

# City Council Meeting

March 04, 2015

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CITY OF  
**REXBURG**  
America's Family Community

March 04, 2015

**Mayor Richard Woodland**

**Council Members:**

President Sally Smith    Jordan Busby

Donna Benfield         Jerry Merrill

Christopher Mann       Brad Wolfe

**City Staff:**

Stephen Zollinger – City Attorney

Matt Nielson – 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**

Kayen Cramer with troop 47 led the pledge.

Val Christensen said the prayer.

**Roll Call of Council Members:**

**Attending:** Council Member Benfield, Council Member Mann, Council Member Merrill, Council Member Busby, Council Member Wolfe, and Mayor Woodland.

**Council President Smith** asked to be excused.

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

**Janalee Meeker** stated she is concerned with vape cigarettes also referred to as e-cigarettes. She stated there is more issue with the e- cigarettes at the Madison Jr High than the Madison High School. What do we know about e cigarettes? Some states are pass laws regarding e-cigarettes. The e-cigarettes came about to help cigarette smokers quit smoking. The vape store in Rexburg will only sell to adults. She is concerned with the vape stores advertisement. She hopes to stress awareness to parents; she looks forward to addressing the issue.

**Janalee Meeker Letter:**

*“Did you know that the word, “Vape” was Oxford Dictionary’s word of the year in 2014? According to a New York Post article this word earned the distinction because one is “thirty times more likely to come across the word vape [today] than two years ago, and usage has more than doubled in the past year.”*

*I had never heard of vaping until two weeks ago. I heard from a friend that there was a trend at the high school with students using e-cigarettes and I thought to myself, “Where are they getting them?” That very afternoon, as I was driving down Main Street I saw the Vape Shop banner. After making some phone calls I learned that the e-cigarette issue is much more of a problem at the junior high. And having children attending both schools I felt compelled to act on behalf of my own family and all families that live in America’s family community.*

*What do we know about e-cigarettes? There is much debate going on in our country about the risks and benefits of e-cigarette use. Cities around the country are beginning to pass public e-cigarette ordinances. Some say this is harmless but from my research I can clearly state, there is much that we don’t know.*

*Having said that, this is what I do know:*

- *The industry started as a way to help tobacco cigarette smokers quit smoking but quickly transformed into a new industry targeting smokers and non-smokers alike.*
- *Adolescents who vape are much more likely to transition to tobacco cigarettes and in fact, one study found that*
- *43.9 percent of sixth- through 12th-graders who had used e-cigarettes said they intended to light up conventional cigarettes over the next year*
- *E-Cigarettes are widely marketed to kids and although the Vape Shop in Rexburg has a sign on their door stating that they will only sell to adults, somehow kids in our community are accessing them.*
- *Finally, based on discussions with my friends and neighbors about this new threat, parents are extremely uninformed on this and many issues that may have long-term implications for our community.*

*I understand that the City Council is aware of this issue and is working on a public smoking ordinance. I also understand that the police are watching and are involved in what is happening in and around the Vape Shop. With that said, I have a great concern about this threat to our community. The Vape Shop is not hiding in a back alley but is openly marketing to our community with flags, banners, and an online presence promoting events such as cloud competitions. If you don't know what that is, I suggest you look it up!*

*I have felt for quite a long time that if I just focus on teaching and protecting my own children, that they will be safe. I have come to see, however, that raising a strong family takes much more than watching out for my own. I feel impressed to share what I have learned so that other families can become aware, so that a dialogue may begin amongst families, and that we may work together for the benefit of all. I look forward to further discussion on this and other issues that impact our children and families."*

*Thank you.*

*Janalee Meeker  
673 Johnson St.*

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**Ken Hart** with the Rexburg Senior Center would like to thank the City for their support. The Rexburg Senior Center appreciates the service they receive from the City in picking up the garbage; water and sewer services and snow removal at no cost to the Senior Center. The City also donates monthly funds.

**Mr. Hart** indicated the Vape shop is not the only place selling vape. He said there other 4 to 5 other places.

**Kevin Kerry** is concerned with the Rexburg Recreation Department. He received a call at 9 a.m. this past Saturday to indicate the basketball games were being canceled. He would like to see better communication between the Rexburg Recreation Department, parents and coaches. There have been 2 out of 5 basketball games that have been canceled. He said he volunteered to be a coach this year because he was informed the basketball league wouldn't start until there was enough coaches. Mr. Kerry stated some parents will not volunteer to coach, because of the lack of communication.

#### **Presentations:**

##### **A. Western Greater Yellowstone Area Consortium** update on the Hud Grant:

The City of Rexburg is one of the members of the Western Greater Yellowstone Consortium which received a grant of \$1.5 million in 2012 to support regional planning. The final product of this joint effort is the Teton View Regional Plan for Sustainable Development, which will be submitted to the US Department of Housing and Urban Development in May, 2015. The draft Teton View Plan will be out for public review from February 23 through March 22, 2015.

**Compliance Officer Natalie Powell, and Jan Brown** with the Fremont County Planning & Zoning Department reviewed the Hud Grant and the Teton View Plan. ...

*"What is the Teton View Regional Plan? Over the past three years, the Western Greater Yellowstone Consortium has focused on what the region shares in common while respecting the varied economic, political and cultural views of each community. We have accepted the reality of our differing perspectives and believe the Plan may be stronger and more realistic as a result. The Plan proposes 60 region-wide initiatives and community-scale*

*projects that, if implemented, will shape a more prosperous future for our communities. These are paths we can choose to take separately, but still in parallel to achieve a common purpose.”*

*“Program Background In 2009, the US Department of Housing and Urban Development (HUD) joined the US Department of Transportation and the Environmental Protection Agency to form the “Sustainable Communities Partnership” Each Partnership agency designed their federal funding programs around six “livability principles”:*

- Provide more transportation choices*
- Provide equitable, affordable housing*
- Enhance economic competitiveness*
- Support existing communities*
- Coordinate policies and leverage investment*
- Value communities and neighborhoods”*

*“The HUD Grant In November 2011, the Consortium was awarded \$1.5 million from HUD to conduct a 4-county, regional planning process under Fremont County’s leadership: • Fremont, Madison, and Teton counties in ID and Teton County, WY • Cities of Ashton, Driggs, Island Park, Rexburg, St. Anthony, and Victor, ID and the Town of Jackson, WY • Caribou-Targhee and Bridger-Teton NF, the BLM, & Idaho Department of Lands • Ashton Community Foundation.”*

*“How the \$1.5 Million Was Spent:*

- 1. \$150K Regional Plan and Sustainability Indicators*
- 2. \$142K Public Outreach and Participation*
- 3. \$100K GY-Framework, Audits and Certification*
- 4. \$294K Model Development Code/Teton Valley Code*
- 5. \$113K Regional Housing Studies*
- 6. \$181K Regional Mobility/Trail Concept Studies*
- 7. \$84K Economic Development Studies*
- 8. \$96K Teton View Infrastructure Studies*
- 9. \$50K Consortium Meetings and Training Events*
- 10. \$290K Project Management/Grant Administration”*

*“Because We Lead Regional Lives The Teton View Plan is designed to help city and county officials and public land managers better coordinate their land-use planning, resource management and community development efforts for the region’s long-term benefit. The Plan was written on a four-county, two-state scale because past studies have shown that our 83,000+ residents actually lead regional lives. We in rural areas: • Live in one county, but commute to work in another • Travel to shop or visit medical facilities • Travel across state and county lines for outdoor recreation”*

*“Guiding Documents • Model Development Code – A menu of voluntary land-use concepts and development ordinances that a locality may adopt to advance their sustainability goals & objectives • Greater Yellowstone Framework for Sustainable Development (GY-Framework) – A voluntary, ecosystem-based rating system designed for local governments • Regional Analysis of Impediments (RAI) – An analysis of identified impediments to fair housing choice along with recommended actions and metrics to monitor outcomes”*

*“The Western Greater Yellowstone Consortium is pleased to announce that the **Teton View Regional Plan** is now ready for public review. You are receiving this email because you have participated in some aspect of the HUD-funded planning process over the past three years or have demonstrated interest in this work.”*

**Jan Brown** reviewed the updates regarding the Teton View Regional Plan on the overhead screen. She indicated the guiding documents are available online.

