

City Council Meeting

June 04, 2008



CITY OF
REXBURG
America's Family Community

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June 04, 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, Nathan Crane, Soren Simonsen, Randy Schwendiman, Mayor Larsen, Chris Mann, Richard Woodland, Mary Haley, Thaine Robinson, Mike Ricks, Wesley Cook, April Howard, Elaine McFerrin, Gary Leikness, Talsan Schulze, Blair Kay, and Adam Stout.

Mayor Larsen opened the meeting and turned the time over to Laura Hanson from Cooper, Roberts, Simonsen Associates. She introduced Nathan Crane as their ordinance writing specialist. Laura indicated the comprehensive plan is nearing completion except for a few notes to add to the electronic file.

Planning and Zoning Administrator Leikness explained they are working to get the comprehensive plan into the GIS system. Laura explained the primary items to discuss are any additional changes or updates to the development code.

Mayor Larsen asked what the next step was to complete this process. Laura explained the next step would be to schedule a public hearing in the near future at the Planning and Zoning Commission level for the comprehensive plan. The comprehensive plan map can only be changed once every six months. The Planning and Zoning Commission will schedule a public hearing for the comprehensive plan the second meeting in July. The City Council will schedule this public hearing for the first meeting in August.

There was some discussion concerning current applications to modify the comprehensive plan map. The city will look at the comprehensive plan changes first before entertaining requests to change the comprehensive plan map. Neighborhood business centers are identified in areas of future expansion.

Mary Haley asked what the old junior high property was zoned. It is designated as city facilities on the new comprehensive plan.

Mayor Larsen turned the discussion to the development code. He explained one challenge is parts of the development code do not coincide with the comprehensive plan. Planning and Zoning Administrator Leikness said the inconsistencies the city has identified so far have been changed. Laura indicated the comprehensive plan review will be a process to look for additional inconsistencies in the city codes and the proposed changes to the new comprehensive plan. Amendments to ordinances may have to be made once the development code is complete.

Thaine Robinson from the Planning and Zoning Commission explained they constantly have to defend the code. He asked for a more definite code so the code can stand on its own. Mayor Larsen asked Planning and Zoning Administrator Leikness about design standards in industrial zones. Codification was requested for industrial design standards. Currently, industrial areas and commercial areas have the same requirements. Mary Haley said the code is too subjective.

There was discussion on buildings being constructed to city design standards. Council Member Schwendiman said industrial buildings need to have requirements that are affordable. Industrial standards need to be lighter than commercial standards. The question was asked how building designs get changed after approval of an original design. Mayor Larsen said these issues need to be spelled out in the ordinance. The inspectors are expected to look for design standard compliance by following the approval given on the plans from the planning department.

Laura reviewed items that need to be looked at including:

- Specific requirements for certain zones (industrial vs. commercial)
- Grid system being followed
- Identify other inconsistencies between the development code and the comprehensive plan

Big items to review include:

- Adopting sensitive overlay zones
(does the city want to expand the scope of work to include these?)
- What specifically will or will not be allowed in neighborhood centers
- Rural cluster type development

Mayor Larsen requested clustering language. He also explained at this point we need to stay with their current scope of work and not add additional items. Instead, he suggested staff make recommendations regarding these issues instead of making it a part of this comprehensive plan process.

Discussion concerning neighborhood business centers. Council Member Schwendiman said he is concerned with the idea of neighborhood business centers. He is concerned that they are not viable in Rexburg and will not be able to survive. Council Member Mann said he is in favor of neighborhood centers in new areas, not in existing subdivisions. Soren Simonsen explained the concept of neighborhood centers includes churches, schools, gas stations, etc; it does not have to include commercial type businesses. The code will spell out conditional uses for business centers

and exactly what will and will not be allowed. Laura said discretionary review for compliance can be written into the code. Nathan suggested having an approval process for certain zones/area.

The City Council and Mayor Larsen indicated a desire to have flexibility written into the code to be able to approve or disapprove a proposal if it does not fit the area.

Council Member Stout joined the meeting.

More discussion on the location of neighborhood business centers. New growth areas give opportunity to plan for local commercial areas to avoid bottlenecking traffic. A 20 acre site on an intersection is typically used for locating a commercial neighborhood site.

