

City Council Meeting

February 20, 2008



CITY OF
REXBURG
America's Family Community

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February 20, 2008

Mayor Shawn Larsen

Council Members:

Christopher Mann – Council President
Rex Erickson Randy Schwendiman
Bart Steven Richard Woodland
Adam Stout

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

5:00 P.M. Work Meeting with Joint Planners (Cooper, Roberts, Simonsen Associates 700 North 200 West, SLC, UT)

Attending: Laura Hanson, Mayor Shawn Larsen, Chris Mann, Rex Erickson, Thaine Robinson, Dan Hanna, Mary Haley, Winston Dyer, Bart Stevens, Randy Schwendiman, Gary Leikness, Joseph West, Steve Oakey

Trent Rose, a Political Scientist and a professor at BYU-Idaho was invited to speak to the group about a concept called “New Urbanism.” It is a new concept that is a basic way to talk about planning issues.

Dr. Rose explained this concept requires more mixed use areas. He gave a presentation on New Urbanism to the group.

Giving Physical Shape to Community

- Across North America, and around the world, an urban design movement called New Urbanism is changing the way our cities and towns are built.
- New urbanism developments are walkable neighborhoods, rather than large, single-use places with streets hostile to pedestrians.
- New Urbanism provides a range of housing choices, from apartments over storefronts to single-family homes with yards.

Response to a Problem

- Since World War II, cities have been spreading ever-outward. Strip malls, parking lots, highways, and housing tracts have sprawled over the landscape.
- Too many urban neighborhoods have been blighted by oversized housing projects and centralized redevelopment schemes.

What's Old in New Urbanism

- Since America was founded, many of our best-loved towns and cities have been carefully planned.

Where it's needed

- New Urbanism guides development at all scales, from the building to the region.
- It includes sizable infill projects within existing cities and towns.
- New Urbanism includes greenfield projects, also called traditional neighborhood developments (TNDs).
- New Urbanists also take part in regional planning

The Principles of New Urbanism

- The principles of the New Urbanism are defined by a Charter, which was developed between 1993 and 1996 by a broad range of architects, planners, interested citizens, scholars, elected officials, and developers. It was ratified at the fourth annual Congress, the annual meeting sponsored by CNU.
- Its principles are divided into three categories:
 - The Region: Metropolis, City and Town
 - The Neighborhood, the District, and the Corridor
 - The Block, the Street, and the Building

The Region

- For new urbanists, the region is the overall context for all planning. That means planning must often cross traditional jurisdictional lines in order to create a healthy region.
- Towns within a region need a comprehensive metropolitan strategy in order to prosper. Each town should have both homes—for people of all incomes—and jobs. That way, residents aren't forced to travel far to work. Each town also needs a discrete sense of place.
- New Urbanism calls for towns to develop in the appropriate style for their surroundings, while respecting their neighbors.
- Towns and cities within a region should have clear boundaries, contributing to a sense of place.

The Neighborhood

- Diverse, walkable neighborhoods are what distinguish New Urbanism from other modern development styles.
- Each neighborhood has a center and an edge. The center should be a public space, whether a square, a green, or an important intersection.
- The optimal size of a neighborhood is a quarter-mile from center to edge. For most people, a quarter mile is a five-minute walk.

The Block, Street, and Building

- In New Urbanism, streets are safe, comfortable, interesting places for people to walk and meet. Buildings open onto sidewalks, rather than parking lots. Windows and doors facing the sidewalk make streets safer, and more interesting, for everyone.
- New urbanist streets use buildings to provide a consistent and understandable edge. This accommodates buildings of all styles and functions.
- New urbanist streets can accommodate cars while also providing comfort and convenience for pedestrians, bicyclists, and wheelchair users.

