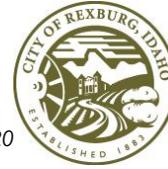


Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

October 05, 2006

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
Vacant — Planning & Zoning Administrator
Blair Kay — City Clerk
Celeste Beattie – Deputy City Clerk

7:00 A.M. – Pledge to the Flag

Council Member Young was asked by Mayor Larsen to conduct the meeting in the Mayor's absence.

Roll Call of Council Members: Mayor Larsen and Council Member Benfield asked to be excused. All other City 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 September 20, 2006 meeting
- B. Approve the City of Rexburg Bills

Council Member Erickson moved to approve the Consent Calendar; Council Member Schwendiman seconded the motion; Discussion: Council Member Schwendiman said it didn't make any sense to spend money on a design and equipment if the city didn't have the money to complete the additional nine holes. Council Member Erickson said someone needs to determine if the city can afford the additional nine holes or if the city can not afford the additional nine holes. He did not believe the golf course could pay back 1.5 million dollars for the expansion based on the annual revenue received over the last 20 years. The only option to finance the additional would be a voter approved bond. A revenue bond would be difficult to obtain from a financial institution due to the low annual revenue from the golf course. He did not think the revenue was available to pay for the expansion without outside financing. Finance Officer Horner explained there have been attempts to find traditional financing without success. He would like to know if the county commissioners and the city had given approval to move forward with a contract to do the planning for the additional nine holes at the Teton Lakes Golf Course. Council Member Young asked to hold the invoice until the proper approvals for the contract had been verified. Council Member Young recommended Financial Officer Horner and Council Member Schwendiman meet with the golf board to review the issues. They could determine what is really wise to do with the proposed addition of nine holes to the golf course. Financial Officer Horner said procedurally, the City Council should review the contract for approval. Council Member Young asked for a vote on the Consent Calendar with a hold (reconsideration) of the invoice for the nine hole golf course. All voted aye, none opposed. **The motion carried.**

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

Presentations: - NONE

Committee Liaison Assignments for 2006:

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

Council Member Mann – The Museum Committee has not met for three months. They are working on the same issues they have dealt with in the past and they are doing fine. They are functioning in an autonomous manner without city staff direction.

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

Council Member Benfield – Excused. The city staff did not have any issues to report from the Police Department.

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

Council Member Erickson – The Airport Board has not met and the Planning and Zoning issues will be mentioned later in the meeting.

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

Council Member Schwendiman reported Traffic and Safety has been waiting all summer to get a recommendation from the university concerning crosswalk design recommendations on 2nd East. He was concerned with the location of recently installed crosswalks on 2nd East especially the crosswalk for the upper university parking lot. The preliminary plan for crosswalks approved by the Traffic and Safety Committee were not used by city crews for the recently installed crosswalks on 2nd East. Students crossing 2nd East near the university's upper parking lot may be in danger from 2nd East traffic. Council Member Schwendiman did not like the design of the crosswalk in this area because it is on the south side of the parking lot. Cars are coming out of the parking lot, cars are parked on the street, and students have to walk in front of cars coming out of the parking lot, while cars are coming out into the street before they can see the traffic in the street. If you are going south, students will step right out in front of the oncoming traffic. Council Member Schwendiman did not understand what purpose the upper crosswalk serves, because students can't enter the campus at that location.

- F. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*

Council Member Young reported the orchestra is practicing for another concert.

- G. Council Member Bart Stevens *Trails of Madison County· IBC Committee*

Council Member Stevens reported he will meet with the Tails of Madison County Committee today at 5:00 P.M.

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

Mayor Larsen - Excused.

Public Hearings:

- A. 7:10 A.M. Annexation of 839 West Main Street** – Ora Green property

City Attorney Zollinger reviewed the request to annex these two parcels into Rexburg. The back portion of the Ora Green property is requested to be annexed as commercial zoning. The front portion of the lot where Ora Green's home is located is included in the proposal as residential. The city is negotiating with Ora Green to purchase the parcel where her home is located. The parcel is located in the FAA airport overlay (fly zone) and the city has been faced with the dilemma of zoning the property for a change of use. The home is currently zoned residential. Planning and Zoning recommended annexing the property as requested; understanding the back portion of the property would have to wait a period of time before it could be used as commercial property. There are three other parcels in this area owned by two owners which were not included in this annexation request.

