W	1st N	BEARD ST. CLAIR GAINNEY PA	ATTN: MICHAEL BROWN-CLIENT OWEN DEBE	Subout added to project by new property owner-Waiting for Quiet Title Process to take place to know where to send final bill and know who final owner will be, so they can sign waiver.	\$ 13,111.00	\$ 1,573.32	\$ -	\$ 14,684.32		\$ 14,684.32
81	464	W	1st N	POWELL	JOHN	Also send a copy to a possible 2nd owner						\$ -
9	100	N	5th W	GULLEY	ROBERT		\$ 1,159.75	\$ 139.17	\$ (350.88)	\$ 948.04	\$ 1,600.00	\$ (651.96)
10	80	N	5th W	PLUFFAFT	BRAD		\$ 1,206.87	\$ 144.82	\$ (353.85)	\$ 997.84	\$ 2,000.00	\$ (1,002.16)
11	66	N	5th W	HEESLEY	CHRISTINE A		\$ 1,364.06	\$ 163.69	\$ (417.03)	\$ 1,110.72	\$ 1,800.00	\$ (689.28)
12	50	N	5th W	WOOLF	STEVEN A		\$ 2,661.97	\$ 312.24	\$ (756.35)	\$ 2,157.86	\$ 3,000.00	\$ (842.14)
13	Apr 40	N	5th W	MARRIED ON THE MAIN LLC		New Owner has signed waiver	\$ 9,975.00	\$ 1,196.76	\$ (305.00)	\$ 10,764.76	\$ 1,500.00	\$ 9,264.76
14	34	N	5th W	ALESA GULLEY		We have a signed waiver from Cory Soriano of Married on the Main LLC, but he stated that Alesa Gulley still owns this property. GIS shows him as the current owner.	\$ 827.40	\$ 99.29	\$ (231.00)	\$ 695.69	\$ 1,200.00	\$ (504.31)
15	20	N	5th W	R & S PETERSON COMMERCIAL PROPERTIES LLC			\$ 1,527.61	\$ 183.31	\$ (494.55)	\$ 1,216.37	\$ 1,800.00	\$ (583.63)
16	470	W	Main St	FAIRBRANKS	JOHN		\$ 551.00	\$ 66.19	\$ (154.00)	\$ 463.19	\$ 1,500.00	\$ (1,036.81)
17	17	S	5th W	BOYLE	NILE	Payoff Sent to Alliance Title Company, has not been paid yet, but may be seen with closing. Received email 11/18/13 from Alliance and they stated the new buyer Nile Boyle has agreed to pay the bill and we should send the bill to him.	\$ 493.12	\$ 59.17	\$ (146.13)	\$ 406.16	\$ 1,000.00	\$ (593.84)
18	15	S	5th W	NYDORO	GERALD W	received final payment on 10/24/13	\$ 629.75	\$ 75.33	\$ (188.48)	\$ 516.60	\$ 700.00	\$ (183.40)
19	21	S	5th W	CHENEY	CLEO E		\$ 463.93	\$ 55.67	\$ (136.68)	\$ 382.92	\$ 600.00	\$ (217.08)