Summary

- Today, real estate investors are withdrawing from sprawl development. Every year, it grows clearer that there is a tremendous market demand for real neighborhoods, for lively cities, and for regions with plenty of protected open space.
- New Urbanism is inspiring political leaders eager to solve social, economic, and traffic problems all at once — while making cities and towns more beautiful and dignified. Popular "Smart Growth" policies promote New Urbanism while reducing subsidies for sprawl.
- Environmentalists, businesspeople, politicians, developers, and citizens are coming together to support the development strategy called New Urbanism, and the policies of Smart Growth. Together, we will create better cities and towns.

Mayor Larsen said this type of development would drive economic development. It is also safer and friendlier. He said the new comprehensive plan that is being worked on for Rexburg, Sugar City and Madison County incorporate a lot of these ideas. He thanked Dr. Rose and Duane Adamson for their presentation.

Planning Meeting:

Laura Hanson with Cooper, Roberts, Simonsen Associates explained the goal of the meeting was to go over the Goals and Objectives for the new comprehensive plan.

Private Property Rights

Goal 1: Ensure that the City of Rexburg land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Rexburg to evaluate whether proposed actions may result in a taking of private property.

Objective 1.1: Ensure that city land use actions, decisions, and regulations will not cause an unconstitutional physical occupation of private property.

Objective 1.2: Ensure that land use actions, decisions, and regulations do not cause an unconstitutional physical invasion of private property.

Objective 1.3: Ensure that city land use actions, decisions, and regulations do not effectively eliminate all economic value of the property.

Objective 1.4: Ensure that city land use actions, decisions, and regulations further the city's responsibility to protect public health, safety, and welfare.

Objective 1.5: Ensure that city land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right or impose a substantial and significant limitation on the use of the property.

Land Use

Goal 1: Preserve the high quality of life that currently exists in Rexburg, and strengthen the image of the City as “America’s Family Community.”

Objective 1.1: Through the use of zoning, planning, and land use regulations ensure that future development and growth occurs in an orderly and planned fashion that fosters a sense of community and neighborhood connection.

Objective 1.2: Provide for a graduated transition between the land uses of City of Rexburg, Sugar City, and unincorporated County and agricultural lands.

Objective 1.3: Minimize incompatibility of land uses by implementing City-wide land use planning. Where varied uses are adjacent, protect the viability of each use through appropriate standards.

Objective 1.4: Protect the quality of existing residential neighborhoods, ensure new residential development is of high quality, and provide a variety of housing opportunities to meet the needs of all Rexburg residents.

Goal 2: Preserve key natural and open spaces, maintain and enhance existing park spaces, and promote development of additional park spaces to meet growing demands.

Objective 2.1: Ensure continued public access to river corridors and public lands.

Objective 2.2: Ensure all residents, including those not able to drive, the ability to access parks, open spaces, and community amenities.

Objective 2.3: Protect sensitive lands, including steep slopes, wetlands, wildlife habitat, and riparian areas from adverse impacts of development; and protect the safety of Rexburg residents by regulating development in hazardous areas.

Goal 3: Ensure efficient use of land, public infrastructure, and tax dollars.

Objective 3.1: Minimize capital improvement costs by encouraging new development to occur near similar developments or existing infrastructure systems where possible.

Goal 4: Promote an economically stable economy by promoting a coordinated land use strategy, encouraging downtown revitalization and high-quality commercial and office development in appropriate areas.

Objective 4.1: Plan for and accommodate a diverse mix of commercial, office, research and development, and light industrial in appropriate places to strengthen the economic base of Rexburg.

Objective 4.2: Recognize the hierarchy of commercial needs in the city of Rexburg.

Objective 4.3: Actively work to revitalize Main Street and downtown as the cultural, civic, and commercial heart of the City.

Economic Development

Goal 1: Promote and support a diverse and sustainable economy.

Objective 1.1: Provide demographic and economic market information that will support existing businesses and aid in new business development.

Objective 1.2: Encourage expansion of business, industrial and employment opportunities that are environmentally sensitive in Rexburg.

Objective 1.3: Improve Rexburg's competitive position by developing incentives for business growth, expansion and relocation.