The need for smaller public parks was mentioned in neighborhoods along with some larger parks. Laura mentioned it is nice to have trails and open spaces in new subdivisions. Council Member Mann said pocket parks are expensive to maintain, at the same time the city is in need of additional soccer fields. Mayor Larsen said it may be possible to negotiate impact fees verses developer's developing parks as part of their development. Impact fees can be used to develop parks or have the development develop and maintain their own parks by forgoing impact fees.

The City Council discussed storage units and the possible location of storage units.

Mayor Larsen reviewed the discussion concerning the modification of Ordinance 926 to coordinate with the adoption of the new comprehensive plan.

GIS Manger Craig Rindlisbacher asked for plats to specifically identify the areas of open space on a plat.

Laura said the 2nd meeting in July should be scheduled for a public hearing on the comprehensive plan and the comprehensive plan map changes.

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

Mayor Larsen welcomed the scouts to the meeting.

Roll Call of Council Members: Attending: Council Member Stout, Council Member Schwendiman, Council Member Stevens, Council Member Mann, Council Member Woodland
Excused: Council Member Erickson.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes)

Beckah Whitlock 707 S. 5th West #901, introduced a new group she founded called ACURE which stands for Autism Community for Understanding Resources and Empowerment. The purpose of the group is to make this community more aware of the rising epidemic of autism. Research shows that one out of every 150 children will be diagnosed with autism. Boys are four times more likely to be diagnosed with autism than girls. There is a spike in autistic children in this area. There are very

few resources for families with autistic children in the area. This group was founded to help people find these resources that are available. She explained a few things the group is working to help family's better deal with autism. Ms. Whitlock explained there is another group in Rexburg called Have Fun Inc. which is a group that works with children with all types of disabilities. These two groups will work together. Have Fun Inc. create activities for these disabled children and their families. Ms. Whitlock explained when you see a child in a wheelchair or with Down Syndrome for example, it is quite easy to see the challenges these families face. Children with developmental disabilities look quite normal so they often get passed by and the families receive no help. ACURE was organized to help these families that get bypassed have some options. Ms. Whitlock indicated they are working on fundraising activities. These funds will go directly to families dealing with autism in this area.

Mayor Larsen commended Ms. Whitlock on her efforts.

Dr. Doug Smith D.D.S. 1009 Larch Drive would like to discuss concerns with his business at 56 Professional Plaza. He is concerned with the city building department. He feels there are a lot of arbitrary rules required from the building department. He explained he applied for an occupancy permit after doing a remodel on his office and was told he had to put handrails on the building. He has all the handrails in now, but they don't make any sense. He said he understands a need for rules but there should be a time and place to bypass some of these rules that don't make sense. When he went to get his occupancy permit, he was then told he needed to remove all the light packs from the back of the building and there were no benches for people to sit on out front.

Dr. Smith gave a short slide show with pictures of his building after the remodel. There are a lot of trees, nice patios with a picnic area where the public is welcome, etc.

Dr. Smith said he wanted the council to be aware of the problem. As a businessman in Rexburg and a taxpayer he feels citizens need a way to have their voice heard because this makes it very difficult to do business in Rexburg.

Council Member Stevens asked if he now has his occupancy permit. Dr. Smith said he does not have his occupancy permit yet. He explained the building staff is just working by the book and he feels some of these requirements need to be reevaluated. Every person has different aesthetic taste and the building department should not dictate what does and does not look nice. Dr. Smith said this is his place of business where he has spent a lot of money and he wants it to look nice.

Mayor Larsen thanked Dr. Smith for bringing this to their attention. He will make some contacts to discuss some of these issues further.

Presentations: - NONE

Committee Liaison Assignments for 2007:

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

Council Member Mann reported the Beautification Committee met this afternoon. They are talking about redoing the island at the end of Main Street and discussed some other projects the committee can do this summer. Emergency Services will meet tomorrow night. The Museum Committee has not met.

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

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

Council Member Stevens reported the Airport Board met today. They discussed the air show which will take place June 14, 2008.

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*

Council Member Schwendiman reported the Traffic and Safety Committee met. They discussed the results of a traffic study. They will not meet for a few months during the summer.

Council Member Schwendiman explained he received an email from Community Affairs Director Kristy Geisler today which reported JD Hancock has received a \$13,000 grant for picnic tables and shelters at Eagle Park.

