



**February 22<sup>nd</sup>, 2006**

**Mayor & Council Members:**

Shawn Larsen — Mayor  
Donna Benfield – Council President  
Farrell Young      Christopher Mann  
Rex Erickson      Randy Schwendiman  
Bart Stevens

**City Staff :**

Stephen Zollinger — City Attorney  
Financial Officer Horner – Finance Officer  
John Millar — Public Works Dir  
Val Christensen – Building Official  
Kurt Hibbert — Planning & Zoning Dir  
Blair Kay — City Clerk

**6:00 p.m. - City Council Work Meeting (Comprehensive Plan Discussion)**

**Attendants: Council Members** Bart Stevens, Christopher Mann, Farrell Young, Rex Erickson, Donna Benfield, and Mayor Larsen. Staff attendants: John Millar, Kurt Hibbert, Keith Davidson, and Blair Kay.

The City Council spent some time planning transportation issues in conjunction with the Comprehensive Plan discussion. The transportation issues around Millhollow Road and 7<sup>th</sup> South were discussed. The City Council and Mayor Larsen will request some input from the Millhollow neighbors before a plan will be put forward to the neighbors.

**Keith Davidson** reviewed the plan to work on the transportation plan for the Millhollow area. He went over the current specifications for street construction. The specification calls for a five foot sidewalk and a seven foot green strip.

**Public Works Director John Millar** mentioned the current road width for Millhollow Road is eighteen to twenty two feet.

**Keith Davidson** indicated when a home without a sidewalk is sold, the owner has thirty days to install a new sidewalk or repair a damaged sidewalk.

**Mayor Larsen** talked about a location in another city that has homes on a narrow street with higher property values than homes on a wider street. Wider streets give way to faster speeds for cars.

The City Council discussed the idea of having a two foot flat border on the side of the pavement. This was discussed as a possible solution for a narrow street. In the Millhollow area, there may be an opportunity to maintain the quaint neighborhood look with a narrower street with a walking path along on side of the street.

**Council Members Erickson and Stevens** were supportive of the two foot flat border on the side of the street. The normal City street width should be a sixty eight foot right-of-way with a forty four foot street (back of curb to back of curb.)

The City Council discussed the process to install or repair sidewalks on a Local Improvement District (LID.) They requested having a neighborhood meeting for the Millhollow Road and Shoshone Avenue neighbors for input to develop a road design for the Millhollow Road area.

**Planning and Zoning Administrator Kurt Hibbert** passed out a Comprehensive Plan Map to the City Council for review. It is a land use document instead of a zoning map. He asked the City Council to provide recommendations from their perspective for the City and the City's Impact Area. One item to consider, may be the possible expansion of the airport on the Comprehensive Plan Map. He recommended that the City Council view the video "Save our Land, Save our Town."

The work meeting was adjourned.

**7:00 P.M. – Pledge to the Flag**

**Mayor Larsen** asked the Scouts to introduce themselves and their merit badge (Citizenship in the nation and Citizenship in the community.)

**Roll Call of Council Members:** All Council 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 February 08<sup>th</sup>, 2006 meeting
- B. Approve the City of Rexburg Bills

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

**Public Comment:** on issues not scheduled on the agenda (limit 3 minutes)  
None

**Presentations:**

**A. Brightest Star Recipients** – National Community Council member **Janet Goodliffe** explained the Madison Community Council, which involves all of the organizations and businesses in Madison County. Pete Petersen formed the Council a few years ago. They write a lot of grants with the school district. They received the Grand Prize for the Governor's "Brightest Star Award". After School programs and other programs originate out of the Community Council. They meet every third Thursday at 8:00 a.m. at Madison High School, for those who would like to attend. Mayor Larsen reviewed the Governor's Brightest Star program. There is a review

committee that reviews all of the nominations from the Idaho Communities. The Madison Community Council received a check from the program for \$5,000 that they intend to use for a “Celebrate Youth” celebration this Fall. Madison County, including Rexburg, was one of the 100 best communities for young people in the Country, including large communities like San Diego and Boston, according to the America’s Promise program.