Objective 1.4: Proactively recruit new business by working with state agencies, pursuing grant opportunities and private/public partnerships, and improving the economic infrastructure of Rexburg.

Objective 1.5: Promote the expansion of home-based businesses.

Objective 1.6: Identify and pursue strategically-targeted business and industry clusters.

Objective 1.7: Develop and coordinate a marketing/recruitment plan aimed at new businesses.

Goal 2: Work with Madison County to support development as an outdoor adventure recreation and tourism center.

Goal 3: Identify and promote business/industrial park sites with good airport and highway access.

Objective 3.1: Rexburg will support designation of a sufficient supply of industrial land in urban growth areas.

Objective 3.2: Explore partnerships with BYU Idaho, including business entrepreneurship and business incubation.

Goal 4: Encourage entrepreneurship by increasing opportunities for business incubation.

Goal 5: Downtown is the center and heart of Rexburg – an attractive and dynamic place for students, residents, shoppers, civic users, employment and business owners.

Objective 5.1: Encourage destination and specialty retail store clusters, including eating establishments, in a walkable, pedestrian-friendly environment.

Objective 5.2: Encourage joint marketing of downtown businesses.

Objective 5.3: Improve the streetscape and ambiance of downtown.

Objective 5.4: Locate important community buildings in downtown.

Objective 5.5: Provide and improve the physical and visual connections between downtown and the university.

Objective 6.1: Recapture lost sales opportunities in areas such as entertainment, sit-down restaurants, and convenience shopping categories.

Objective 6.2: Promote the development of neighborhood centers.

Goal 7: Provide capital improvements, as needed by commerce and industry, through intergovernmental cooperation and public-private partnerships.

Objective 7.1: Ensure that impact fees within Rexburg boundaries adequately cover the costs of new development. Coordinate with Madison County to ensure that new development in Areas of Impact pay impact fees that reflect the true cost of providing services.

Objective 7.2: Promote efficient, orderly development that allows for efficient use of city resources and provision of services.

Objective 7.3: Promote development and expansion of the airport.

Goal 8: Provide a well-educated, trained workforce and educational opportunities for all residents.

Objective 8.1: Support and expand vocational training and opportunities in the community.

Objective 8.2: Ensure an adequate supply of affordable housing for the community.

Housing and Neighborhoods

Goal 1: Encourage clustered neighborhood development as a basic pattern of growth.

Objective 1.1: Locate public buildings, such as elementary schools, churches, etc., so they form the nucleus or center of each neighborhood.

Objective 1.2: Provide safety in and accessibility between all residential areas.

Objective 1.3: Increase community pride by improving the appearance of all residential areas.

Objective 1.4: Enhance the visual character of residential areas and provide for the preservation of environmental values.

Objective 1.5: Manage the timing of residential development so that adequate streets, water, sewer, drainage facilities, schools and other essential services can be economically provided.

Objective 1.6: Provide housing that meets the demands of all stages of the life cycle, including starter and senior housing.

Objective 1.7: Require the highest standards of design, function, and appearance for all multi-family developments.

The rest of the goals and objectives will be discussed at the next meeting on March 19, 2008.

7:00 P.M. City Hall – Pledge to the Flag

Mayor Larsen welcomed the scouts to the meeting. They introduced themselves to the City Council. They are working on Citizenship in the Community merit badges.

Roll Call of Council Members: All were present except Council Member Woodland. Mayor Larsen reported that he had a serious accident and will not be with us for several months. He will continue to get council minutes, etc. and be kept informed that way.

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 06, 2008 meeting
- B. Approve the City of Rexburg Bills

City Clerk Blair Kay said the minutes were sent out late, so if they wish to wait until the next meeting to approve them that would be fine.

Council Member Stout asked to approve February 6, 2008 minutes at the next meeting so he has time to review them.

Council Member Mann moved to approve the city bills. Council Member Stout seconded the motion. 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 2007:

A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*

Council Member Mann said the Museum Committee has not met; however, he did meet with Chris Fox and Rhonda Seamons. The museum has had lots of visitors since it opened.

