Customer Support Services
City Council Minutes

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CITY OF REXBURG
America's Family Community

September 05, 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

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members: All Members were present.

Mayor Larsen welcomed the scouts to the meeting. He asked them to introduce themselves and explain what merit badges they were working to obtain.

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 August 15, 2007 meeting
B. Approve the City of Rexburg Bills

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 Schwendiman asked about the bill on page 8 for Wells Fargo building lease payments through 2012. Finance Officer Horner explained this is an annual payment that will last through 2012. Council Member Schwendiman also asked about the air system on page 13. It is the air system in the annex building. There is a bill for the new nine hole golf course on page 16. This is going forward. There is a bill for $2,600 on page 4. This is for sub engineering for LID 35. There are also engineering charges for streets on page 4.

Council Member Erickson moved to approve the Consent Calendar with corrections; Council Member Schwendiman seconded the motion; all vote aye, none opposed. **The motion carried**.

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

Wesley Cook at 155 Rosewood Drive expressed his excitement for the recycling program. He hopes to see additions to the program in the future. Mayor Larsen said the bins are being powder coated and having signs put on them. They should be put out shortly. He explained the location for the placement of the recycling bins. They will be placed at Broulims, Wal-Mart, Albertsons, the Tabernacle and City Hall.

Presentations: - NONE

Committee Liaison Assignments for 2007:

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

Council Member Mann reported the museum is being remodeled. He gave the council members a copy of the museum committee minutes and a schedule of improvements. New carpet will be put in, they are building a new film room, new paint will be put on, new pictures were donated, etc. New exhibits are being planned. It should be a big improvement. They are hoping this project will bring more Rexburg participation. Mostly out of state people view the exhibits. Mayor Larsen commended Council Member Mann for his commitment to the Museum Committee.
The Romance Theatre Committee has not met. Parks and Recreation will meet Thursday evening.

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

Council Member Benfield went on another ride along with the police department. They do a great job. We live in a very safe community. She also reported the Beautification Committee will meet next Friday.

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

Council Member Erickson said Planning and Zoning will meet tomorrow night. The Airport Board met tonight to discuss land acquisition and other airport maintenance. The board has been asked to inventory all air planes using the airport. The gates at the airport need to be repaired.

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

Council Member Schwendiman said the Golf Board has not met. Traffic and Safety met and talked about some issues. There is not much to report.

City Attorney Zollinger explained Emergency Services is in contract negotiations. It is a contract with the firefighters union. Paid call firefighters have been requested to have a rank structure and therefore they have been removed from the contract because it has not been negotiated. Continued discussions will be forthcoming.

Council Member Schwendiman moved to ratify the contract with removing the bottom three squares concerning paid call firefighters from exhibit B. Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

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

Council Member Young said the Arts Council had a very successful summer. The Tabernacle Committee has not met.

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

Council Member Stevens mentioned the upcoming trail discussion for the Stonebridge Subdivision.

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

Mayor Larsen called for a joint use agreement discussion meeting with the School District.
The contract explains the meeting must have one member of the city council, one member from the school board and one outside interested party who will be Trent Cichos. Mr. Lords will be representing the school board.

Mayor Larsen said the Mayors Youth Advisory Board met tonight. They have about 45 students participating this year. They are planning service projects. They will meet twice a month.

Public Hearings:

8:00 P.M. – Amend 2007 Appropriation Budget

Finance Officer Horner explained the amended ordinance is to update the budget to comply with project approved during the year.

Mayor Larsen opened the public hearing.
Those in Favor: NONE
Those Neutral: NONE
Those Opposed: NONE
Mayor Larsen closed the public hearing.

The budget year ends at the end of September 2007.

Council Member Stevens asked about the business park lots. One more lot is available for sale. The debt is to the revolving loan fund. Finance Officer Horner would like to close out the business park loan fund this year with the revolving loan economic development fund. The balance is about $230,000 before this transaction leaving about $90,000 before the sale of the last lot to close out the loan for the business park. Council Member Erickson explained the Development Workshop was helped by purchasing one lot at less than market value which cost the city some money. The difference in revenue verses expenses was the cost to the city to develop the business park. Council Member Benfield said some of the lots were bought at $35,000 and sold at $70,000. The city has earned interest on the project over the last ten years.

