

Customer Support Services

City Council Minutes

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CITY OF
REXBURG
America's Family Community

September 19, 2007

Mayor Shawn Larsen

Council Members:

Donna Benfield – Council President
Farrell Young Christopher Mann
Rex Erickson Randy Schwendiman
Bart Stevens

City Staff:

Stephen Zollinger — City Attorney
Richard Horner – Finance Officer
John Millar — Public Works Director
Val Christensen – Building Official
Gary Leikness — Planning & Zoning Administrator
Blair Kay — City Clerk

6:00 P.M. Work Meeting - Street design discussion - Kartchner Homes

Troy Kartchner explained developers need guidance from City council on how they want Rexburg to go back to the grid system. He showed a conceptual idea of a plan Kartchner Homes would like to build in Rexburg on the overhead screen. The concept of Summerfield Subdivision included starter homes for first time home buyers, along with a mix of larger homes as well. Mr. Kartchner showed some examples of old neighborhoods that were built on the block grid system that have changed over the years. He asked for some vision from city council so Mr. Kartchner can build what is wanted in Rexburg. The city council wants all roads built to city standards of 68 feet. Mr. Kartchner explained they can build 68 foot wide roads and make them work for each subdivision; however, they may lose the grid system. He said an attractive area can still be built with 68 foot roads. Mr. Kartchner explained they do not want to build streets that would be all private streets. Private streets are not fair to citizens. They pay the same amount of taxes without the benefits, and they pay extra to maintain private streets.

Council Member Erickson asked about the storm water system. A storm water system would need to be built. Public Works Director John Millar explained Rexburg has no storm drain system west of town.

Council Member Stevens asked why they don't have a central storm water location to collect all the water. Mr. Kartchner explained it is too flat in the area where his company is now building. A storm water system requires storm water to flow block to block.

Public Works Director Millar said some storm water can be handled on site with infiltrators, building a park, and some other alternatives. Kartchner homes are very flexible; they just need direction on what the city wants.

Council Member Young asked when the city council asked for developers to go back to building on a grid system. Planning and Zoning Administrator Gary Leikness explained the comprehensive plan calls for developers to go back to the grid system. Mr. Kartchner explained the plat for Summerfield Subdivision would not have been approved if it was not on the grid system. Planning and Zoning Administrator Leikness said the Planning Department asked for the grid system in the Summerfield Development in the pre-application phase.

Mr. Kartchner explained the grid system has pros and cons. He asked the city council to answer two questions:

1. What does the master plan look like and how does the city want subdivisions to look?
2. If the subdivision is on the grid system with 68 foot roads, how does the city want inner blocks to be developed? Does the city want a straight 68 foot road or is a split road okay (48 feet on each side for example?)

Council Member Young said the council has been approving plats that are not on a grid system. If the comprehensive plan calls for grid systems, the city council is not aware of this requirement. Council Member Erickson explained the city council wants 68 foot road on each side of the Summerfield Subdivision. It was denied because of the road widths, not because of the grid system.

Public Works Director Millar explained there is a statement in the comprehensive plan that says where it is feasible, the grid system should be followed. Rexburg's addresses are setup on the grid system. However, there is room for flexibility because it is hard to develop on inner blocks.

Council Member Stevens said the city has several streets that are narrow and it is very hard in the wintertime. Sidewalks are too close to the curb, so snow covers sidewalks and children have to walk in the streets. They have tried to regulate streets so this does not happen.

Mr. Kartchner encouraged the city to look at other communities that get as cold as Rexburg to see their development requirements and how these city's requirements are working.

Council Member Schwendiman asked if the interior of the subdivisions could avoid the grid system, would it be easier to develop. Mr. Kartchner said it would be easier for developers. Planning and Zoning Administrator Leikness explained the grid system is not required inside a subdivision, however, the perimeters of the subdivision need to be on the grid system as much as possible. The grid system will help future developers tie subdivisions together on the street system.

