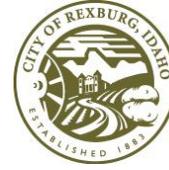


City Council Meeting

March 05, 2008



CITY OF
REXBURG
America's Family Community

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Rexburg, ID 83440

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March 05, 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

6:00 P.M. Work Meeting for the Hemming properties

Attending: Council Members: Rex Erickson, Christopher Mann, Randy Schwendiman, Adam Stout, Bart Stevens, Richard Woodland, & Mayor Larsen. Staff: John Millar, Keith Davidson, Gary Leikness, Blair Kay, April Howard. Developers: Lane & Rich Hemming, plus Richie Webb. Others: Clair Boyle, Steve Oakey.

Richie Webb reviewed the Hemming proposal explaining they used existing language in the city code (ProZone) to develop their proposal. The first item of business was a review of the proposed drawings for the development.

Richie Webb indicated they are working with Planning and Zoning on proposed changes to the development code under the ProZone Code, abiding by the application process for a ProZone. Planning and Zoning Administrator Leikness indicated the ProZone application is the best application for this type of development.

Rich Hemming reviewed the drawing of the project with the City Council. They believe this development will foster growth in the downtown district. They are dedicating one third of the project to open space. Parking makes this proposal difficult to achieve. Parking could eat up two thirds of the open space in the middle of the project. The cost for a parking garage would be \$15,000 to \$20,000 per parking space. They are asking for a reduction in parking spaces required by the city code. There are 340 students parking in the area at this time, which they plan to maintain the same parking for the new development. They are proposing two 15 foot lanes going either way to be shared by bicycles on the top and bottom of the development. They can park 60 to 70 cars on these two streets with reverse diagonal parking.

Council Member Erickson asked to see the plans for an underground parking garage. Rich explained one of the buildings will have about 200 parking stalls on the lower level of the building. The cost is brutal and would not be covered by building leases. More underground parking could render the proposal unfeasible. They are asking the City Council for their comfort level on parking ratios. A reduction in the parking ratios (currently three stalls to 1,000 square feet in commercial office buildings) would make a better proposal for making the project feasible. They reviewed the Planning and Zoning Commission's proposal for a reduced ratio from 3 to 2 ½ stalls. Mayor Larsen was concerned with the parking requirements for residents of the complex after curfew. The developers would police the parking spaces to have the resident's sticker their cars with a parking permit. The City Council discussed the current requirements of city code to have a one to one ratio of parking stalls to residents in student housing.

Council Member Stout asked if they would trade open space for parking. Rich responded their policy would be to build underground parking instead of parking in the open space they are proposing.

The developers and City Council reviewed possible scenarios to take care of the needed parking. Underground parking seemed to be the only solution to follow the code. They are planning to have 180 parking spaces underground for the proposed lodge. Public Works Director Millar was concerned with the snow removal on 2nd South. Lane Hemming indicated they plan to sign a negotiated contract with the city to plow and remove the snow on part of 2nd South. Rich Hemming asked for some help from the city's redevelopment funds to reconfigure or upgrade city infrastructure on 1st and 2nd South including streets and storm drain infrastructure. Mayor Larsen said the downtown redevelopment area would have to be reconfigured to include this area in the Downtown Urban Renewal Area. The tax increment would probably come from taxes on this proposal in the future.

The group discussed having this proposal in front of the City Council for some direction in a future meeting. Council Member Schwendiman did not want to redirect tax funds into a redevelopment area for more than ten years; four or five years would be better. Richie Webb will put some number together to see how many years are possible to cover the infrastructure improvements. Retail space and commercial office space would need to be at a ratio of 2.5 spaces per 1,000 square feet of space and the residential space could stay to a one-to-one ratio for the development to succeed. Lane Hemming said they have a goal of project completion in two years. Parking is a problem that will need additional discussions.

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

Roll Call of Council Members: All Council Members were present.

Mayor Larsen welcomed Council Member Woodland back to the City Council after an accident.

Mayor Larsen welcomed the scouts and asked them to introduce themselves.

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

Jill Anderson at 419 Morgan Drive appreciated the continued efforts of the Mayor and City Council. She asked for clarification on a recent survey to the city residents. She does not know where the random survey originated. The survey was about city recreation. She asked who was familiar with the survey. Mayor Larsen said he was familiar with the survey. She reiterated the questions on the survey. She was disappointed with the lack of questions on recreational activities. She mentioned a High School program seeking recreation activities in Rexburg. Mayor Larsen said the survey came from Craig Johnson's class at BYU-Idaho. The City Council will hear a presentation on surveys conducted by Faculty Advisor Craig Johnson's class once all their information is compiled. Ms. Anderson did not think the survey correlated with the title of the survey. Mayor Larsen said it was more of a consumer satisfaction survey verses a recreational survey.