Council Member Stout attended the Emergency Services Board meeting. They approved the purchase of a new ladder truck. Mayor Larsen explained he signed a contract approving this purchase. He asked the City Council to ratify this contract.

Council Member Mann moved to ratify the decision to purchase a ladder truck. He explained this is a good investment that will also save the entire city money on insurance by having a ladder truck. Council Member Stout seconded the motion. All voted aye, none opposed. **The motion carried.**

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

Council Member Erickson explained the Golf Board met last night. They will start moving snow off the greens to protect the greens. Construction on the new nine hole golf course has come a long way this past fall. They found the sand they have on site is adequate, so they will save money on not having to buy sand. They talked about raising green fees.

Planning and Zoning met. There are a few items on the agenda tonight for the City Council to discuss. They will meet again tomorrow night and discuss a statement of intent for temporary signs. This will probably come before City Council in the near future.

Mayor Larsen mentioned the Urban Renewal Agency is moving forward on the bonding for the swimming pool and recreational area.

C. Council Member Bart Stevens *Airport Board · Romance Theatre Committee · MYAB · School Board*

Council Member Stevens said his groups have not met. The Romance Theatre Committee is getting ready for the Kirby Heyborne Concert planned for Friday night.

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee* – Nothing to report.

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*

Council Member Stout met with the Legacy Flight Museum. They are still planning for the air show the second Saturday in June. It is scheduled to start after the Teton Dam Marathon that is also scheduled for that weekend. The Trails of Madison County met. There is not much to report.

Public Hearings:

7:20 P.M. Federal Compliance Resolutions Development Grant – Development Company

Dorothy Bowen from the Development Company reviewed the Downtown Revitalization Plan for the next several years. She explained this public hearing is required to be in compliance with grant funds the city received for some of these revitalization projects. The city received a \$500,000 grant for these improvements. The first component was a wastewater improvement of the sewer line in the north alley. The old co-op building at 1st East and Main Street was demolished. The project is to remove slum and blight. The project had a total cost of \$1,240,000 which includes city and county “in-kind” funds. Some work is remaining to be finished when weather permits. A net jobs “saved/lost” report will be submitted due to the project. The State of Idaho is monitoring the project to see if the funding is viable for state participation. Ms. Bowen explained public comment can be received within five days of the public hearing.

Mayor Larsen said this is the initial phase of revitalizing the downtown area. He said once this grant is closed out, they can apply for additional funding.

Mayor Larsen opened the public hearing for any public comment. No public comment was given.

Mayor Larsen closed the public hearing.

Dorothy Bowen explained this is a necessary step to finalize the grant funding. She said a final report will be completed this spring to close this grant.

8:00 P.M. – LID 38 Final Assessment Roll – Richard Horner

Finance Officer Horner reviewed the improvements on LID 38.

Finance Officer Horner explained LID 38 had to do with the alley sewer project replacing old sewer line from City Hall to the Court House and new parking lot improvements. Property owners are responsible to pay for their portion of the parking lot and the reconstruction from their building to the alley. There was unanimous compliance with all property owners involved. Some of the property owners have paid their final assessment.

Council Member Stevens asked why some of the final costs were a little bit more and some were a little bit less. The difference was based on change orders to the original bid. The final assessment came in very close to the estimate.

Mayor Larsen opened the public hearing. No public comment was given.

Mayor Larsen closed the public hearing.

New Business:

A. Allowed Use of City Right-of-Way at 167 W Main St (Fireplace by Design)

Richard Phillips and Kevin Clay presented their desire to maintain a raised concrete deck on the north side of the old Me 'n Stans Restaurant. The deck is in the city's right of way. They are asking to seek the City Council's recommendations for the future of the concrete deck. If the deck is allowed to stay, they want to use the area for hot tub displays on special holidays, etc. It would not be used all the time. They cannot get an occupancy permit until this is resolved. The deck was originally put in as a "bistro" area.

