

City Council Meeting

June 26, 2013

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CITY OF
REXBURG
America's Family Community

June 26, 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.

Shane Turman led the Pledge to the Flag.

Rachel Jones said the Prayer.

Roll Call of Council Members:

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

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

Ford Erickson at 123 Princeton Court Apt 4 in Rexburg. He asked the City Council for some help on the Paul Bunyan Music Festival on June 29th in Porter Park from 3:00 P.M. to 7:00 P.M.; they are seeking sponsorships to help with the cause to support music education in Madison School District. The event is free to the public, and donations are accepted of which 100% will go directly to music education in the Madison School District.

City Council was very supportive of the event; offering personal donations to support the event.

Council Member Busby moved to waive the fees for the event at Porter Park; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Presentations: – NONE

Committee Liaison Assignments for 2013:

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

Council President Mann did not have a report; however, he reminded the City Council about the 4th of July parade which will be lining up on the east side of Smith Park, as opposed to the south side where it originated last year. The city fire trucks will be towards the front of the parade. The AIC Annual meeting was very good which showcased Rexburg. Golf Board will meet on Tuesday; Emergency Services did not meet; Mayor’s Youth will be at the parade.

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

Council Member Busby reported that neither of his boards has met.

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 is planning for a bicycle park similar to a BMX track. They are working with land owners. She mentioned the upcoming Summer Fest celebration and 4th of July celebrations, thanking everyone who is involved with that planning and support.

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

Council Member Smith reported on the fly-in and free breakfast at the airport. It was very successful. The Kiwanis was very helpful. The Arts Council would like to compensate Roger Harris for his expenses to help with the Tabernacle events and the Romance Theatre events. A possible compensation could be a \$100.00 per month stipend and tax deductions on his pickup. Finance Officer Horner said it could come either from the Arts Promulgation Fund or the General Fund.

Council Member Smith moved to approve the payment of expenses of \$100.00 per month for Roger Harris’s travel reimbursement expenses to help monitor the Tabernacle events and the Romance Theatre events; Council Member Sutherland seconded the motion; Discussion: Council Member Benfield was concerned with using the Arts funds. She would prefer to have it coming out of the General Fund. Reimbursement of expenses would be another option. Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Benfield	
Council Member Sutherland	
Council Member Merrill	
Council Member Busby	
Council Member Smith	

The motion carried.

Envision Madison Report:

Council Member Smith reported on the community workshops last week for Envision Madison. The workshops went very well with good community support at the Madison High School, the Lyman meeting, and the Sugar City meeting. Some of the Attendees wanted to be stake holders in the process. One concern was the maps did not cover the entire county. The Executive Committee will meet tomorrow to discuss the process and the maps.

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

Council Member Merrill reported Parks and Recreation is working hard to make Rexburg Rapids a success. He discussed grant funding possibilities for outdoor recreation for the children in the community which is due August 09, 2013. The Urban Renewal Agency is helping pay for power line relocations on the south entrance to Rexburg. The payments will go back to

reimburse the land owner as they pay their taxes at 75 cents on the dollar for about 50% of the \$200,000 cost to relocate the power lines.

Council Member Merrill reported on some discussions to build a four-field baseball complex over by the Junior High School. The Madison Baseball Association is interested in building this four-field baseball complex behind the Rexburg Medical Center, which they have leased from the school district. The lease is a 100 year lease and the cost is \$1.00 (the school district is basically donating the property). The land may have some issues to work through before the property would be available for a baseball complex. City Attorney Zollinger reviewed some issues concerning the original landowner's expectations (*who donated the property*) for the development of the property. Several families have had agreements with the school district concerning what will be done with the donated property, but the school district has not followed through on these promises. He suggested that the school district first honor past promises on lease agreements concerning this property before developing the property further.

Finance Officer Horner verified that the lease should either be deeded to the City, or be in the City's name because the City has greater longevity than the volunteers involved in the project. Additionally, money going into the park would be from the City's Urban Renewal Board, which would give the City the right to control activity on the property.

Continued discussion on the next step to develop the complex including parking for the complex. Finance Officer Horner indicated the group seeking funding will make a future proposal to the Urban Renewal Board. Discussion over the future development of the baseball fields at Riverside Park.

Council Member Merrill was interested in getting some baseball fields built as soon as possible. He asked to have all of the players included in a meeting to resolve the questions and concerns for location, costing, etc. for a baseball complex. The baseball agency itself cannot maintain the fields without the City's help. The Council would like to get these fields done in order to do what is best for developing the community, but at the same time it is important to work out the issues so that legal council will not be necessary.