Presentations:

A. Terrell Arnold's retirement as the Teton Flood Museum Director

Mayor Larsen presented Terrell Arnold with a plaque for an excellent job as the Teton Flood Museum Director. He was involved with city service for over ten years.

Committee Liaison Assignments for 2007:

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

Council Member Mann reported 1,371 people attended the Teton Flood Museum in a three week period. They are looking for a new Museum Curator/Director since Terrell Arnold has retired. The Beautification Committee has not met. Emergency Services will meet next Wednesday evening.

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

Council Member Erickson reported the Golf Board has not met. Planning and Zoning had a good discussion on the statement of intent for the sign ordinance. Temporary signage will be on the agenda next time for some recommendations. Some of the Planning Commission would like to attend a forum on open spaces that will take place at the county if the city will pay the training fee. Mayor Larsen said the city would pay the registration fee.

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

Council Member Stevens reported the Mayor's Youth Advisory Board is going well. They have three things they are working on. 1) Underage drinking prevention program will be held March 25th at 8:30 A.M at the Madison High School Library. It is a great program. The High School has a lot of great programs to help students find ways to better the community. 2) Mayor's Youth Showcase will be held on March 20 at 6:00 P.M. at the Westwood theatre for parents, school board and the city council. 3) They are getting a dance together at the Pinnacle building for sometime in the near future.

Council Member Erickson asked how much money was raised for the MYAB at the State of the City luncheon. Mayor Larsen reported about \$2500 was raised.

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

Council Member Schwendiman reported the Traffic and Safety Committee met. They would like a traffic study done at the 2nd South and 2nd East intersection. There is discussion on the speed limit of University Blvd. Currently it is a 35mph road with requests to be a 45mph road. The intersection at Yellowstone Hwy and University Blvd will be restriped to avoid confusion as soon as weather permits. Parks and Recreation has not met.

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

Council Member Woodland reported he met with the Tabernacle Committee just before his accident. They are doing good things.

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

Council Member Stout said the Legacy Flight Museum and the Trails of Madison County will meet tomorrow. Mayor Larsen said there is some information on the easement at Stonebridge Subdivision. He would like Council Member Stout to work with the Trails Committee on this.

Public Hearings:

A. 7:20 P.M. – Rezone – Blue Ox Development – 814 N. Yellowstone (MDR1 to CBC)

Aaron Robertson at 83 North Cambridge Drive indicated they are requesting a rezone of the back of the parcel at 814 N. Yellowstone from MDR1 to CBC.

Mayor Larsen opened the public hearing for public comment.

Those in favor of the proposal: Aaron Robertson is in favor of the rezone from MDR1 to CBC.

Those neutral to the proposal: None

Those in opposition to the proposal: None

Mayor Larsen closed the public hearing.

Planning and Zoning Administrator Leikness reviewed the proposal on the overhead screen. The proposal is in conformance with the Comprehensive Plan.

Council Member Erickson indicated it was a good proposal.

Council Member Erickson moved to approve the Blue Ox Development at 814 N. Yellowstone from MDR1 to CBC. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

B. 7:30 P.M. – Rezone – Beartooth Development – Craigo’s Building (HDR1 to CBC)

Ryan Houtz is leasing the old Craigos building at 120 West 4th South. They are requesting to rezone the lot from HDR1 to CBC. The property on the Comprehensive Plan has been changed to Commercial. They hope to open a satellite, TV and internet business in this building.

Mayor Larsen opened the public hearing for public comment.

Those in favor of the proposal: Ryan Houtz is in favor of rezoning this property from HDR1 to CBC.

Those neutral to the proposal: None

Those in opposition to the proposal: None

Mayor Larsen closed the public hearing.

Council Member Erickson said this is just a housekeeping issue to clean up since this building has always been used for a business.

Council Member Erickson moved to approve the **Beartooth Development** (Craigo’s Building at 120 W. 4th S) from HDR1 to CBC. Council Member Stout seconded the motion. All voted aye, none opposed. **The motion carried.**

C. 8:00 P.M. – Resolution 2008-09 City fee schedules – Richard Horner

Finance Officer Horner reviewed the proposed new city fees. Mayor Larsen asked to remove the \$100 Planning and Zoning appeals fee. Finance Officer Horner explained golf passes were went up just a bit.