Council Member Erickson explained the city council felt very strongly that 68 foot wide roads needed to be a standard throughout the development.

Mr. Kartchner explained it is much easier to make a subdivision with 68 foot wide roads that are good for the end user, if there is some flexibility in developing the inner subdivision. He again suggested looking at smaller road sizes.

Council Member Erickson told Kartchner Homes they need to build a subdivision with the perimeter on the grid system with 68 foot roads inside the subdivision and present the plan.

Council Member Schwendiman asked for more discussion with Planning and Zoning on the grid system. Mr. Kartchner said planning experts from around the country are asking to go back to the grid system.

Council Member Benfield asked how big the Summerfield Development will be designed. It is 250 acre; however, only 100 acres are developed in this proposal.

Council Member Stevens explained it may be better to develop the inner subdivisions without the grid system, because it keeps residential streets from becoming arterial roads. Council Member Benfield agreed.

Council Member Young suggested having a meeting with the city council and planning and zoning so they can understand what the Comprehensive Plan requires, so everyone can be on the same page.

Council Member Mann explained one of the reasons the city council asked for 68 foot roads was so developers didn't have to develop three plans.

Mr. Kartchner said they would prefer to come in on the grid system and design the interior of the development outside the grid system.

Mayor Larsen called for a meeting with the Planning and Zoning Commission. The work meeting was set for September 20, 2007 at 12:00 noon.

INSERT: Work meeting continued from September 19 to September 20, 2007 at noon.

September 20, 2007 Work meeting Agenda item:

***NOON Work Meeting - Street design discussion - Kartchner Homes
With the Planning & Zoning Department***

The City Council reconvened the Kartchner Homes work meeting discussion concerning the Comprehensive Plan's requirements for a grid system. The entire city council, Mayor Larsen, Gary Leikness, Judy Hobbs, John Millar, and Winston Dyer attended the meeting. They discussed the grid system. The grid system needed to be maintained at the one mile parameter. Within the one mile grid system, a development could have flexibility to deviate away from the grid system.

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members: All members were present.

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 September 05, 2007 meeting
- B. Approve the City of Rexburg Bills

Council Member Mann said on the very last page of the minutes regarding the annexation agreement with Sugar City, "Council Member Mann voted nay".

Council Member Benfield asked about the depth of the pool in the August 15, 2007 meeting and clarified that she asked this question in the September 5, 2007 meeting. On August 15th, the proposal for the swimming pool was presented as a 3 ½ foot deep pool. On September 5, 2007 Council Member Benfield asked to clarify the August 15th minutes to demonstrate the swimming pool proposal was for a 3 ½ foot pool. Following her request to clarify the previous meetings minutes at the September 5th meeting, Mayor Larsen clarified the issue, stating the pool depth had not yet been determined. This statement was to correct any misunderstandings about the depth of the pool. The depth of the pool has never been determined.

Council Member Erickson said the word is out in the community that the depth of the pool has been determined to be 3 ½ feet.

Mayor Larsen explained the swimming pool cannot be designed until the city knows how much money is available for the project. It was clarified at the Urban Renewal Meeting that the depth of the pool has not yet been determined. The city council was presented a concept plan of an outdoor pool.

Council Member Erickson would like the city council to have some input on the depth of the swimming pool. Mayor Larsen explained the citizens committee came up with the concept plan. They cannot design anything until they know how much money is available. Mayor Larsen said this will come back to city council before it is approved. The Urban Renewal Committee will come before city council on October 3, 2007 and they will be able to answer questions at this time.

Council Member Mann moved to approve the consent calendar; Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

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

Presentations: - NONE

Committee Liaison Assignments for 2007:

A. Council Member Chris Mann *Parks & Recreation· Museum Committee· Romance Theatre Committee*

Council Member Mann reported Parks and Recreation met last Thursday. Hidden Valley Park is coming along nicely. It will be hydro-seeded next week. Council Member Erickson asked if the sprinkler system was finished in the center part of the park. The citizens have done a lot of work on this park. They have asked for a leveler to smooth parts of the ground.