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

Council Member Sutherland reported Planning and Zoning did not meet. The Police Department has three new vehicles. Sargent Gary Hagan's son is still having medical treatment. Two employees graduated on June 14th; Lt. Corey Foster graduated from the Idaho POST Academy 9th in the class and received the Marksmanship award in firearms; Officer Sam Claunch graduated from the FBINA Academy in Quantico VA. Chief Turman was appointed by the governor on June 1st to serve on the Idaho Peace Officers Standards & Training Council. The new firearms system is up and running at the gun range. This will result in more realistic training and improved quick decision making skills in a critical incident. The Police Department would like to schedule a time for the City Council to come out for a tour, cook out, and shoot later this summer.

They are planning a special needs picnic on July 11th from 11:30 A.M. to 1:00 P.M. at Porter Park.

Mayor's Report:

Finance Officer Horner and Chief of Police Shane Turman requested the proposed loan policy for the purchase of guns by individual police officers be discussed.

Mayor Woodland indicated the Police Department Officers buy guns for tactical training. The issue being discussed is how the employee can buy their own gun for tactical training through a payroll deduction process. City Attorney Zollinger explained the proposal:

The City of Rexburg will allow city loans for guns that may be purchased by Police staff for use in their job responsibilities under the following conditions:

1. All Loans must be approved by the Police Chief and the Chief Financial Officer
2. Loan amounts must be for more than \$250, but less than \$2,000 per loan
3. The maximum loan term is 24 months with a minimum payment of \$10 per pay period

4. The loan will be paid back through payroll deductions each payroll period and will only be authorized once the invoice for the purchase of the gun and an authorization letter from the Police Chief has been received by the Payroll Department, and the loan has been approved by the Chief Financial Officer. The loan total will include sales tax
5. Each loan will also include a loan processing fee of \$20 that will be added to the principal amount of the loan. No interest will be charged on the loans
6. A police staff member may not have more than 2 loans at any given time

Discussion: Police Chief Turman explained the need to help the police officers purchase these backup guns for the officers. He discussed the several types of weapons needed for police officers to have for a variety of situations from shot guns to assault weapons. City Attorney Zollinger said the weapons under discussion are going up in value.

Council Member Busby moved to approve the Loan Policy for Guns Purchased by Police; Council Member Benfield seconded the motion; Discussion: Council President Mann asked why the City is not purchasing the weapons for the police officers. City Attorney Zollinger said they are provided the minimum city weaponry to do their jobs safely. The price tag for a tactical team's weapon was about \$60,000. Council President Mann was concerned with liability of the City loaning money to buy weapons for the police officers if the weapon becomes a liability issue. City Attorney Zollinger explained that legally the guns would basically be leased to the police employees from the City, and these guns will not be any different liability wise than guns belonging to the policemen. Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Public Hearings:

- A. **7:30 P.M. Surplus Real Property** located mid-block east of 278 North 2nd West to determine the method of sale, transfer, exchange, or conveyance of this real property totaling 4.27 acres with a minimum value of \$70,000 per acre.

Mayor Woodland introduced the proposal. City Attorney Zollinger said the purpose of the public hearing is to disclose the nature of how the property will be sold by auction, sealed bid, etc. The minimum value has been set at \$70,000 per acre. The land is being sold as a single parcel at \$70,000 per acre; the parcel is not to be sold in chunks. Proceeds will go into the parks fund (as stipulated in the June 5 City Council meeting).

Presentation by **staff:**

***On June 05, 2013 at the City Council meeting – Council Member Busby** moved to make a substitute motion to surplus the property and earmark the revenue from the land surplus sale for beatification or parks; Council Member Benfield seconded the motion; Discussion: Council Member Merrill asked if the need arose in the future to use the funds for an emergency or another city project, could the funds be reallocated? Council President Mann said this City Council could not bind a future City Council from reallocation the funds for an emergency, etc. Mayor Woodland asked for a vote:*

Those voting aye

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

Those voting nay

Council President Mann

The motion carried.

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): NONE

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

Rebuttal by applicant: NONE

Mayor Woodland closed the public hearing for deliberations.

Discussion: Council Member Smith commented that the Targhee Pawn corner is now for sale (by Trejo St) and they are asking \$439,000. It is only 1/3 of an acre, but this price tag includes the pawn shop and all of its contents.

Council Member Sutherland moved to approve the method of sale as any statutory legal means of the state of Idaho; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

Council President Mann

The motion carried.

