

Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

January 31, 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

Pledge to the Flag

7:00 A.M.

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 January 10, 2007 meeting
- B. Approve the City of Rexburg Bills

Council Member Young moved to approve the Consent Calendar; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

Mayor Larsen presented a representative from BYU-I (Greg Wilcox – Community Coordinator from Student Council) to the City Council. The Student Council is headed by three student body officers (President and two Vice-presidents) including five students representing the general student population (men, women, married couples, international students, & non-traditional and special needs students). The student representatives gather information on student concerns. There are six coordinator positions in the student Council. Greg holds one of those positions. They sit on different councils at BYU-I to coordinate student concerns. He helps people understand the needs of the students. Mayor Larsen expressed his appreciation for the student council's involvement with city government.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

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

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

1. **BILL 975** – Rental Registration Requirements

Jessica Pace, from “Rexburg Housing Office” and president of “Share – Student Housing Association of Rexburg” representing office campus housing with BYU-Idaho, expressed support for the BILL. They feel like it is a good BILL. They had some concerns with the wording in **RR.04.010**.

***Parking Space Management.** Each Residential Rental, Apartment House or Apartment must inventory all “**approved parking spaces,**” and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available.*

They were concerned with the meaning of “approved parking spaces.” The phrase may be misinterpreted by new people coming to City Council. As long as they were allowed to manage parking spaces by selling parking contracts independently, they would be more than happy to concede to the BILL.

Council Member Erickson asked Jessica what wording was troubling for them. Jessica explained there may be different interpretations to the wording.

City Attorney Zollinger explained Rexburg Planning and Zoning Commission approves parking for apartments through Ordinance 926 when an “apartment site plan is approved.” There may be more parking spaces above the number of “approved parking spaces” in a parking lot. He gave the example of parking in the setback which may be legal; however, it would not be approved parking in a site plan review. The word “approved” gives apartment owners the greatest latitude. If “legal” parking stalls were required, it would take away some of the parking that would otherwise be available to them. It has to be “approved pursuant to our process.” Converted homes may have more flexibility than an apartment complex. A driveway with a three car garage would have more space available than would be counted in an “approved” number of parking stalls for a two unit site plan.

Mayor Larsen explained the BILL mandates a disclosure on the apartment bed contract stating the rental contract has “parking” available or the contract does not have parking available. It provides information to the student on the availability of parking for that unit. The goal is to notify the student that they are responsible for their own parking, since they are not allowed to park on city streets in the winter. Apartment owners are responsible to disclose parking availability to their tenants.

Council Member Stevens moved consider BILL 975 third read and approved; Council Member Schwendiman seconded the motion; Discussion: Council Member Erickson reviewed the effective date of April 1, 2007 for summer semester contracts. Mayor Larsen asked for a roll call vote.

Those voting aye

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

Those voting nay

None

The motion carried.

Council Member Young thanked staff members and the housing organizations for contributing to the BILL. It was a pleasant process to experience. It took a lot of thought on everyone's part to come to the final BILL.

New Business:

- A. Set public hearing date** February 21, 2007 – LID36.
(2nd West reconstruction plus sidewalk curb & gutter)

Finance Officer Horner asked the City Council to set a date for a public hearing for LID 36 for the reconstruction of 2nd West; new improvements to Sunrise Drive; new improvements to 6th South; and the widening of 4th North. He explained Resolution No. 2007 – 01 to the City Council.

RESOLUTION NO. 2007-01

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF REXBURG, IDAHO, TO CREATE **LOCAL IMPROVEMENT DISTRICT NO. 36** FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING CERTAIN PUBLIC IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF THE PROPOSED IMPROVEMENT DISTRICT AND THE PROPERTY PROPOSED TO BE ASSESSED FOR THE COSTS OF THE IMPROVEMENTS; GENERALLY DESCRIBING THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED AND THE ESTIMATED COSTS AND EXPENSES OF THE IMPROVEMENTS; STATING THE PORTION OF THE TOTAL COST WHICH WILL BE PAID FROM A LEVY OF ASSESSMENTS ON PROPERTY BENEFITTED BY THE IMPROVEMENTS AND THE PORTION PAYABLE FROM OTHER SOURCES; STATING THE METHOD OF DETERMINING ASSESSMENTS; FIXING THE TIME WITHIN WHICH AND THE PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER SUCH PROTESTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Notices for a public hearing (including a picture of damaged areas of sidewalk, curb and gutter) will be mailed to every effected property owner on LID 36. The public hearing date would be on February 21, 2007 at 7:35 P.M.