The Parks Master Plan was talked about. Fall recreation is on schedule. The pool was discussed. The parks and recreation committee would like some input on the pool as well. Joanne Reeve sent a petition on how the citizens want the pool.

The Teton Flood Museum is being renovated. New carpet has been ordered. Exhibits will be moved around to make the museum more attractive.

Upper Valley Idol had tryouts last Saturday and the project is going forward.

Westwood Theatre has a play "One Truth, He Lives" September 21-22 and 28. The projector that was purchased with grant money is here. October 29, the Westwood has the movie "The Ghost of Mrs. Chicken."

B. Council Member Donna Benfield *Beautification Committee· Police Department*

Council Member Benfield said the Beautification Committee has not met. The Police Department had some rank advancements. Corey Foster is a Lieutenant, Rick Schmidt is a Sergeant, Chuck Kunsaitis is a Sergeant, Dave Hope is a Detective, and Ron Larson is a Desk Lieutenant.

C. Council Member Rex Erickson *Airport Board· Planning & Zoning*

Nothing to report

D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

Council Member Schwendiman said the Golf Board met. There is nothing new to report.

Mayor Larsen said he has a petition requesting a four-way stop in front of the Kirkham Auditorium. Public Works Director Millar said traffic studies have been done on this intersection and it does not warrant a four way stop. The students are welcome to go before traffic and safety.

E. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*

Council Member Young said the Tabernacle Committee met last night. They talked about the handicap ramp. It should be built on north side of building before the end of September so it is still in this fiscal year where it has been budgeted. It is well designed. The orchestra is practicing again every Wednesday night at the Tabernacle.

F. Council Member Bart Stevens *Trails of Madison County· IBC Committee· School Board*

Council Member Stevens said Trails Committee is meeting tomorrow night at 5:15 P.M.

Mayor Larsen met with Joseph West. A grant was received for the trail behind Cal Ranch store. This project will go out to bid soon.

G. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

Mayor Larsen said the Mayors Youth Advisory Board met. They have many activities planned for the upcoming year. They are excited about the recycling program.

Public Hearings: - NONE

New Business:

A. Final Plat – Hidden Valley Trails, Phase 1

Winston Dyer with the Dyer Group, at 310 North 2nd East, presented the plat on the overhead screen. A preliminary plat has been approved for the entire area; however, the developer will develop in four phases. The city standards for street width are met. Zoning is currently LDR1 which meets with the development. A temporary turnaround will be put in until a connection to 7th South can be made. A walking trail will be included on the east end of the development. Access to the trail will be at the north end of the subdivision. Another access may be made as well for this walking trail. A dam will be put in for detaining storm water runoff. There is a piping system for picking up the storm water drainage. There is an odd shaped lot that is a 30 foot wide easement that runs to Starview Road.

There is an open area that has been designed in the plat. It will be dedicated to the city because of the trail and the sewer system the city will need access to. Approval of Phase 1 does not approve future phases.

Council Member Young asked about the road going out west. He asked where it connected to Millhollow Road. Mr. Dyer said it does not connect to Millhollow Road, it is too steep so it will connect to a future road.

Council Member Mann said there are not enough exits going out of the development. Mr. Dyer explained there will be more exits as the other phases are developed. Temporary roads/exits may be needed until that time. The development will eventually connect to 7th South.

Council Member Benfield asked if lots 4, 5, 6, 7 and 8 butt up against another lot on the west. Mr. Dyer indicated it does go up against another lot.

Mayor Larsen said this was approved through Planning and Zoning with the condition that there must be one more public access. Mr. Dyer said this condition was referring to one more public access to the trail. The developer is fine with this. At least one more access to the trail will be added, possibly two more accesses.

