

City Council Meeting

January 16, 2013

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CITY OF
REXBURG
America's Family Community

January 16, 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.

Roll Call of Council Members:

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

Police Captain Randy Lewis led the Pledge to the Flag.

McKenna Valentine said the prayer.

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

Presentations:

Gale Harding at 329 West 7th South commented on the City workers who clear the roads and streets. Today, it kept snowing; however, tonight at 2:00 a.m. the city crews will be out clearing the snow off the streets. His wife wanted to thank the city for keeping Main Street clear of snow; she gets up early in the morning to clean a number of sidewalks. Mr. Harding thanked the city workers for all their hard work and for keeping the roads safe and clear of snow.

Committee Liaison Assignments for 2013:

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

Council President Mann reported the Golf Board will not meet until March or April; Emergency Services Board will meet next Thursday the 24th. MYAB will be helping with Snowfest next week. The MYAB will also sell concessions at the Upper Valley Idol competition. The mayor will give a State of the City Address on February 13th at 12 p.m. in the Legacy Flight Museum.

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

Council Member Busby reported Mr. Cobia is here to present an Airport Board letter. Craig Rindlisbacher will also present the new GIS system.

1. **Airport Board** – David Taylor

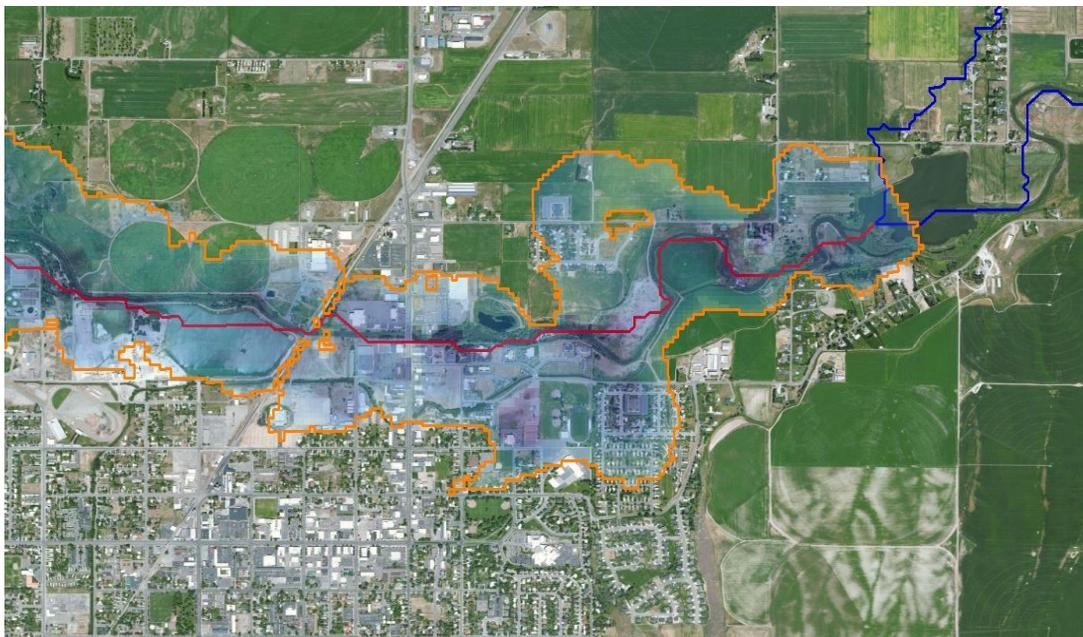
Craig Cobia representing the Airport Board mentioned a comment made by BYU-Idaho President Clark on the need to have an airport that would accommodate small jet aircraft. He read a short position statement.

Background (for persons on the legislative affairs committee):

Growth of the Rexburg Airport

The Rexburg Area Chamber of Commerce supports the growth of the Rexburg Airport that it may ultimately allow the safe landing and takeoff of small business jets. Since convenient air travel is critical for well-funded businesses wishing to relocate to Rexburg, this is an increasingly important issue. We do not seek to have a tower or scheduled flights; only that small business jets may safely land and take off. Additionally, we hope to receive support from appointed and elected officials and governmental agencies, to help us with this goal. We wish to accomplish this before it becomes a safety issue, especially on hot summer days with heavy, fully loaded aircraft. Just recently, persons with small business jets would have landed in Rexburg, but instead landed in Idaho Falls. One of those persons is actively working to bring many jobs to our community, and the lack of an airport which meets his needs, is a significant inconvenience to him.” This places us in a distinct competitive disadvantage when compared with Driggs, Idaho Falls, or Pocatello. Since Rexburg is one of the fastest growing cities in Idaho and America, with further growth anticipated, we feel this is an important request since it would meet a demand for this type of business travel.