*“The initiatives proposed below apply to one or more small cities that lie within Fremont and Teton counties, Idaho, including St. Anthony, Ashton, Island Park, Driggs and Victor.”*

*“The housing surveys performed for the four Teton View counties showed that between 11% and 17% of all occupants consider their homes to be in fair to poor condition, depending on the county. In Fremont County, where homes are generally older, 30% of the very low-income households have indicated the need for multiple repairs to make their homes livable. To address this need, a multi-year Neighborhood Revitalization Initiative (NRI) is being proposed with the Idaho Falls affiliate of Habitat for Humanity. Habitat completed its first build in Ashton in 2013 and envisions an ongoing relationship with the community in financing new home construction and “gut” rehabs of existing homes.”*

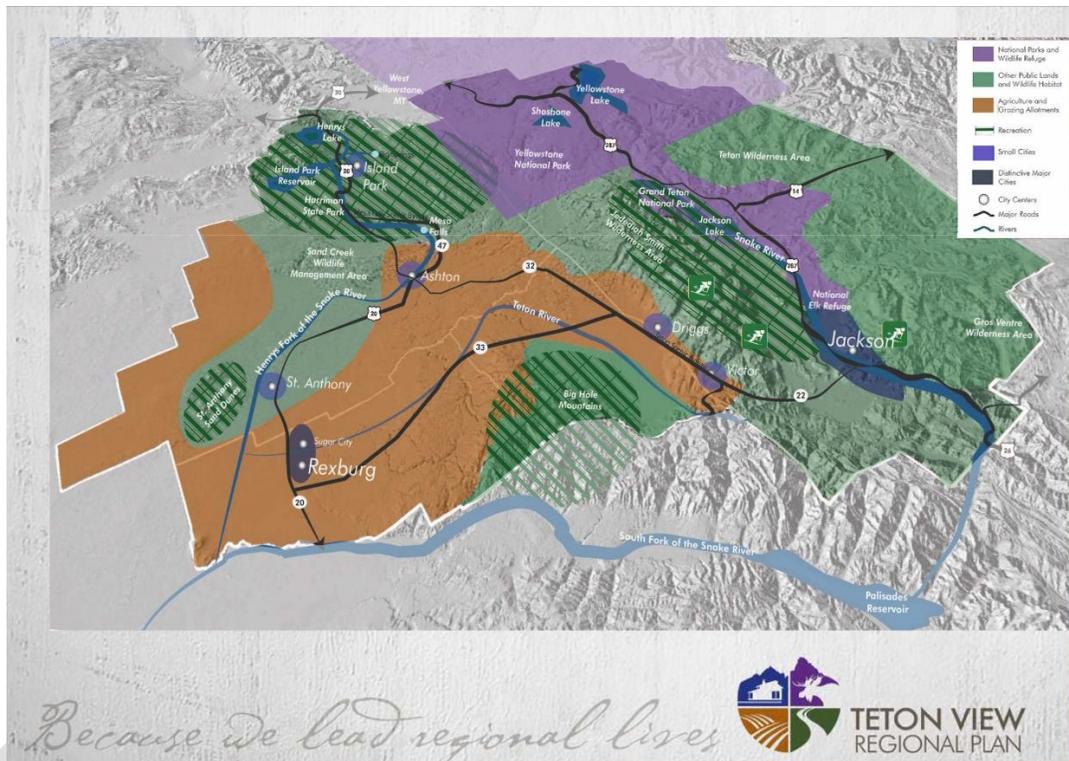
*“Under this initiative, new NRI projects would be launched in both Ashton and St. Anthony*

over the next year, dependent on funding. The focus in St. Anthony would be a 3 x 12-block area in the West Main Street neighborhood where street improvements are scheduled for 2016. In addition to a home rehabilitation, several "A Brush with Kindness" volunteer projects are proposed that would involve exterior painting, landscaping and minor repair of eligible homes. Additional neighborhood revitalization projects would be designed for other Teton View communities as needs are demonstrated and funds permit."

**Jan Brown** indicated there has been a lot of public input on the <http://sustainableyellowstone.org/> web-site. There is a survey available on the website. They hope to have more participation at the open house, on March 18, 2015, 4:00 to 7:00 p.m., at the Madison County Library.

**Council Member Busby** asked about the number of participants taking the survey. Jan Brown said the survey has been up for 10 days about 68 people have taken the survey. The survey is available in other languages.

**Council Member Merrill** encouraged those attending tonight's meeting to take the survey.



"Please go to our website at <http://sustainableyellowstone.org/> to learn more about the draft Plan, watch an inspiring video, and take a survey to help the Consortium set its project priorities."

"We are hosting four open houses in March so members of the public may also become familiar with the Plan and its 60 potential initiatives and projects. The open houses will be:"

**Teton County, Wyoming**

March 9, 2015, 4:00 – 7:00 pm  
Teton County Library, Auditorium Side B  
125 Virginian Lane  
Jackson, WY 83001

**Fremont County**

March 12, 2015, 4:00 – 7:00 pm  
Ashton Community Center Gymnasium  
925 Main  
Ashton, ID 83420

**Madison County**

March 18, 2015, 4:00 – 7:00 pm  
Madison County Library, Community Room  
73 North Center  
Rexburg, ID 83440

**Teton County, Idaho**

March 19, 2015, 4:00 – 7:00 pm  
Victor Elementary School Auditorium  
43 East Center  
Victor, ID 83455

*“The public will be able to take the survey right on site using either paper or online platforms. We also will have Spanish-language translators available at each open house, so all residents and guests will be welcome.”*

*Adventures for All  
Region-Wide Initiatives*

1. AA.1 Greater Yellowstone Trail Concept Plan
2. AA.2 Economic Potential of Adventure Tourism
3. AA.3 Retrofitting Recreation Facilities for All-Season Use
4. AA.4 Accommodating New Recreation Technologies
5. AA.5 Seasonal Employee Housing in Resort Areas
6. AA.6 Recreation Services Business Network
7. AA.7 Coordinated Marketing to the Geo- and Adventure Traveler

Discussion:

*“Please go to our website at <http://sustainableyellowstone.org/> to learn more about the draft Plan, watch an inspiring video, and take a survey to help the Consortium set its project priorities.”*

**B. 2014 Audit** for the City of Rexburg – Brad Reed from Rudd & Company

**Brad Reed** from Rudd & Company reviewed the 2014 Audit for the City of Rexburg. They test transaction to insure the process is handled correctly and controls are being followed. You have controls in place to keep employees honest. The audit went well, there was an increase of money in the general fund. The City has received a clean report on all of their financial reports.

**Council Member Busby** said to look into the LID warrants. He would like the City to issue their own LID warrants instead of selling them. Chief Finance Officer Nielson said they have taken the stance if the LID warrant is under \$150,000.00; it is put out to bid.

**Council Member Merrill** said implementation of controls with cash being taken at other city locations has been reviewed. He stated over all the 2014 Audit was good; he thanked Brad Reed for their service.

**Council Member Merrill** asked the City Council Members to be diligent when reviewing the city bills and pay close attention to the receipts.

**Chief Finance Office Nielson** indicated the financial report is available on the city’s web-site for all to view.

**Mayor Woodland** thanked the Finance Department for all their hard work. He especially thanked city employee Pam Wren for her diligence in keep track of all receipts.