**B. WLC Management** – Joint Business Opportunity proposal for non-traditional revenue - (Simmons Outdoor Media)

**Mike Helm** from “Simmons Outdoor Media” gave the Council a handout. Simmons Outdoor Media would like to put up a 10x30 foot billboard for advertisers on Hwy 20 at the property on the end of Airport road. The sign would not interfere with any of the on-site operation. It only takes up 30 inches of dirt. They offered the City 50/50 revenue split. It is a great opportunity for the city to put the unused land to good use and to make some non-traditional revenue.

**Mayor Larsen** asked if Mike had spoken to the Planning and Zoning Commission. He has not, he was somewhat confused by the ordinances and came to City Council first to see if they were open to the idea.

**Council Member Erickson** indicated that Planning and Zoning will have to review the proposal first. He recommends that **Mike** go through the proper channels.

**Council Member Young** asked which piece of property it is located. The property is on Highway 20 near the new museum at the end of Airport Road. The location is owned by Madison County.

**Mayor Larsen** suggested that he talk to Kurt Hibbert to clarify the location and what the proper channels are.

**Public Hearings:**

**7:05 p.m. BILL No. 957 Final Assessment Roll for Sunset Circle LID:**

**Finance Officer Richard Horner** provided the City Council a copy of the final assessment roll for Sunset Circle. The hearing today is to hear any complaints from the citizens on the amounts for the LID.

The Public Hearing was opened:

**Those in favor:** None

**Those opposed:** None

**Those neutral:** None

The Public Hearing was closed.

**Mayor Larsen** discussed the timing for approving BILL 957. The work has been completed. Finance Officer Richard Horner requested waiving the rules and pass the BILL at this meeting. The Council discussed the issues of timing.

**Council Member Erickson** moved to suspend the rules; **Council Member Mann** seconded;

**Those voting Aye:** \_\_\_\_\_

Council Member Benfield  
Council Member Young  
Council Member Erickson  
Council Member Mann  
Council Member Schwendiman  
Council Member Stevens

**The motion carried**

**Those voting Nay:**

None

**Council Member Erickson** moved to consider BILL 957 third read and passed; **Council Member Benfield** seconded; Discussion:

**Those voting Aye:** \_\_\_\_\_

Council Member Benfield  
Council Member Young  
Council Member Erickson  
Council Member Mann  
Council Member Schwendiman  
Council Member Stevens

**The motion carried.**

**Those voting Nay:**

None

**7:15 p.m. Zone change** from Low Density Residential (LDR2) to Residential Business District (RBD). The parcel is located at 280 East Main Street. Planning and Zoning recommended the zone change with some conditions on February 02, 2006.

**Robert Collette** works with Liahona Inc, which is the entity that has requested the rezone. He explained that the Planning Commission had seen the site plan and had requested changes to the site plan. The second formally drawn sight plan contained four conditions which must be changed for their approval:

1. Sign in front cannot be there, instead it will be attached directly to the house.
2. Security lighting needs to shine down instead of out, which will be adjusted.
3. Parking did not fit the layout of the existing concrete, so their engineer is working with the City to make it right.

**Robert** did not mention the fourth item. He mentioned some neighbors still don't want them there. They will be the best neighbors possible. They will use the existing driveway. They will be on a very busy street. They will not change the character of the street. One Planning and Zoning Commissioner indicated it would be a good application for the RBD Zone. Robert reviewed the letters from Mrs. Clark and Don and Marsha Sparhawk. Robert is seeking a simple zone change. They fit within the residential zone requirements.

**Planning and Zoning Administer Kurt Hibbert** reviewed the process for approving a zone change in conjunction with the site plan approval. The Planning Commission would have to approve the site plan before the request would be formalized.