Mayor Woodland asked if this statement was given to the County Commissioners. Mr. Cobia explained the statement was provided to the County Commissioners.



- 2. GIS Committee Report** – Craig Rindlisbacher reviewed the new GIS cloud service that will provide public mapping for Rexburg and Madison County. One exciting thing with this new program is the ability for the public to use the same browser the City Staff uses to review city and county properties. His presentation showed a flood plain map for Madison County. When new buildings are constructed, they are required to disclose if the building will be in the flood plain. FEMA is planning to remap the flood plain area this summer. Mr. Rindlisbacher reviewed the new maps for earthquake preparedness and other natural disasters.

Mayor Woodland asked if the new mapping would help for insurance purposes. Mr. Rindlisbacher explained this cannot be used for insurance; only mapping done by certified hydrologists can be used for insurance purposes.

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

Council Member Benfield reported Trails of Madison County will meet Thursday the 17th. The Teton Flood Museum Committee has not met. M.E.P.I. met to approve the bylaws and sign the confidentiality agreements.

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

Council Member Smith reported the Flight Museum will not meet until next month. The Arts Council is reorganizing and planning to incorporate other arts programs that are held separately. Council Member Smith request Robert Hibbard as a new member of the Arts Council. Darrell Brown from the University will conduct the Orchestra this year.

Council Member Smith moved to approve Robert Hibbard as a new member of the Arts Council; 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
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

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

Council Member Merrill reported Ryan Ballard is the new member of the Traffic and Safety Committee. The many street lights going in around the University were reviewed at the meeting. He discussed the concern for safety at the roundabout. The pedestrian congestion is the biggest worry. Snow plowing is done when two inches of snow accumulates. Each time the snow crews go out the cost is \$4,000 to \$5,000. The new “Share the Road” Campaign is a public service announcement to help pedestrians and motorist see each other. When motorist and pedestrians make eye contact while crossing the street, both are protected from dangerous collisions. The Recreation Department is working on a proposal to start a Recreation District. There is a committee organized to explore the possibilities of a recreation district including what the community desires. Snowfest is coming up on January 26, 2013. There will be a polar bear swim at Smith Park and a figure eight race behind Kmart for automobiles. The winter recreation activities are moving forward including an ice rink at the Rexburg Rapids water park. He also mentioned the upcoming Teton Dam Marathon this coming summer.

Mayor Woodland asked the University students at the meeting to be sure to make eye contact with drivers before crossing the street.

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

Council Member Sutherland reported the Planning and Zoning Commission recommended leaving the current mobile business regulations in place. The Design Review Committee is working with an apartment complex with design problems. The Police Department replaced Josh Byrne with Sam Claunch. Mr. Claunch was previously a reserve officer.

Council Member Smith moved to ratify Sam Claunch as a new member of the Rexburg Police Department; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

Council Member Merrill
The motion carried.

Mayor's Report:

A. Proclamation 2013-01 Madison County Centennial Celebration:

***PROCLAMATION
No. 2013 - 01***

A Proclamation of the Mayor and approved by the City Council of Rexburg, Idaho, proclaiming 2013 to celebrate the MADISON COUNTY CENTENNIAL Celebration, for the City of Rexburg.

WHEREAS, Madison County was established February 18, 1913 with Governor John H. Haines signing the appropriate legislation; and

WHEREAS, Five men with connections to Madison County went on to become governors: Charles Calvin Moore (ID), Arnold Williams (ID), George Romney (MI), Mark Parkinson (KS) and Mitt Romney (MA); and

WHEREAS, Two men from Madison County went on to become Congressmen: Sherman Parkinson Lloyd (UT) and Richard Stallings (ID), only one man went onto becoming Idaho's Lt. Governor: Mark Ricks; and

WHEREAS, The second largest University in Idaho, "Brigham Young University Idaho" formerly Ricks College is located in Rexburg, Idaho, Madison County, Idaho; and