Council Member Stevens asked about Hidden Valley Road. It is a wider road than what is required. It is a 78 foot road. This matches what is in the Hidden Valley subdivision.

Council Member Stevens asked about the open area dedicated to the city. He asked if a home owners association had been discussed to help maintain this area so the city is not responsible for the maintenance. He said the developer needs to understand this area next to the walking trail will not be a manicured park area.

Council Member Stevens moved to approve final plat for Hidden Valley Trails, Phase 1 with the stipulation that the developer replace the natural vegetation after construction of the storm drains, retention ponds, and holding ponds. They must also maintain the weeds in this area until such time as the natural vegetation is re-established. Council Member Erickson seconded the motion. Council Member Stevens added to his motion that at least one more access to the trail be added and this is all conditioned upon the condition of the development agreement. Council Member Erickson concurred with these conditions. All voted aye, none opposed. **The motion carried.**

B. Preliminary Plat – Professional Plaza Modification Plat

Dan Dummar, 36 Professional Plaza, an attorney representing Dr. Doug Smith, presented the plat on the overhead screen. There are several alleyways that have been in common ownership for many years. They are proposing private ownership on these alleyways. Mr. Dummar explained this originally did not need to come before city council as they acquired quit claim deeds from all owners for Dr. Smith's alleyway. However, in working with City Attorney Stephen Zollinger it was requested the entire plat be cleaned up. There are no zone changes requested and no changes to the CCR's. This is simply a cleanup on the entire plat.

Council Member Schwendiman had a conflict of interest. He stepped down from the dias.

Council Member Stevens asked if anything is being changed to the alleyways that would not allow access for emergency services. Mr. Dummar explained no easement requirements are being changed. These alleys need to remain open. The only change is ownership.

Council Member Erickson asked about the 21 foot easement. Dr. Smith has built 5 feet into this easement. Mr. Dummar explained this easement still meets city code for emergency services, etc. City Attorney Stephen Zollinger explained this easement is not a safety easement, it is a utility easement. This has no effect except converting joint ownership into private ownership. This will remedy problems that were there.

Council Member Erickson moved to approve the preliminary plat for the modification of the professional plaza. Council Member Young seconded the motion. Council Member Schwendiman did not vote. All voted aye, none opposed. **The motion carried.**

Council Member Schwendiman joined the dias.

C. Preliminary Plat – Henry's Fork Plaza Amended Plat

Council Member Stevens has a conflict of interest. He stepped down from the dias.

Kirk Roland with Schiess and Associates at 310 North 2nd East Ste 125, represented Rick Hancock and John Gregory. They are proposing 18, 3800 square foot buildings in the middle of Henry's Fork Plaza. All changes requested by Planning and Zoning have been made. Mayor Larsen asked about lot 7. This is Hard Hat Café. Council Member Erickson explained this is an amended plat. It is different from the preliminary plat that was previously approved. Mayor Larsen asked if all parking requirements were met. All parking requirements are met with some extra parking beyond what is required as well. Mayor Larsen asked if this was a retail area. Mr. Roland explained this plaza is a mixture of restaurants, medical, retail, real estate etc.

Council Member Erickson explained the plan calls for grass in front of every building.

Council Member Erickson moved to approve amended preliminary plat for Henry's Fork Plaza as approved by planning and zoning with any conditions being met and with the condition grass is put in front of every building. Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

Council Member Benfield said this is a nice addition to the city.

Council Member Stevens joined the dias.