Council Member Young moved to waive the rules on BILL 993; Council Member Erickson seconded the motion; roll call vote:

Those voting aye	Those voting nay
Chris Mann	None
Bart Stevens	
Rex Erickson	
Donna Benfield	
Farrell Young	
Randy Schwendiman	

The motion carried.

Council Member Young moved to consider BILL 993 third read and passed; Council Member Schwendiman seconded the motion; all voted aye; none opposed. **The motion carried.**

New Business:

A. Conditional Use Permit for dormitory housing at 366 West 3rd South and 276 Steiner Avenue

Alicia Thornburg explained the Conditional Use Permit (CUP) is being requested for two houses facing 3rd West. She is the manager for these houses. They are applying for a CUP for single women dormitory housing. This would be BYU-Idaho approved housing. They would like 7 to 10 girls at 366 West 3rd South and 3 girls plus a manager's apartment at 276 Steiner Avenue. They are waiting for concrete to be poured for 3 parking spaces. Council Member Mann asked if apartments are rented. They are tentatively rented contingent upon city council approval. Council Member Erickson explained the changes to the request from Planning and Zoning. It was approved with conditions by Planning and Zoning on August 16, 2007. It has been improved into a good project.

Proposed Conditions of Approval

1. Trash receptacles should be fully screened from the public right-of-way and should not be visible from adjacent residential property.
2. There should be no outside storage of material or equipment unless fully screened form public right-of-way. This screening, if in it self is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.
3. As waste generation is increased, and to avoid overflow of trash receptacles, each unit shall have its own, full-sized, trash receptacle available for regular trash "pick-ups"

4. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit. Landscape plan shall include evidence that an area of 30% or more of the individual lots is being observed.
5. Commercial lighting standards per the City's development code shall be adhered to, including the use of dark sky compliant lighting. Any proposed lighting shall be reviewed by the City Engineer.
6. Required parking shall be located 25-feet behind the property which begins approximately 18 feet behind the existing sidewalk.
7. Areas of impervious surface that are not approved parking spaces and that are not used as a vehicle aisle shall be constructed, or restored to a landscaped area with trees and shrubs to; this will ensure proper screening of parking areas, and prevent unapproved parking from occurring.
8. Parking areas shall be adequately screened form the public right-of-way and adjacent residential properties. Screening must include the use of deciduous trees ad evergreen trees to ensure non-seasonal screening. Deciduous trees shall be planted with a minimum size of 2-inch caliper DBH. Evergreen trees shall be 7-feet tall at planting. Shrubs shall include 5-gallon containers as a minimum. Ground cover shall include a minimum of 50% living material, i.e. grasses, shrubs, etc, other ground cover can be non-living material, e.g. rocks, bark chips, etc.
9. Parking areas should have raised concrete curbing near landscaping areas to ensure that these areas remain well defined, which will prevent impromptu parking of vehicles.
10. The north end of the proposed parking area shall include maneuvering area for the last parking stall. This shall include a 6-foot deep by approximately 22-feet wide paved area.
11. A site drainage plan shall be submitted for review and approval by the City Engineer prior to issuance of a building permit (or change of use permit).
12. Signage shall be designed in a monument style though the use of brick or decorative masonry base and wood material to compliment the surrounding neighborhood and suggest permanence which is consistent with an established neighborhood.
13. An approved building permit must be obtained prior to the issuance of a conditional use permit for the uses requested.
14. In order to share parking to satisfy required parking, a written agreement for such joint use must be approved by the City Attorney as to form and content, and such agreement, when approved, shall be recorded in the County Recorder's Office. The agreement shall include language that requires the City to approve any modifications or removing the deed restriction to ensure that all standards for parking requirements on individual lots is satisfied.