WHEREAS, Madison County is the Eighth largest potato growing county in the nation; and

WHEREAS, The first irrigation system in the State of Idaho was built in Madison County; and

WHEREAS, Madison County is one of the fastest growing counties in the State of Idaho with a 95 percent graduation rate in high schools and the BYU-I University; and

WHEREAS, The Upper Snake River Valley is the Heart of Tourism with numerous visitor attractions including Yellowstone Bear World, Teton Dam Flood Museum, Brigham Young University Idaho Campus, International Dance Festival, Idaho Centennial Carousel, and the Rexburg Tabernacle;

NOW THEREFORE, I, Richard Woodland, Mayor of the City of Rexburg, do hereby proclaim February 18th, 2013 to be the kickoff for the many planned events in 2013 for the Madison County Centennial Anniversary celebration of the signing of our County into existence in the State of Idaho, and encourage all citizens to attend the Madison County Centennial events in our great city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of our City to be affixed this 16th day of January, in the year two thousand and thirteen.

APPROVED:

Richard Woodland, MAYOR

ATTEST:

Blair D. Kay, CITY CLERK

Mayor Woodland mentioned a wagon train will come into town during the Madison County Centennial Celebration this summer.

Council Member Sutherland moved to approve **Proclamation 2013-01** Madison County Centennial Celebration; 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
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

The Centennial Celebration will kick off Feb 18th, 2013 from 1:00 p.m. to 4:00 p.m..

Public Hearings:

- A. 7:30 P.M. Proposed LID43** pursuant to Resolution No. 2012-12, for a public hearing at which time the owners of property to be assessed within proposed Local Improvement District No. 43, ("L.I.D. No. 43") may appear before the City Council and be heard as to the propriety and advisability of creating L.I.D. No. 43; the City Council will hear all complaints, protests, and objections which may be made in writing and filed with the City Clerk on or before said time by any owner of any parcel of land to be assessed.

Mayor Woodland opened the public hearing:

Presentation by staff: City Engineer Keith Davidson presented the proposal to reconstruct 5th West from 1st South to the Fair Grounds. Some of the property owners concerns included asking to do their own work. The city allows residents to find their own contractor to perform the work on their curb and gutter. If the LID is approved, letters will be sent out to property owners giving them time lines and portions of the project that can be completed by the property owner; also, replacement criteria will be included in the letter.

Council Member Sutherland reviewed a past LID on his property for a corner lot. He recommended the participants to visit with the city staff about financing their project through the city which will allow a longer pay period of 10 years at around 5% to 6%.

Engineer Davidson estimated a completion date of August 01, 2013. The project will be done before the Madison County Fair in August for the Madison County Centennial Celebration. He is hoping the project has been estimated high so the costs will be lower than expected.

Council Member Busby asked if the construction of the street would include redoing the base. Engineer Davidson explained it will be a total rebuild to allow for a strong base for the new asphalt. The cost to the city will be \$1,554,849 and the property owner costs are estimated to be \$204,600.

Discussion on the price for concrete and the time line for the completion of the project.

The 4th of July events will have to work around the construction. The project is planned to start in May or earlier based on the weather. The 48 inch storm drain pipe will need to be ordered for the project.

Council Member Busby asked if this project would impact the Squires Brick Yard project. Engineer Davidson explained the project will not overlap with the Squires Brick Yard project. Council Member Sutherland reviewed the base needed for the street due to heavy truck traffic.

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 at 128 North 5th West reviewed the curb at his property which has broken down due to the contractors lack of doing a proper job. This happened before he moved into his property. He was concerned with the length of city projects during the summer. He gave examples of the street projects at Kmart and the Madison Middle School. He asked why the contractors are not held liable for the damage they create. He referred to compacting soil after it is dug up out of the street. He asked for some work to be done on the fiber optic project at the same time to help keep from digging up the street again. Engineer Davidson explained putting in conduits for fiber optic lines have been discussed. Mayor Woodland referred to the delay at the Madison Middle School project was because of a water line break and a gas line break. Council Member Merrill concurred with Mr. Adams about holding contractors liable for any damage created by their work.

Van Crawford at 526 Gemini Drive asked when the rest of 5th West would be completed.

Discussion on the rest of 5th West. The rest of 5th West is in the five year street project plan.