D. Approve Beer and Wine Licenses for October 1, 2007 to September 30, 2008

OFF PREMISE CONSUMPTION:

ALBERTSONS	490 North 2 nd East
BROULIMS	124 West Main
HB BOYS LC (Chevron One Stop)	944 University Blvd
HORKLEYS SELF SERV #1	39 South 2 nd West
HORKLEYS SELF SERV #2	727 North 2 nd East
MAVERICK COUNTRY STORE	12 South 2 nd West
MAVERICK COUNTRY STORE	75 North 2 nd East
VALLEY WIDE CO-OP	1175 West Main

ON PREMISE CONSUMPTION:

TETON LANES	585 North 2 nd East
APPLEBEES	975 University Blvd
JOE'S FILLING STATION, LLC	747 North 2 nd East
HARD HAT STEAK HOUSE	859 South Yellowstone Unit 701 (Henry's Fork Plaza)

Council Member Erickson moved to approve beer and wine licenses for October 1, 2007 to September 30, 2008. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

E. Resolution 2007-10 Idaho Airport Aid Program Project # 3-16-0031-008 (FAA8REX)

Mayor Larsen explained this resolution must be approved so the city can submit the grant agreement to get \$15,782. This is the state's 5% portion of the federal grant. It is a reimbursement.

Council Member Erickson moved to approve resolution 2007-10 and give Mayor Larsen authorization to accept this grant. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

Staff Reports:

Public Works report on Projects: John Millar

- Bids for Alley Parking Lot project were received. Three bids came in: Jerome Bowen, HK Contractors and DePatco. The bids all came in high, by over \$200,000. This exceeds budget funds available. They looked at the bid items to find out why there was such a difference and made

changes to get the project within the funds allowed. They had stamped concrete walkways which were about \$200 per square yard. Several items like this drove the costs very high. Parking lot lights that were specified were double the cost of what the city can get them for. Jerome Bowen Construction had the winning bid. There have been several meetings with Jerome Bowen and the city to eliminate or modify several of the work items. Jerome Bowen has modified their bid from \$800,000 to \$589,000. The city would still have to buy the lights on top of this cost. The bid must be approved on the bid that was received, which is the \$800,000 but once approved it will be immediately change ordered to bring the bid into the engineers estimate. Public Works Director Millar explained they now have a project that was not substantially compromised structurally. A few aesthetic items have been changed. All landscaping will remain the same. He feels they still have a very nice project that is within funds allowed.

Council Member Mann asked if the project is still going to look like the design that was shown to the other businesses. Public Works Director Millar said the design has not been changed.

Council Member Stevens moved to approve bid from Jerome Bowen with the change orders to bring the cost into the engineer's estimates. Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

- Contract for 7th South. Development agreement has been received. DePatco has been awarded the piece of 7th south from Eaglewood to Harvest Heights.
- 2nd West project will be finished this week and it will be striped next week.
- Evergreen Park Shelter is prepared. Concrete will be poured Saturday. It is similar to the structures at the Nature Park.
- Waste Water treatment plant should be completed in about 30 days.
- Council Member Erickson asked about Hidden Valley Park. He would like to see this project finished up. Mayor Larsen explained this year was the first year money has been allocated to this project.
- Council Member Benfield asked about water coming across 7th South. Public Works Director Millar said he is working with BYU-I to determine the cause. He will follow up on this.
- Council Member Stevens asked to have a meeting to report on the water meeting that he attended. Mayor Larsen asked this to be put on the agenda. Council Member Erickson asked if any guidelines were given to help cities preserve water rights. This can be discussed when it is on the agenda.
- Mayor Larsen explained the city has had several calls asking if Rexburg water is contaminated. Public Works Director Millar explained water is tested once a week with at least 30 samples a month. Rexburg water is very clean.

D J Barney reported on the recycling. The bins have been out for two days. One dumpster at Broulim's already needs to be dumped. He delivered bins to Albertsons tonight. Locations include Albertsons, Wal-Mart, Broulims, Tabernacle, and City Hall.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

B. First Reading: Those items which are being introduced for first reading. - NONE

C. Second Reading: Those items which have been first read. - NONE

D. Third Reading: Those items which have been second read. - NONE

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Old Business:

Annexation agreement with Sugar City – Harris property – Staff

City Attorney Stephen Zollinger explained Sugar City approved this annexation as was proposed. Rexburg will prepare an annexation hearing. Sugar City was appreciative of the City council to revisit this agreement.