Council Member Mann asked to review Sunrise Drive. Mayor Larsen referred to the City Council packets containing information on the possible options for Sunrise Drive. The City Council approved the paving of the north side of Sunrise Drive if the costs were not more than \$20,000; however, the property owners would still be required to

cover their portion of the cost of sidewalk, curb and gutter for the street. The developer would be responsible to pay for the south side of Sunrise Drive paving.

Mayor Larsen asked if the Senior Citizens Center was part of the LID. He asked the City Council to help with those costs for the Senior Citizens Center because the city pays a portion of the lease payment for the building and takes care of the parking lot. It is a community facility supported by city and county funds.

Council Member Benfield agreed with Mayor Larsen to cover the expenses for the Senior Citizens Center's portion of LID 36.

Council Member Benfield moved to cover the Senior Citizens Center's portion of LID 36 and split the cost with the county; Council Member Young seconded the motion; Discussion: Council Member Schwendiman agreed to include the county in the costs of improvements to the Senior Citizens Center's sidewalk, curb and gutter. City Attorney Zollinger said the county owns the property. It would be dealt with in the same manner as school or armory property. Mayor Larsen will visit with the Madison County Commissioners concerning the matter. Mayor Larsen called for a vote on the motion. All voted aye, none opposed. **The motion carried.**

Mayor Larsen asked the City Council to review LID 36 properties adjoining Sunrise Drive. **Engineer Keith Davidson** reviewed the print out on LID 36 costs for Sunrise Drive. He presented three options for Sunrise Drive:

1. If the street construction costs are paid for by home owners:
2. If the street construction costs are divided into Cresthaven Subdivision lots:
3. If the street construction costs for home owners are paid by the city.

Council Member Erickson went over the property owner's costs for sidewalk, curb and gutter for the landowners. He said four properties would cost \$12,000 to \$13,000 for street construction added to sidewalk, curb and gutter. If the city pays for the landowner's portion of the street construction, their costs for sidewalk, curb and gutter would be in the range of \$8,000 to \$9,000.

Council Member Mann explained Jay Rush was the neighborhood representative. He understood the neighborhood wanted the street construction work done on Sunrise Drive.

Council Member Schwendiman did not believe sidewalk, curb and gutter costs could be passed on to other city residents by the city paying a portion of these property owners sidewalk, curb and gutter expense.

The City Council was agreeable to pay for the street portion of the LID on Sunrise Drive as approved in a previous meeting.

Mayor Larsen thanked the staff for compiling the cost estimates for LID 36.

Council Member Young asked if the widening of Sunrise Drive past the church area could wait for the west area to develop.

Council Member Schwendiman asked about north side of Sunrise Drive. There are some trees in the way of the sidewalk. Public Works Director Millar said the trees could be saved; however, they would need to be trimmed. The sidewalk would normally be put in by the trees when the road is under reconstruction for a widening project.

Council Member Mann would like Sunrise Drive widened along with the other construction proposed for Sunrise Drive.

Finance Officer Horner said it may be a number of years (five or ten years) before the Sunrise Drive would need to be widened.

Council Member Schwendiman said the street is currently used by residents of Cresthaven Subdivision and it is a dead-end street going west.

Council Member Erickson asked to include the north side of Sunrise Drive for sidewalk, curb and gutter, along with widening Sunrise Drive with this phase of construction. He suggested it would be better to finish the entire project and bill all the affected landowners at the same time. He did not want the appearance of playing favorites.

Council Member Benfield wanted to wait and spend the money when it is needed in five or ten years for the widening project approved in the Madison County Transportation Plan. She was in favor of doing the entire sidewalk on the north side of the street. Walkers would probably use the sidewalk. Mayor Larsen said it would delay the LID to increase the width of the road past the church. The sidewalk on the north side of Sunrise Drive can be added to this LID.

Council Member Benfield moved to set a public hearing date of February 21, 2007 at 7:35 P.M. for LID 36; Council Member Young seconded the motion. Discussion: Council Member Stevens asked to abstain from the vote.