Rowdy Lewis who lives on Center Street reviewed their project. They have 200 feet of curb and gutter plus driveway. He asked to join the LID. Engineer Davidson said it would be a City Council decision. Council Member Sutherland asked Mr. Rowdy to visit with City Staff on the request. Mr. Lewis mentioned some concerns with snow and ice affecting the apartment traffic.

Camilla Hubbard at 7 North 3rd West expressed some reassurance with LID construction. They experienced LID construction this past summer in their neighborhood. They did not receive any notice of when the construction was to begin as homeowners. As a result of that, her husband was pressed to complete a fiber optic project at their home. She had positive comments on the contracted crews. She asked to have the fiber optic project included in this project.

Gale Harding at 329 West 7th South was very well satisfied with the City Engineering Department and the manner in which the 7th South project was done. The work completed was very well done.

Council Member Smith asked if the property owners are notified of construction. Engineer Davidson said notifications are the responsibility of the contractors. They notify everyone that lives directly on the street.

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

Debra Smith owns a trailer park on 5th West; she asked to have her own contractor do the work on her property. She did not think all of the 320 feet of her property needed to be replaced. She wanted to have her own contractor do the curb and gutter. City Attorney Zollinger said it is only a matter of timing to make sure the project is not delayed. Ms. Smith was concerned the project would impact her tenants if the project is drawn out. Engineer Davidson said the contractor will coordinate with tenants to allow adequate access to their homes.

Donald Hammer south of the Madison Kennedy Elementary School was concerned with timing. He did not want the project to be going on during the school year. He has a hard time getting out of his driveway during the times traffic is coming and going to bring children to school. He suggested doing the school portion of the street after school is out of session. Engineer Davidson said they will be working with the Madison School District to coordinate the project.

Rebuttal by Staff: NONE

Deliberation:

Council President Mann reviewed the process of allowing a longer time for construction due to the cost factor. A longer time frame for construction allows for a less expensive bid.

Council Member Merrill asked to start the project at the county property first. Engineer Davidson said the state will be doing a slurry (seal coat) project this summer on Main Street. It will be difficult to balance the timing of the project with everything.

Council Member Smith commended the Street Department for working with City Council to formulate a five year plan for city street projects. Last year's projects went really well; the city received many property owner compliments.

Mayor Woodland closed the public hearing.

Council Member Sutherland moved to first read Ordinance 1098 to start Local Improvement District No. 43; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Items for Consideration:

- A. Request from TRPTA** for a "Letter of Intent for the §5311 Rural Grant application process" TRPTA would like to provide fixed route service within the FY 2014 or FY 2013 funding if possible; for FY2013, there will be a \$60,608 shortfall in matching funds needed to maintain the current level of service. They are seeking matching funding from Rexburg.

Proposed Fixed Route Service

TRPTA would like to provide fixed route service within the FY 2014 or FY 2013 funding if possible. The FY 2013 approved budget runs April 1, 2013 to March 30, 2014. The matching funds will need to be available by February 28, 2013 in order to receive the approved funds. The §5311 Rural Grant Funds are limited, so the availability of funds to provide extra service may not exist. However, with adequate matching funds and the approval of the District Coordination Council (DCC) and PTAC/IMC, TRPTA could request a change in the scope of work and mode of service in FY2013 to provide fixed route with paratransit service (2 fixed route buses and 3 paratransit buses). Providing fixed routes would reduce the amount of Medicaid/contract services drastically because TRPTA will have to reduce the number of demand response trips by two buses. This would require more local match. TRPTA could also include the fixed route service in the FY2014 funding cycle, which is currently in process, providing the funds are available (grant funds and match). There are other options such as operating the fixed routes outside of grant fully funded, including capital, if the city, county, school, businesses, etc..... wanted to provide the total cost to operate the service. Buses would also have to be purchased in this scenario. However, the current service levels will still require local match.

Amanda Ely the Assistant Director from TRPTA reviewed the application process for public transportation from Driggs to Salmon. Historically, Medicaid has supported this effort; however, their dollars have been cut, causing a reduction in services for the five bus system. They have estimated their 2013 and 2014 costs by looking at their 2012 costs. If funded, they will take two of the five buses and run fixed routes in Rexburg. They have talked to the surrounding counties including Fremont and Madison County. They are asking for \$60,000. She asked for the City of

Rexburg to pay only a portion of the \$60,000. They have an April deadline for the grant application. Council Member Busby reviewed the parties being asked to participate in the matching funds for the grant application including BYU-I, City of Rexburg and adjoining counties. The Rexburg service area extends 8-10 miles outside the City of Rexburg. TRPTA services go to surrounding areas like Ririe, Sugar City, etc.