| <u>Dept.</u> | <u>Category</u> | <u>Type</u> | <u>Current Fee</u> | <u>Changed</u> | <u>Proposed Fees</u> |
|--------------|-----------------|---|--------------------|----------------|----------------------|
| Golf | Daily Fees | Rexburg Municipal 18 Hole | \$12.74 | Feb-07 | \$13.21 |
| Golf | Daily Fees | Rexburg Municipal 18 Hole Junior | \$7.55 | Feb-07 | \$9.43 |
| Golf | Daily Fees | Rexburg Municipal 9 Hole | \$8.25 | Feb-07 | \$8.96 |
| Golf | Daily Fees | Rexburg Municipal 9 Hole Junior | \$5.66 | Feb-07 | \$4.72 |
| Golf | Daily Fees | Teton Lakes 18 Hole | \$16.04 | Feb-07 | \$16.98 |
| Golf | Daily Fees | Teton Lakes 18 Hole-Weekend | \$18.87 | Feb-07 | \$19.81 |
| Golf | Daily Fees | Teton Lakes 9 Hole | \$11.32 | Feb-07 | \$12.26 |
| Golf | Daily Fees | Teton Lakes 9 Hole-Weekend | \$12.26 | Feb-07 | \$13.21 |
| P & Z | Application | PUD- Final Master Plan (per phase) | | | \$500.00 |
| P & Z | Application | PUD- Preliminary Master Plan (per phase) | | | \$500.00 |
| P & Z | Public Hearing | Publication Fees for Conditional Use Permit - Minimum | at cost | | \$200.00 |

| | | | | | |
|--------------------|--------------------------|---|----------|----------|----------|
| P & Z | Public Hearing | Publication Fees for other public hearings -Minimum | at cost | | \$250.00 |
| Parks & Recreation | Carousel | Afternoon Rental (noon-7 p.m.) | | | \$400.00 |
| Parks & Recreation | Carousel | Evening Rental (7-9 p.m.) | \$75.00 | previous | \$120.00 |
| Parks & Recreation | Carousel | School Field Trip includes Pavillion | | | \$60.00 |
| Parks & Recreation | Carousel | School Field Trip includes Pavillion & Teton Flood Museum | | | \$75.00 |
| Parks & Recreation | Gazebo Reservation | Over 5 hours | \$47.50 | previous | \$50.00 |
| Parks & Recreation | Gazebo Reservation | Up to 5 hours | \$30.00 | previous | \$25.00 |
| Parks & Recreation | Park Shelter Reservation | Groups Over 100 - above 5 hours | \$0.00 | previous | \$150.00 |
| Parks & Recreation | Park Shelter Reservation | Groups Over 100 Base Fee | \$125.00 | previous | Delete |
| Parks & Recreation | Park Shelter Reservation | Groups Over 100 Per Person Fee over 100 people | \$0.50 | previous | Delete |
| Parks & Recreation | Park Shelter Reservation | Groups Over 100 Per Person Fee over 100 people | \$0.50 | previous | Delete |
| Parks & Recreation | Park Shelter Reservation | Groups Over 450 - above 5 hours | \$1.00 | | \$600.00 |
| Parks & Recreation | Park Shelter Reservation | Groups Over 450 - up to 5 hours | \$0.00 | | \$500.00 |
| Parks & Recreation | Park Shelter Reservation | Groups Under 100 - above 5 hours | \$40.00 | previous | \$80.00 |
| Parks & Recreation | Park Shelter Reservation | Groups Under 100 - up to 5 hours | \$25.00 | previous | \$40.00 |
| Parks & Recreation | Rush Triathlon | Olympic Distance, individual | \$45.00 | previous | \$55.00 |
| Parks & Recreation | Rush Triathlon | Olympic Distance, team | \$90.00 | previous | \$105.00 |
| Parks & Recreation | Rush Triathlon | Pre-race dinner, extra meal(s) per person | \$4.00 | previous | \$6.00 |
| Parks & Recreation | Rush Triathlon | Sprint Distance, individual | \$30.00 | previous | \$40.00 |
| Parks & Recreation | Rush Triathlon | Sprint Distance, team | \$75.00 | previous | \$90.00 |
| Parks & Recreation | Summer Rec Programs | Gymnastics (Ages 3-7) per person | \$51.00 | Feb-07 | \$86.00 |
| Parks & Recreation | Summer Rec Programs | Liberty 5k Fun Run (Includes t-shirt) per person | \$16.00 | Feb-07 | \$20.00 |
| Parks & Recreation | Teton Dam Marathon | Race: 10k / 5k per person | \$25.00 | previous | \$30.00 |
| Parks & Recreation | Teton Dam Marathon | Race: Full Marathon per person | \$40.00 | previous | \$50.00 |
| Parks & Recreation | Teton Dam Marathon | Race: Half Marathon per person | \$35.00 | previous | \$45.00 |
| Parks & Recreation | Teton Dam Marathon | Race: Team Relay -- each member fee | \$35.00 | previous | \$40.00 |
| Sanitation | Work Order Charges | Extra Trip Charge over one per year | \$20.00 | previous | \$25.00 |
| Wastewater | Sewer Service Dump Fee | Per Dump Minimum | | | \$25.00 |

| | | | | | |
|------------|-------------------------|---|-----------------------|--|------------|
| Wastewater | Sewer Service Dump Fee | Per Gallon Dumped | | | \$0.10 |
| Water | Fire Hydrant connection | Water meter rental for a large water meter \$50.00 non-refundable | not previously listed | | \$1,100.00 |
| Water | Fire Hydrant connection | Water meter rental for a small water meter \$50.00 non-refundable | not previously listed | | \$200.00 |
| Water | Fire Hydrant connection | Water use fee for the 1st 1,000 gals | not previously listed | | \$10.00 |
| Water | Fire Hydrant connection | Water use fee per 1,000 gals over 1,000 gals | not previously listed | | \$5.00 |
| Water | Reconnection Fee | Water service reconnect fee after disconnected for nonpayment | not previously listed | | \$25.00 |