Council Member Erickson moved to approve the Conditional Use Permit for 366 West 3rd South and 276 Steiner Avenue contingent upon the Planning and Zoning Conditions being met. Council Member Stevens seconded the motion; Discussion: Council Member Benfield asked who voted for the CUP at the Planning and Zoning meeting. The minutes were reviewed to see who voted for the CUP. Council Member Mann discussed the need to protect single family housing. City Attorney Zollinger explained the zoning allows this type of housing. All voted aye, none opposed. **The motion carried.**

B. Final Plat for Stonebridge Division 2 between East 7th North and the Teton River

Mayor Larsen explained this came before city council a few years ago but was postponed until an agreement could be made with the trail system along the Teton River. The City Council reviewed an alternate route on a map for the trail along the Teton River. The final plat will require an agreement with the city to finalize the trail system along the Teton River. City Attorney Zollinger agreed with Mayor Larsen and continued to explain the developer would be willing to hold the plat approval until the agreement on the trail is approved by the city. He recommended approving the final plat on the same condition as the preliminary plat was approved on years earlier which is the condition that the plat be approved upon a mutually agreeable path between the trails committee, the developer and the city. The map shows the proposed route of the trails system with a perpetual public easement from the trail from the developer. The original deeds showed a meandering property line in the center of the Teton River. The new legal descriptions are done with meets and bounds to be more accurate.

Council Member Mann reviewed the proposed path close to the river. The developer has indicated to Public Works Director Millar that more land would be allowed if the river is too close to the trail based on river bank restoration. Mayor Larsen explained the proposal would include access to the trail system from the subdivision.

Council Member Benfield asked who was at the meeting. Bret Hastings was representing the three partner's ownership. This meeting took place on August 27 at 11:00 A.M. The third partner did not meet. City Attorney Zollinger indicated it would be a gesture of good faith to approve

contingent upon the trails committee agreement. Council Member Schwendiman asked if the street problems have been fixed. Public Works Director Millar said the repairs to the streets in Stonebridge have been completed. The developers were required to give a $20,000 bond for work to be done on 7th North. City Attorney Zollinger said there needs to be clarification on the designation of public area and who is going to be responsible for the maintenance of the public access area to the trails system.

Council Member Stevens will attend the Trails Committee meeting tomorrow night to discuss this agreement.

Council Member Stevens moved to approve the final plat contingent upon Trails Committee approval to the proposed route and public access to the trail and attention to the designated public area. This also must be brought before city council again with any changes that are made to make sure the council understands the agreement. Council Member Young seconded to the motion; Discussion: The perpetual easement agreement for the trail system will be finalized before being approved by City Council. Council Member Young asked about the possible movement of the river bank. City Attorney Zollinger said the river banks will need to be maintained by the city so the bank does not encroach into the trail system. All voted aye; none opposed. **The motion carried.**

C. Rename street in Trejo Professional Plaza to "Grand Loop"

Council Member Erickson explained the request did not go before Planning and Zoning. It has been requested to change the name from Grand Avenue to Grand Loop. Finance Officer Horner said only one business would be affected. The reason to change the name is because there are four separately named streets; it would be easier to have one name instead of four names. The Addressing Committee requested the change in the street names by amending the street names on the approved plat.

Council Member Erickson moved to approve the name change from Grand Avenue to Grand Loop contingent upon East Idaho Credit Union's approval; Council Member Stevens seconded the motion; all voted aye; none opposed. **The motion carried**.

D. Fall Clean up dates - (proposed dates are September 24 to October 26)

Public Works Director John Millar said these dates are contingent on weather; it can be extended with a notice in the paper. Limbs must be no more than 4 feet long and they must be bundled. All bagged debris goes to the transfer station which is charged per ton. The City will work with the county and the transfer station. The county has given a discount on cleanup items in the past. The biggest cost to the city is the cost of one or two employees' in labor through the clean up period. **Council Member Erickson** said this is a free service the city owes the citizens and tax payers of Rexburg.