Council Member Sutherland asked if the University was interested in participating. Ms. Ely said they would like to participate on a joint effort to fund the grant if enough buses are allocated to make a viable service for student traffic. The University was concerned with bus replacement to maintain the service over time. The fixed route buses would be carrying about 16 passengers.

Burk Webster at 3924 Bolder Creek in Ammon, Chairman of the Board of Directors for TRPTA spoke about the uniqueness of this effort. He can't see how a fixed route system in Rexburg would not benefit all parties in Rexburg including the University, City, County and local businesses. He reviewed the routes in Idaho Falls and Pocatello. Idaho Falls pay \$100,000 dollars for their system and Pocatello pays over a half a million dollars. The \$60,000 is only match money to run the system; it is a great opportunity to get the maximum bang for your buck. When he became a member of the Board of Directors at TRPTA, he hoped to direct TRPTA to implement a fixed route system in Rexburg. As a student at the University when he was in school, he would have enjoyed a fixed route system. They want to implement the system by April 01, 2013.

Mayor Woodland asked for a joint work meeting to discuss the proposal. Ms. Ely asked for a decision by the first half of February to meet the grant deadline.

Council Member Smith was concerned the ridership has been dropping. Ms. Ely said they used to have 10 buses; however, they have downsized and still meet the same demand. Ridership has drop mainly due to the cut in Medicaid benefits. TRPTA no longer provides same day service. Dispatch has been centralized to Idaho Falls. The new system will allow two buses to run a fixed route in Rexburg all day long.

Council Member Benfield asked if the funding was available and when the service would start. It would start on April 1st, 2013. One route would go from the University to Wal-Mart, etc. The second route would run from Pioneer Road to Porter Park to the University. The Idaho Falls transportation system charges a \$1.75 per ride including any needed bus transfers. Logan, Utah operates with a local option tax to provide a free service. Council Member Sutherland asked if the Idaho Falls fee included a round trip or one way only. Ms. Ely explained the Idaho Falls faire is for one way only. Ms. Ely said she wanted to maintain the community involvement in the service. The City of Rexburg has contributed to the TRPTA service in the past.

Council Member Benfield moved to table the proposal until a work meeting can be scheduled with all parties; 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
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Break at 8:43 P.M.

B. 7:45 P.M. Public Discussion on “Seasonal Businesses” required to relocate every six months.

Ordinance 1029: “Seasonal Vendor: A business, other than a mobile vendor, exhibiting goods or services within the City of Rexburg from a temporary or mobile structure or vehicle or in a similar temporary manner for more than fourteen (14) days in any year, but for less than one hundred eighty (180) days in any year.”

Mayor Woodland reviewed the item up for public discussion. The issue was discussed in Planning and Zoning; Mr. Chuck Porter was noted as being in favor of mobile vendors; Randall Porter was concerned with mobile vendors being reviewed by the Health Department; afterwards, he rescinded his concerns.

Council Member Merrill reviewed the issue of temporary businesses competing with permanent businesses. He started his business on a temporary basis before expanding into a permanent location. He indicated mobile food businesses need to be regulated by the Health Department, etc. He recommended having nice looking temporary businesses. Compliance Officer Natalie Powell does review these businesses for compliance issues. He recommended having some aesthetic features for temporary businesses (e.g. flower pots). They would look pleasant and be safe for the public.

Council Member Smith indicated most of those items are covered by the existing ordinance. The six month limit for mobile businesses may need to be reviewed. Ms. Powell said the temporary businesses are monitored for code compliance.

Council Member Sutherland reviewed the culture of starting a business in America; it is the American Way. His business could have competition from temporary businesses; however, he would not feel comfortable denying the right for another to start a new business. He did support the need to give a time table for temporary businesses to move.

Steve Oakey at 251 Cornell Avenue was not comfortable with the discussion. He referred to the problem with moving a business every six months. He wanted the City Council to explain to temporary business owners why they have to move their businesses every six months. He opposed rules that prohibit the free exercise of starting a business. Every business faces competition.