**Those in Favor: None**

**Those against:**

**Ilene Peck** at 28 South 3<sup>rd</sup> East read a statement in opposition to the RBD Zone. She reviewed the three problems with the upkeep of the property. She mentioned leaves in the fall and snow in the winter. She referenced to the Ordinance that requires property owners to keep their sidewalks clear of snow. She was concerned with her own personal security.

**Pat Hinton** at 55 South 2<sup>nd</sup> East representing the East Main Street Neighborhood Association requested the property revert back to a residential zone if the property is sold. Landscaping Plan, fencing is chain link with ivy. There is a stream with a foot bridge in the back of the property. They would like some lighting in that area. Parking for staff meetings is a problem. They are requesting these changes in writing. They want to move cautiously on this first one.

**Suzanne Larsen** at 75 South 3<sup>rd</sup> East has lived there for over fifty years. She discussed the past Planning and Zoning Commission meeting. She was concerned with the way the Commission addressed the concerns of the neighbors who were against the zone change to RBD. The property is cornered by the City Park. Mrs. Clark has lived in the home next to this property for over thirty years. Suzanne Larsen wants to go on record that she is opposed to this rezone proposal. She indicated that Council Member Schwendiman owned property close to this property.

**Those Neutral: None**

**Rebuttal:**

**Robert Collette** was not critical of the feelings of the neighborhood. He referenced the care for the property. Snow and grass will be taken care of in the future. He was aware of the zoning reverting back to residential if the home is sold. They plan to leave the fence as it is now. The property has been vacant for at least eighteen months. They plan to use existing parking in the area that may be used for other events. They are meeting the requests for changes from the neighbors.

**Mayor Larsen** referenced the Sparhawk letter and the Ray Clark property to be read into the public record.

**Mayor Larsen** reviewed the process for a public hearing. It is the duty of the City Council to hear the public testimony in favor and opposed before they deliberate the issue.

**Mayor Larsen** asked the City Council to deliberate the proposal.

**Council Member Benfield** asked Robert to review the parking proposal. They will have three employees to utilize the facility. They have seventy five employees. Most of those employees would not come to the staff meeting. Only nurses and professional employees. Seven or eight cars would be there.

**Mayor Larsen** explained that this is a new zone. The conditions have to be approved by the Planning and Zoning Commission. As of right now, the conditions have not been approved. The Council can act on the zoning request only on the condition that the Planning and Zoning Commission reviews the request later.

**Council Member Erickson** reviewed past discussions on this proposal. He understood that this discussion was decided in a previous meeting. If the zone change fits, he would be agreeable to change the zone. The City Council had discussed the RBD Zone proposal for about six months. He recommends seeing the site plan approved by Planning and Zoning Commission before the City Council approves the request. The RBD Zone does not allow a leap frog opportunity for other adjacent properties to change to an RBD Zone. He mentioned David Stein would like this type of business by his home if he had to have a business at all.

**City Attorney Zollinger** mentioned that a Public Hearing decision can be tabled to a specific time, or when the Planning Commission has rendered their final review of the site plan.

**Council Member Mann** did not see a reason to postpone the decision.

**Council Member Young** agreed.

**Council Member Young** moved to approve the zone change, contingent upon Planning and Zoning Approval; **Council Member Erickson** seconded; Discussion:

**Council Member Benfield** was concerned with parking problems; however, three to four cars may be possible. She said this may be a good one to test the waters. **Council Member Stevens** reviewed the Planning and Zoning Commissions authority to approve the parking. **Council Member Benfield** indicated the other businesses that have parking problems, like those in the Professional Plaza. **Mayor Larsen** indicated that there are plans to review businesses annually for ordinance compliance. **Council Member Erickson** reviewed the opportunity for businesses to use City streets for parking. Cars park all the way around Smith Park. Cars for this business or other businesses use City streets. **Council Member Benfield** gave an example of a business growing. **City Attorney Zollinger** reminded the City Council to stay on task with policy decisions, not day to day operations. **Council Member Young** gave the example of his dental office being approved in a residential zone. The City Council trusted **Council Member Young** to be a good neighbor. **Council Member Stevens** reminded the City Council that the business still has to comply with the zoning requirements. **Council Member Benfield** agreed this is a good example to test RBD.