City Attorney Zollinger explained the location of the parcels on the overhead screen. One parcel is owned by Sally and Rob Smith and two other parcels are owned by the Niederer's. The city is negotiating to purchase these properties which are in the airport fly zone.

Council Member Young opened the public hearing for the Ora Green property.

Those in favor of the annexation: NONE

Those neutral to the annexation: NONE

Those opposed to the annexation: NONE

Council Member Young asked Ora Green if she would like to comment. Ora Green said it had all been said.

Council Member Young closed the public hearing.

Council Member Schwendiman asked if there was other commercial property in the area. City Attorney Zollinger reviewed other commercial properties in the area (Comfort Inn and Erickson Pontiac) on the overhead screen. He reviewed the option of straightening Pioneer road out if the property is purchased by the city. Council Member Schwendiman asked if the property north of the back of Ora Green's property could be zoned commercial in the future. City Attorney Zollinger explained the properties are located in the airport fly zone and commercial development would not be possible. The property could be utilized for airport use by the airport; thus, the city is attempting to purchase these properties. The current negotiations involve two separate appraisals. The city's appraisal is for the current residential use, while the other appraisal is for commercial use. He explained Winston Dyer is acting on behalf of the city to work through the negotiation process with the land owners. If successful with the negotiations, the city would incorporate the property into the city's system. There is a city park east of this location across the canal and street from Pioneer Road.

Council Member Stevens asked if the back portion of the lot could be accessed off Pioneer Road. City Attorney Zollinger said the property could be accessed by a new road on the west side of the lot if a new bridge is built across the canal. There would be access problems developing the property in back of Ora Green's home at this time due to the access issues with the corners on Pioneer Road and the canal at this location. The intersection at Main and Pioneer is becoming an extremely troublesome intersection.

Council Member Mann summarized the discussion stating no one was opposed to the annexation proposal and Planning and Zoning recommended the annexation; therefore, he would be glad to make a motion to annex the property.

Council Member Mann moved to approve the annexation of 839 West Main Street for the Ora Green property as constituted with the zoning changes as proposed; Council Member Erickson seconded the motion; Discussion: all voted aye, none opposed.

The motion carried.

New Business:

A. Final Plat for Canyon View Estates – The Dyer Group

Winston Dyer at 310 North 2nd East from the Dyer Group reviewed Canyon View Estates on the overhead screen. He is representing Valeo Management and company representative Kerry Schneider. Winston reviewed the plat of seventeen acres on the overhead screen. Rolling Hills Drive is on the north and Millhollow Road is on the east of this proposal. Richard Smith's Harvest Heights Subdivision is on the south. The area is zoned LDR1. This design proposal will be in compliance with LDR1 zoning. The additional school children and traffic would be minimal and manageable. Planning and Zoning has approved both the preliminary and final plats. City Council has approved the preliminary plat. The road will swing to the west at the south end of the development to line up with Harvest Heights Subdivision; allowing a future connection to 7th South.

Council Member Mann asked if the homes would be consistent with the quality and value of homes in the area. Winston said protective covenants would reflect that need. The lots are about 1/3 acre with at least 12,000 square feet as required in LDR1.

Council Member Young asked about the type of curb and gutter. Winston said it will be a city standard high back curb to manage water for a 68 foot road right-of-way. The west 1/2 of Millhollow Road will be constructed by the development as required by the city.

Council Member Young noted the road development on Millhollow Road north of this development will be developed without curb and gutter. He asked Winston where the water would go that will run off this development. Council Member Young asked if the water would turn the corner. Winston replied that the corner would have to be designed to allow the water to divert off Millhollow Road to a holding area. Winston said it is a little tricky on the hillside to divert water; however, it can be done.

Council Member Erickson asked if there were other changes to the plat from the preliminary plat except the corner. Winston said only the corner was changed with the adjoining lot being reconfigured.

Council Member Schwendiman asked if the road design would encroach on Mike Packers property to the south. Winston said the road would be entirely west of his property.

Council Member Stevens asked about water catch basins. Winston explained the catch basins and infiltration structures on each side of the street would be located in the swales where the roads cross the swales. The development's storm water will be managed on site from street runoff. Winston explained the development nor the city has a storm system for the runoff water for this development. History indicates high back curbs are preferable in this area. The high back curb will give a few additional inches of protection to help divert water.

Financial Officer Horner asked if recent storms would have been handled by the proposed water basins. Winston said yes, they have designed the storm water management to handle a certain anticipated volume of water runoff. They use a 10 year storm guide in the design of the storm water management system.