City Attorney Zollinger explained the current codes for electrical, plumbing, wastewater, etc. are established by the state and not the city. Temporary businesses are allowed periods of time to establish a business before they are considered a permanent structure and are required to follow permanent codes. The temporary threshold is a factor driven by the code for safety, infrastructure, etc. Council Member Merrill asked what the threshold covered. City Attorney Zollinger explained the threshold is a year, after which they are considered a permanent business. Food is inspected by the Health Department. He referred to the snow shack needing to install a permanent power mast to receive power from Rocky Mountain Power. City Attorney Zollinger reviewed the decision from Planning and Zoning a few years ago to require some restrictions on temporary businesses.

Richie Webb at 680 Wheatland Dr. reviewed the discussion from Planning and Zoning. He supports entrepreneurship in Rexburg; however, the City has requested a certain standard to apply to permanent businesses to fit the aesthetic feel of the city. Temporary businesses should also have similar standards. He reviewed some examples of temporary businesses in Washington D.C.; He recommended improving design standards for temporary businesses. He asked for locations to be defined for temporary businesses. Temporary businesses could be managed a little better.

Judd Riley at 3389 South 2000 West referred to Austin Texas for an example of mobile food vendors. They have locations set aside for mobile vendors. Only walk up businesses are allowed in these locations. He said the nature of a mobile business makes it is easier to establish due to

fewer restrictions. He agreed to require neat and clean businesses; however, he was opposed to having a mandate for flowers for aesthetics.

Robert Coray at 31 North 4000 West was opposed to having businesses move every six months. He indicated the number of mobile vendors is not regulated. His business is slow in the winter; however, he stays open all year with added cost. He asked for equity in the tax base for mobile businesses that compete with permanent businesses. He feels there is not much of an incentive to be a brick and mortar business. He was concerned with unfair competition.

Clyde Southwick at 527 Henderson St. indicated the time factor did not need to be added. Every business has an up and down time. He goes to the taco bus for the atmosphere and novelty. He has watched restaurants come and go because the public decides to patronize them or not. What determines the success of mobile vendors and whether they come or go, is whether the public is buying their product or not.

Kay Burrell at 1121 South Desert Rock Drive addressed the equality issue. He spoke of a friend who went out of business because of regulations. He loves the taco buses; however, there are too many regulations for businesses. He referred to the tax structure having equality amongst business whether they are permanent or not.

Council President Mann said he did not think the temporary businesses need to move; however, he thought the temporary businesses should be moveable. He recommended having some aesthetics applied to new temporary businesses along with a design review. The design review would consider if the business fits in the area, aesthetic appeal, etc. Council President Mann also commented on how many temporary businesses should be allowed.

Council Member Merrill explained if City Council approves exceptions for temporary business locations then there should be no reason to approve a mandated area.

City Attorney Zollinger reviewed the history on approved location for temporary businesses. He explained the two exceptions included locations just outside of the approved area in front of commercial structures.

Council Member Busby asked if there was a need to comply with the code due to liability. City Attorney Zollinger explained the building standards need to be followed; however, temporary structures can be allowed on a short term basis. Temporary businesses are only regulated by food regulations. The issue is the time factor for a temporary structure; beyond the temporary time frame, the temporary structure would be considered a permanent structure and building code regulations would apply.

Council Member Benfield reviewed the need to make taxes equitable. Richie Webb commented on the value of the land going up when a permanent structure is constructed.

Steve Oakey at 251 Cornell Avenue said mobile trailers would have to comply with the same regulations.

City Attorney Zollinger said there is a balance with most tenants paying a rent to cover the property tax. Most of the mobile vendors are on established lots that are taxed. The Snow Shack is on a tax exempt property.

Brett Jeppesen at 1013 North 9th East said these businesses are customer driven. There is too much regulation. His food cost to his customers could be cut 25% without government regulation.

Robert Corey agreed to have less regulation.

Mayor Woodland asked to maintain the current ordinance. If any change should be made it would be to add a provision to the time limitation on temporary vendors.

City Attorney Zollinger said a change in the ordinance would require a public hearing before Planning and Zoning for public input.

Council Member Merrill asked Mr. Webb to describe the ideas he had with regards to better managing temporary business. Richie Webb explained there needs to be some criteria for the temporary businesses to follow. Put a committee together to review the possibilities.

Council Member Benfield asked for more time to continue the discussion.

City Attorney Zollinger indicated Driggs has some mobile vendor requirements.