City Attorney Zollinger explained this deck was put in as a bistro area and was approved to be used as only a bistro area. He explained anywhere in the city, the right-of-way can be used for temporary displays if covered by a \$1,000,000 liability policy. Permanent impediments in the city's right of way are never allowed. This is a policy decision on the part of the City Council.

Council Member Erickson moved to recommend this deck not be allowed to be used for display purposes and that it is to be removed. Council Member Schwendiman seconded the motion. Discussion: City Attorney Zollinger recommended a time frame to have this removed so they can get the occupancy permit. Council Member Erickson amended his motion to say it needs to be gone by June 15, 2008. Council Member Schwendiman concurred with the amended motion. All voted aye, none opposed.

The motion carried.

Richard Phillips asked who would be responsible for tearing this deck out. Because they bought the property, it is now their responsibility.

B. Proclamation 2008 – 02 Entrepreneurship Week Rexburg

Mayor Larsen read the proclamation. He asked the City Council to ratify the proclamation.

***PROCLAMATION
No. 2008 - 02***

Entrepreneurship Week Rexburg

WHEREAS according to the Department of Labor, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs, which have been expanding and advancing technology and fueling the recent growth in the economy;

WHEREAS entrepreneurs have been the source of economic innovation throughout the history of the Nation, and the entire society has been improved because of the new ways of doing things that have been brought about by people who market their ideas;

WHEREAS entrepreneurs are engaged citizens who work to improve their local communities, providing better opportunities for businesses to operate and a better overall environment for the human resources they need to advance their innovative ideas;

WHEREAS more than 70 percent of young people envision starting a business or doing something entrepreneurial as adults, and entrepreneurial awareness will assist them in the future regardless of whether they run their own business or work in a business owned by others;

WHEREAS the high interest of young people in becoming entrepreneurs and the critical role entrepreneurs have played in advancing the national economy make it vital to encourage young people from all academic backgrounds and all walks of life to explore their entrepreneurial potential and see if they have it in them to 'make a job'; and,

WHEREAS, through a national initiative to observe Entrepreneurship Week USA, the Ewing Marion Kauffman Foundation, New York Times, Inc. magazine and hundreds of partner organizations promote awareness of the contributions of entrepreneurs as innovators, positive forces in the economy, and important resources for improving communities as places to live and work; now therefore,

I, Mayor Larsen of Rexburg, Idaho do hereby proclaim the week of February 23 – March 2, 2008, as Entrepreneurship Week Rexburg, and do call upon all citizens, companies and organizations to join with me in celebrating our great entrepreneurial spirit by encouraging our youth to begin a journey to explore their big idea – and take it on!

APPROVED AND ADOPTED By the Mayor and City Council of the City of Rexburg, Idaho, this 20th day of February, 2008.

APPROVED:

Shawn D. Larsen, MAYOR

ATTEST:

Blair D. Kay, CITY CLERK

Council Member Stevens moved to approve Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

**C. Planned Unit Development (PUD) public hearing process
discussion – Staff**

Planning and Zoning Administrator Leikness explained the history of the PUD Ordinance. He provided the City Council a copy of the PUD Code contained in the Planning and Zoning Ordinance 926. He reviewed the process to have a public hearing for a PUD. He wanted clarification from the City Council if a public hearing should be held for both the Preliminary and the Final PUD.

Planning and Zoning Administrator Leikness gave the example of a 100 acre PUD. They get the preliminary plan approved in a public hearing; following the preliminary plan, the development is presented to the city in phases seeking a final PUD approval on

each phase. The question “Should each phase need a separate public hearing for the final approval?” Mayor Larsen asked if we currently do one public hearing. City Attorney Zollinger explained the city currently holds one public hearing at the preliminary plat phase of the PUD.

Council Member Erickson indicated one public hearing should be sufficient. Planning and Zoning Administrator Leikness believes a second public hearing is necessary for the final review to allow the public a second public review of each of the final phases in the plan.