Mayor Larsen opened the public hearing.

Those in favor of the fee schedule:

Donna Benfield at 201 Millhollow Road is the Executive Director of the Chamber of Commerce came to speak on behalf of Rexburg businesses. She asked the City Council to consider a fee change for the Peddlers and Solicitors fee. She explained the problem of having a weekend sale for tools, etc. from a peddler or solicitor. She explained these peddlers do not pay the fixed costs the Rexburg businesses pay. Local merchants pay utilities, taxes, employ local people, keep money and business in Rexburg, etc. She gave an example of a merchant who came to Rexburg for two days and set up at the VFW Hall. These type of merchants do not bring anything to Rexburg, nor do they help the economy here. She suggested a new fee schedule for these type licenses. When further explained when merchandise purchased from these vendors is defective, the buyer of the merchandise comes to a Rexburg business to return the merchandise. Currently a peddlers/solicitors license is \$25 per day, \$150 per month and \$300 per quarter (\$1200 per year) with a \$500 insurance bond. She suggested charging \$150 per day, \$500 per month and \$1000 per quarter (\$4000 per year) and requiring a \$1000 insurance bond.

Mayor Larsen asked about a local business that sends representatives door to door. Council Member Mann asked about businesses like Avon. Different types of businesses were discussed.

Council Member Erickson thanked Ms. Benfield for bringing up the issue to the City Council's attention.

Council Member Woodland move to accept the city fee list. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

Discussion: Council Member Erickson requested increasing the fees for the peddler, solicitor registrations. He requested a public hearing to change the fees as follows:

| ORD. NO. | CODE NO. | TYPE OF BUSINESS | CURRENT FEE | PROPOSED FEE |
|----------|----------|---|--|---|
| 707 | 5.08.060 | Peddler, Solicitor, or Itinerant Merchant (Include photo of applicant, see applicable appendix) | Each Day: \$25.00 Each Month: \$150.00 Each Quarter: \$300.00 "and" a Surety bond | Each Day: \$100.00 Each Month: \$300.00 Each Quarter: \$500.00 "and" a Surety bond |

| ORD. NO. | CODE NO. | TYPE OF BUSINESS | CURRENT FEE | PROPOSED FEE |
|----------|----------|------------------|---|---|
| | | | for \$500.00 OR a refundable cashier's check for \$500.00 The investigation fees are noted below. | for \$1,000.00 OR a refundable cashier's check for \$1,000.00 The investigation fees are noted below. |

Investigation Fee 5.08.040: Except as provided above, at the time of filing an application, an investigation fee shall be paid to the city clerk as follows:

1. For investigation in county - \$ 25.00
2. For investigation in state outside county - \$ 50.00
3. For investigation outside state - \$ 200.00

The City Council indicated there should be a hearing date set for the next City Council meeting to review the peddler, solicitor or itinerant merchant fees.

Council Member Schwendiman moved to set a public hearing on “peddler, solicitor or itinerant merchant fees” for March 19, 2008 at 8:00 P.M. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

D. 8:30 P.M. – LID 35 Final Assessment Roll – Richard Horner

Engineer Keith Davidson reviewed the final assessment for LID 35. Morgan Drive and Reed Street costs were a little bit higher. The new home owner's costs were a little higher too. The new home owner's projects were re-bid with the same results. Therefore city crews were used to keep the costs down. The end result of using city crews limited the increased costs to 20% above the estimate.

Millhollow Road costs were adjusted after the letter was sent to the homeowners due to a recalculation of the number of properties included in the calculation. Two properties, Kay Widdison and Gary Lewis, were taken out of the formula because they were not located adjacent to Millhollow Road. Final assessments were substantially lower than the estimated costs. Most properties were \$500.00 less than estimated.

Mayor Larsen opened the public hearing.

Steve Hart at 285 Millhollow Road was concerned with the interest charges. He did not sign a loan document to accrue the interest on the bill from July to February. The second issue was the administration costs of 10% due to engineering the project. The citizens already pay the salaries for city engineers. He wrote a letter concerning these issues to the city. He thanked City Attorney Zollinger for responding to the letter. He referred to Idaho House Bill 577 which limits LID powers and indicated he plans to support this bill. He asked for new rules to stop trucks from destroying the road during spring runoff. He thanked Bart Stevens for correcting the road dip by his home. The curbing is fine however; he did not want to pay for the road. He did not know how the road asphalt benefited him. He asked for some power to be given back to the citizens.