20	22	S	5th W	PLUNK	DONNA	Received payment of \$ 400 from Title Company. May need to refund \$225.68 once LID finalized	\$ 218.93	\$ 26.27	\$ (70.88)	\$ 174.32	\$ 400.00	\$ (225.68)
21	27	S	5th W	MURRAY	DIANNE		\$ 822.40	\$ 98.69	\$ (244.13)	\$ 676.96	\$ 1,000.00	\$ (323.04)
22	29	S	5th W	NEWTON	LINDA K		\$ 922.85	\$ 110.74	\$ (286.48)	\$ 747.11	\$ 1,400.00	\$ (652.89)
23	33	S	5th W	REILEY	DWAYNE		\$ 2,445.94	\$ 293.51	\$ (742.70)	\$ 1,996.75	\$ 3,400.00	\$ (1,403.25)
24	75	S	5th W	SMITH	DEBRA	Did her own sidewalk and curb and gutter-likely not financing through LID	\$ -	\$ -	\$ -	\$ -	\$ 13,000.00	\$ (13,000.00)
25	127	S	5th W	SQUIRES BRICK, INC ETAL		Prepaid \$1900. Will have to refund a portion of it to the owner once the LID is finalized. I put the overpayment of \$1497.55 in a liability acct in 7/20/10. We will refund it once the LID is finalized again	\$ 493.08	\$ 59.17	\$ (149.80)	\$ 402.45	\$ 2,900.00	\$ (2,497.55)
26	110	S	5th W	TERAPSON	JUSTIN J		\$ 1,991.06	\$ 238.13	\$ (566.30)	\$ 1,662.89	\$ 2,700.00	\$ (1,037.11)
27	106	S	5th W	BLAMBER	DONALD L		\$ 3,069.08	\$ 368.29	\$ (946.20)	\$ 2,531.17	\$ 3,600.00	\$ (1,068.83)
28	60	S	5th W	MADISON SCHOOL DIST #321			\$ 35,259.00	\$ 4,311.08	\$ (8,578.30)	\$ 32,231.78	\$ 29,200.00	\$ 3,031.78
29	30	S	5th W	WADE	MELANIE RIE		\$ 2,475.75	\$ 296.83	\$ (768.70)	\$ 2,003.91	\$ 3,500.00	\$ (1,496.09)
30	20	S	5th W	FACE ETUX	WILLIAM T		\$ 4,097.21	\$ 491.66	\$ (1,234.28)	\$ 3,354.59	\$ 5,400.00	\$ (2,045.41)
31	507	W	Main St	REED	RONALD J		\$ 7,025.13	\$ 843.02	\$ (2,096.17)	\$ 5,772.00	\$ 9,100.00	\$ (3,328.00)
32	7	N	5th W	GIOIELMAN INVESTMENTS LLC			\$ 2,415.56	\$ 289.87	\$ (687.40)	\$ 2,018.03	\$ 3,000.00	\$ (981.97)
33	15	N	5th W	SPENCER	JILL S		\$ 275.80	\$ 33.10	\$ (77.00)	\$ 231.90	\$ 500.00	\$ (268.10)
34	23	N	5th W	WILLIAMS	JASON R		\$ 827.40	\$ 99.29	\$ (231.00)	\$ 695.69	\$ 1,200.00	\$ (504.31)
35	31	N	5th W	MERBCK ETUX	GEORGE J		\$ 413.70	\$ 49.64	\$ (115.50)	\$ 347.84	\$ 500.00	\$ (152.16)
36	33	N	5th W	WELLS FARGO BANK NA			\$ 2,551.64	\$ 306.20	\$ (746.20)	\$ 2,111.64	\$ 3,500.00	\$ (1,388.36)