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman

Those voting nay

None

The motion carried.

B. Set public hearing date March 07, 2007 – LID 37.

Finance Officer Horner reviewed the proposed streets for LID 37 (2nd South; 5th West; Shoshone Avenue; Pioneer Road & Mariah Avenue) with City Council. Mayor Larsen

reviewed the properties without sidewalks. Five parcels do not allow city right-of-way for the sidewalk. Engineer Keith Davidson said the city has submitted a request for financial assistance through the Idaho Transportation Department (ITD) for a safe route to schools grant for about \$80,000.

Council Member Schwendiman was concerned the city did not have the right-of-way secured for a sidewalk area before the LID went to a public hearing. Public Works Director Millar will visit with property owners about securing the necessary right-of-way for the sidewalks before the next meeting.

The City Council decided to wait to set a public hearing date for LID 37 after Public Works Director Millar gets some direction from the property owners. If the city receives the ITD grant, it could help with the funding of the sidewalks in the LID that are lacking right-of-way. Another option would be an easement for the sidewalk. Mayor Larsen said the city may have to incur some cost to obtain the necessary right-of-way. LID 37 will be discussed on the 7th of February, 2007 agenda.

Mayor Larsen indicated Public Works Director Millar and the Engineering staff have done an excellent job to have this proposal before City Council in January.

Council Member Erickson verified the location of the work on Shoshone Avenue. Some of the properties on the west side of Shoshone Avenue do not have sidewalks. The road will miss the Packer property as it is built out to the south.

Old Business:

- A. **Set public hearing date** on February 21, 2007 for all city fees including “water & sewer hookup/capacity fee increases”

Finance Officer Horner explained the proposal to increase the Water and Waste Water hookup fees to cover increased system replacement costs. The buy-in fee for Sugar City and Teton City would be increased from \$3.79 to \$4.33 for every gallon gallons per day.

Council Member Stevens reiterated the Builders Association’s concerns about additional fees, including impact fees in Rexburg. They are feeling the impact of higher fees. It is a lot of new fees for one industry. He asked for some detail to justify the request for an increase in hook-up fees.

Mayor Larsen asked Finance Officer Horner to take five minutes in the up-coming public hearing to explain the reasons for the proposed increase in hook-up fees.

Council Member Erickson explained new development in Rexburg causes a need for expansion of the water and waste water infrastructure. Council Member Stevens was concerned with higher construction permitting fees in Rexburg moving the growth into surrounding communities including Madison County. It may be disservice to Rexburg when the new growth is pushed out into the county or another community because of higher fees. It is a huge loss to the potential tax base for Rexburg for a small incremental cost in the total cost of construction.

Council Member Erickson asked Finance Officer Horner to substantiate that the costs are based on a break-even analysis and not a money maker.

Mayor Larsen said the proposed increases in fees are based on the city's costs to replace the capacity in water and waste water facilities. The citizens of Rexburg have bonded (additional taxes) to build the current waste water facilities. New growth pays fees to maintain the current capacity acquired with citizen's bonding funds.

Council Member Stevens said Rexburg does provide a high quality of service and a high quality of water. It is advantageous for builders to be involved in Rexburg's growth; however, there is a lot of concern with the fees being raised the last couple of years.

Finance Officer Horner explained the need to maintain the facilities paid for by current property owners; otherwise, maintaining existing rates below the city's costs would require all existing customers to subsidize new growth through higher monthly fees or bonding. If the waste water treatment plant needs an expansion costing \$2,000,000; funding would come from bonding and higher monthly fees. In the last couple of years, necessary improvements to the waste water treatment plant have been expensive. If the city was not building additional capacity; there would still be additional costs to maintain the current facilities. Some construction costs have increased about 50% in the last couple of years.

Council Member Mann moved to set a public hearing date on February 21, 2007 for water and waste water hookup/capacity fees at 7:10 P.M.; Council Member Benfield seconded the motion; all voted aye, none opposed. **The motion carried.**

Council Member Young asked Finance Officer Horner to be able to demonstrate the formula for proposed fee increases. Finance Officer Horner said the formula (based on current dollars from the Engineering National Index) is current plant assets/Gallons of capacity per day = fee for (per gallon per day.)