Council Member Merrill felt mobile businesses need to have an appropriate appearance.

Council Member Busby expressed his concern for the temporary business regulation to move every 6 months.

Discussion on the cost to move every 6 months for a mobile vendor.

City Attorney Zollinger indicated the building code does not accommodate a temporary business remaining permanent.

Discussion on having more input from a committee. Planning and Zoning may look at the mobile business in more detail. Discussion on temporary businesses needing hard surfaces.

Council President Mann said the City Council is not planning to make changes to the current businesses; any changes will affect new businesses. Council Member Sutherland indicated design review issues and aesthetics could be reviewed by Planning and Zoning. Compliance Officer Powell said the businesses could be reviewed by the Design Review Committee.

Council Member Merrill wanted to make sure health and safety issues are covered. Additionally, businesses should look good.

Discussion on requiring mobile businesses to have proper vehicle registration. City Council determined not to make any decisions yet.

Staff Reports:

Public Works: – John Millar

Public Works Director Millar reviewed the street issues.

1. Rexburg Rapids has continued to run their water pumps. The costs in November were under projections.
2. The wastewater project has stopped during the winter season.
3. The street light project continues; wires are being installed.
4. The well under the elevated water tank will be a standby well for full backup capacity. A pump and motor will be bided out for the well. The well should be in service by July.
5. The city is looking for a well location on the SW corner of the city. We are negotiating with an irrigation company to maintain the water level on the south fork of the Snake River. The city is still trying to obtain water rights.

Council Member Busby asked why a few street lights were still operating while the power was out. Public Works Director Millar explained the street lights have a battery backup for a short period of time. The water and wastewater systems have generator backups.

6. The Snow Blower is arriving tomorrow.
7. The intersection at University and 12th West has traffic backing up at times. The traffic flow does not qualify for a street light.

Discussion on traffic flow from the Madison High School and the congestion in that area.

Council Member Smith complimented Mr. Millar on the street maintenance and snow removal in Rexburg.

Finance Department – Richard Horner

1. **Resolution 2013-01** Grant check signing authority to the City's Deputy Finance Officer.

RESOLUTION NO. 2013-01

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, GRANTING CHECK SIGNING AUTHORITY TO THE CITY'S DEPUTY FINANCE OFFICER.

WHEREAS, the check signing authority in the City of Rexburg is currently limited to four individuals: the Chief Finance Officer/Treasurer, the City Clerk, the City Council President, and the Mayor, and all checks must be signed by two individuals, which occasionally causes delays; and

WHEREAS, the City Council desires to increase efficiency of City operations;

NOW THEREFORE, be it resolved by the Mayor and the Council of the City of Rexburg, that effective February 1st, 2013, the Deputy Finance Officer shall also be authorized to sign City checks, with the following limitation: the Deputy Finance Officer is a designated alternate for the Chief Finance Officer/Treasurer. Either one may sign a check, but the other required signature must be the City Clerk, the City Council President, or the Mayor.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 16th DAY OF JANUARY, 2013.

CITY OF REXBURG
Madison County, Idaho

By _____
Richard S. Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

Council President Mann moved to approve **Resolution 2013-01** to Grant check signing authority to the City's Deputy Finance Officer; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Calendared Bills and Tabled Items:

A. "LAND USE ACTION" – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:

1. **Ordinance 1099 Rezone** 445 West Main Street from MDR1 to HDR2.

City Attorney Zollinger recommended suspending the rules for Ordinance 1099.

Council Member Busby moved to suspend the rules for Ordinance 1099; Council Member Merrill seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

Council President Mann

The motion carried.

Council Member Busby moved to third read and approve Ordinance 1099 to rezone 445 West Main Street from MDR1 to HDR2; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

B. BILL Introduction: – NONE

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

1. **BILL 1098** – Creation of LID 43

The motion was made after the Public Hearing on page 7 above:

Council Member Sutherland moved to first read Ordinance 1098 to start Local Improvement District No. 43; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

*Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill*

Those voting nay

None

The motion carried.

Council Member Smith asked for a building permit report on a regular basis. Discussion on getting more building permit information to the City Council.

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 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.

- A. Minutes from January 02, 2013 meeting
- B. Approve the City of Rexburg Bills

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

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Fire Code discussion on sprinkler requirements.

Adjourned at 10:38 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk