City Council Meeting

June 15, 2011

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CITY OF REXBURG
America's Family Community

June 15, 2011

Mayor Richard Woodland
Council Members:
Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:
Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

6:00 P.M. Joint Work Meeting City Hall – Planning and Zoning/City Council

In Attendance:
Mayor Richard Woodland; City Council Members: Rex Erickson, Donna Benfield, and Bruce Sutherland.

P&Z Commissioners: Marilyn Rasmussen, Winston Dyer, Cory Sorensen, and Jedd Walker.

Community Development Director Val Christensen led the discussion. The purpose of this meeting was to identify from a community perspective the best possible locations to have more multi-family housing as the city grows. Rexburg needs to be prepared.

GIS Director Craig Rindlisbacher provided copies of maps showing current multi-family housing in Rexburg. Those in attendance discussed where additional multi-family housing should be located, marking the maps with what they felt to be the best areas for this growth. Some of the points considered were:

1. Transportation routes and how they would be affected;
2. Infrastructure costs;
3. Location to single family neighborhoods and the buffering that would be required;
4. Possible clustering of such housing or having it be located throughout the community;
5. Access to services, employment, and the University.

Community Development Director Christensen indicated he will create a map from the input of this meeting showing possible future growth options for multi-family housing locations. The new map will be presented to Planning & Zoning and the City Council for further discussion. The group divided into two groups of four to five people. Each group had a Council Member and a Planning and Zoning Member.

Instructions to the two groups:

- The purpose of the exercise is to identify from the overall community perspective the ideal locations for BYUI married student housing and the additional housing generated by the adding of the students to the community. More students equate to more business which in turn created the need for low income housing.
- BYUI is adding approximately 1000 students per year. About 30% are married or become married while at school
- Some of the 300 students are married to other students and some are not. We will use 200 units a year as our goal for new construction.

- This exercise is not for BYUI approved single housing. It should include dormitory housing for hair college students. Also, as single student units are built in the PEZ Zone, many regular apartments will be eliminated (an example is the new Hemming apartments that required the removal of 6 homes, some of them housing married students).
- Medium Density Residential 1 allows 16 units per acre.
- Medium Density Residential 2 allows 20 units per acre.
- High Density Residential 1 allows 30 units per acre.
- High Density Residential 2 allows 42 units per acre.
- Using MDR 1 at 16 units per acre, we need 12.5 acres for one year's growth, 10 acres for MDR2, 7 acres for HDR1 or 5 acres for HDR2.
- A city block is 10 acres.

Some challenges that we need to be aware of:

- Transportation routes and how they are affected. As an example, apartments north of the river will add congestion to 2nd East.
- Location and expense to add infrastructure. How close is water and sewer? Will roads need to be widened or built?
- Location to single family neighborhoods and the buffering required. As an example, could an HDR Zone be allowed if it were buffered with a MDR Zone.
- Should this kind of housing be distributed throughout the community or should it be clustered in a few spots?
- Access to services, employment and the University. Is it desirable to locate housing where it will keep driving at a minimum?

The groups discussed the challenges of planning for growth for multi-family housing in Rexburg. There will be follow-up discussions in the future continuing to seek planning input.

7:30 P.M. City Hall – Pledge to the Flag

Braden Robinson from Troop 156 led the Pledge of Allegiance.
Emily Perks from Virginia said the prayer.

Roll Call of Council Members:
Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Sutherland, and Mayor Woodland.

Council Member Egbert and Council Member Stout asked to be excused.

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

Presentations: - NONE

Committee Liaison Assignments for 2011:
A. **Council Member Adam Stout** Trails of Madison County · Traffic & Safety Committee · Airport Board

Council Member Stout was excused.

B. **Council Member Brad Egbert** Legacy Flight Museum · Parks & Recreation · IBC Committee

Council Member Egbert was excused.

Bob Yeatman reported on the planned pool grand opening in July. He asked for a date for the grand opening. Council Member Mann asked to go for an evening opening to allow more public to come to the event. The soft opening will begin next Thursday, June 23, 2011. This is when swimming lesson will start. Council Member Erickson asked to have next Wednesday as an open house; then have a grand opening in 30 days. Mayor Woodland would like to finish some punch list items before having the public tour. Council Member Benfield said the upcoming baseball tournament on June 23, 24 and 25, will be an opportunity to have the ball players come to the facility. They are going to put a flyer in their packets and invite them to come over to the pool. Richard Horner suggested June 30th because Thursday hasn't been reserved.

Johnny Watson from JRW & Associates reported on the new city swimming pool. There is now water in the Lazy River at Rexburg Rapids. The slides were tested today by workers. They came out of the tubs at a fast rate. They started lifeguard training there today. He said tomorrow they will be doing operations training. Street paving will be coming up next Monday by HK Contractors. Swimming lessons will be starting next Wednesday. Signage will be completed by the end of next week. Landscaping should be finished by Tuesday. The fence is completed. There are 220,000 gallons of water in the Lazy River, and they were able to fill it in four or five hours. The zero entry area is just beautiful. The punch list will have odds and ends like paint touch up, etc. He said, the 30th of June would be a great day to have an open house.

C. **Council Member Bruce Sutherland** Museum Committee · Beautification Committee · Traffic & Safety Committee

Council Member Sutherland did not have a report.

D. **Council Member Christopher Mann** Emergency Services Board · School Board · MYAB

Council President Mann reported on an Emergency Services meeting this evening. The MYAB film festival at the Romance Theater last week had a great turn out and went well. The MYAB will be doing clean up at the new pool this Friday for the Rexburg Days. The

MYAB will be on their fire district fire truck in the 4th of July Parade along with the City Council on another fire truck.

E. **Council Member Donna Benfield** Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board

Council Member Benfield reported the Police Department has a $113,000 grant from the Pet Smart Foundation to help financing part time employees, and help pay for spaying and neutering. Safety videos from BYU-I students will be created for a safety campaign and will included issues such as walking in pedestrian zones. The information will be placed on billboards and apps on cell phones. The students will also be working on a tracking system for patients with Alzheimer's or Parkinson's disease. A drop off box will be available for prescriptions. She said later on the students would also present a parking proposal.

F. Council Member Rex Erickson Golf Board · Planning & Zoning · Rexburg Redevelopment Agency

Council Member Erickson reported Planning and Zoning meets tomorrow night. The Rexburg Redevelopment Agency has not met this past month. Golf Board had a good report about their finances. The board reported that their finances are even with one year ago. The weather has moderated bringing a lot of golfers out.

Public Hearings: - NONE

Public Comment:

Lynn M. Betts read a letter from the Church of Jesus Christ of Latter Day Saints concerning the 75th Anniversary of the church's welfare program. He asked the city to come up with some service projects to benefit the city.

Ms. Emily Perks at 387 Airport Road asked if the Legacy Flight Museum activities (dances) with the base noise could be curtailed. She said it shakes her house. She asked if the city could help keep the noise down. City Attorney Zollinger explained the noise must be within reason or the City Police will ask them to turn down the music. The noise should not be allowed beyond the building where the event is being held after 11:00 P.M. The Police Department will monitor any non-compliance.

Items for Consideration:

A. Approval of Water Lease Contracts – John Millar

Mayor Woodland reviewed the proposal.

City Attorney Zollinger explained the three contracts. An exchange of property with BYU-I regarding an available water source was discussed. Later he mentioned that this one has already been done. The three contracts up for discussion and approval are the following:

1. Walters Concrete for their pond for a recharge permit.
2. Rexburg Irrigation to transfer the water to the city's ponds at the nature park for mitigation purposes.
3. Dallan Jeppesen concerning mitigation issues to sprinkle water on his farm by trading water with the city. These three contracts will put the city's surface water into a protected state by being utilized.

Council Member Sutherland moved to approve the Water Lease Contracts as discussed; Council Member Erickson seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

B. Approve Fireworks Stand Permits and locations – Staff

Mayor Woodland reviewed the proposal.

Council Member Benfield asked for the dates to start selling fireworks. City Clerk Kay explained the dates go from June 26th to July 26th.

Council Member Erickson moved to approve the **Fireworks Stand** Permits and locations as discussed; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

C. Parking Proposal-Chief Turman

Mayor Woodland reviewed the proposal.

Chief Turman presented a proposal to help downtown businesses provide a place to park some of their employees. They met as a group with legal council and the city parking attendants to discuss the best solution. They proposed to sell 105 "B" permits to businesses; only three per business. He reviewed the two parking lot locations. The "B" Parking Permits could be utilized from 8:00 A.M. to 8:00 P.M. from Monday to Friday. Those parking lots will still be available for public parking. There are 25 free parking stalls on Carlson Avenue and 27 free parking stalls on South 1st East with no time limits. The "B" permits would cost the same as the DR parking permits. If a business does not need three permits other businesses that may need more can purchase the extra permits. He explained the proposal. This proposal will not alleviate all of the problems for the employers; however, it will help them.

"B" Permit Parking Proposal

PROBLEM:

There is very limited Parking in the downtown areas for businesses and their employees to park, without being affected by the 2 hr and 3 hr parking requirements.

OBJECTIVE:

To help provide at least a partial solution to parking in the downtown Rexburg Business area for businesses and their employees by providing a limited amount of business parking in the downtown area with the use of "B" permits.

DESCRIPTION:

Businesses located in the area from Center Street to 1st East and Main Street to 1st South would be eligible to purchase a limited number of "B" permits for their businesses and employees. The City of Rexburg would designate two city parking lots within the above geographical area where these "B" permits would be permitted to park during set business parking times and they would not be subject to the 3 hr parking limit within those two lots, as long as a "B" permit was showing in the vehicle and they were parking within the pre-designated business parking hours.

These "B" permits would be sold by the City of Rexburg for the same cost as the (U and R) permits and would be renewable on an annual basis. Any business not purchasing the set amount of "B" permits or failing to renew said permits would be at risk of having those permits open for purchase by other businesses in the designated area.

PRICING AND LIMITS:

1. The new "B" permits will be able to be purchased annually for the sum of $75.00.

a. A maximum of one hundred and five permits will be issued for the area with a maximum of three permits per business.

STIPULATIONS AND REGULATIONS:

1. **Designated Lots** - will be the lot between the T-Rex Plaza and the Paramount Theater and the small lot directly to the south of Gringo's Restaurant off of Carlson Ave.
   a. Both of the above lots would still be open to the public for "three hour parking" and availability would be on a first come first serve basis.
   b. "B" permits would not be valid for any other lots or on street parking.

2. **Time Restriction** – "B" permit parking time in the above lots would be Monday through Friday and from 8:00 a.m. to 8:00 p.m. All others parking in these lots would be under the "three hour parking restrictions."

3. **Businesses Responsibility**
   a. Businesses would be responsible for the purchase and disbursement of the "B" parking permits to their employees.
   b. Any employees or businesses parking without a "B" permit would be subject to any and all parking regulations in the areas they choose to park, (2 hr or 3 hr parking) etc.
   c. Businesses are responsible to purchase available "B" permits in the allotted time or risk not having one available.

4. **"B" Permit**
   a. Limit of 105 available permits.
   b. 3 permits made available per business in the designated area.
   c. Un-purchased permits may be made available to other businesses in the designated area as necessary.
   d. Annual renewal @ $75.00 per permit.
   e. Permits available only for businesses within the designated geographical area.
   f. Lack of a "B" permit does not exclude customers, businesses or employees from parking in any of the above designated lots. They, however, become subject to three hour parking regulations in those lots.
   g. "B" permits will remain with the business location and in the event that a business changes hands or moves the permits for that business would return to the City for disbursement.

CONCLUSION:

We realize that this proposal will not completely meet everyone's needs or be a fix-all for the parking problems. It will also not provide parking for every single employee as there are not enough parking areas for that number. It will, however, provide some relief to downtown businesses and their employees as well and assist in easier parking enforcement in this area.

Mayor Woodland asked for public comment:

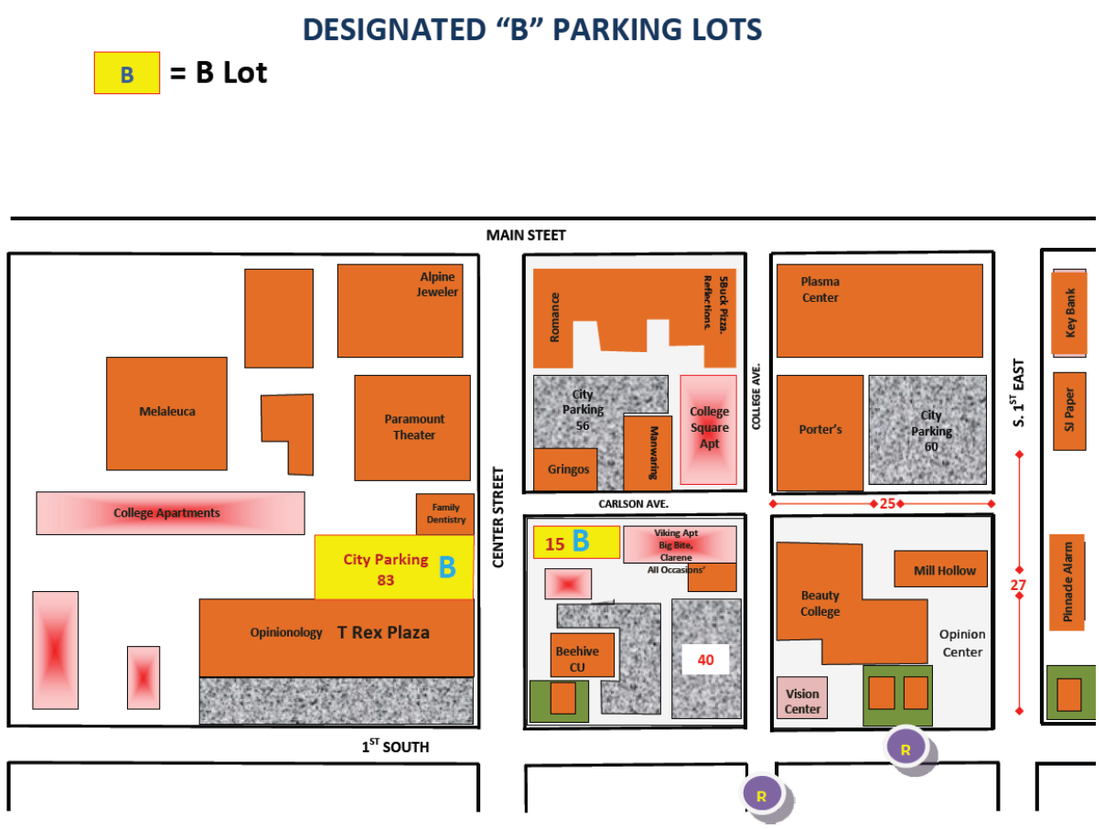
Jacob Free runs the Plasma Center; he said he creates all kinds of parking issues. He reviewed the proposal on the overhead screen.

Chief Turman said the proposed lots from Jacob Free are the heaviest use for customer parking.

Julie Ferrin from 500 Edith Circle for 30 College Avenue asked about the use of the parking lot for her tenants. The lot spaces total 83 spaces. Her 40 spaces and the proposed 83 parking spaces make up permits than available spaces. Discussion on having enough parking stalls for all of the proposed permits plus the permits provided to 30 College Avenue. City Attorney Zollinger said if the proposal does not work, they can bring the issue back to City Council.

Keith Ferrin from 500 Edith Circle for 30 College Avenue discussed the problem of the sheer numbers of overselling the parking lot from 8:00 A.M. to 8:00 P.M. He asked to open up additional parking lots for the same proposal. He did not think the City could sell 105 permits.

<u>Discussion of the proposed "B" Parking Lots.</u>



Council Member Benfield discussed the need for parking for Opinionology and she reviewed their parking area.

Council President Mann was concerned with selling 105 permits. He mentioned how the University permits were sold and suggested selling the "B" Permits in a similar fashion. This would help determine the perfect number of permits that can be issued to these lots. He suggested selling 35 permits to start; one per business.

City Attorney Zollinger explained there is a difference between the approach of the University parking and this proposal. The City has monitored the parking areas over the past two weeks. The parking lots will be monitored to see if they are at capacity or over capacity. He mentioned there are other parking lots and they may consider using the Porter's parking lot before 10:00 A.M. He mentioned a future parking lot will be developed just off Main Street on 1st East which will hold 140 parking stalls. The city has more than enough inventories to handle 100%.

Council Member Benfield moved to approve the Parking Proposal as presented with a 30 day review and then every six months. Council Member Sutherland seconded the motion; Discussion: Council President Mann asked if problems occur under this proposal, another parking lot could be opened up to help the situation. City Attorney Zollinger said we will work it out. Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

D. Resolution 2011 – 07 **Rexburg Community** Access Network Initiative - Staff

Mayor Woodland reviewed the proposal.

Economic Development Director Scott Johnson asked for questions on the Resolution 2011-07. The resolution is setting the stage for this initiative. He said there will be a lot of work ahead for the city. The resolution states that this is of high interest to the city. It is important to have a resolution to invite others to partner with the city and preempt possible litigation. A city resolution is a lot easier, because the national one is 400 pages long. Council Member Sutherland would like to do this resolution verses using a national resolution. Economic Development Director Johnson said the city is looking at all possibilities. Council Member Erickson was concerned with future costs this resolution may start in motion. Economic Development Director Johnson said this resolution only says the city supports the initiative.

City Attorney Zollinger said the initiative facilitates partnering if there are interested parties. Our share of the cost may be allowing access to the public right-of-way. Government can do it themselves if other parties do not ask to be a partner; otherwise, the resolution will be a facilitating document to bring parties together.

Council Member Benfield read a sentence from the Resolution 2011 – 07 that she says is comforting. The sentence says, "The City Council supports the focus of the Rexburg Community Access Network Initiative being an evaluation of demand." Council President Mann said he has the same concerns. He said it is just a document to open the door for discussion and it does not commit the city in anyway. The City Council would have jurisdiction over it and the community would have input. City Attorney Zollinger explained issues due to lack of action with cities in Colorado where this issue was presented.

Council Member Sutherland moved to approve Resolution 2011-07 for the "Rexburg Community Access Network Initiative;" Council Member Benfield seconded the motion; Discussion: Economic Development Director Johnson said there was a $3,500 grant for the Arts Council to help with promoting the arts in Rexburg. The grant could continue to future years if used appropriately. **Mayor Woodland** asked for a vote:

Those voting aye	Those voting nay
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

Staff Reports:

A. **Public Works**: - John Millar
   1. 150 Hp motor abandoned from a construction project.

Mayor Woodland reviewed the proposal.

Public Works Director Millar said the motor could be surplused and then sold for revenue. The motor has been abandoned and can't be used in anyway.

Council Member Sutherland moved to surplus the 150 Hp motor as presented; Council President Mann seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye	Those voting nay
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

Public Works Projects:

1. 7th South Sewer line needs a gas line repaired.
2. LID 41 has been started by Depatco and they are doing work over on 3rd East.
3. County Parking Lot will have construction contracts issued by mid July to complete this year. They will meet with the county on Monday about the county parking lot.
4. Community Block Grant for sewer pressure line did not come through. The city will have to get the job going on city funds.

The Teton River flooding has some issues. A check has been done on all of the facilities throughout the community. The Railroad Bridge has some debris built up on it, but nothing significant. Some sandbagging was need on one end of the bridge. The road between the Railroad bridge and US 20 looks like a lake right now. The bridges by the golf course and Hibbard Road are close to capacity. We can take another foot of depth before water goes over the dikes. There is no evidence of any erosion on the dikes. If there is not much more water the city should be able to get through this okay.

A. **Finance Department**: - Richard Horner
   1. Set Public Hearing to change the method of costing for the Building Department Fees

Mayor Woodland reviewed the proposal.

Community Development Director Christensen reviewed the Building Department Fees for inspecting the jobs in Rigby and Madison County. The problem is having multiple fee schedules. He wants to follow the state rules to allow only one fee schedule, which is what 90% of Idaho cities do. If the city goes by state rules it will lower some fees and increase others. Overall, it will lower the city's fees. The most substantial changes would be the decrease of HVAC and Plumbing fees on the commercial level. That part is a little

concerning, but in the big picture the fees should level out the same. For consistency purposes, he thinks it is worth doing.

Mayor Woodland said it would level the playing field for the people building in other communities. Council President Mann asked about setting a date for a public hearing. Discussion on setting the hearing for the 20th of July. Finance Officer Richard Horner said most permits come through apartment complexes and not commercial projects.

Council President Mann moved to set the public hearing to change the method of costing for the Building Department Fees to level the playing field with the state fees for July 20th at 7:30 P.M.; Council Member Benfield seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

Calendared Bills and Tabled Items:

A. **BILL Introduction:** – NONE
B. **First Reading**: Those items which are being introduced for first reading.
   1. **BILL 1071** Rezone – Community Business Center (CBC) and Medium Density Residential One (MDR1) to High Density Residential 2 (HDR2) at approximately 360 South 4th West.

Mayor Woodland reviewed the proposal.

Jared Sommer said the traffic study is under way. It is being conducted by a professional company from Colorado. They have been in contact already with Public Works Director Millar to find out what should be included in the study. He is not sure when the study will be completed, but it is underway at no small expense.

Discussion on the reading plan:
Public Works Director Millar said it is okay to proceed in the reading process for BILL 1071 as long as the third reading is not done until the traffic study is completed with associated recommendations.

Council Member Sutherland moved to first read BILL 1071 Rezone – Community Business Center (CBC) and Medium Density Residential One (MDR1) to High Density Residential 2 (HDR2) at approximately 360 South 4th West; Council Member Erickson seconded the motion; Discussion: Council Member Benfield was concerned with the traffic; high density may be a problem. She has worked in the area for several years and observed traffic problems.

Ms. Michelle Solvine at 351 E 5th South is the property owner; she explained the flowers at the hotel exit on 4th South are more intrusive for traffic entering 4th West than the 4th West and 4th South intersection. The traffic study should be complete in three to four weeks.

Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Erickson	Council President Mann
Council Member Sutherland	Council Member Benfield

Mayor Woodland cast the deciding vote aye.

The motion carried.

C. **Second Reading**: Those items which have been first read. – NONE
   1. **BILL 1014** - January 20, 2010: "THE TOWING AND PARKING ENFORCEMENT ORDINANCE"

Mayor Woodland reviewed the proposal.

City Attorney Zollinger explained the issues covered by BILL 1014 have been the same for seven years.

Council Member Sutherland moved to second read **BILL 1014** "THE TOWING AND PARKING ENFORCEMENT ORDINANCE"; Council Member Erickson seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	Council Member Erickson
Council Member Sutherland	Council Member Benfield

Mayor Woodland cast the deciding vote aye.

The motion carried.

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:

Mayor's Report: The "State of the City" is very well.

Consent Calendar: The consent calendar includes its 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.

Minutes, Bills, etc:
June 01 and June 08, 2011 meetings
Approve the City of Rexburg Bills

Council President Mann moved to approve the Consent Calendar consisting of the minutes, and the city bill; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council President Mann	None
Council Member Benfield	
Council Member Erickson	
Council Member Sutherland	

The motion carried.

Adjournment

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Richard Woodland, Mayor

Attest:

_____

Blair D. Kay, City Clerk