Waste Water Treatment Plant value is \$14,000,000.

Gallons of Capacity per day is 3,600,000

$\$14,000,000/3,600,000 = \3.86 cost per gallon of waste water. An average home uses 328 gallons of water per day. $328 \times \$3.86 = \$1,266.00$ for a home hook-up fee for water.

Council Member Stevens said the city needs to be careful with fee increases because the city has added impact fees.

C. All other city fees:

Finance Officer Horner went over proposed fee increases for all other city fees. There are about 350 fee items that are not being proposed for an increase. The City Council discussed the current fee structure at the airport. Some cities do not charge a

fee for airplanes to park at their airports to encourage economic growth. The tie down area at the airport has not been charged a use fee. One “parcel carrier” touches down at the airport daily. Spray planes are paying an airport use fee for using their facilities at the airport. The City Council would like to have an airport use fee charged for airport use. Airport fees (landing & lot fees) need to be reviewed by the Airport Board and Madison County before they could be effective January 01, 2008.

Council Member Mann moved to set a public hearing at 7:15 P.M. on February 21, 2007, for all proposed city fee increases in the master fee list; Council Member Benfield seconded the motion; all voted aye; none opposed. **The motion carried.**

Financial Officer Report: Richard Horner

A. Monthly Budget summaries

Financial Officer Horner reviewed the Monthly Budget Summary Report for the first quarter with City Council. The report will be available on the 2nd monthly meeting at City Council.

Council Member Schwendiman asked if the current spending rate would stay within the yearly budget. Finance Officer Horner did not see a problem meeting the annual budget at this time.

Mayor Larsen asked for a motion to approve the Monthly Budget Summary Report.

Council Member Young moved to approved the Monthly Budget Summary Report; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

Mayor’s Report:

Mayor Larsen reported on meetings in Boise. It was a positive experience for Mayor Larsen, Council Member Benfield and Council Member Mann. The meeting was for “Chamber Days.” Mayor Larsen and Finance Officer Horner attended an earlier meeting; “Elected Officials Day” with legislature members at the Capital.

Mayor Larsen reminded the City Council of the upcoming City Council meeting next week, February 07, 2007 at 7:00 P.M. The second meeting on February 21, 2007, will start with a work meeting at 6:00 P.M. with the School Board.

Council Member Benfield asked Public Works Director Millar about the opening date for the animal shelter. It is waiting on a few parts for cages that are expected to arrive this week. It is ready to go. There will be a planned opening in the middle of February.

Council Member Erickson said the scouts from the Evergreen Subdivision requested a sidewalk along Hwy 33 against the municipal golf course. It is a danger for them to ride bikes and walk along Hwy 33. The City Council discussed the situation for a sidewalk along the golf course. The Golf Board would like a sidewalk and improve the trees.

Council Member Mann concurred there is a need to improve West Main Street “Gateway to Rexburg.”

Mayor Larsen wanted to move forward with a feasibility study for the sidewalk along the north side of West Main Street. He did not want to talk about the situation in future meetings without moving forward with some action.

Council Member Schwendiman would like the trees trimmed and clean up the area.

Council Member Erickson asked if there was a legal problem with moving the canal. City Attorney Zollinger said the only requirement is to move the water through city property at the same flow level.

Public Works Director Millar will do a rough cost estimate for the sidewalk. One issue is the 18 inch pressure waste water line on the east side of the municipal golf course. The waste water line may be buried deep enough to relocate the canal and cross over the waste water line.

Council Member Erickson proposed to move forward with a cost analysis of the scout’s proposal. He said they are very interested and concerned with the safety aspects of the issue.

Council Member Benfield asked about a ditch overflow problem last winter on Barney Dairy Road. Mayor Larsen said all cases have been settled with the city. Public Works Director Millar said the ditch has been cleaned and it is checked three times a week. Some debris was removed from the ditch that was coming from a green house. The walking bridge over the ditch has been taken out.

Council Member Young moved to go into executive session due to litigation; Council Member Erickson seconded the motion. Mayor Larsen called for a roll call vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Executive Session:
Executive Session ended.

Adjournment

Attest:

Mayor Shawn Larsen

Blair D. Kay, City Clerk