All voted aye, except **Council Member Mann**, who voted nay. **The motion carried.**

**New Business:**

**C.** IBC Review Committee Appeals – **Val Christensen** explained the process for reviewing complaints or appeals on the Building Code.

**Council Member Stevens** explained more on the process. He was replaced on the IBC Appeals Board by Don Blunk. Val Christensen is the City Building Official.

**Val Christensen** explained that a contractor will come into the office to get more information on a Building Official's decision concerning the building code. The contractor can appeal the Building Official's decision to the IBC Appeals Board. The current appeal is for a powder coating business. The problem revolves around the powder coating booth. The inspector and the State Fire Marshall required a sprinkler in the booth. Craig Porter had a separate opinion. The Appeals Committee sided with Craig in this case. It is the opinion of the Board to approve the spray booth and the oven booth without sprinklers.

**Council Member Schwendiman** asked who monitors the temperatures of the oven.

**Craig Porter** told him that the business is a metal fabrication shop. Powder coating the metal pigments coats the metal and then it is baked in the oven for a durable powder finish. The building has fire retardant and sheet rock on the building where the welding and grinding takes place.

**Council Member Mann** asked the cost of sprinkling the two areas. It would be nearly \$80,000. The booth sprinkler would be about \$3,000.

**Building Official Val Christensen** ruled to have the areas sprinkled; however, he agreed with the review board process.

**Council Member Stevens** asked the City Council to follow the recommendation of the Review Board; however, safety must take precedence.

**City Attorney Zollinger** clarified the presentations which were made to the board. The board is recommending in favor of Mr. Porter. They have made a reasoned decision because they feel his argument is more compelling. The City Council is being asked to reinforce this decision.

**Council Member Schwendiman** asked about the temperature control again. City Attorney Zollinger indicated that the equipment would be reviewed for compliance annually. It must be combustible at 790 and above, and the oven must be kept at 450 or lower. It is a ruling on the building code.

**Val Christensen** said any piece of equipment has operating ranges for safety. The City cannot govern or enforce the use of the equipment.

**City Council Member Stevens** asked if it is a Conditional Use Permit. Technically, it is not. Attached to their business license will be a notation of the temperature conditions as a part of the annual inspections.

**City Attorney Zollinger** reviewed the process to conduct annual inspections for all businesses. The building permit will be approved when the City Council ratifies the Appeals Board decision. He reviewed the liability issues.

**Craig Porter** said the process requires a range of temperatures that allow the process to work.

**Council Member Mann** asked Craig Porter if they own the building. Yes, Craig owns the business. Painting and thinners are not a normal part of the powder coating business. They can be used on occasion.

**Council Member Erickson** reviewed the concerns of inspectors and Board members for the process being similar to a painting booth that requires sprinkling.

**Craig Porter** indicated a significant difference in the powder coating process compared to a spray paint booth. They do undercoating too. There are some combustible components to undercoating.

**Council Member Young** moved to accept the recommendation of the Appeals Board; Council Member Stevens seconded the motion; all voted aye, none opposed. **The motion carried.**