LOCAL IMPROVEMENT DISTRICT 43

Item #	No.	Dir	Street	Company / L Name	F Name	Notes	Cost	Engineering	City Participation	Final Cost	Original Estimated Cost	Difference
36						ALSO MAIL 3601-4003 TO THEM						\$ -
37	53	N	5th W	NELSON	STUART		\$ 1,502.05	\$ 180.24	\$ (448.18)	\$ 1,234.09	\$ 2,200.00	\$ (965.91)
38	69	N	5th W	PAUL	ARTHUR JOSEPH		\$ 1,929.90	\$ 231.59	\$ (612.50)	\$ 1,548.99	\$ 2,100.00	\$ (551.01)
39	74	N	5th W	COOL LAND RESIDENTIAL LLC			\$ 2,144.30	\$ 261.32	\$ (654.50)	\$ 1,971.12	\$ 4,100.00	\$ (2,128.88)
40	79	N	5th W	COOL LAND RESIDENTIAL LLC			\$ 1,735.55	\$ 208.27	\$ (523.78)	\$ 1,420.04	\$ 2,000.00	\$ (579.96)
41	Approx: 103	N	5th W	COOL LAND RESIDENTIAL LLC			\$ 4,576.90	\$ 549.23	\$ (1,132.43)	\$ 3,993.70	\$ 5,000.00	\$ (993.70)
42	Approx: 117	N	5th W	COOL LAND RESIDENTIAL LLC			\$ 551.60	\$ 66.19	\$ (154.00)	\$ 463.79	\$ 700.00	\$ (236.21)
411	124	N	5th W	MCCULLOCH	MARY W		\$ 1,427.96	\$ 173.36	\$ (447.80)	\$ 1,153.52	\$ 1,800.00	\$ (646.48)
421	137	N	5th W	PFO JEROME K JOHNSON IRA	BANK OF COMMERCE		\$ 3,097.07	\$ 370.65	\$ (1,096.60)	\$ 2,371.12	\$ 5,200.00	\$ (2,828.88)
43	140	N	5th W	PEAR TREE ENTERPRISES INC			\$ 1,975.70	\$ 237.09	\$ (576.90)	\$ 1,635.90	\$ 2,500.00	\$ (864.10)
44	150	N	5th W	HOWARD	REID		\$ 1,662.38	\$ 201.89	\$ (469.70)	\$ 1,414.57	\$ 2,200.00	\$ (785.43)
45	169	N	5th W	DEACKER ETUX	ORIG K		\$ 3,246.34	\$ 392.55	\$ (1,014.13)	\$ 2,624.76	\$ 5,000.00	\$ (2,375.24)
46	185	N	5th W	SUMMERWOOD PARK AREA (HOA)	ATTN: KELYSHA STUTZ		\$ 1,435.70	\$ 172.28	\$ (409.50)	\$ 1,198.48	\$ 2,200.00	\$ (1,001.52)
47	508	W	2nd N	AREL	MICHAEL K	Would like rubber in driveway	\$ 854.98	\$ 102.60	\$ (238.70)	\$ 718.88	\$ 1,200.00	\$ (481.12)
48	523	Angela D	VERSLUYS	RAY ALLEN			\$ 137.90	\$ 16.55	\$ (38.50)	\$ 115.95	\$ 500.00	\$ (384.05)
49	506	Angela D	TETZLEN	ANTHONY R			\$ 381.15	\$ 45.74	\$ (117.25)	\$ 309.64	\$ 900.00	\$ (590.36)
50	283	N	5th W	DECK	STEVEN J		\$ 1,493.75	\$ 179.25	\$ (445.15)	\$ 1,207.85	\$ 2,000.00	\$ (792.15)
51	5	E	1st N	NOLTE	SHASTA M	Not Completed Yet, but not going to Finance	\$ -	\$ -	\$ -	\$ -	\$ 6,400.00	\$ (6,400.00)
52	110	N	Center St	Midleton Apartments LLC		Did their own work	\$ 12,708.30	\$ -	\$ (3,337.60)	\$ 9,370.70	\$ 14,600.00	\$ (5,229.30)
53	128	N	Center St	TEKLEN	CARISSA DAWN	Did their own work	\$ 2,980.91	\$ -	\$ (787.15)	\$ 2,193.76	\$ 3,600.00	\$ (1,406.24)
54				City of Rathgeb			\$ 1,122,164.81	\$ 134,659.78	\$ (1,256,824.58)	\$ -	\$ -	\$ -
55	412	S	3rd E	HIPWORTH	JAY & SEPHLEN	SIGNED WAIVER & ARE FINANCING HOORUP FEE FOR WATER & SEWER, HOWEVER THEY WILL NOT ACTUALLY HOOK TO SEWER YET, AND SHOULD NOT BE CHARGED MONTHLY FEE ON THIS UNTIL THEY DO HOORUP	\$ 5,850.00	\$ -	\$ -	\$ 5,850.00	\$ -	\$ 5,850.00
							\$ 1,302,469.39	\$ 153,710.45	\$ (1,294,513.06)	\$ 161,886.78	\$ 204,600.00	\$ (42,943.22)

Prepaid

\$ 181,867	Property Owner Cost
\$ 1,281,385	City Cost
\$ 1,443,022	Total Cost

Items for Consideration:

A. Golf Course Management Agreement (January 1, 2014 – December 31, 2018.)

City Attorney Zollinger reviewed the contract. This contract represents a complete rewrite. Food Services will be put out for bid to the public in order to have a consistent service. It has been run as a secondary service at the golf course. Other changes include administrative changes to the physical facilities including cost of living being removed by putting it on the incentive side and the number of golf tournaments allowed for the golf course management was reduced. There is a profit share clause added at 15% under certain revenue conditions.

Council President Mann indicated the food services will revert back to JDM Management if no one else bids on the food services. City Attorney Zollinger JDM would have the option of providing food services in the absence of a qualified food vendor bidding on the service.