B. 8:00 P.M. Amending City Fees

Presentation by **staff**:

Finance Officer Horner presented a list of fees to amend or add to the City's Master Fee list.

CITY OF REXBURG FEE CHANGES				6/11/13	
Dept.	Category	Type	Current Fee	Changed	Proposed Fees
Arts & Museums	Romance Theater -For Profit	Cleaning Fee (64%)/Processing Fees (36%)- (Non-refundable)	\$ 50.00000	7/20/11	\$ 50.00000
Arts & Museums	Romance Theater -For Profit	Additional Rehearsal (4 hours)			\$ 80.00
Arts & Museums	Romance Theater -For Profit	Rental Fee or 10% of Gross Ticket Sales, whatever is greater (8 hours on day of event & 1 four-hour rehearsal)	\$ 300.00	7/20/11	\$ 300.00
Arts & Museums	Romance Theater -For Profit	Staff Fee per person/ hour after scheduled time	\$ 10.00	7/20/11	\$ 10.00
Arts & Museums	Romance Theater -For Profit	Technician Fee per hour	\$ 15.00	7/20/11	\$ 18.00
Arts & Museums	Romance Theater -Non-Profit	Additional Rehearsal (4 hours)			\$ 40.00
Arts & Museums	Romance Theater -Non-Profit	Cleaning Fee (64%)/Processing Fees (36%)- (Non-refundable)	\$ 50.00	7/20/11	\$ 50.00
Arts & Museums	Romance Theater -Non-Profit	Rental Fee or 5% of Gross Ticket Sales, whatever is greater (8 hours on day of event & 1 four-hour rehearsal)	\$ 200.00	7/20/11	\$ 150.00
Arts & Museums	Romance Theater -Non-Profit	Staff Fee per person/ hour after scheduled time	\$ 10.00	7/20/11	\$ 10.00
Arts & Museums	Romance Theater -Non-Profit	Technician Fee per hour	\$ 15.00	7/20/11	\$ 18.00
Arts & Museums	Tabernacle -For Profit	Cleaning Fee (64%)/Processing Fees (36%)- (Non-refundable)	\$ 50.00	7/20/11	\$ 50.00
Arts & Museums	Tabernacle -For Profit	Staff Fee per person/ hour after scheduled time	\$ 10.00	7/20/11	\$ 10.00
Arts & Museums	Tabernacle -For Profit	Technician Fee per hour	\$ 15.00	7/20/11	\$ 18.00
Arts & Museums	Tabernacle -Non-Profit	Annual Weekly Rehearsal Rental Rate (2 Hr/Week)-4 performances included			\$ 500.00
Arts & Museums	Tabernacle -Non-Profit	Cleaning Fee (64%)/Processing Fees (36%)- (Non-refundable)	\$ 50.00	7/20/11	\$ 50.00
Arts & Museums	Tabernacle -Non-Profit	Rental Fee for Non-Performances (8 hours on day of event & 1 four-hour set-up)	\$ 100.00	7/20/11	\$ 75.00
Arts & Museums	Tabernacle -Non-Profit	Rental Fee for Performances (8 hours on day of event & 1 four-hour rehearsal)	\$ 150.00	7/20/11	\$ 100.00
Arts & Museums	Tabernacle -Non-Profit	Staff Fee per person/ hour after scheduled time	\$ 10.00	7/20/11	\$ 10.00
Arts & Museums	Tabernacle -Non-Profit	Technician Fee per hour	\$ 15.00	7/20/11	\$ 18.00
Customer Service	Business Registration /Year	Amusement Center (more than 10 video games)	\$ -	new	\$ 20.00
Customer Service	Business Registration /Year	Bartender Renewal	\$ 10.00	previous	\$ 20.00
Customer Service	Business Registration /Year	Cafeteria or Delicatessen		new	\$ 20.00
Customer Service	Business Registration /Year	Candy Factory		new	\$ 20.00