Council Member Benfield asked if she would be able to change a vote on a previous motion if it does not change the outcome of that motion. City Attorney Zollinger explained that once the meeting that the vote took place in is closed, all action that occurred during that meeting must remain the same. If the vote to be changed is in the current meeting, a council member must go through the formal process of requesting to reopen the discussion of the matter that took place during the meeting, and then call for a new vote. Council Member Benfield asked if she could do this on the approval of the minutes. She would like to change her vote on the approval of the minutes from an aye to a nay. City Attorney Zollinger explained that minutes must be approved unanimously or they are not approved. Minutes are not by majority vote. All council members must agree that the minutes were true, or they have to discuss what was not accurately reflected in the minutes. If this occurs, transcription of the minutes must be reviewed. Council Member Young said it is important that minutes reflect the feelings of that council member.

Council Member Benfield explained the way she interpreted the minutes was not correct in what was discussed. City Attorney Zollinger explained in order to rescind this vote; she would need to formally request this be reopened. City council would need to discuss changes that need to be made and a new vote would be taken. Council Member Benfield feels the depth of the swimming pool was misrepresented. Mayor Larsen explained those minutes that discussed the depth of the pool are already approved. The minutes being approved tonight are from the September 5, 2007 meeting which says: *“Council Member Benfield said on page 4 at the bottom she asked “how deep the pool would be.” Mayor Larsen clarified that the depth of the pool has not yet been determined.”* Council Member Benfield explained that is the part of the minutes she has a problem with because she feels the pool was presented as a 3 ½ foot deep pool. City Attorney Zollinger explained that is not what the September 5, 2007 minutes say. They do not say what was represented. These minutes say Council Member Benfield questioned what was presented and Mayor Larsen clarified the depth of the pool has not been determined.

Council Member Benfield asked if she should have challenged the minutes at last council meeting. City Attorney Zollinger said yes; however, nobody is questioning that the pool was presented as a 3 ½ foot deep pool. Council Member Benfield said she questioned this. That is why it was brought up in the last meeting.

City Attorney Zollinger explained Mayor Larsen clarified at that time that if a 3 ½ foot deep pool is what was presented, this is not correct. No agreement has been made; there is no depth to the pool yet. All the minutes from September 5, 2007 say is Mayor Larsen clarified the question that

was asked. The question was perfectly appropriate in regards to the August 15, 2007 meeting. JRW and Associates represented the pool at 3 ½ feet deep and the Mayor explained that this representation was a mistake, no depth has been chosen. The September 5, 2007 minutes reflect the Mayor clarifying the question based on his understanding of the urban renewal minutes, that if they represented 3 ½, feet it was a misrepresentation and no depth has been decided yet.

Council Member Young agreed this was accurate from the urban renewal meeting.

City Attorney Zollinger said it is understandable to be frustrated because JRW gave the presentation and possibly did not clarify that it was just a possibility to have a 3 ½ foot deep pool.

Council Member Benfield said it was specifically said the pool was 3 ½ feet deep and Ken cannot swim his laps in this pool. Mayor Larsen explained a lap pool is not included in Phase One of the project.

Council Member Benfield asked Mayor Larsen why he did not clarify this at the August 15, 2007 meeting when the 3 ½ foot deep pool was presented.

Mayor Larsen explained the presentation consisted of a concept of a zero depth entry pool without a lap pool. City Attorney Zollinger said from this point on it will be made clear that no depth has been decided for the pool, and a lap pool has not necessarily been precluded either. This will be determined by the Riverside Committee and Urban Renewal Agency, as they have more information on how much money is available for the project.

Adjournment

Shawn Larsen
Mayor

Attest:

April Howard
Deputy City Clerk