Council Member Busby asked about fertilizer, water, etc. The city pays \$237,000 for utilities and other expenses which are offset by Mr. Duffy McFarland, who pays around \$250,000 in labor costs. City Attorney Zollinger said in the past, the city paid the labor costs; however, conflicts arose between the management of the course and the golfers, etc. In 2013 the golf course was in the red; and the liability to put in the new nine hole course did not get a payment this year. If golf revenues don't increase, a change in the financial repayment structure will be required.

Council Member Busby asked if moving the airport would impact the golf course. FAA controls all of the airport property within the fence.

Discussion on the golf course property adjacent to the airport being under city control.

*This GOLF COURSE MANAGEMENT AGREEMENT is made and entered to be effective as of **January 1, 2014**, by and between **JDM Golf Management, LLC**, an Idaho limited liability company, AND the **City of Rexburg**, an Idaho municipal corporation, together with the **Board of County Commissioners of Madison County** for the management of the Teton Lakes Golf Course and the Rexburg Municipal Golf Course.*

RECITALS

***WHEREAS**, the City of Rexburg and Madison County of Idaho (the Owners) have joined together in the ownership and operation of two golf courses: the Teton Lakes Golf Course and the Rexburg Municipal Golf Course (the Courses); and*

***WHEREAS**, the Owners desire to promote and provide for the management and maintenance of the Courses, their grounds, attached buildings, and appurtenances thereto; and*

***WHEREAS**, the Owners desire to retain Manager to perform said functions;*

...

TERM

2.1 TERM OF AGREEMENT. *The term of this Agreement shall begin on January 1, 2014 and shall end on December 31, 2018.*

2.2 TERM RENEWAL. *Except as otherwise provided herein, at expiration of the term of this Agreement (whether the initial term or a renewed term), the term shall automatically renew and extend for an additional five (5) year period (to begin on January 1 and end on December 31 of the respective beginning and ending years of the renewal period) upon the same terms and conditions as contained in this Agreement, including any duly-executed amendments.*

2.3 NON-RENEWAL. *If written notice of non-renewal is given by either party to the other party at least Ninety (90) days, but no more than one hundred eighty (180) days, before the expiration of the term of this Agreement (whether the initial term or a renewed term), then the term of this agreement shall not automatically renew and shall expire at completion of its term.*

Discussion:

Council Member Smith moved to approve the **Golf Course Management Agreement** from January 1, 2014 to December 31, 2018; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

City Attorney Zollinger thanked Matt for doing a great job on the contract.

Staff Reports:

A. Public Works: – John Millar

City Engineer Keith Davidson reviewed the resolution from ITD.

1. **Resolution 2013-12** Idaho Transportation (ITD) Aeronautics Grant for the airport

*IDAHO AIRPORT AID PROGRAM
 FY-2014 Grant Offer for the
 Rexburg-Madison County Airport
 LAAP program Number: FAASREX
 LAAP Project Number: 3-16-0031-011
 Project Description: Rehabilitate Runway, Taxiway, Apron
 This grant is in the amount of \$22,529 to match \$24,900 from the City of Rexburg.*

...

Now Therefore, for the purpose of carrying out the provisions of the Uniform State Aeronautics Department Act of 1947, as amended, and in consideration of the sponsor acceptance of this offer, as hereinafter provided, the state hereby agrees to pay, as its share of the costs incurred in accomplishing the project, not more than 4.75% of allowable project costs.

Resolution number 2013-12 of city of Rexburg, Idaho accepting the Grant offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics, in the maximum amount of \$22,529 to be used under the Idaho Airport Aid Program, Program number: FAA8REX, project number: 3-16-0031-011 in the development of the Rexburg-Madison County Airport; and

Be it resolved by the Mayor and City Council of City of Rexburg, Idaho (herein referred to as the "City" as follows:

Sec. 1. That the Mayor shall accept the Grant Offer of the State of Idaho in the amount of \$22,529, for the purpose of obtaining State Aid under Program Number: FAA8REX, Project Number: 3-16-0031-011 in the development of the Rexburg- Madison County Airport; and

Sec.2. That the Mayor of the City of Rexburg is hereby authorized and directed to sign the statement of Acceptance of said Grant offer (entitled Acceptance) on behalf of the city. The city clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

Passed by the City Council and approved by the Mayor this 4 day of December, 2013.