Council Member Stevens indicated a preliminary plat is different than a final plat. City Attorney Zollinger said the PUD is different than a plat. More detail is required in a preliminary PUD plan.

City Attorney Zollinger explained the Planning and Zoning Commissions role to make the determination if the final PUD plan is consistent with the preliminary plan submitted in the public hearing. A PUD under review at this time will require a second review by the Planning and Zoning Commission.

Council Member Erickson maintained his position requiring only one public hearing. City Attorney Zollinger continued to explain the current code which requires the necessary review to make each phase compatible to the original preliminary PUD plan.

Council Member Mann, Council Member Erickson, and Council Member Stevens discussed the pros and cons of holding or not holding a second public hearing. Council Member Mann wanted to make sure they were allowing for as much public comment as possible. If the plan has significant changes, Planning and Zoning would have the responsibility of requiring a second review to maintain the plan as stated in the preliminary PUD. The consensus was only one public hearing at the preliminary plat would be required.

Council Member Mann moved to change the PUD code to require a second public hearing; the motion did not get a second. The motion died for lack of a second. Only one public hearing will be required for a PUD.

D. Resolution 2008 – 10 Adopting towing policy relating to snow removal – Staff

City Attorney Zollinger explained this would be used during November 1st to March 1st when overnight parking on streets is not allowed. Currently, our ordinances allow tow trucks to tow cars back to their business. This new policy would allow tow trucks to pull cars around the corner onto a street that has already been plowed so the street where the car was parked can also be plowed. The City of Idaho Falls has a similar policy. The charge would probably be \$45 to \$50 per car, which is considerably less than what towed cars cost currently. The actual fee would have to be negotiated with the towing companies.

The City would pay the tow truck company directly, and then bill the car owner through the parking ticket program. The city has towed more cars for snow removal this year than in the past five years.

**RESOLUTION FOR ADOPTION OF
TOWING POLICY RELATING TO SNOW REMOVAL**

Resolution 2008 – 10

WHEREAS, on the 20th day of February, 2008, the City Council for the City of Rexburg was duly convened upon notice properly given and a quorum was duly noted; and

WHEREAS, the City of Rexburg currently regulates the parking upon City rights-of-way and City owned parking lots; and

WHEREAS, the City of Rexburg is often required to engage in snow removal efforts relating to the City rights-of-way and City owned parking lots; and

WHEREAS, in order to efficiently manage the resources required for snow removal efforts, the City of Rexburg must from time to time remove vehicles parked upon the City rights-of-way and City owned parking lots;

NOW THEREFORE, by resolution duly adopted on the date first above written, be it resolved by the Mayor and the City Council the following:

Any motor vehicle, motorcycle or trailer parked upon any public street or publicly controlled parking lot in violation of any parking restrictions currently in force in the City of Rexburg may be removed at any time at the direction of the City Police Department and may be towed to another public street or publicly controlled parking lot, provided such towing and parking of the vehicle on such other public facility does not interfere with the efficient and authorized removal of snow from such public facility. The vehicle may also be removed and stored in such other storage facility as may be appropriate, without prior notice to the owner or operator of the vehicle. Nothing herein shall preclude the issuance of a subsequent citation, nor the subsequent removal of the vehicle if it remains parked in violation of current parking restrictions 24 hours after being moved.

The owner or operator of any motor vehicle, motorcycle or trailer towed to or stored as a result of this resolution shall be financially responsible for all costs associated with such removal. If the vehicle is removed to another public street, lot or storage facility, the cost of towing shall be remitted to the City and may be collected by issuance of a parking ticket in the amount equal to the cost of removal. If removed to a private storage or impound lot, the cost of removal and storage shall be collected directly by the towing agency.

RESOLVED this 20th day of February, 2008, City Council, City of Rexburg, Idaho.

SIGNED BY: Shawn Larsen, Mayor

ATTEST: Blair D. Kay, City Clerk

City Attorney Zollinger explained the decision to tow a car needs to be made by a police officer instead of the towing company. He explained this authorizes a much less aggressive approach to enforcing the ordinance.