Customer Service	Business Registration /Year	Catering Service		new	\$ 20.00
Customer Service	Business Registration /Year	Concession		new	\$ 20.00
Customer Service	Business Registration /Year	Cooking School (sell food)		new	\$ 20.00
Customer Service	Business Registration /Year	Dairy (plus \$2.50 per truck)		new	\$ 20.00
Customer Service	Business Registration /Year	Dance Hall		new	\$ 200.00
Customer Service	Business Registration /Year	Delicatessen or Cafeteria		new	\$ 20.00
Customer Service	Business Registration /Year	Ice Cream Store		new	\$ 20.00
Customer Service	Business Registration /Year	Investigation Fee in Idaho outside of Madison County		new	\$ 50.00
Customer Service	Business Registration /Year	Investigation Fee in Madison County		new	\$ 25.00
Customer Service	Business Registration /Year	Investigation Fee outside of Idaho		new	\$ 200.00
Customer Service	Business Registration /Year	Junk Dealer		new	\$ 50.00
Customer Service	Business Registration /Year	Kennel, Commercial (selling, breeding petition of 75% in 200 feet)		new	\$ 50.00
Customer Service	Business Registration /Year	Kennel, Non Commercial (over 2 dogs-petition of 75% in 100 feet)		new	\$ 25.00
Customer Service	Business Registration /Year	Meat Market		new	\$ 20.00
Engineering	Plan Check Fee	Plan Check Fee per hour			\$ 85.00
Fire	Plan Check Fee	Plan Check Fee per hour			\$ 65.00
Police	Parking Enforcement	Snow Removal Hook and Drop Fee			\$ 50.00
Recreation	Rexburg Rapids Admit	Daytime Individual Ages 3 - 59			\$ 5.00
Recreation	Rexburg Rapids Admit	Evening Individual Ages 3 - 59			\$ 4.50
Recreation	Rexburg Rapids Rental	Large Shelter Rental cost per Hour (1 Hour)			\$ 30.00
Recreation	Rexburg Rapids Rental	Party Room Rental cost per Hour (1 Hour)			\$ 20.00
Recreation	Rexburg Rapids Rental	Small Shelter Rental cost per Hour (1 Hour)			\$ 20.00
Recreation	Rush Triathlon	Maximum Late Fee	\$ 40.00	9/6/12	\$ 45.00
Recreation	Rush Triathlon	Olympic (Intermediate) Distance, team--Each Member Fee			\$ 55.00
Recreation	Rush Triathlon	Pre-race dinner, extra meal(s)	\$ 7.50	9/6/12	\$ 8.00
Recreation	Rush Triathlon	Sprint Distance, team--Each Member Fee			\$ 50.00
Recreation	Soccer	Soccer Field Prep U-11 size and under per Game			\$ 7.00
Recreation	Soccer	Soccer Field Prep U-12 and Up per Game			\$ 13.00
Recreation	Teton Dam Marathon	Dinner -- paid at door per person	\$ 8.25	4/6/11	\$ 8.00
Recreation	Teton Dam Marathon	Dinner -- pre-paid per person	\$ 7.50	9/6/12	\$ 8.00
Recreation	Teton Dam Marathon	Maximum Late Fee Per Runner	\$ 40.00	9/6/12	\$ 45.00
Recreation	Teton Dam Marathon	Race: 5 K per person	\$ 30.00	9/6/12	\$ 35.00
Recreation	Teton Dam Marathon	Race: 10k per person	\$ 35.00	9/6/12	\$ 40.00
Recreation	Teton Dam Marathon	Race: Full Marathon per person	\$ 55.00	9/6/12	\$ 65.00
Recreation	Teton Dam Marathon	Race: Half Marathon per person	\$ 50.00	9/6/12	\$ 60.00