Richard S. Woodland, Mayor
ATTEST:

Blair D. Kay, City Clerk

City Engineer Davidson said this resolution is a state agreement which does not include the FAA agreement. The city's and county's matching funds come from airport budgeted funds.

Discussion:

Council Member Busby moved to approve Resolution 2013-12 for the Idaho Transportation (ITD) Aeronautics Grant for the airport as presented by Keith with the County fulfilling their

portion of the matching funds; Council President Mann seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
 Council Member Benfield
 Council Member Smith
 Council Member Busby

Those voting nay

None

The motion carried

2. New Wastewater Intercity Agreement

Public Works Director Millar handed out a Wastewater Agreement between Rexburg, Sugar City and Teton City. The EPA industrial pre-treatment program requires the same regulations for industrial pre-treatment for all three cities.

3. Today’s power outage was caused by Rocky Mountain Power dealing with a load imbalance at the Goshen Substation during routine maintenance at the substation.
4. The wastewater treatment plant project is coming to completion.
5. Snow removal crews did a good job removing snow from 11:00 P.M. through the next day. The new snow blower performed very well.
6. Council President Mann asked about providing some public information requiring proper tires, etc. to use 7th South during the winter. It may take additional sanding on the snowy roads.
7. Council Member Busby said parked cars on 2nd East have caused a problem for snow removal because the snow plows go around the cars hemming them in with snow.

B. Finance Department – Richard Horner was excused.

C. Community Development – Val Christensen

Community Development Director Christensen reviewed the November Building Permits. He indicated the inspection fees are paid out of the building permit fees.

Permit	Permit Type	Project Name	Project Address	Valuation	Building Permit Fees	Impact Fees
1300458	BLD-SFRA	Carport	274 East 3rd South	\$ 12,614.00	\$ 334.58	n/a
1300228	BLD-COM	BYUI Central Heat Plant	525 South Center	\$ 27,873,327.00	\$ 141,803.00	\$ 16,688.00
1300435	BLD-SFR	Single Family Residential	860 Oak Hill Cir	\$ 283,346.00	\$ 3,580.00	\$ 5,300.00
1300274	BLD-MFR	BYUI Student Apt, Bldg A; 59 Units	650 S. 1st W.	\$ 12,108,563.00	\$ 63,920.00	\$ 214,486.00
1300341	BLD-MFR	BYUI Student Apt, Bldg B; 44 Units	651 S. 1st W.	\$ 8,651,524.00	\$ 43,034.00	\$ 159,875.00
1300342	BLD-MFR	BYUI Student Apt, Bldg C; 56 Units	652 S. 1st W.	\$ 11,290,972.00	\$ 58,233.00	\$ 200,385.00
				\$ 60,220,346.00	\$ 310,904.58	\$ 596,734.00

D. Economic Development – Scott Johnson was excused.

Calendared Bills and Tabled Items:

- A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE: – NONE**
- B. BILL Introduction: – NONE**

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

1. **BILL 1110 LID43 Final Assessment Role**

BILL NO. 1110

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL, FOR LOCAL IMPROVEMENT DISTRICT NO. 43 IN REXBURG, IDAHO, FOR THE PURPOSE OF INSTALLING CERTAIN STREETS, CURBS, GUTTERS, SIDEWALKS, AND OTHER PUBLIC FACILITIES AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY, TO BE GRADED, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT SIDEWALKS, CURBS, GUTTERS, DRIVEWAYS, DRAINAGE FACILITIES, OFFSITE STORM SEWER, WATER AND SANITARY SEWER FACILITIES, STREET LIGHTS AND OTHER PUBLIC FACILITIES AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Council Member Busby moved to first read BILL 1110 for the Final Assessment Role for LID43; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

2. **BILL 1108 – International Building Code 2012**

Community Development Director Christensen reviewed the changes proposed to the International Building Code 2012. The City of Rexburg is currently under the 2009 International Building Code. The state requires adoption of the entire 2012 Code. The Idaho construction codes are usually updated every three years; however, the only code update this year for Idaho is the International Building Code. (see description below for code updates)