Council Member Stout asked how successful the city is in collecting parking ticket fines. The city collects between 85-90% of the parking tickets and the remainder is turned over to a collection agency.

Council Member Stevens asked if the city would have any liability issues. City Attorney Zollinger said no, liability would go to the towing companies. DJ Barney with Barney Towing said more people do report scratches, etc. The law enforcement officer would document any noticeable damage to a car before it is towed to another street.

City Attorney Zollinger explained it is a privilege to park on a city street; it is not a right.

Council Member Stevens moved to approve Resolution 2008-10. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

E. Set public hearing date for a review of city fees – Richard Horner

Finance Officer Horner reviewed the list with the City Council. He explained Resolution 2008-9 was discussed at the last meeting to set the public hearing date for city fees, but a few changes have been made to golf fees since then, so the date needs to be reset. Annual golf passes did not change in price, but green fees went up a little bit. The City Council discussed a few fees that will be changing.

Council Member Erickson moved to set the public hearing date to March 5, at 8:00 P.M.; Council Member Stout seconded the motion. All voted aye, none opposed. **The motion carried.**

Staff Reports:

Public Works report on Projects: John Millar

Engineer Keith Davidson reported on projects:

- A well up on the hill was missed in the original adjudication process. This well has now been approved to go through the adjudication process. Council Member Schwendiman asked if any wells could be shut down. The wells on the hill are not in the Snake River Aquifer subject to disconnection.
- The street crew has been busy patching pot holes with a temporary mix until the weather gets warmer.
- City ditches are being cleaned of snow getting ready for runoff from melting snow.
- The city will have 500 sand bags ready and filled to be used for flood control if necessary. Volunteers will be filling these bags.
- The street project list will be reviewed at the City Council meeting on March 05th, 2008.

City Attorney Zollinger explained the Pioneer Road project will not be available this year.

Financial Officer Report: Richard Horner

1. Monthly Budget summaries

Finance Officer Horner passed out the quarterly budget report for four months ending January 31, 2008.

Council Member Stout asked how the capital budgets were allocated on the report. Finance Officer Horner explained some capital projects have their own fund accounts.

Council Member Erickson asked if donated streets were included under the revenue section on the street budget. Finance Officer Horner said it does. Council Member Erickson asked if there would be a way to separate this out so they would know how much money is actually available for street projects.

Finance Officer Horner explained they are separate on the expense side of the budget.

Council Member Stevens said it is important not to show too many items because auditing needs to show donated items as revenue.

Council Member Schwendiman moved to accept the budget report. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

Calendared Bills and Tabled Items:

A. BILL Introductions:

1. **Ordinance 1001 – LID 35** Final Assessment Roll – Richard Horner

Ordinance 1001 for LID 35 is scheduled for a public hearing on March 5, 2008. Notices have been sent out.

B. Ordinance 911 amended – Staff

City of Attorney Zollinger reviewed the parking meeting held last Monday. Minutes from the meeting are listed below.

The newly formed Parking Enforcement Committee met at 4:00 p.m. on Monday, February 18, 2008 to discuss issues of concern relating to parking enforcement in the Rexburg area. The meeting was conducted by Stephen Zollinger.

The committee each took an opportunity to state what they perceived as the issues of concern. Stephanie Barclay indicated that one problem she felt was of common concern to the students at BYU-I was the "Predatory Booting and Towing" and the fact that it does not appear to have gotten any better over the past few years. The primary concern being the apparent conflict that exists when the person making the decision of which vehicles to tow is the person who stands to profit from each vehicle towed.

Dell J. Barney, indicated that he felt one problem that needed to be addressed was the continuing education of students, friends, and family parking not only in residential parking lots, but in campus

lots and on streets. The mid-winter influx of new students seems to create confusion, and generate numerous complaints. The University indicated that they were increasing their efforts to educate, and would be open to ideas on how to better educate new students. Discussions also indicated that the tenant contracts might need to be specifically modified to make clear several parking related items, and the University and Housing entities are in the process of creating standardized contract terms, and will work to incorporate parking matters.