Discussion:

**Council Member Busby** moved to accept and approve the 2014 Audit for the City of Rexburg; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

Those voting nay

None

**The motion carried.**

### **Committee Liaison Assignments for 2015:**

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

**Council Member Mann** reported he attended an AIC meeting in Iona. The meeting was very informative. The meeting covered operating procedures for city council, open meeting laws different procedures, and reviews of what other Idaho Cities are doing.

The Golf Board met and approved a golf pass donation to the Farmers Merchant Banquet. He invited all to attend the banquet next Thursday. Teton Lakes opened early this season due to favorable weather. There has been discussion regarding renaming the Municipal Golf Course. Some of the names they have come up include Evergreen Golf Course, Rexburg Main Street Golf Course, Evergreen Park Golf Course, Rexburg's Family Golf Course, and American's Family Golf Course. He asked for feedback from city council, the Chamber of Commerce and other interested parties, for suggestions on new names for the Municipal Golf Course.

The Emergency Services Board has not met, however; he attended the Life Flight Network open banquet. The Life Flight Network is a life flight helicopter service stationed at the Rexburg Airport. They opened up on a Friday with a drill. The drill consisted of two different scenarios; a major earthquake in Challis and the Palisade Dam Brakes. There were other Emergency Services Boards from around the area involved in the drill. On their first day of opening there was an accident Life Flight responded to. They have an annual budget for 1.4 million dollars payroll. Their employees stay in a mobile home on site. Council Member Mann said he is happy to have them in Rexburg. The building addition at the Rexburg Fire Station is on schedule for an October 15 opening.

MYAB met this afternoon to plan a Spring Dance. They are going to invite local area high schools to attend the dance.

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

**Council Member Busby** reported the GIS Oversight Committee did not meet. The Traffic and Safety Committee will meet next Wednesday. The Airport Board met, about 50% of the apron design is complete. They are working on studies to show which business would benefit by a larger airport. They would like to see what type of commerce they would be able to bring in with a bigger airport.

C. Council Member Donna Benfield: *Police · Trails of Madison County · IBC · Teton Flood Museum Committee*

**Council Member Benfield** reported the Trails of Madison County met; she spoke with Joseph West who indicated to her they have submitted their Parks and Recreation grant application about two months ago. He is also working on a CHC Grant for infrastructure in the new bike park. The grant Mr. West is applying for is for \$5,000. She said he hopes to get matching funds from Urban Renewal. They discussed parking for the Bike Park. There are a couple pieces of land they might be able to get an easement for parking at the Bike Park.

**Teton Flood Museum** curator Jill Spenser is pleased the ceiling was fixed and it looks great. Council Member Benfield said Jill Spenser would like to see more signage advertising the Flood Museum. The Children Museum has a new look; it is called at the pond.

**Council Member Benfield** reported Chief Turman with the Rexburg Police Department is in Boise, Idaho. He is attending the Chief's Association meeting. Chief Turman is the president of the Chief's Association. Chief Turman is also there to speak in opposition in legalizing medical use of marijuana in Idaho. The review of the deadly shooting in Rexburg has been completed. City Attorney Zollinger said the review was very complementary in the manner of how the situation was handled. It was a sad circumstance, however; the officers handled the situation well.

**Council Member Benfield** said there is a mobility visioning workshop on Tuesday March 10<sup>th</sup> from 2 to 5 p.m. in the City Council Chambers. The workshop is regarding a fix bus route system. She invited all to attend.

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

**Mayor Woodland** said the Romance Theater is doing well they have increased attendance at the events. He said the windows that were installed look great. Council Member Mann said the Upper Valley Idol competitions have started.

E. Council Member Jerry Merrill: *School Board · Parks & Recreation · Urban Renewal Agency*

**Council Member Merrill** introduced Chris Moore; he is here representing the Madison Legent Baseball Association. Council Member Merrill said Mr. Moore contacted him regarding baseball equipment. BYU-I has donated light poles, lights and a scoreboard to the city. He was asked if the city would consider donating the equipment to the Madison School District.

Discussion regarding the possible donation of the light poles, lights and scoreboard to the Madison School District.

**Council Member Merrill** asked the City Council Members if they are apposed of donating the baseball equipment to the school district. All City Council Members were in favor of donating the light poles, lights and scoreboard to the Madison School District.

**Council Member Merrill** requested an update regarding the baseball fields. City Attorney Zollinger said they are working on a final agreement that would affectively transfer the ownership of a portion of land behind the Rexburg Medical Center to the city. The city has budget in conjunction with urban renewal funds to begin construction on a quad complex. He indicated City Engineer Davidson has a layout of the quad. The Madison School District would prefer to have half of the quad built, before the other fields are decommissioned. The School District has run into a delay in their contract drafting area. They are looking into finalizing the document presentation. City Attorney Zollinger stated he is optimistic by the end of March there will be a document in hand to review.

**Council Member Merrill** reported Parks and Recreation Department is working on the Dam Marathon. The Urban Renewal Agency is working on the parking issue at the Bike Park. City Attorney Zollinger informed Council Member Merrill both of the lots adjacent to the Bike Park are owned by Madison Memorial Hospital. There is a possibility of requesting a temporary easement from the hospital. Council Member Merrill reviewed the Urban Renewal Agency's annual report. The report must be submitted to the sponsoring entity which is the City of Rexburg. He asked all to review the report.

**Council Member Merrill** motioned to accept the annual report of the Urban Renewal Agency; Council Member Mann second the motion. Mayor Woodland asked for a vote.

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

F. **Council Member Brad Wolfe:** *Planning & Zoning · Beautification Committee*

**Council Member Wolfe** reported Planning and Zoning met two weeks ago. The meeting was taken up by discussion regarding a change to the Comprehensive Plan Map. The 3<sup>rd</sup> West neighborhood brought a proposal to reduce the density on the Comprehensive Plan Map in their neighborhood from Moderate to High Residential to Low to Moderate Residential. The neighborhood's request covered a large area of the map. They were asked to reduce the area. The City became the applicant of the change because of the number of people involved. The Comprehensive Plan Map change was recommended for approval at the Planning and Zoning meeting and will be brought to City Council for consideration.

**Mayor's Report:**

**A. Proclamation 2015 – 01 “IDAHO DAY 2015”**

**Mayor Woodland** asked for a ratification vote for Proclamation 2015 – 01 declaring March 4<sup>th</sup> as IDAHO DAY 2015. He asked City Clerk Blair Kay to read the proclamation.

PROCLAMATION TO SUPPORT

“IDAHO DAY”

*WHEREAS, Last year the Idaho Legislature established an official “IDAHO DAY” to be observed each year on March 4<sup>th</sup> as a special day to educate our citizens about Idaho; and*

*WHEREAS, this education effort should show Idaho’s culture, her history, her resources, her beauty, and her greatness; and*

*WHEREAS, on August 12, 1805, members of the Lewis and Clark expedition were the first white men to enter what is now Idaho and place the first American flag into Idaho soil; and*

*WHEREAS, President Abraham Lincoln signed the act creating the Idaho Territory on March 4, 1863; and*

*WHEREAS, Idaho entered the Union as the 43<sup>rd</sup> state on July 3, 1890; and*

*WHEREAS, Idaho is known as the Gem State; Idaho produces 72 types of precious and semi-precious stones, more than any other state; and*

*WHEREAS, our citizens need to be informed of Idaho’s treasures;*

**Now, therefore, I, Richard S. Woodland, Mayor of the City of Rexburg, do hereby proclaim March 4<sup>th</sup>, 2015 as “IDAHO DAY” in the City of Rexburg, and do hereby urge all citizens to spread the word about Idaho’s history, culture, resources and Idaho’s greatness.**

*Signed this 25<sup>th</sup> day of February, 2015.*

\_\_\_\_\_  
Richard S. Woodland, MAYOR

ATTEST:

\_\_\_\_\_  
Blair D. Kay, CITY CLERK

**Council Member Busby** moved to ratify Proclamation 2015 – 01 declaring March 4<sup>th</sup> as IDAHO DAY 2015; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

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**Public Hearings:**

**C. 7:30 P.M... RESOLUTION NO. 2015-04** to establish the need to seek Judicial Confirmation to issue bonds or obligations to upgrade Rexburg’s water facilities.