Parks and Recreation will meet next week, but this committee is frustrated because they feel they have not had enough of a role in the Swimming Pool/Riverside Park discussions. Mayor Larsen explained the Urban Renewal Committee appointed a Riverside Park Committee. The Riverside Park Committee has done their part and now the Parks and Recreation Committee will be more involved with the swimming pool as it progresses. Mayor Larsen wants to make sure the Parks and Recreation Committee is included from this point on in the Riverside Park discussions.

Mayor Larsen explained no numbers have been given for the pool because they did not know if the judge was going to pass the bond. Now that the bond is passed they still have a 42 day waiting period before anything else can be done. He will make sure the Parks and Recreation Committee is more involved once things get going on the pool.

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

Council Member Woodland explained he met with Ted Hill from the IBC Committee who explained they are at least one member short. Five members are needed for this committee. Community Development Director Val Christensen explained one member passed away and one has moved out of the area so they actually need two new committee members. Mayor Larsen asked for recommendations on new appointments for this committee.

Council Member Woodland met with Public Works Director John Millar and Community Affairs Director Kristy Geisler to discuss the handicap ramp at the Tabernacle. They are now thinking they can put a nice ramp inside the tabernacle so nothing has to be done to the outside of the building. The Tabernacle Committee will meet tomorrow night. Council Member Stevens asked if the material from BMC West for the handicap ramp was taken back. Public Works Director Millar will look into this and make sure this material was returned.

Council Member Stout wanted to make sure arrangements are made for the golf course to be shut down on Friday night before the air show. Council Member Stevens said at the airport board meeting they reported the golf course will be shut down from 6-8 P.M. on Friday night and from 9-1 on Saturday. Trails of Madison County will meet tomorrow.

Public Hearings: - None

New Business:

A. Preliminary Plat – Silver Estates:

City Attorney Zollinger explained the Planning and Zoning recommend disapproval of Silver Estates Preliminary Plat; however, they could reapply under the same fee by July 15, 2008. He explained the Preliminary Plat for Silver Estates had been tabled on the Planning and Zoning Commission's agenda. The Commission removed it from the table and denied the application due to inactivity on the part of the developer. Mayor Larsen explained the City Council needed to take action on this request to clear it off the agenda. The developer is planning to resubmit the request by July 15, 2008. Council Member Stevens reminded the City Council the applicant would have 60 days (July 15, 2008) to act on the plat under the fees they have already paid.

Council Member Stout moved to deny the Preliminary Plat for Silver Estates with the understanding the applicant could reapply with a new Preliminary Plat for Silver Estates under the same fees until July 15, 2008. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

Staff Reports:

A. Public Works: John Millar
1. Report on Projects

Public Works Director John Millar reported the project on Sunrise is ready for curb and gutter and they are hoping the weather permits them to finish this in the very near future. Mayor Larsen asked if this will be completed by June 14, 2008 due to the marathon. Public Works Director Millar said this road will be in good condition but it would still be gravel. The weather has not been consistently nice enough for paving to take place on this road.

The street department has been busy sweeping and patching the streets. They are hoping to finish this up soon. More patching has been done this year already than all of last year. They are putting together the project on 7th South from 2nd West to 4th West. They are working with the architect for the stake center to incorporate these two projects together so they can do this as one project. The East Main project is under design right now. This will come back to the council before anything is done.

Council Member Woodland asked about the intersection at 7th South and 4th East. There is a steep rise and a stone wall that prevents cars from seeing other oncoming cars. He asked for a stop sign. Public Works Director Millar said there should be a stop sign out there already. He will take a look

at this and evaluate what can be done to make this intersection safer. Mayor Larsen asked about a stop sign on Millhollow Road. Public Works Director Millar said in the near future, a stop sign will be put on 7th South and Millhollow Road to be continuous.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

1. BILL 1006 Amend Ordinance 926 (Parking regulations & Mini Warehouses in Commercial/Industrial Zones (storage units) – Staff