Vaughn Price at 315 Millhollow Road said he was opposed to LID 35 to begin with. He has similar concerns as Steve Hart. 1) Interest, he did not ask for a loan. He said February 8, 2008 was the first bill he received with interest accruing since July 2007. 2) 10% administration cost for engineering. He feels he already pays the salary for engineers. He did get a response from Deputy Finance Officer Matt Nielson explaining outside engineer firms would charge 12-15% administration fees.

Debbie Eskridge at 227 South Millhollow Road said she has a flat curb sidewalk that she cannot use. It makes no sense to her. She read a statement from Mayor Larsen's State of the City's Address. Her front yard is completely dead due to the road reconstruction which destroyed her sprinkler system. The sprinkler system has been replaced. She is annoyed the city is charging for something (road) which does not benefit her. A sidewalk would have cost her less. She is supportive of Idaho House Bill 577 which limits LID power as well.

Brianna Ashworth representing Boise Housing Corporation at 166 North 5th West reviewed a problem with the sidewalk meeting the street for one entry on 5th West. Depatco did the work. Right now you have to come in and out at an angle or your car will hit the bottom. They do not want to pay for these repairs since this was not their fault, it was the fault of the company that did the road in

the first place. She also explained they do not want to pay the bill until the repairs are completed, fixing the access from the sidewalk to the street. Public Works Director Millar explained Depatco will fix this problem once the weather permits.

Chad Price 269 South Millhollow Road, has some concerns with this LID as well. He mentioned a sprinkler line repair with plastic, rock and wood debris from the road construction. He was concerned with the interest charges and the engineering fees as well. He is happy to pay the curbing costs and some yard restoration. The yard restoration was done quick and very poorly. The contractor pulled back the lawn two to two and a half feet to a 45 degree angle.

Debbie Eskridge at 227 South Millhollow Road asked about the triangular piece of property that needs to be landscaped. She asked if the residents will have to pay for this as well. Mayor Larsen said the city will pay for landscaping the triangle.

Mayor Larsen closed the public hearing.

Council Member Schwendiman said he recalls that the city gave up the sidewalk requirement and the residents would be charged for the asphalt instead.

City Attorney Zollinger explained a city resolution that was passed in 1995 authorizing charging for asphalt up to 12 feet.

Council Member Erickson said he recalled having the homeowners pay for 3 feet of asphalt and curbing in lieu of requiring a cement sidewalk. Steve Hart explained he is concerned since he spoke with City Attorney Zollinger who explained the city can come back and charge for sidewalks at a later date. One City Council cannot bind a future City Council.

Council Member Erickson said he is concerned with the interest charges. He did explain however, city projects do require engineering fees whether done in-house or contracted out to an engineering firm. Mayor Larsen explained the need to charge engineering fees. It is not double taxation; city engineers are paid out of engineering fees, not out of taxes.

Public Works Director Millar explained the need to redo the base of Millhollow Road paid for by the city. He said it is a good thing the road got broken up when it did, because if they just resurfaced the road, it would have been a wasted project. Council Member Stevens asked if there was another way to avoid the interest payment. Finance Officer Horner explained the city borrows money to do projects and interest starts accruing as soon as the money is borrowed. The interest is passed on to the property owners.

Council Member Stevens asked how the city was able to reconstruct the entire road when the estimates given were only on resurfacing the road, yet costs came in 30% less. Public Works Director Millar explained the city picked up the cost on the reconstruction of the road. Finance Officer Horner said the city doesn't know the actual costs until the projects are completed.

Council Member Erickson asked if the property owners could pay up front. City Attorney Zollinger said this public hearing tonight is the first opportunity to pay for the LID.

City Attorney Zollinger explained interest has accrued since July 2007, but the city could not have legally accepted money until tonight. Each LID property now has a 30 day interest free window to pay the LID off or put the amount of the LID on their property on their city bill at 5.5% interest. He said it is a good question to ask why it has taken six months to close out after the work was completed. Interim interest will always be a part of the LID process.

Council Member Stevens asked if the interest was done on a percentage basis. He asked if the interest could be canceled if the bill is paid within 30 days.

Mayor Larsen suggested waiving the interest for those who pay off their portion on the LID in 30 days. He explained the city has been charged this interest so it is passed down to home owners. He also addressed HOUSE BILL 577 and explained that LID's allow property owners to finance these projects over a period of time instead of having to pay it all up front. An LID is a good tool to benefit properties. He said he stands by his position that LID's are a good tool for cities to use.