*(State Statute 7-1302. Legislative declaration. The legislature of the state of Idaho determines, finds and declares in connection with this chapter:(1) An early judicial examination into and determination of the validity of the power of any political subdivision to issue bonds or obligations and execute any agreements or security instruments therefor promotes the health, safety and welfare of the people of the state.)*

*(State Statute 7-1304. Petition for judicial examination and determination of validity of bond, obligation, agreement, or security instrument -- Facts -- Verification -- Public hearing. ... The public hearing shall be conducted at least fourteen (14) days prior to the adoption of the resolution or ordinance.)*

**RESOLUTION NO. 2015-04**

**BY THE REXBURG CITY COUNCIL:**

A RESOLUTION DECLARING THE NEED TO CONSTRUCT AND ACQUIRE WATER FACILITIES; APPROVING THE PROJECT AND AUTHORIZING THE CONSTRUCTION AND ACQUISITION OF SAID FACILITIES; PRESCRIBING AN INSTALLMENT PURCHASE AND TRUST AGREEMENT AND RELATED DOCUMENTS AS THE MOST SUITABLE MANNER FOR SECURING CONSTRUCTION AND FINANCING OF SAID IMPROVEMENTS; AUTHORIZING THE FILING OF JUDICIAL CONFIRMATION PROCEEDINGS; DIRECTING CITY OFFICIALS TO PROCEED WITH SAID FACILITIES AND FINANCING THEREOF AND WITH THE FILING OF JUDICIAL CONFIRMATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE.

**Staff presentation:**

**City Attorney Zollinger** indicated RESOLUTION NO. 2015-04 will be on the City Council agenda on March 18<sup>th</sup>, 2015 for passage; we start the process tonight by having public comment. He said we received a report from Keller Engineering stating the need for the upgrades. We are asking 11.1 million dollars for the upgrades in storage capacity, pumping capacity, and upgrade of some the delivery systems. There are some areas with sub-standard water delivery in the city. Mayor Woodland agreed there are areas in the city with poor water delivery.

**Written correspondence:** - NONE

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

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

**Ken Hart** asked if the funds would come from water fees and or property tax. Chief Finance Officer Nielson stated we would have no need to sell bonds because we have a current offer from DEQ for a loan up to 11.1 million at 1.75% interest and approximately 8.1% principal forgiveness. He stated that the consultant Keller Engineering estimated an increase for the average user in water fees of approximately \$6.00; but that we don't know that number yet because we may choose to pay some of the costs with our operating reserve.

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

**Mayor Woodland** closed the public hearing for deliberations.

**Deliberations:**

**City Attorney Zollinger** indicated the public comment remains open for 14 days until the next city Council meeting.

**Items for Consideration:**

**A. Review Ordinance 942** – verifying times when beer and wine can be sold in the City of Rexburg and consider repealing Ordinances 341, 343, and 445. Consider BILL 1128 changing the times when beer and wine can be sold in the City of Rexburg; repealing Ordinances 341, 343, and 445.

BILL 1128

AN ORDINANCE REPEALING ORDINANCE 341, 343, 445 and Ordinance 942; REGULATING THE HOURS FOR THE SALE OF BEER AND WINE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; FIXING THE LICENSE FEE FOR THE RETAIL SALE OF BEER AND WINE IN THE CITY OF REXBURG; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

**City Attorney Zollinger** stated the State of Idaho a number of years ago changed the statutes regarding the dates, days and times during which alcohol could be sold. We have some ordinances still on our books dating back to 1940 regulating the licensing and the sale of alcohol within the city, we have some as recent as 2005 which is when we removed most of the holiday restrictions, limited the hours and date restrictions. The ordinance is before City Council tonight to revisit the question

of when the appropriate times and hours they would allow the sale of alcohol in the City of Rexburg and what days and/or dates we need to restrict it.

**City Attorney Zollinger** stated the ordinance prepared for City Council's consideration reflexes the least limitations under the state statute, effectively beer and wine anyone licensed to sell alcohol beverages currently in the City would be allowed to sell them any day of the week from 6 am in the morning until to 2 am; this is the state's standard now. The state has removed all holiday restrictions. The law still states a 1:00 a.m. cut off for liquor buying by the drink consumption, but it allows local jurisdictions to extend it to 2 a.m.; given that currently there are no premises in the City of Rexburg that sells liquor by the drink, it isn't relevant. The simplest way to manage the alcohol sales in Rexburg was to mirror the state statute. He said he is introducing the ordinance for the City Council's consideration.

**Council Member Merrill** questioned if this ordinance only covers beer and wine sales.

**City Attorney Zollinger** indicated hard liquor by the drink is currently not allowed to be sold in City of Rexburg. This ordinance would not modify that in any way. The hard liquor sold in the City of Rexburg is sold through a state liquor store and there hours are regulated through the state statutes.

**Council Member Busby** asked if someone was to go to a restaurant that sells beer, they could purchase beer Monday- Saturday; but not on Sunday. However; on Sunday they could go to a gas station that sells beer and purchase a six pack of beer.

**City Attorney Zollinger** said Madison County allows the sale of alcohol on Sunday.

**Council Member Busby** indicated as he read through Ordinances 341, 343, 445 and Ordinance 942; it is difficult because you are dealing with a different time than the present. Council Member Busby said he is worried this ordinance would open the door to allow liquor by the drink. City Attorney Zollinger said the Rexburg Police Department doesn't consider a change to Sunday beer and wine sale to be an impact what soever to the City of Rexburg. The people interested in purchasing beer and or wine on Sunday are still purchasing the alcohol independent of the city's ordinance.

**Mayor Woodland** asked for public comment.

**Ben Ashley** said he owns three properties in Rexburg. He expressed concern with the City's struggle to bring in hotels and restaurants. He said hotels intend to build where there are family restaurants. These family restaurants tend to build where alcohol can be sold. He asked the City Council to consider an ordinance that allows restaurants to sell beer and wine on Sunday.

**City Attorney Zollinger** said this bill has been prepared for the City Council's consideration; if the City Council directs staff in a different direction the bill will not be moved forward.

**Mrs. Meeker** stated just because times are changing doesn't mean that Rexburg needs to change.

**City Attorney Zollinger** stated liquor by the drink is not something determined by the City Council. The City Council could put it to a vote to the constituents, or the people could put together a petition and create a vote of the people. City Council could not allow liquor by the drink by their own volition if they desired to.

**Council Member Busby** said in light of Ordinance 341 being brought by public consent at that time; he asked if a public hearing was needed. City Attorney Zollinger clarified the early statutes were not the result of public votes. The Idaho State statute restricted the sale of beer on Sundays, the city went through a vote to restrict liquor by the drink and then established the parameters under which the city would allow the sale of beer and wine. He said Rexburg has always allowed beer and wine consumption.

Discussion regarding the sale of liquor by the drink in different counties and cities in Idaho and how each city voted.