**Committee Liaison Assignments for 2006:**

- A. Council Member Chris Mann: *Parks & Recreation · Museum Committee*; The Museum meets tomorrow night. Parks and Recreation are ready for an oversight review of their summer plan. They would like to make programs available for patrons to sign up online. The parks and recreation classes are bringing in an average of \$100 a day. They have done well.  
The Westwood is being used for cowboy poetry and a Habit for Humanity event this weekend. A grant is being worked on for construction money. Also, the college donated some lighting fixtures.
- B. Council Member Donna Benfield: *Beautification Committee · Police Department update*; Senator Hill sent a letter to the Beautification Committee to congratulate them on a well deserved tribute from the governor, and thanking them for all they do to make Rexburg a better place to live.
- C. Council Member Rex Erickson: *Airport Board · Planning & Zoning*; Airport board has not met. Planning and Zoning discussed the Liahona situation, which has now been handled. They also requested a zone change from LDR3 to CBC at 115 N Yellowstone Hwy – the old drive in theatre. It has been approved by Planning and Zoning. It will be discussed March 22.
- D. Council Member Randy Schwendiman: *Golf Board · Traffic & Safety · Emergency Services Board*; The Golf Board and airport needs FAA approval for changes to the putting course, which may be in conflict with the airport extending the runway. The council discussed responsibility for this issue, it must go through the FAA; John Millar will work with this. It is a private investor looking to expand. He will bring back drawings to see if his venture will fit. The City does not run the golf course, they lease them to an independent contractor. City does pay for maintenance.  
**Richard Smith** will bring a proposal to the Traffic & Safety Committee concerning 2<sup>nd</sup> East.
- F. Council Member Farrell Young: *Tabernacle Committee · Rexburg Arts Council*; Nothing to report.
- G. Council Member Bart Stevens: *Trails of Madison County · IBC Committee*; The Board of Appeals is set up and functioning. He thanked John for the tour of the Waste water and Water facility. **John Bagley** wants to host an Air show in conjunction with the spud race on June 17, 2006. Mayor Larsen has received some interest in the flight show.
- H. Mayor Larsen: Mayor's Youth Advisory Board. The Board has brought in \$396.00 in revenue.

**Report on Projects: John Millar**

1. The Animal Shelter is progressing, with the final masonry being done.
2. Development work at Porter Park is moving forward. The site plan is finished. Parking was discussed.
3. Street lighting maintenance is by agreement with Utah Power. The City owns the street lights that are maintained under Utah Power rate schedule 12. The lights are to be maintained as the City requests cleaning and bulb replacement. City lights near Millhollow will be replaced by the City.
4. The HVAC system at City Hall is dying. There are three heating and cooling units.

**Council Member Mann** thanked **John** for the tour today.

**Mayor Larsen** reported that TRIPTA needs a letter of support for a new regional building at 1810 West Broadway in Idaho Falls. It is for a CHC Grant application.

The City Council supported the letter being drafted by **Mayor Larsen**.

**Calendar:**

The Department of Health and Welfare is sponsoring an event March 03, 2006 at 11:00 a.m. Rexburg 101 has five (1 ½ sessions.) Madison High School and BYU-I have taken advantage of the program. The next one is planned for adults on March 29, 2006 from 6:00 p.m. to 7:30 p.m.

March 01, 2006 – City Council meeting

March 22, 2006 – City Council meeting

March 29, 2006 – Orchestra performance

Spirit Week at the University is March. 7<sup>th</sup> or 14<sup>th</sup> on a Tuesday night.

June 10, 2006 – Teton Dam Marathon

Gary Baird and Bryce Thueson – Millhollow Neighborhood Association

**Calendared Bills and Tabled Items:**

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

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

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

1. **BILL 954 Franchise Agreement** for Intermountain Gas (20 years)

**Mayor Larsen** indicated the proposal has been read twice and is ready for approval.

**Council Member Benfield** moved to approve the third reading; **Council Member Erickson** seconded; roll call vote:

**Those voting Aye:**

Council Member Benfield

Council Member Young

Council Member Erickson

Council Member Mann

Council Member Schwendiman

**Those voting Nay:**

None

Council Member Stevens

**The motion carried.**

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

**Old Business:**

**Mayor's Report:**

**Council Member Erickson** moved to move into executive session (Statute 672345-B) for a maximum of three minutes, **Council Member Schwendiman** seconded;

**Roll call vote:**

**Those voting Aye:**

Council Member Benfield  
Council Member Young  
Council Member Erickson  
Council Member Mann  
Council Member Schwendiman  
Council Member Stevens

**The motion carried.**

**Those voting Nay:**

None

**Executive Session:**

**Executive Session ended.**

**Adjournment**

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Shawn Larsen, Mayor

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Blair D. Kay, City Clerk