Debbie Eskridge at 227 South Millhollow Road clarified that if owners are unable to pay the LID within 30 days, they would have no reduction in accrued interest on their bill.

Council Member Mann said they cannot do something like this for one neighborhood and not for all the other neighborhoods.

Finance Officer Richard Horner suggested charging four months interest which is typical on other LID's and the city would pick up the rest (about three months.)

Council Member Woodland reviewed the interest charges on the LID. City Attorney Zollinger explained the contractor is paid an upfront staging fee to stage equipment. However, the interest charges did not start until the project was about 50% complete. LID 35 was cut short to close out projects completed.

Donna Benfield asked if load limits would be imposed when the frost is going out of the ground to protect the road. Public Works Director Millar said they will regulate these trucks during the spring thaw.

Council Member Schwendiman recommended closing out the interest as suggested by Finance Officer Richard Horner and reducing the interest time period by 50% which is what is typically charged with other LID projects.

Public Works Director Millar explained the minutes on the LID 35 hearing in 2006 indicated that three feet of pavement would be in lieu of the sidewalks. Mayor Larsen said if a future council tries to charge a sidewalk on Millhollow they can refer back to these minutes.

Mayor Larsen asked about the problem at Madison Park Apartments. City Engineer Joel Gray explained Depatco will fix the problem at their cost since it wasn't done correctly. Mayor Larsen recommended sending a city letter stating the repairs would be done to fix the problem at Madison Park Apartments.

Council Member Mann wanted to be fair to everyone. He asked if all properties on LID 35 would get reduced interest.

Deputy Finance Officer Matt Nielson explained on Morgan and Reed there are a few properties that hired their own contractors and those who did this were well aware they would pay interim interest. He does not feel this would be fair to cut their interest. Properties owned by Walker and most of Lovell had their own contractors.

New Business:

A. Independent Audit Report – Rudd & Company PLLC

Brad Reed representing Rudd & Company PLLC reviewed the City's 2007 Financial Audit. He reviewed the balance sheet. There is about \$47 million in total assets for the city with about \$6.2 million in cash. The city holds three to four months of fund balances in reserve for the city's total budget. The council briefly looked through the audit book. The first four funds are major funds. The other governmental funds are lumped together in the fifth column on page 18. Enterprise funds (water and waste water) are run like a business to cover expenses. Page 24 is a statement of cash flows and proprietary funds. The audit controls looked well and the city staff was cooperative with audit personnel.

Council Member Schwendiman asked if they can call Mr. Reed if any of the Council Members have questions. Mr. Reed said that is not a problem. He indicated the audit went very smoothly.

Council Member Mann moved to accept the year-end audit by Rudd and Company. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

B. Preliminary Plat for Riverwoods Townhomes Division No. 3

Michael Arneson with HBH Consulting Engineers at 1970 East 17th Street in Idaho Falls representing the Jenks Brothers. They are asking for approval of thirteen townhomes identical to the ones that have already been constructed. The property is zoned appropriately for these townhomes. They have met with the Planning and Zoning Department to make sure they are in conformance with city code. Each unit will have a double garage in the back of the units plus 12 parking stalls in the rear of the development that could be used for visitor parking. Council Member Stout asked what the staff concerns were:

Planning and Zoning's Concern 1) Locate trash receptacles away from either street entrance, Concern 2) Architecture "Building Design Standards" applies to surrounding architecture, Concern 3) Front of unit sidewalks needs sidewalk easements on plat

Public Work's Concern 4: Sidewalk leading into the development to connect to exterior sidewalks.

Concern 5: Street name change required.

Building Department's Concern 6: Build to current code.

Fire Department's Concern 7: Fire Department asked to increase the entrance from 14 to 20 feet.

Mr. Arneson said they will take care of each of these issues. The Planning and Zoning Administration recommended approval.

Council Member Stevens moved to approve the **Preliminary Plat** for Riverwoods Townhomes Division No. 3. Council Member Woodland seconded the motion. All voted aye, none opposed.

The motion carried.

Staff Reports:

A. Public Works report on Projects: John Millar

1. Street project list for 2008

Mayor Larsen commended the BYU-Idaho students who helped administer the survey dealing with Main Street. He went over the survey with the City Council and explained the students will present the survey results in two weeks at the next City Council meeting.

Public Works Director Millar review the proposed street projects for 2008. There are two to three projects they are looking at doing. The first and biggest project is the reconfiguration of Main Street. This would include the replacement of traffic signals at 1st East and at Center Street (\$532,000 with \$250,000 being paid by ITD). The addition of two left hand turn lanes requires more street width causing the loss of some sidewalk width at the turn lane areas to avoid the loss of parking stalls. This will cost about \$115,000. The Public Works Committee talked about widening the entire block, not just where the left hand turn lanes would be put in, which would add an additional \$111,000 to the cost. The project would include replacing trees and adding tree grates like those at Walgreen's (\$92,000), putting in bulb-outs to promote pedestrian safety, and other additional landscaping (\$55,000). The total project would cost close to \$1,000,000.