**City Attorney Zollinger** indicated ordinance 341 regulating the sale of beer and wine, to the best of his knowledge was mirroring what the Idaho State statute was at that time. The State of Idaho was restricting the sale of alcohol on certain holidays, Sundays and certain hours. The City of Rexburg from time to time has modified the city's ordinance to chase the state allowances. He said the state

doesn't authorize new times; they simply open up the window of time wider. The antidotal experience has been that the window of time doesn't create the problems; it's the management of establishments. He indicated if the establishment caters to disreputable crowds, they'll find a way to create problems for law enforcement. When it's a family restaurant selling beer and wine whether in Monday, Wednesday or Sunday, law enforcement hasn't experienced an uptick in problems.

**Council Member Merrill** said Rexburg wants to be known as America's Family Community. He doesn't really care what other city are doing with regards to alcohol. He is concerned when people come to visit Rexburg and they stay at one of Rexburg's Hotels. The people visiting Rexburg should be able to go to any restaurants selling beer or wine and order it with their meal. He doesn't believe this will open up liquor by the drink. He stated we should be welcoming to people visiting Rexburg and should want them to experience Rexburg. We shouldn't lose out on the opportunity for people visiting to experience Rexburg.

**Council Member Mann** said some will argue that liquor laws need to be more lax to make us more welcoming to other people, others will argue for stricter laws to reduce drinking and driving. He said the laws that are in place now are working and he doesn't believe in changing the alcohol laws in Rexburg at this time.

**Council Member Wolfe** stated it doesn't make sense to exclude certain days and times when alcohol can be sold. He said he is not a supporter of alcohol; however, he agrees this will have a positive impact on Rexburg's economy. He said he heard from other business owners; this is one of the reasons people won't stop in Rexburg.

**Council Member Benfield** said she approves the changes to the ordinance. She said the changes in the ordinance will not change people's values. She also agrees this will be good for tourism and the economy.

**City Attorney Zollinger** said in simple terms it's a consolidation of a number of outstanding beer and wine ordinances with the addition of Sunday alcohol sales. The 1:00 a.m. to 2:00 a.m. change doesn't do anything to the City of Rexburg; because liquor by the drink is not permitted in Rexburg.

**Council Member Busby** asked if the public could submit public comment. City Attorney Zollinger said written public comment is acceptable and should be addressed to the City Clerk to give to City Council. He also cautioned City Council Members when giving individualized comment to make sure and share their comments with the rest of City Council.

**City Attorney Zollinger** indicated BILL 1028 will be calendared on March 18<sup>th</sup> to be considered for a 1<sup>st</sup> reading.

**Written Comments on Beer and Wine Sales on Sunday:**

1. *Corey D. Barnard, General Manager Applebee's, Rexburg*  
975 University Blvd  
Rexburg, Idaho 83440

*February 10, 2015*

*Honorable Mayor Richard S Woodland and City Council 35 N 1st East  
Rexburg, Idaho 83440*

*RE: Beer and Wine on Sunday Ordinance Dear Mayor and City Council,*

*I applaud you for your decision to review the beer and wine sales ordinance on Sunday within the city limits. The outcome of this decision could lead to an unprecedented increase in goodwill and economic development for our community.*

*I respectfully urge you to consider a city ordinance allowing the sale of beer and wine on Sunday. My two concerns focus on (1) the ability for local restaurants to provide quality guest service consistent with industry standards (regionally, nationally, and internationally) and (2) increasing tourist and visitation dollars to our community as a whole.*

*A small percentage of people in our community and most tourists and visitors to our community are dismayed and some are very upset that Applebee's cannot sell beer and wine on Sunday. More than 50% of our Sunday guests who intended to have beer and wine with their meal leave without eating, some without paying after they ordered food, when they found out that we don't serve beer and wine on Sunday. Of those guests that stay, many complain that they are unhappy with their dining experience, due to lack of beer and wine, and vow to never come back to Rexburg.*

One group of guests that are always upset about the absence of beer and wine on Sunday, are the guests on bus tours that come through Rexburg. Sundays are a regular stop for these bus tours for guests who are taking part in the Greater Yellowstone Experience. They are mostly Canadian and French guests. They think it is unbelievable that they cannot have a glass of wine with their pasta. In turn, Applebee's and the City of Rexburg are perceived as unwelcoming to our guests. Other bus tours will not stop in Rexburg until we can offer beer and wine on Sunday.

Applebee's loses and there is nothing that we could have done to make these guests happy. Other restaurant chains understand this issue and choose not to enter into Rexburg for this reason. It is a loss for our community to have tourists and visitors leaving our area not wanting to come back to Rexburg. There is absolutely something we (the community) can do about this.

The fulltime enrollment for BYU-I recently surpassed all other institutions of higher education in Idaho, yet we only have one casual dining restaurant and three hotels supported by any national advertising. Compare those numbers with Pocatello or Boise; put together, they have hundreds of restaurants and hotels. Rexburg easily loses five to ten times what we take in (in the hospitality and tourism markets) to Idaho Falls and Bonneville County due to the limited services available in our city. Recently, Rexburg has done a great job in attracting development into the "Sakota" property and the area north of town (where the Super Wal-Mart will be located). Beer and wine sales on Sunday will only strengthen that future development and help this community begin to take back the tourism and hospitality market from Bonneville County.

Finally, we can remain true to our wonderful heritage in our city of "America's Family Community" while being much more welcoming to our visitors and guests and keeping business revenue in Madison County.

Thank you for your time and consideration of this letter as well as your attention to the well being of our community. It is an honor to operate a successful business in our fine community.

Sincerely,

Corey D. Barnard

General Manager  
Applebee's, Rexburg

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- B. **Repeal Ordinance 717** (Flood Plain) by BILL 1129 to add 6 definitions; a section on recreational vehicles; and a severability section.

BILL 1129

AN ORDINANCE REPEALING ORDINANCE 717 BY ADDING SIX DEFINITIONS; A SECTION FOR RECREATIONAL VEHICLES; AND A SEVERABILITY SECTION; "ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION; PROVIDING FOR THE ISSUANCE OF A PERMIT BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS IN ANY AREA OF SPECIAL FLOOD HAZARD; ESTABLISHING A VARIANCE PROCEDURE; SETTING FORTH THE PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE."

Discussion:

**Community Development Christensen** indicated he received a letter from the State of Idaho, stating they had reviewed the flood ordinances in the entire jurisdictions in the State of Idaho. They found discrepancies in the ordinances in all of the jurisdictions including the City of Rexburg's. The State sent the requirements needing to be added to the document. He said there are six definitions that have changed. The state requirements for recreational vehicles such as motor homes are included. They want to make sure they are used as motor homes and not tied down with the wheels removed. There were changes to severability clause. He indicated the definition of free board requires structures to be built one foot higher than the flood plain.

**City Clerk Blair Kay** stated that the federal government is re-doing their flood plain regulations. There was some discussion in staff meeting to defer this until the federal government is done with their flood plain map modifications; so we can reference the new flood plain map.

Note: "The proposed ordinance will be modified to accept the amendments as adopted for the new flood plain map."

**Community Development Director Christensen** said he is waiting for a new map from FEMA to get back to us with accepting the map changes done by the Army Corp of Engineers. He would still like to have the City Council's approval at this time.

**Attorney Zollinger** stated that this is purely for introduction tonight.

**Council Member Merrill** asked if this ordinance will require builders to build a foot higher. Community Development Director Christensen said this is already required; however, the definition needed to be more descriptive.

**Council Member Wolfe** asked about the amendments made to the flood plain maps. Community Development Director Christensen said the Army Corp completed a new mapping survey of the Teton River and the flood-way and there are areas that will come out and some that will go in; however; the vast majority of the properties that are affected are coming out.

**Council Member Wolfe** asked if that included city and county. Mr. Christensen said it did.

**Council Member Merrill** commented that it is interesting how people sometimes feel like ordinances take away their freedom but when we had the flash flood last summer, they asked, “Why did you let us build where we did?”