Community Development Director Val Christensen explained these two issues; parking issues and storage units, are coming to the council from the Planning and Zoning Commission. He explained the current ordinance requires a parking space to be 9’x18’ and the isles between parking rows to be 22 feet. The Planning Commission thinks this is too tight. They are recommending requiring the parking spaces to be 9’x20’ and the isles to be 24 feet instead of 22 feet. Community Development Director Christensen expressed his concern on this recommendation explaining with the current requirements you have 58’ with two 18’ parking stalls and a 22’ isle. If the requirements are changed to 20’ parking stalls and a 24’ isle, you go to 64’ which is more than a 10% increase. This is 10% more asphalt, 10% more money, 10% more storm runoff to deal with. He explained that he agrees the current requirements are too tight, but he would like to see the requirements change to something between these two extremes. He has researched a few other communities to find out what their requirements are. He reported Pocatello has an 18’ parking stall but a 24’ isle, so they are 2’ wider than Rexburg, not a full 6’ wider which is the Planning and Zoning recommendation. Twin Falls requires a 19’ parking space with a 24’ isle. Bountiful Utah has flexible requirements depending on the design of the lot. Idaho Falls is at 20’ parking stalls and 24’ isles. Rexburg is at one extreme and Idaho Falls is at the other extreme, but most other cities that were researched were somewhere in the middle.

Council Member Stevens said he likes the idea of having a little more variation depending on the design such as Bountiful Utah’s requirements. Community Development Director Christensen liked the idea of flexibility as well. He suggested not adding more than an additional 4’ if any changes were to be made.

Mayor Larsen explained the work meeting earlier in the evening discussed Ordinance 926 and other proposed changes. He said BILL 1006 may be getting a little ahead of themselves at this point. He suggested working these two issues in with the other changes the planning group is making to Ordinance 926 which will allow discussion and suggestions to be made in regards to these issues but all changes can be done at the same time.

Council Member Woodland said this was a great idea. Community Development Director Christensen said there has been discussion from many developers on allowing taller buildings. He asked if this would be something that could be looked into at the same time. Mayor Larsen said since they are working on Ordinance 926 they might as well take care of all of these issues. This would be done with the understanding that additional amendments may be needed.

Planning and Zoning Administrator Gary Leikness suggested allowing staff to work through these two issues; parking regulations and storage units, and have the planning group include this in the changes to Ordinance 926. Council Member Stevens also asked Gary to look into the concerns of Dr. Doug Smith having to do with design standards and regulations.

Mayor Larsen also asked the Planning and Zoning Commission to look into building heights.

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:

Mayor's Report:

Mayor Larsen reported he received a petition for annexation from Rexburg Heights Valley View Estates Subdivision. The letter asked for annexation with conditions. He read the letter to the council. The conditions of annexation these residents requested include:

- 1) The zoning classification for the annexed real property must be “Rural Residential (RR-2), “with no curb and gutter requirements.”
- 2) Ownership of the sewer system owned by Rexburg Heights Sewer District would be transferred “as-is” to the City of Rexburg. The City will bear all costs of maintenance and repair of said sewer system.
- 3) The effective date of the water and sewer rate change, to the same rate City residents are charged, will be applied retroactively to May 1, 2008, regardless of when the annexation ordinance is approved by the City.
- 4) Ownership of the existing water system would be transferred “as-is” to the City. The City will bear all costs of maintenance and repair of said water system.
- 5) All roads within the subdivision would be maintained and repaired by the City at the same level that Madison County maintains them.
- 6) Snow must be removed from all roads within the subdivision by the City at the same level of service that Madison County maintains them. The winter road conditions can be dangerous because of the slope of the hill and the roads must be plowed and sanded prior to the school busses picking up children in the morning. Due to the many school age children that ride busses, and other legitimate safety concerns, we request that the City designate Rexburg Heights as a “highest priority” snow removal area.

The City Council discussed these conditions. Mayor Larsen asked what kind of annexation this would be. City Attorney Zollinger explained this would be a category B annexation which requires a public hearing and a vote by the council. This area can be annexed at any time as a category B and no conditions have to be met by the city. The city has the legal right to annex this area.

Council Member Schwendiman asked if these property owners can have an LID. City Attorney Zollinger explained the city is legally able to LID any area in the city. It is not good practice however to annex areas and tell them at the same time they will have an LID in their area. The city can also

LID for roads, it has simply not been a practice of the city in the past to LID roads. City Attorney Zollinger explained the county uses an LID process for roads.

Council Member Schwendiman asked what the city would be responsible for if this area was annexed. City Attorney Zollinger explained the city would have to plow the roads, maintain the roads, fix and maintain the sewer system, etc. He explained this area is having sewer system problems which reach beyond flushing the system at this point.