The second project is a storm water project east and south of the new temple. One storm water system for several developers in this area would eventually be paid by the developers. Some city funds would need to be used initially (\$168,000). These funds would be recovered as the developments come on line. Top soil worth \$92,000 would come from the Riverside project to keep the costs down on the storm water project.

2008 Street Projects

| <u>Budget</u> | <u>Estimated Cost</u> | <u>Revenue</u> |
|---|------------------------|------------------------|
| 2008 Street Budget | | \$ 950,000.00 |
| Rexburg Redevelopment Agency (Urban Renewal Funds) | | \$ 120,700.00 |
| <u>Main Street (Downtown)</u> | | |
| Signals (State Portion) | \$ 250,000.00 | \$ 250,000.00 |
| Signals (City Portion) | \$ 282,700.00 | |
| Required Widening | \$ 114,800.00 | |
| Full Length Widening | \$ 111,700.00 | |
| Bulb outs | \$ 75,600.00 | |
| Redo street Lighting | \$ 70,300.00 | |
| 4" Caliper Trees, Tree grates, and Irrigation modifications | \$ 91,700.00 | |
| Landscaping | \$ 55,000.00 | |
| Sub Total | \$ 1,051,800 | |
| <u>Bench Storm System (Partial Storm System)</u> | | |
| B&B Farms (Land Acquisition) | \$501,300.00 | |
| Harvest Heights LLC (Storm portion) | | \$ 160,000.00 |
| Rexburg Ridge LLC (Storm Portion) | | \$ 26,500.00 |
| Sky Meadows Development (Storm Portion) | | \$ 32,500.00 |
| Riverside Park purchases topsoil from project | | \$ 35,500.00 |
| Temporary Infiltration System | \$ 15,000.00 | \$ 92,900.00 |
| Sub Total | \$ 516,300.00 | |
| <u>Crack and Chip Seal Streets</u> | | |
| Sub Total | \$ 100,000.00 | |
| Total | \$ 1,668,100.00 | \$ 1,668,100.00 |
| <u>Projects moved to 2009 Budget</u> | | |
| East Main Street (3rd East to Hospital) | \$ 185,000.00 | |
| Crack and Chip Seal Streets | \$ 150,000.00 | |
| 4th East Reconstruction (5th S. to Eaglewood Subdivision) | \$ 100,000.00 | |
| Storm Sewer Outfall Line | \$ 200,000.00 | |
| 4th North Barney Bridge (Funded by Redevelopment) | \$ 150,000.00 | |
| Total | \$ 785,000.00 | |

Other Projects:

- Crack sealing and seal coating which would cost about \$100,000 this year.
- The bridge at Barney Dairy Road over the canal will come from Urban Renewal funds.

2009 Budget:

- East Main
- South 4th East
- 4th North bridge on Barney Dairy Road
- Storm Sewer behind Mother Hibbards

Council Member Mann asked about reconstruction on 4th East. Public Works Director Millar said a spot repair could be done and that could be squeezed into the budget for this year.

Council Member Stout asked about Valley River Drive. Public Works Director Millar said this street does need maintenance; however delaying it one year will probably not be a problem. If it is delayed much more than that, it could cause increased costs for reconstruction. The proposed Riverside Park traffic would cause increased wear for this road. Council Member Stout asked if Urban Renewal Funds could be used to help reconstruct this road.

Council Member Erickson said the City Council needs to take a tour of the city and prioritize what streets need to be done. He said there are other streets in the city (i.e. 5th West) that need repaired before Valley River Drive does. Council Member Schwendiman concurred other streets need repaired first; however, Urban Renewal money would have to be used to repair Valley River Drive if it is done sooner than later. Council Member Erickson said every penny of the Urban Renewal money will be needed for the Riverside Park project.

Council Member Stout asked if the Main Street project money could be trimmed to work on 5th West and do the Main Street project in several phases. Council Member Schwendiman and Public Works Director Millar indicated the costs would go up to break the Main Street project up into phases. Public Works Director Millar also said if they interrupt businesses on Main Street, it is best to just do it once and be done. The City Council discussed the Main Street project. Council Member Erickson asked if the bulb outs could be eliminated. Public Works Director Millar mentioned a few cities in our area (Rigby, Idaho Falls, Salmon) that have tried bulb outs. He asked what the landscaping cost would entail. Engineer Keith Davidson said the project included planters for landscaping.

Mayor Larsen suggested the bulb outs have been used very successfully in other cities for pedestrian safety. Roll back curbs could help with snow removal. The Hemming project has proposed some bulb outs for their project.