**Community Development Director Christensen** stated that this is the national program for flood insurance. If you don’t do what they tell you to do or how FEMA wants it done, they can remove your jurisdiction from the program.

**City Attorney Zollinger** indicated BILL 1029 will be calendared on the March 18<sup>th</sup> to be considered for a 1<sup>st</sup> reading. The new flood plain map is not completed yet; therefore, when it is released, the City can adopt the new flood plain map at that time.

**Staff Reports:**

**A. Public Works:** – John Millar

**1. Approve Chip Seal Bid**

Chip Seal Bids 2013	Quantity	Units	Unit Price	Total
<b>Class A Cover Coat Material</b>	<b>58,400</b>	<b>sy</b>		<b>\$0.00</b>
Intermountain Slurry Seal	58,400	SY	\$ 2.25	<b>\$131,400.00</b>
TMC	58,400	SY	\$ 2.88	<b>\$168,192.00</b>
HK	58,400	SY	\$ 2.01	<b>\$117,384.00</b>
Morgan Paving	58,400	sy		<b>\$0.00</b>
<b>Slurry Seal Type III</b>	<b>58,400</b>	<b>sy</b>		<b>\$0.00</b>
Intermountain Slurry Seal	58,400	SY	\$ 1.67	<b>\$97,528.00</b>
TMC	58,400	SY		<b>\$0.00</b>
HK	58,400	SY		<b>\$0.00</b>
Morgan Paving	58,400	sy	\$ 1.556	<b>\$90,870.40</b>
<b>Micro-Surfacing</b>	<b>58,400</b>	<b>sy</b>		<b>\$0.00</b>
Intermountain Slurry Seal	58,400	SY	\$ 2.84	<b>\$165,856.00</b>
TMC	58,400	SY		<b>\$0.00</b>
HK	58,400	SY		<b>\$0.00</b>
Morgan Paving	58,400	sy		<b>\$0.00</b>

**Public Works Director Millar** presented the chip seal bids with Morgan Paving offering the low bid for a slurry seal application for \$90,870.40. He indicated that the Slurry Seal Type III is the most cost effective option.

**Mayor Woodland** asked if the Slurry Seal Type III process was used on Main Street. Public Works Director Millar said that Micro Seal was used on Main Street. Slurry Seal was used on 7<sup>th</sup> South.

**Council Member Busby** asked if the slurry seal is holding up well. Public Works Director Millar said the slurry seal is holding up well. Council Member Busby said that he liked the slurry seal because it’s a fast process. Public Works Director Millar agreed the slurry seal is a fast process with hardly any clean up.

**Public Works Director Millar** asked for approval to award the bid to Morgan Paving for \$90,870.40.

**Council Member Busby** moved to approve the low Chip Seal Bid for \$90,870.40 from Morgan Paving; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Council Member Busby** requested to please have the vehicles on the street moved this time instead of going around them for the slurry seal application.

- 2. March 3, 2015 Equipment to surplus:** 1995 Crane Carrier Garbage Truck No. 16; 1997 Crane Carrier Garbage Truck No. 17; Two (2) military surplus light plants, 1 operable 1 not; 1975 est. military surplus crane; 1996 GMC boom truck No. 46; Plate compactor, operable?

**Public Works Director Millar** presented a list of equipment to be surplus. One garbage truck will be scrapped; the other will be sold at Gale Harding's auction. The other equipment has more repairs needed than is worth it. The boom truck is 19 years old and getting impossible to get parts for it. There is money in the budget for a new one.

**Council Member Busby** said he is concerned with surplus equipment that is operable. He would like to keep one military light plant. Mr. Millar said that the diesel one could be operable. Council Member Busby would like to have it on hand in case it's needed.

**Council Member Busby** moved to surplus the equipment discussed with exception of the operable military surplus light plant; 1995 Crane Carrier Garbage Truck No. 16; 1997 Crane Carrier Garbage Truck No. 17; One (1) military surplus light plant (not operable); 1975 est. military surplus crane; 1996 GMC boom truck No. 46; and the plate compactor; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Public Works Director Millar** said the preparation work for Walmart will be starting up and taking bids. The sewer needs to be installed before ground water is an issue. All other projects are in the design process.

**Council Member Busby** said he is concerned with street lights not working properly. He drove the city at 4:00 a.m. and noticed several street lights not working. Mr. Millar said that they are turned off at 2:00 a.m... Council Member Busby said that when he came back at 5:00 a.m. they were on so there must be a ballast problem. He has a list of problem areas and would like to bring it up with Traffic and Safety. He is still concerned about the one in front of The Ivy because it is too dark there. Mr. Millar said he may have to hire an electrician to get that done. Public Works Director Millar asked the Police Department if they could help out with making a list of all the street lights that are out. They have done a list, but it should probably be done often.

**Council Member Busby** said he appreciates the cross walk sign on South Second East and also wanted to thank John and Keith for answering all his questions when he calls them about the student's Project Citizen Reports.

**B. Finance Department:** Matt Nielson

**1. Monthly Finance Report**

**Chief Finance Officer Nielson** reviewed the monthly finance report which covers January.

CITY OF REXBURG  
 TREASURER'S EXPENDITURE REPORT BY FUND  
 FISCAL YEAR TO DATE ENDING 01/31/15 @ 33% of the Fiscal Year 2015