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, ADOPTING THE *2012 EDITION OF THE INTERNATIONAL BUILDING CODE*; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY LIMITS OF REXBURG, IDAHO, PROVIDING THAT A PERMIT IS REQUIRED FOR INSTALLATION OF A MOBILE/MANUFACTURED HOME; ADOPTING *THE 2012 INTERNATIONAL EXISTING BUILDING CODE* AS IT APPLIES TO EXISTING STRUCTURES; AMENDING *THE INTERNATIONAL RESIDENTIAL CODE & ENERGY CONSERVATION CODE, 2009 EDITIONS*, AS ADOPTED BY CITY OF REXBURG ORDINANCE 1059; REPEALING PORTIONS OF CITY OF REXBURG ORDINANCE 1059 AS IT PERTAINS TO THE *2009 INTERNATIONAL BUILDING CODE*, ALONG WITH ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

Community Development Director Christensen continued to review the changes and updates to the building code.

Section 1. ADOPTION OF THE 2012 INTERNATIONAL BUILDING CODES:

That certain documents, three (3) copies of which are on file and are open for inspection to the public, in the Rexburg Building Department, being marked and designated as the following:

The 2012 edition of the International Building Code (IBC), promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2012 Edition of the Existing Building Code (IEBC) as promulgated by the International Code Council; save and except such portions of the above mentioned codes as are deleted, modified or amended by provisions of this ordinance.

Shall be and the same are hereby adopted as the code of the City of Rexburg for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Rexburg providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2012 edition published by the International Code Council, and the secondary publications references above, all of which are on file in the Rexburg Building Department are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. DELETIONS, MODIFICATIONS OR AMENDMENTS:

All 2012 ICC Codes;

- A. Insert City of Rexburg wherever [NAME OF JURISDICTION] is present.
- B. All fees shall be established by the applicable governing authority under separate Ordinance or Resolution, with not more than 80% of paid fee's to be refunded, if authorized by the Building Official as allowed by code.
2012 International Building Code (IBC);
- A. Any reference to Sections 101.4 concerning Electrical and 101.4.3 Plumbing shall be deleted, thus solely regulated under the State of Idaho IC 54-1001 and IC 54-2601.
- B. Delete Section 1608.2 and replace with the following:
1608.2 Ground snow loads. The ground snow load to be used is 50 lb.
- C. Amend Section 1612.3 inserting June 3, 1991 in place of [DATE OF ISSUANCE]
- D. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer.
- E. Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.
- F. Amend Section 3412.2 inserting January 1st, 1985 in place of [DATE TO BE INSERTED BY THE JURISDICTION]
- G. All Appendices with the exception of Appendix B of the IBC, 2012 Edition, are hereby deleted.

2012 International Existing Building Code (IEBC);

- A. Amend Section 3412.2 inserting January 1st, 1985 in place of [DATE TO BE INSERTED BY THE JURISDICTION]
- B. All Appendices of the IEBC, 2012 Edition, are hereby deleted.

2009 International Residential Code;

Existing amendments as per Rexburg Ordinance 1059 shall remain in effect along with the following additions:

- A. Amend Section R315.3, Carbon Monoxide Alarms Where Required in Existing Dwellings, by adding the following Exception;
EXCEPTIONS:
 - 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows

or doors, or the addition of a porch or deck, or electrical permits, are exempt from the requirements of this section.

2. Installation, alteration or repairs of non-combustion plumbing or mechanical systems are exempt from the requirements of this section.

- B. Delete section N1102.4.3 and replace with the following: Fireplaces. New wood burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. 2009 International Energy Conservation Code; Existing amendments as per Rexburg Ordinance 1059 shall remain in effect along with the following addition:

Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

Council Member Busby moved to first read BILL 1108 – International Building Code 2012; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

3. BILL 1109 – International Fire Code 2012 (Deferred to 2014)

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

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

Consent Calendar: The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual City Council members may ask if any specific item should 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.

- A. Minutes from November 20, 2013 meetings
Approve the City of Rexburg Bills

Council Member Busby asked about outside clothing purchases. Community Director Christensen said some outside job have damaged employee clothing; an example would be inspectors tearing clothing on rebar while doing inspections.

Council Member Benfield moved to approve the Consent Calendar and pay the bills; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby

Those voting nay

None

The motion carried

Adjourned at 8:44 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk

DRAFT