Council Member Stevens suggested a low back curb on bulb outs to avoid snow removal damage. Public Works Director Millar said that is feasible. Snow plows could almost go right over the top of low back curbs.

Council Member Schwendiman mentioned contingency money could be moved into street projects. He feels 4th East needs to be repaired this year. Mayor Larsen explained it will cost about \$100,000 to repair 4th East, however if it is done in house it can be done for about \$15,000. Council Member Schwendiman would like to have this done in house and move contingency money to the street budget for this project.

Public Works Director Millar explained there are three items on the Main Street project that can be flexible:

- 1-bulb outs
- 2-street widening
- 3-landscaping

Council Member Erickson and Council Member Schwendiman both said that Main Street needs to be the same width all the way down.

City Attorney Zollinger said Main Street is not pedestrian friendly. Council Member Mann feels this is an all or nothing type of project.

Council Member Stout was worried that if other roads are neglected to do this Main Street project, it would cause bigger problems in the long run.

Council Member Woodland said he wants Main Street redone, but he is not a fan of the bulb outs.

Council Member Woodland moved to have engineering department do Main Street drawings including widening the street by shortening the sidewalks, left hand turning lanes, and landscaping but without the bulb outs. Council Member Erickson seconded the motion. Discussion: Council Member Stevens asked for more on site information. Council Member Stout said he would not vote for this motion because he wants the bulb outs. Mayor Larsen said the Traffic and Safety Committee recommended the project as drawn.

Those voting aye:

Richard Woodland
Rex Erickson
Randy Schwendiman

Those voting nay:

Chris Mann
Bart Stevens
Adam Stout

Mayor Larsen voted nay. **The motion failed.**

Council Member Stevens asked for a compromise by reducing the number of bulb outs. Public Works Director Millar asked the City Council to allow the Engineering Department to come back to the City Council with a few different design options.

Council Member Mann moved to have the Engineering Department provide another drawing including bulb outs, widening the street by shortening the sidewalks, left hand turning lanes, and landscaping. Council Member Stout seconded the motion to remand the project back to engineering to do a final drawing for City Council. All voted aye, none opposed. **The motion carried.**

A. Chief Financial Officer Horner

1. 2008 Budget Summary Report including Property Tax Levy Rates from 1990 to 2007

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

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

Council Member Schwendiman asked if anyone objects to closing the bill tonight. - NONE

Council Member Schwendiman moved to suspend the rules on Ordinance 1001 for LID 35. Council Member Erickson seconded the motion. Roll call vote:

Those voting aye

Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens
Adam Stout
Richard Woodland

Those voting nay

NONE

The motion carried.

Council Member Schwendiman moved to approve **Ordinance 1001 – LID 35** (Final Assessment Role) with the condition of reducing interim interest 50% for properties on Millhollow Road, Morgan Drive and Reed Street where the city did the work, except for those with their own contractors (indicated by #'s 307, 308, and 318 on the spreadsheet). This time reduction was due to a delay in closing out those properties on the LID while other properties were waiting for completion. Council Member Woodland seconded the motion. Discussion: Council Member Stevens asked the motion include a letter be sent to Boise Housing Corporation regarding Madison Park Apartments acknowledging repairs needed to the access on 5th West. Council Member Schwendiman amended his motion to include a letter for Madison Park Apartments, Council Member Woodland concurred. All voted aye, none opposed. **The motion carried.**

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:

Mayor Larsen presented a mutual parking agreement of the parking lot between the tabernacle and the library. He asked the City Council to formalize this agreement.

Council Member Mann moved to pass the mutual parking agreement between the city and the library as authorized by Mayor Larsen. Council Member Woodland seconded the motion. All voted aye, none opposed. **The motion carried.**

City Attorney Zollinger gave a report on the Booting and Towing Committee's last meeting. More suggestions are pending from the apartment owners and booting and towing companies. Written proposal should be ready to introduce to the City Council in the near future.

Mayor Larsen reported that Bob Johnson in the Sanitation Department retired on February 29, 2008.

Mayor Larsen is planning to have meetings on a regular basis with Dr Geoffrey Thomas Superintendent for Madison School District. He also said he will be out of town next week.

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. Minutes from February 20, 2008 meeting
- C. Approve the City of Rexburg Bills

Council Member Stevens explained on page 15 it says "Council Member Stevens said it is important not to show too many items because auditing needs to show donated items as revenue." He did not say this, City Attorney Stephen Zollinger made this statement.

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

Executive Session:

Council Member Stevens moved to go into Executive Session pursuant to State Statute 67-2345 (B) for personnel issues. Council Member Erickson seconded the motion. Roll call vote:

Those voting aye

Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens
Adam Stout
Richard Woodland

Those voting nay

None

The motion carried.

Executive Session

Executive Session ended.

Adjournment

Shawn Larsen
Mayor

Attest:

Blair Kay
City Clerk