#	FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET	END BAL.
48	AIRPORT CONSTRUCTION		106,666	0	106,666	641,000	17%	-80,809
47	AIRPORT OPERATIONS	1,600	15,500	5,028	22,128	20,100	110%	-2,503
36	ARTS PROMULGATION			0		132,300	0%	80,339
82	BROADBAND FIBER INITIATIVE			0		4,100	0%	283
28	BUILDING SAFETY/P&Z	137,356	1,584	138,346	277,286	1,390,000	20%	616,038
85	COMMUNITY SAFETY LIGHTING		14,554	23,989	38,543	258,800	15%	76,122
83	EI BUSINESS COMPETITION			12,499	12,499	15,600	80%	-2,555
32	ESD FIRE STATION ADDITION		342,715	0	342,715	1,919,400	18%	808,618
93	ESD PIPES & DRUMS			967	967	8,500	11%	4,752
21	ESD REXBURG EMPLOYEE			4,092	4,092	55,700	7%	30,399
20	FIRE IMPACT FEES			0		80,100	0%	61,386
17	FIRE OPERATIONS	431,313	2,702	398,626	832,641	2,982,800	28%	-530,281
37	FIRE PARAMEDIC CARE UNIT	34,464		17,934	52,398	900,800	6%	110,530
01	GENERAL	1,288,232	84,208	1,156,494	2,528,934	10,327,800	24%	3,974,927
29	GEOGRAPHIC INFORMATION SYS.	67,057	5,173	79,093	151,323	419,200	36%	-56,383
51	GOLF COURSE CONSTRUCTION			273	273	6,200	4%	-627,559
50	GOLF COURSE OPERATIONS	47	11,700	79,455	91,202	496,300	18%	1,275,829
18	JOINT FIRE EQUIPMENT			0		291,500	0%	117,558
24	LEGACY FLIGHT MUSEUM			9,841	9,841	89,600	11%	50,088
53-59	LID CONSTRUCTION FUNDS		113,570	145	113,715	1,700,000	7%	-214,811
60-79	LID DEBT SERVICE FUNDS			0		600,800	0%	-90,558
19	MADISON FIRE DISTRICT		1,554	13,964	15,518	1,510,000	1%	1,421,316
45	MAYOR'S YOUTH COMMITTEE			1,278	1,278	4,500	28%	1,593
38	PARKS IMPACT FEES		121,989	0	121,989	969,100	13%	827,755
14	POLICE ANIMAL CONTROL	17,569	3,440	16,157	37,166	119,400	31%	-28,926
08	POLICE D.A.R.E.			360	360	15,900	2%	2,065
09	POLICE DRUG INTERD./EDUC.			636	636	11,000	6%	2,365
07	POLICE IMPACT FEES			28	28	-41,800	0%	13,379
13	POLICE SMALL GRANTS	11,762		7,315	19,077	50,800	38%	-10,045
03	RECREATION	6,848		18,553	25,401	180,600	14%	6,130
22	REVOLVING LOAN		650	0	650	18,000	4%	1,282,565
81	REXBURG ARTS COUNCIL FUND	8,184		32,672	40,856	86,200	47%	-21,171
23	REXBURG RAPIDS	952		14,212	15,164	547,400	3%	157,812
41	RIVERSIDE PARK CONSTRUCTION		54,044	0	54,044	410,000	13%	24,936
40	ROMANCE THEATER	8,879	13,466	12,421	34,766	70,800	49%	-34,501
25	SANITATION OPERATIONS	62,977	36,000	381,790	480,767	1,782,100	27%	1,621,997
46	SEWER & WATER LINE EXTENSION			37	37	1,000,000	0%	-37
35	SEWER CAPITAL RESERVE			0		2,396,400	0%	3,010,491
52	SEWER PLANT CONSTRUCTION		62,523	0	62,523	3,000,000	2%	790,465
31	SHOP CONSTRUCTION					1,000,000	0%	
91	SHOP WITH A COP			11,767	11,767	22,700	52%	19,158
33	STREET IMPACT FEES			0		200,000	0%	48,930
44	STREET NEW CONSTRUCTION		16,797	0	16,797	2,200,000	1%	328,803
02	STREET OPERATIONS	162,456	219,929	320,956	703,341	2,687,000	26%	313,495
43	STREET REPAIR CONTRACTS		289,261	3,984	293,245	1,544,700	19%	463,810
04	TABERNACLE (Aud./Museum)	5,577		16,820	22,397	133,600	17%	-20,497
05	TABERNACLE ORCHESTRA			1,776	1,776	7,800	23%	-7,208
39	TRAILS OF MADISON COUNTY			92	92	100,000	0%	-92
90	VETERANS MEMORIAL			0		6,700	0%	5,278
27	WASTEWATER OPERATIONS	128,040	248,400		908,505	5,635,000	16%	17,091,299
34	WATER CAPITAL RESERVE			0		407,300	0%	1,286,113
26	WATER OPERATIONS	93,738	118,800		560,290	2,856,900	20%	14,110,165
42	WATER TANK AND WELL		1,200	0	1,200	9,500,000	0%	-1,200
	<b>TOTAL</b>	<b>2,467,051</b>	<b>1,886,425</b>	<b>2,781,800</b>	<b>8,014,893</b>	<b>60,774,700</b>	<b>13%</b>	<b>48,307,653</b>

Citizens are invited to inspect the detailed supporting records of the above financial statement.



Chief Finance Officer Nielson reviewed the budget summary report on the overhead screen.

**CITY OF REXBURG**  
FY 2015

**BUDGET SUMMARY REPORT**  
4 months ending 01/31/2015

Page 1

<b>EXPENDITURES</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>33%</b>	<b>FORECAST</b>
<b>OPERATING EXPENDITURES</b>				
Mayor & Council & MYAB	279,000	94,506	34%	277,700
Economic Development	208,400	77,332	37%	208,400
Arts	298,400	99,796	33%	299,700
Customer Services	308,800	104,783	34%	308,800
Information Technology	433,100	135,341	31%	433,100
Financial Management	861,500	254,140	29%	858,900
Legal Services	220,200	74,412	34%	221,400
Planning & Zoning	164,500	51,885	32%	164,500
Building Safety	1,225,500	225,401	18%	1,223,200
GIS	419,200	151,323	36%	414,800
Emergency Services	3,883,600	885,039	23%	3,806,400
Golf Courses	498,300	91,202	18%	499,800
Parks & Ball Diamonds	538,000	109,340	20%	552,000
Recreation Administration & Programs	425,900	77,712	18%	432,500
Riverside Aquatic Center	547,400	15,164	3%	547,400
Miscellaneous: MYAB, Airport, Legacy Flight Museum	135,800	33,066	24%	244,400
<b>Police Department</b>				
Administration Division & Fund 09	1,365,200	356,972	26%	1,374,900
Patrol Division & Funds 13	1,883,000	568,924	30%	1,885,500
Investigations Division	687,800	259,030	38%	687,800
Community Services Division & Funds 08,11,14	555,300	176,648	32%	555,200
<b>Total Police Department</b>	<b>4,491,300</b>	<b>1,361,574</b>	<b>30%</b>	<b>4,503,400</b>
<b>Public Works</b>				
Public Works Director & Engineering	591,000	184,069	31%	591,100
Shop	469,600	135,541	29%	470,800
Sanitation	1,782,100	481,992	27%	1,791,300
Water	2,056,900	560,290	27%	2,149,300
Wastewater	4,135,000	907,281	22%	4,101,300
Street Operations	2,330,700	703,341	30%	2,321,500
Street Repair Contracts	1,544,700	293,245	19%	1,544,700
<b>Total Public Works</b>	<b>12,910,000</b>	<b>3,265,759</b>	<b>25%</b>	<b>12,970,000</b>
<b>TOTAL OPERATING EXPENDITURES</b>	<b>27,848,900</b>	<b>7,107,775</b>	<b>26%</b>	<b>27,966,400</b>
<b>CAPITAL EXPENDITURES</b>				
General Fund Contingency	203,700		0%	206,100
General & Street Fund Transfers	2,025,300		0%	2,141,800
Construction 06,30,31,32,36,39,41,42,44,46,49,51-58,82,85	19,871,800	752,110	4%	19,880,900
Contributed Capital	4,300,000		0%	4,300,000
Capital Reserve Funds 07,18,20,33,34,35,38	4,302,600	122,018	3%	4,302,600
LID Debt Service Funds 59-69	600,800		0%	600,800
Trust & RLF Funds 15,16,19,21,22,90,91	1,621,600	32,995	2%	1,621,600
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>32,925,800</b>	<b>907,123</b>	<b>3%</b>	<b>33,053,800</b>
<b>TOTAL EXPENDITURES FOR ALL FUNDS</b>	<b>60,774,700</b>	<b>8,014,898</b>	<b>13%</b>	<b>61,020,200</b>

Mayor Woodland questioned the 38% of the Police Departments budget being spent. Mr. Nielson said it is a little high; typically it is for wages, supplies and other expenses.

Council Member Merrill questioned the revenues are 33% into the budget year, are we waiting for more funds. Chief Finance Officer Nielson said capital projects aren't billed until the project is complete, this will increase the fund in the revenues. The contributed revenues come through the year, for example the Madison Fire District and others. The funds won't transfer over until the end of the year. You will see the funds at year-end adjustments. He said the other big thing for example the water project, there are millions of dollars budgeted there that may or may not happen.

**C. Community Development – Val Christensen**

**1. Parking in the Infill Redevelopment area Report**

Community Development Director Christensen reviewed the parking report for community housing within the Infill Redevelopment area.

Name	Address	units	cars	Trailors	# of Cars / Unit	Average
Appletree	355 S 4th West	42	56	2	1.33	1.36
Cambridge Court	419 West Main Street	79	108		1.37	
Hanna	137 N 3rd West	8	14		1.75	
Axiom Swenson	171 N Center	44	51		1.16	
Main Street Station	438 West Main Street	68	88	2	1.29	
Madison Park	166 N 5th West	64	83		1.30	
Willowbrook	234 W 1st S	37	49	1	1.32	

Discussion:

**Community Development Director Christensen** indicated he was given direction from City Council to survey apartment complexes in the Infill Redevelopment Area, to consider lowering the parking requirements by 20% for standard Community Housing. He said city employee Darrick Farmer and the Rexburg Police Department surveyed the apartment complexes in the Infill Redevelopment Area. They counted the number of cars in each parking lot and compared it to the number of units. He said the average is 1.36 cars per unit, if reduced by 20% it would be 1.6 cars required in the code.