Council Member Mann said he is not opposed to the annexation of Rexburg Heights, it will have to be done eventually, but these conditions are not something the city is able to meet. The city would be making promises that it cannot keep. He expressed that he is in favor of annexation but they cannot be done on these terms. He would like to find a way eventually to bring Rexburg Heights into the city. Council Member Stevens agreed with this statement.

Mayor Larsen asked the City Council how they would like to handle this request. City Attorney Zollinger suggested responding to this with a letter explaining the city appreciates their desire to be annexed but the City Council is not prepared to move forward with any conditional annexation at this time.

The City Council gave Mayor Larsen the direction to send the residents of Rexburg Heights a letter letting them know the city is not in a position to move forward on any kind of conditional annexation at this time.

Mayor Larsen explained there was a vacancy in the Recreation Director position. They interviewed about 11 applicants. Out of these 11 interviewed, they narrowed it down to three candidates. Robert (Bob) Yateman was the top pick for this position. He is the Parks and Recreation Director for Franklin County North Carolina which is about twice the size of Rexburg. Mayor Larsen asked the City Council ratify the appointment of Bob Yateman as the new Recreation Director.

Council Member Mann moved to ratify the appointment of Bob Yateman to the Recreation Director. Council Member Stevens seconded the motion. Discussion: Council Member Schwendiman asked who was involved in the interview process. Mayor Larsen explained Kristy Geisler, Richard Horner and himself participated in the interview process for this position. All voted aye, none opposed. **The motion carried.**

Mayor Larsen explained he asked Parks Director Greg McInnes to come before council to request a budget adjustment.

Parks Director Greg McInnes explained the capital budget for parks was missing a few items. A shower was required to be put in at the splash park which cost about \$5,000 that was not budgeted. He explained part time wages for parks was only budgeted at \$70,000. Last year about \$80,000 was spent on part time wages for parks. He requested a \$15,000 increase for part time wages which would put this at \$85,000. He explained he pushes these parks employees very hard. It is manual, hard labor. Part time employees are started at \$7 an hour with the understanding they can be moved to \$8 an hour if they work hard. A few employees from last year were asked to come back this year at \$9 per hour. There are three employees at \$9 per hour right now. He explained he realizes money is tight; it is tax dollars that are used to pay these wages, however with the community growing and all the additional projects this budget adjustment is very much needed.

Council Member Woodland asked about the shower at the splash park. Mayor Larsen explained the shower was required to be put in by the health department after last summer. The hope is children will rinse off in the shower before playing in the splash park. This requirement was not given to the city until a few months ago.

Council Member Schwendiman asked why the part time wages for parks was only budgeted at \$70,000 for this year when \$80,000 was paid in part time wages last year. Mayor Larsen explained this must have been overlooked in the budget process.

Council Member Stevens moved to accept the budget adjustment for \$20,000 out of the contingency fund. Council Member Schwendiman seconded the motion. Discussion: Council Member Stout asked if part time parks wages should be capped at a certain amount. He said going to \$10 an hour seems very high. Parks Director McInnes explained this is not an unreasonable wage, it is hard manual labor. He feels these parks employees are underpaid. City Attorney Zollinger explained his uneducated 18 year old son was offered three jobs doing physical manual labor in Rexburg and all of them were \$10 or more. Council Member Stevens explained he would much rather have two or three \$15 an hour employees than ten \$5 an hour employees. Council Member Mann suggested not going over \$9 an hour unless approved by the City Council to go to \$10 per hour. Mayor Larsen asked for a vote. All voted aye, none opposed. **The motion carried.**

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.

Minutes:

- A. May 07, 2008 work meeting
- B. May 21, 2008 regular meeting
- C. May 29, 2008 special meeting
- D. Approve the City of Rexburg Bills

Council Member Woodland asked about the May 7, 2008 work meeting minutes. It said "The City Council will review the budget further on June 6, 2008. The sewer rates with Sugar City will also be reviewed on July 1, 2008." The minutes need to read the budget would be reviewed on June 6, 2008 or later and the sewer rates with Sugar City will be reviewed on July 1, 2008 or later.

Council Member Stout moved to approve the consent calendar with the changes to the May 7, 2008 work minutes. Council Member Woodland seconded the motion. All voted aye, none opposed. **The motion carried.**

Adjournment

Shawn Larsen
Mayor

Attest:

Blair D. Kay
City Clerk