Council Member Young thanked Winston Dyer for answering all of the questions and preparing the drawings.

Council Member Erickson moved to approve the Final Plat for Canyon View Estates; Council Member Stevens seconded the motion; all voted aye, none opposed. **The motion carried.**

Report on Projects: Keith Davidson

A. City Engineer Keith Davidson reported on LID35. Morgan and Reed Street Property owners will receive a letter from Depatco stating construction will begin next Monday. The Millhollow Road project will roll into next year due to the lack of time before the weather changes. Council Member Erickson was disappointed with the work being delayed to next spring on Millhollow Road. Council Member Stevens explained the problems associated with tearing the road apart with a short period of time before the weather is expected to change. There are steep driveways on this part of Millhollow Road. Council Member Young said Public Works Director Millar was going to mail letters to property owners on Millhollow road explained their road construction would be delayed until spring. Council Member Stevens would like the letter to explain a late start this fall could cause additional problems through the winter months. If the work would have been started a month ago, it would have been great; however, starting now would cause problems. Council Member Young stated the city would be glad to get Morgan and Reed streets done before the weather changes.

Council Member Erickson said the sidewalks and curb and gutter are not in yet on Morgan and Reed streets. City Engineer Davidson said Depatco will do the two

properties on LID35. The remaining sidewalk, curb and gutter work will be done in conjunction with the road construction. The Garner home sidewalk will have the sidewalk done by the hospital. Council Member Erickson did not understand why the city waits to the end of the season before beginning road projects. He was critical of the city waiting to the end of the year to start a major project. It is the poorest planning he has seen on anything.

B. The gravity belt thickener at the wastewater treatment plant will have a bid opening today at 1:00 P.M.

C. City Engineer Keith Davidson said the roundabout is getting water from the university storm water system. The university is working on the problem to restrict the water flow from the university's storm water system. Their system has had a problem east of the roundabout with a plugged drain causing the storm water to flow down to the roundabout. Council Member Stevens asked why the water was overloading the roundabout. Engineer Davison explained the water was bubbling out of the university drain because the Rexburg Canal was not handling the storm water flow coming from the university. The extra water at the roundabout caused some bark to float away from the roundabout. The drains at the roundabout flow into the 2nd West storm water drains. Water that used to flow to an area west of the roundabout is now diverted to the storm drains on 2nd West. Council Member Erickson reviewed the history of the area where the roundabout is located. They were assured the storm water would flow into the storm drain main line under the roundabout. Engineer Davidson said the university runoff has caused the problem. City Attorney Zollinger explained there was a water problem corrected affecting properties west of the roundabout. The roundabout diverts water into the 2nd West storm drains. He indicated storm drains in the area are at maximum capacity. There have been discussions to buy property on 4th South to be used as a water diversion area. Council Member Mann asked about the progress of the animal shelter and the art work for the roundabout.

D. Animal Shelter is waiting for animal kennels which take four to six weeks to order.

E. Art work for the roundabout is in the city and it needs to be scheduled to be installed. Council Member Young said Gerald Griffin will work with the Beatification Committee to have the art installed. They have been given permission to proceed.

F. Council Member Mann asked about winterizing the Spray Park. It has been winterized. The bucket will remain connected to the facility. The water will drain to the tank and it will be pumped out of the system. The Parks Department will maintain the rest rooms. Engineer Davidson will check into the maintenance of the rest rooms in the winter. These restrooms will remain open for the winter months and the doors will lock during the hours the park will be closed.

G. New Arial photos are planned for the city this fall. The last photos were taken in 2004.

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: - NONE

Mayor's Report:

Council Member Stevens moved to go into Executive Session pursuant to State Statute 67-2345 concerning pending litigation; Council Member Schwendiman seconded the motion; Council Member Young asked for a roll call vote:

Those voting aye
Randy Schwendiman
Farrell Young
Christopher Mann
Rex Erickson
Bart Stevens

Those voting nay
NONE

The motion carried.

Executive Session.

Executive Session ended.

The City Council discussed the location of the new crosswalks on 2nd East for university students. Council Member Schwendiman was concerned the Traffic and Safety Committee did not see the final drawing of crosswalks on 2nd East for approval before city crews installed the crosswalks.

Council Member Young asked to have a future agenda item for parking on 2nd East and parking around the entire campus.

Adjournment

Council Member Young

Attest:

Blair D. Kay, City Clerk