The final problem identified in the meeting related to the snow shrinkage that occurs as the snow storage takes place, and the possibility of working cooperatively between private property owners, the City of Rexburg, and the University to try and facilitate short vehicle moves to allow snow removal. At the end of the meeting, it was determined that Stephen Zollinger will work to try and find solutions for some of these issues, and make recommendations back to the committee for further recommendations onto the City Council.

It is anticipated that the Committee will meet again within the next 2 weeks.

The minutes have three areas of concern identified with the parking ordinance.

- 1) Predatory Booting and Towing
- 2) Continual education of students, friends and family members of towing in Rexburg
- 3) Allowing for snow removal by working cooperatively with private property owners, City of Rexburg and the University to find a solution.

City Attorney Zollinger explained there are two levels of inappropriate parking that exist. It's the middle group of people that park just long enough to unload groceries or walk a date to the door that they are concerned with helping. The city has towed 200 cars this winter.

Council Member Schwendiman wanted to wait until the group met again in a few weeks to take any action. He said that he likes the idea of partnering up with the university, and property owners.

City Attorney Zollinger explained the committee will meet again before the next council meeting on March 5, 2008. He explained it may take a bit more time to find a viable solution than this, but they are working to get something worked out in the next month or so. Council Member Schwendiman said he is comfortable with the committee driving the proposals. Mayor Larsen asked for committee input at the next City Council meeting.

- C. First Reading:** Those items which are being introduced for first reading.
1. **Ordinance 1000 – LID 38** Final Assessment Role – Richard Horner

Mayor Larsen asked the City Council to waive the rules and pass Ordinance 1000 to close out LID 38 tonight. The final notices have already been sent out to the property owners. This will also reduce interest property owners would owe.

Council Member Erickson moved to suspend the rules. Council Member Stevens seconded the motion. Roll call vote:

Those voting aye
Adam Stout
Randy Schwendiman
Bart Stevens
Chris Mann
Rex Erickson

Those voting nay
NONE

The motion carried.

Council Member Erickson moved to approve and consider Ordinance 1000 third read. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

D. Second Reading: Those items which have been first read. - NONE

E. 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:

A. Resolution 2008 – 01: A resolution authorizing payment of regularly/pre-approved invoices

Council Member Mann introduced the resolution based on a prior discussion in a training meeting at the Association of Idaho Cities back in November. Legal Council at the meeting recommended each city have a resolution for approval to pay city bills for emergencies or important items if the City Council does not have a meeting to approve these bills at the time they are due. These items would be regularly budgeted items. The limit is \$10,000 without a City Council Member's approval. Anything over \$10,000 would require at least one elected official to approve a regularly occurring bill. Ultimately, each bill would go before the city council to approve.

Council Member Schwendiman would like to be notified of any big ticket items.

Council Member Mann also encouraged City Council Members to get to City Council meetings a bit early when possible to review all bills.

Mayor Larsen asked to have the consent calendar approved at the end of the meeting to allow the City Council Members time to review the city bills.

Council Member Mann moved to approve Resolution 2008-01. Council Member Stevens seconded the motion. All voted aye, none opposed. **The motion carried.**

Mayor's Report:

February 27, 2008: State of the City of Rexburg address at 12:00 P.M. It will be held at the Legacy Flight Museum. Proceeds from lunch will benefit the Mayors Youth Advisory Board.

Executive Session pursuant to State Statute 67-2345 (F) concerning possible litigation and contract matters.

Council Member Stevens moved to go into Executive Session pursuant to State Statute 67-2345 (F) for possible litigation and contract negotiations. Council Member Schwendiman seconded the motion. Roll call vote:

Those voting aye

Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens
Adam Stout

Those voting nay

NONE

The motion carried.

**Executive Session
Executive Session ended.**

Adjournment

Attest:

Blair Kay
City Clerk

Shawn Larsen
Mayor