Council Member Young moved to approve the fall clean up dates with the condition that dates are flexible depending on weather to last at least one full month. Council Member Mann seconded the motion; all voted aye; none opposed. **The motion carried**.

Report on Projects: John Millar

- Second West should be able to be paved September 06, 2007 weather permitting.
- Council Member Benfield asked about flooding at the roundabout. Public Works Director Millar explained the drains had just plugged up with debris. It is cleaned up and draining just fine now.
- Council Member Erickson said Millhollow Road looks wonderful. The flat curbs help rain water dissipate instead of running down the road.
- 7th South is moving along and is on schedule. They hope to have it paved this year. All the underground work is completed. The retaining wall is being worked on right now.
- Property between 4th East and Harvest Heights Subdivision on 7th South. Property owners will work with the city to extend this road.

7th South into Harvest Heights will be made into a 5 lanes road. This project went to bid last week. The engineers estimate was $342,000; the bid came in at $255,000. The City Council discussed the methodology to cost out the developers share of new street construction. Developers are required to build a residential road. The city share will be about $85,000.

Council Member Stevens moved to accept the contract from 4th East to Harvest Heights conditioned upon the signing of the development agreement; Council Member Benfield seconded the motion; all voted aye, none opposed. **The motion carried.**

- The North Alley parking lot will bid tomorrow.
- Waste Water treatment plant is going well. Equipment is in and the roof will be put on next week.
- The project at the intersection of 2nd East and Main will begin shortly.
- Triangle strip to be landscaped on Millhollow is in planning stage to be done with city crews.
- Rocky Mountain Trophy building on Main Street was torn down; Center Street will open back up tomorrow.
- 2nd West should open after Friday, September 07.
- 4th East project between Main Street and 1st North is almost complete.
- Veterans Memorial at Smith Park is waiting for concrete. The city part of this project is complete.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

1. BILL 993 Amend Appropriation Budget for Fiscal Year 2007

Council Member Young moved to waive the rules on BILL 993; Council Member Erickson seconded the motion; roll call vote:

Those voting aye	Those voting nay
Chris Mann	None
Bart Stevens	
Rex Erickson	
Donna Benfield	
Farrell Young	
Randy Schwendiman	

The motion carried.

Council Member Young moved to consider BILL 993 third read and passed; Council Member Schwendiman seconded the motion; all voted aye; none opposed. **The motion carried.**

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

D. Third Reading: Those items which have been second read.

1. BILL 992 – Annual Appropriations Budget for 2008

Finance Officer Horner explained the total has not changed since August 1st, 2007. It is the same information that went before the Public Hearing.

Council Member Benfield moved to consider BILL 992 third read and approved; Council Member Schwendiman seconded the motion; all voted aye; none opposed. **The motion carried**.

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

Old Business: - NONE

Mayor's Report: - NONE

Council Member Erickson moved to go into executive session pursuant to State Statute 67-2345 for legal advice. Council Member Schwendiman seconded the motion. Roll call vote:

Those voting aye	Those voting nay
Farrell Young	None
Donna Benfield	
Bart Stevens	
Rex Erickson	
Randy Schwendiman	
Christopher Mann	

The motion carried.

Executive Session:
Executive Session ended

City Attorney Zollinger discussed a proposed agreement between the City of Rexburg and the City of Sugar City concerning the Harris Property on North 2nd East near the interchange of 2nd East and Highway 20. The agreement would allow a shared interest in the development of the property.

Council Member Schwendiman moved to approve the formation of an agreement between the City of Rexburg and the City of Sugar City concerning the Harris property to split the annexation of the Harris property with the west 30 acres annexed by Rexburg and the east 50 acres being annexed by Sugar City; consistent with the direction given in executive session; Council Member Erickson seconded the motion. Roll call vote:

Those voting aye	Those voting nay
Randy Schwendiman	Chris Mann
Farrell Young	
Donna Benfield	
Rex Erickson	
Bart Stevens	

The motion carried.

Adjournment

_____
Shawn Larsen
Mayor

Attest:

_____
Blair D. Kay
City Clerk