Discussion regarding the date and time the survey was completed.

**Community Development Director Christensen** indicated a public hearing is needed to change the Development Code Ordinance 1115 to allow for a 20% reduction in Community Housing Developments.

**Council Member Merrill** is concerned with reducing parking. He would like to see more data before making a decision to reduce parking by 20% in Community Housing Developments. Community Development Director Christensen said some of the parking lots were almost full, because the apartments were built back when the parking requirements for Community Housing Developments were different. He indicated when the requirements were changed requiring two parking spaces per unit; you began to see empty spaces. He said the problem is other units can't use the parking spaces. He said having two parking spaces per unit didn't solve any parking problems that currently exist in other parking lots.

**Council Member Mann** asked if the public hearing would change the parking requirements in the existing apartment complexes or does it only change the requirements of future Community Housing Development complexes. Community Development Director Christensen said it would only change the requirements for apartment complexes in the Infill Redevelopment Area.

**Council Member Benfield** asked for more information on parking for all apartment complexes in the Infill Redevelopment Area to be surveyed, besides the ones already on the list.

Discussion regarding the time and amount of days to complete the survey.

**Council Member Wolfe** asked if there are problems with the towing and booting in these Community Housing Development complexes. Community Development Director indicated they don't see many problems with towing and booting compared to the single housing apartment complexes.

**Council Member Benfield** asked if the apartment complexes surveyed use the towing and booting companies to patrol their parking lots. City Attorney Zollinger indicated the Community Housing Development complexes in the Infill Redevelopment Area, are using the towing and booting companies.

**Community Development Director Christensen** indicated they are not counting vacant spaces; they are counting cars with the number of units.

## 2. February Building Permit Report

**Community Development Director Christensen** reviewed the February Building Permit Report.

February 2015 Rexburg Building Permits										
Permit #	Permit Type	Project Name	Project Address	Parcel Number	Issued Date	Applicant	Contractor Name	Valuation	Building Fees	Public Works Fees
15-00047	BLD-SFR	273 E Main St - Duplex	273 E Main St	RPRRXB10355050	4-Feb-15	Aaron Fleming	Aaron Fleming	\$6,000.00	\$304.00	-
14-00434	BLD-MFR	Sweetwater Housing - 3 4-plex	882 Everett Place	RPRANDR2000010	18-Feb-15	Greg Nelson	Northern States Dev.	\$898,123.20	\$11,096.50	\$21,442.10
14-00352	BLD-COM	BYU-Idaho Science & Tech Bldg	596 S Center St	RPRXBCA0309010	20-Feb-15	Headwaters Construction	Headwaters Construction	\$16,934,309.52	\$118,450.18	\$286,675.44
							Total	\$17,838,432.72	\$129,850.68	\$ 308,117.54

**Calendared Bills and Tabled Items:**

**A. LAND USE ACTION – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE: – NONE**

**B. BILL Introduction:**

1. **Ordinance 1128** changing the times when beer and wine can be sold in the City of Rexburg; repealing Ordinances 341, 343, and 445.

*City Attorney Zollinger indicated BILL 1028 will be calendared on the March 18<sup>th</sup> to be considered for a 1<sup>st</sup> reading.*

2. **Ordinance 1129** amending Ordinance 717 (Flood Plain)

*City Attorney Zollinger indicated BILL 1029 will be calendared on the March 18<sup>th</sup> to be considered for a 1<sup>st</sup> reading. The new flood plain map is not completed yet; therefore, when it is released, the City can adopt the new flood plain map at that time.*

**C. First Reading:** Those items which are being introduced for first reading: – NONE

**D. Second Reading:** Those items which have been first read:

1. **Ordinance 1127** Final Assessment Role of LID44.

Discussion:

**Council Member Merrill** moved to consider Ordinance 1127 second read for the Final Assessment Role of LID44; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**E. Third Reading:** Those items which have been second read:

1. **Ordinance 1126** creating LID45

Discussion:

**Council Member Mann** moved to consider Ordinance 1126 approved and third read creating LID45; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**Mayor's Business:**

A. Discuss an increase in the Police Force

**City Attorney Zollinger** indicated the Rexburg Police Department needs to increase its force by adding three new officers to the current police force. Chief Finance Officer Nielson calculated the

cost for the three new officers at \$270,000 per year. Madison Memorial Hospital will contract for \$120,000.00 to have City Police cover their security. He indicated Madison Memorial Hospital will enter into a contract with the City of Rexburg for three years.

**Council Member Mann** asked if the officers would be able to respond to emergency calls. City Attorney Zollinger said yes; however, the officer would possibly be the fourth officer to respond to an incident.

**City Attorney Zollinger** said Rexburg Police Officers already spend a significant amount of hours at Madison Memorial Hospital with patients needing to be tested for DUI's or waiting for a mental patient to be transported. He stated the estimated amount of hours range anywhere from 500 to 1000 hours a year.

**City Attorney Zollinger** asked City Council to approve one officer that will be 100% covered by the Madison Memorial Hospital contract; however, there is a need for two officers to cover two shifts. There are 2 to 5 Rexburg Police Officers patrolling the city at any given time. The two new officers will be needed by October of this year.

**Council Member Busby** asked if there will be a need to purchase three new patrol vehicles for the three new police officers. City Attorney Zollinger said yes, there will be a cost for equipment needed by each officer including a patrol vehicle. Chief Finance Officer Nielson indicated the \$270,000 includes the cost for the equipment and patrol vehicles.

**Council Member Busby** questioned where the funds of the remaining \$150,000 dollars will come from. City Attorney Zollinger stated it will be a combination of tightening budgets, postponing projects to possibly not rotating patrol vehicles as often as needed.

**Council Member Busby** asked Public Works Director Millar if he still needs to fill a position at the wastewater plant. Mr. Millar indicated he is still seeking to fill a position at the wastewater plant. Chief Finance Officer Nielson said he needs to fill a human resource position next year.

**Council Member Mann** indicated historical they have been kicking around the issue of not getting a new police officer when Chief Turman has asked for one.

**Council Member Wolfe** moved to approve to hire one Rexburg Police Officer now and an additional two new police officers be given priority for consideration in the upcoming budget process; Council Member Merrill second the motion.

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

Discussion to inform the public regarding e-cigarettes “vape.” The conclusion of the discussion was to sponsor a town hall meeting on the issue in the near future. Council Member Busby requested a notice in the city newsletter announcing the town hall meeting.

**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 February 18, 2015 meeting
- B. Approve the City of Rexburg Bills

**Council Member Mann** 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 Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Merrill  
Council Member Busby

**Those voting nay**

None

**The motion carried.**

**City Attorney Zollinger** and City Engineer Keith Davidson asked the City Council to go into executive session to discuss land acquisition.

**Council Member Busby** moved to go into executive session per **Idaho State Statute 67:2345** ) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Merrill seconded the motion; Mayor Woodland asked for a roll call vote:

**Those voting aye**

Council Member Wolfe  
Council Member Benfield  
Council Member Mann  
Council Member Busby  
Council Member Merrill

**Those voting nay**

None

**The motion carried.**

**Executive Session 10:08 P.M.**

**Executive Session Ended 10:35 P.M.**

**Adjourned at 10:35 P.M.**

APPROVED:

\_\_\_\_\_  
Richard S. Woodland, Mayor

Attest:

\_\_\_\_\_  
Marianna, Deputy City Clerk