Council President Mann asked about the Engineering Fees which were nothing before, and are now \$65-\$85. Finance Officer Horner clarified that costs have increased because of the pay grade. Several departments have not been getting reimbursed for work; this will cover vehicle mileage, hours worked, etc.

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): NONE

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

Mayor Woodland closed the public hearing for deliberations.

Discussion:

Council President Mann moved to approve the amendments to the City's Master Fee List as presented; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Items for Consideration:

A. RED BOX FIREWORKS Stand at 565 N 2ND E just north of Wendy's Restaurant

City Clerk Blair Kay reviewed the process to obtain a Fireworks Stand Permit. The applicant must obtain a Business Registration along with a permit for each Fireworks Stand. The Business Registration is \$20.00 and the Fireworks Stand Permit is \$50.00. The applicant's application is reviewed by staff before the Madison Fire Department does the inspection and delivers the Fireworks Stand Permit. The permit is authorized from June 26th to July 26th.

Discussion:

Council Member Sutherland moved to approve the Fireworks Stand for RED BOX FIREWORKS Stand at 565 N 2ND E; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Staff Reports:

Public Works: – John Millar

A. Bid approval for Piping and Connections at Well #7 Pump House

Well House # 7 Bid Opening June 21, 2013	
Bidder	Bid Amount
TMC Contractors	\$ 558,400.00
DL Beck, Inc.	\$ 549,875.00
3H Construction	\$ 533,232.00
Zollinger Construction	\$ 565,000.00
	\$
Engineer's Estimate	\$

Public Works Director Millar reviewed the bids for the Piping and Connections at Well #7 Pump House, including the construction of the Pump House building. This station will utilize the well drilled last year at the elevated reservoir. This helps the facility run the additional well and includes a booster station that will handle pumping additional water into the reservoir or meeting demands of the upper system. These improvements will be necessary with upcoming population increases and warmer weather. There were four bidders. The low bid is 3H Construction, which is headed by Reed Hill, \$533,232; engineer's estimate was at \$550,000. The main pump is already installed, but this bid includes more necessary improvements such as electrical installation. Public Works Director Millar does not anticipate any hidden fees or outstanding issues; this deal has been carefully reviewed.

Discussion:

Council Member Sutherland moved to approve the low bid approval for Piping and Connections at Well #7 and the construction of the Pump House; Council Member Merrill seconded the motion;

Discussion:

Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Public Works Director Millar reviewed city projects.

1. North section of 5th West has been paved.
2. South section of 5th West will be paved in two weeks.
3. Wastewater Treatment plant upgrade is 70% complete with final mid-August.
4. Seal coating (slurry) for Main Street is being scheduled for July 1st. They will stay out of the area the City will need for the Street Festival.
5. Pioneer Street Right-of-Way will be maintained by the home owners association.
6. Henderson Subdivision has been crack sealed by City crews.
7. Gates Apartments Canal right-of-way will be maintained by City crews.
8. Snell Grove development will be reviewed.
9. Canal west of the Harding property is having grass clippings dumped by the white fence. The compliance officer will review the location.

Discussion:

Council Member Busby wondered about the bio solids tracker purchased in 1971, which was a great expense. It had several overhauls including hydraulics and engine; it is essentially a rebuilt tractor. It appeared to be the best the City could get for the price. This will be a tractor that will be used until the wheels fall off, which will hopefully be for many years. This will be cheaper than the couple hundred thousand it would cost to replace the tractor.

Council Member Busby also asked for clarification on the City's work with Nielsen Brothers Construction for \$92,000, which has included several change orders. The payment has accumulated about four or five change orders due to City initiated changes that were added to make the building better. Some examples are insulation on the building, heavier gravel under the paved areas, and a filtering system into the reuse water. \$112,000 is the total amount of the change orders.

The recently approved water study for \$70,000 has not been done for approximately 15 years. Primarily, it is a computer modeling of the distribution system. It gives the capability of knowing water capacity in certain areas of Rexburg. As we add more and more growth, this knowledge of water distribution and capacity is essential so that the water system can meet the public's demands.

The City has also purchased a sanding truck with a salvaged title. The City looked at several in an auction that had been converted from a standard truck to a 10 wheeler. They came across this one on a salvaged title that was tipped over. The passenger door needed to be replaced (came with it), and there were a few other problems such as a windshield replacement. However, these repairs have been done and it is still drivable. The truck has been finely inspected and everything seems in order (axles are square, etc.).

On Pioneer Road there is a large stretch of roadside area that needs to be sprayed for weeds; that will be done by the City even though it is the responsibility of the home owners. The homeowners did not know of this responsibility heretofore.

Finance Department – Richard Horner

1. 401K loan policy amendment

Finance Officer Horner reviewed the proposed additions to the 401K loan policy.

Loan Amount

- a. All loans will be limited to 50% of the Participant's vested account balance, provided such loan does not exceed \$50,000. The \$50,000 maximum amount will be reduced by the Participant's highest outstanding loan balance in the previous 12 months, even if amounts have been repaid.
- b. The Plan also includes a minimum loan amount of \$1,000.
- c. A Participant may have only one loan outstanding at any given time. Once a loan is paid off, no new loan may be made for a period of ninety (90) days, except when new loan proceeds, in excess of the amount of any existing loan being paid off and the new loan fee, are limited to the employee's share of outstanding medical bills and are being paid by the city directly to a medical provider. Current balance due statements from the medical provider must be provided to the city in this case.
- d. A Participant may be denied future loans if he or she defaulted on any previous loan.

Discussion: Twenty to thirty employees have been using the loan program.

Council President Mann moved to approve the 401K loan policy amendment; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Those voting nay

be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Benfield seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

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

Those voting nay

None

The motion carried.

****Land legal personnel****

Executive Session: 8:38 P.M.

Executive Session ended. 9:20 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk