

City Council Minutes

March 19, 2008



CITY OF
REXBURG
America's Family Community

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March 19, 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) CANCELLED/POSTPONED

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

Mayor Larsen welcomed the scouts to the City Council Meeting.

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

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

Presentations:

A. Survey Results on Proposed Downtown Improvements – Introductory Statistics Class/BYU-I

Mayor Larsen explained a group of BYU-Idaho students in Craig Johnson’s statistics class conducted a survey on the proposed improvements to downtown Rexburg. Trevor Pearson, a student who helped conduct the survey, presented the results to the City Council. He explained Mayor Larsen met with downtown business owners and found that one concern of business owners was how to implement reverse angle parking on Main Street.

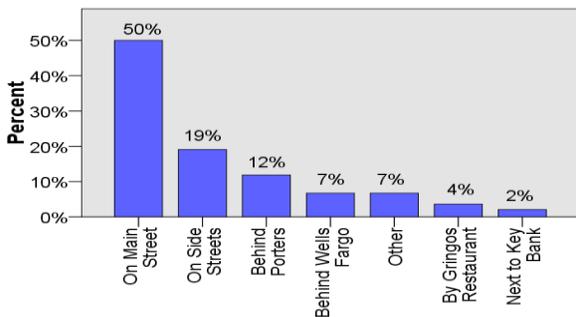
The survey asked citizens how they felt about:

- Reverse Diagonal Parking
- Parking Availability
- Vehicle Safety
- Pedestrian Safety
- Main Reason for Going Downtown
- Public Open Space/Sidewalk Space

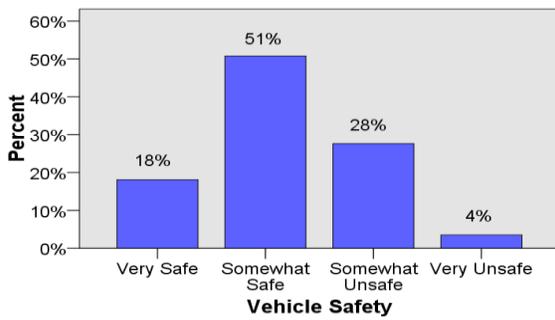
Reverse Angle Parking:

27% of residents who took the survey said they would be more likely to park on Main Street with reverse angle parking; 24% said they would be less likely to park on Main Street and 49% said reverse angle parking would have no effect.

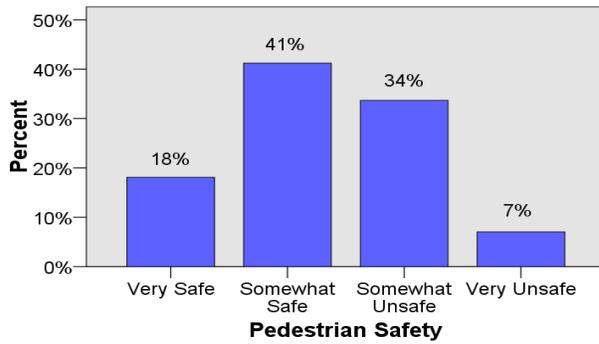
Where do residents park?



Vehicle Safety:



Pedestrian Safety:



Reasons residents go downtown:

- 55% Shopping
- 12% Passing Through
- 11% Work
- 9% Banking
- 6% Restaurants
- 6% Other

How valuable is open public space?

- 20% extremely valuable
- 31% very valuable
- 33% somewhat valuable
- 17% not valuable at all

The results indicated that those that walk downtown frequently found open space more valuable than others. Another survey question asked if residents were in favor of allowing businesses to use sidewalks for business promotions, sales, etc. 81% were in favor of allowing this with 19% opposed to the idea.

Is it important to have a friendly pedestrian downtown core?

- 31% extremely valuable
- 41% very valuable
- 24% somewhat valuable
- 4% not valuable

How often do residents walk Main Street?

- 6% Daily
- 30% Weekly
- 20% Monthly
- 38% Seldom
- 7% Never

Mayor Larsen thanked the students for this valuable information.

Mayor Larsen introduced **Julie Ferrin** who owns apartments on College Ave. She explained they have very little parking to accommodate their tenants. They have plans to put in a laser tag center downtown which will make parking even harder. They are looking at 60-70 students in the downtown area that will not have parking. She would like to have parallel parking all the way down

College Ave. She explained to the City Council that she would be in favor of an LID district to help improve the downtown.

Council Member Erickson asked if her rental agreement explains tenants won't have a parking stall. Ms. Ferrin said her rental agreements do explain parking issues. She also explained she would love to have sunbirds come and stay in her apartments all summer because she sees how economically beneficial sunbirds are to Rexburg, but parking makes it difficult to market to sunbirds.

Committee Liaison Assignments for 2007:

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

Council Member Mann explained Emergency Services is meeting tonight. No other committees have met since the last meeting. There has been no progress on the Beautification Committee.

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

Council Member Erickson reported Planning and Zoning met. There is one item on the agenda to discuss tonight. No other committees have met.

Mayor Larsen reported the Redevelopment Agency is having a Riverside Park meeting on March 31, 2008.

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

Council Member Stevens reported he met with Chief Archibald; things at the Police Department are going well. The Romance Theatre committee is looking for additional members. They will be electing a new chair in April. **MYAB** met and is planning their March Masquerade on March 29, 2008 in the Pinnacle building. This is a fundraising activity.

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

Council Member Schwendiman reported the Parks and Recreation committee met. The group from BYU-Idaho presented preliminary results from the recreation survey.

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*
Nothing to report

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

Council Member Stout reported the planning for the air show at the Legacy Flight Museum is well underway. The Trails Committee is meeting tomorrow. Mayor Larsen said a letter from Stonebridge has been received; the Trails Committee needs to discuss this letter.

Public Hearings:

A. 8:00 P.M. – Resolution 2008-11 proposing a fee change for TRANSIENT MERCHANT, ITINERANT MERCHANT, ITINERANT VENDOR – Staff

Mayor Larsen explained Resolution 2008-11 which proposes to change fees for transient merchants. The reason for the change is to promote local Rexburg businesses.

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 for \$500.00 OR a refundable cashier’s check for \$500.00	Each Day: \$100.00 Each Month: \$300.00 Each Quarter: \$500.00 “and” a Surety bond for \$1,000.00 OR a refundable cashier’s check for \$1,000.00

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

Finance Officer Horner explained Donna Benfield could not be at the City Council meeting tonight, but wanted the council to know she is in favor of Resolution 2008-11.

Mayor Larsen opened the public hearing.

Those in favor:

Donna Benfield is in favor of Resolution 2008-11 on behalf of the Chamber of Commerce.

Those neutral: NONE

Those opposed: NONE

Mayor Larsen closed the public hearing.

Mayor Larsen explained this resolution affects businesses not located in Rexburg that want to come to Rexburg for a few days. They do not pay taxes, or help Rexburg's economy.

Council Member Stevens moved to approve Resolution 2008-11. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

New Business:

A. Founders Square - PUD Final Master Plan/Final Plat for Phase 1- Bill Collins

Bill Collins, one of two partners that now own Founders Square PUD, explained this is the first PUD plan to come before City Council. This proposed PUD includes 108 single family lots and 3 parks within the development. These lots and parks will be developed in three phases. This PUD plan has received approval from the Planning and Zoning Commission for the Preliminary Master Plan and Final Plat for Phase 1.

Mr. Collins explained each phase will have its own park. Phase 1 consists of Founders Square with a large park, park benches, etc. Phase 2 consists of an activity park with a pathway and a pedestrian access. Phase 3 consists of a more passive park on the upper level with an asphalt walkway.

There is a detailed landscaping plan with this PUD. There is a vegetative stream along the southern edge of Sunrise Drive. There will be trees around the Founders Square portion in the middle of development. There will be a parkway strip along each road and a minimum of two trees on each lot along the street.

There is a very pronounced colonial style architectural theme. The CCR's will lock in this design theme. They are hoping to make it easier for builders by having a few plans available that developers can use. Diversity is important as well, so the CCR's explain a design cannot be duplicated within 4 lots, nor can a mirror image be duplicated within 4 lots.

Planning and Zoning Administrator Gary Leikness indicated the Planning and Zoning Commission recommended approval with conditions. The conditions are reasonable and they are already responding to them. The most significant condition pertains to insuring the road way connection between Sunrise Drive and Sky Meadows be included in Phase 1 instead of Phase 3. This interconnectivity will provide better access to emergency vehicles as well as providing driver's convenience.

Council Member Stevens asked if utilities would be put in before construction begins. Mr. Collins explained water and sewer have already been installed through Sky Meadows, but storm drains have not been installed yet. They are planning to put the storm drain system in as soon as they can. He will work with Public Works Director Millar to determine when to install the storm drain system.

Council Member Mann asked if there is a specific construction company that will build the homes. Mr. Collins said they are working with three local builders, but they do not have their company building these homes.

Mayor Larsen explained the biggest challenge with these types of parks is down the road, the city will be asked to take over the parks and the maintenance of the parks in this development. Mr.

Collins explained they will have a Home Owners Association (HOA) that will take care of the parks as well as CCR's will clearly spell out the HOA has the responsibility to take care of the parks as well as a mechanism to assess land owners for the maintenance of the parks.

Council Member Schwendiman asked about city paying for part of the sidewalks. Mr. Collins explained the developers will build the internal sidewalks as well as the sidewalks along the frontage of the development. The cost of Sunrise Drive as well as the storm water and wastewater systems which will service this area will be assessed to the land owners. Founders Square will pay for part of these as well.

Public Works Director Millar explained the city will pay for Sunrise Drive as well as the storm water and wastewater systems up front, but the money will be reimbursed by developers as the land develops.

Council Member Erickson asked what the projected build-out for Phase 1. Mr. Collins explained they would like to build Phase 1 as soon as possible, but it is hard to predict how fast it will sell out. They will move from phase to phase as quickly as they can. Each phase will come before the City Council for approval.

Council Member Schwendiman asked if streets were designed to the standard width. The streets are to city standards throughout the development.

Council Member Stout asked what guarantee they have parks will actually be included in the development. Mr. Collins explained a park will be put in at each phase and it is part of their marketing.

Planning and Zoning Administrator Leikness said the Planning Commission worked a lot of concerns out with the applicant. They recommended approval with conditions. All these conditions will be approved before the final plat is signed.

Council Member Erickson mentioned it was unanimously approved by Planning and Zoning with conditions. He said this is a very nice plan.

Motion from Planning and Zoning minutes March 06, 2008: David Stein** motioned to recommend to City Council the approval of the Final Master Plan and the Final Plat for Phase 1 of Founders Square, subject to the conditions detailed in the staff report, with the addition of the Planning and Zoning Commission's recommendation of 600 feet of gravel road for connectivity to the Sky Meadows subdivision, and that lighting and park details are to be addressed prior to the signing of a final plat., and that the sidewalks on Sunrise Drive be built per the ordinance. **Mary Ann Mounts** seconded the motion. None opposed. **Motion carried.

Mayor Larsen said he is very pleased at the city's first attempt at a PUD.

Public Works Director Millar requested that a condition of approval be contingent upon the execution of the development agreement.

Council Member Stevens moved to approve Founders Square - PUD Final Master Plan/Final Plat for Phase 1 with conditions as outlined by the Planning and Zoning Commission and with the condition that the development agreement be executed. Council Member Erickson seconded the motion. Discussion: Council Member Mann asked if they foresee a problem with speeding traffic. Council Member Schwendiman said he doesn't think this will be a problem. He doesn't want to see a North/South stop. Eventually a stop light will be needed at 7th South by the Temple. All voted aye, none opposed. **The motion carried.**

Staff Reports:

A. **Public Works report on Projects:** John Millar

City Engineer Keith Davidson handed out a copy of two designs for the Main Street project including bulb outs. The first design includes bulb outs with high back curbing. The second design includes bulb outs with low back curbing going all the way around that will help facilitate snow plows in winter. They feel the best option is the design with high back curbing. As pedestrians get out in the street this adds additional protection. They know this will be hard for snow plows. They met with Bill Blair, the foreman for the street department, and have come up with some options to help protect the curbs from snow removal.

Council Member Schwendiman said he has spent the past two weeks on Main Street. He feels the city is spending money on a street that doesn't need repair. He feels the traffic flows very well on Main Street, and to commit over \$1,000,000 on a street that does not need repair is not wise. Council Member Woodland agreed with this.

Council Member Mann asked about money from ITD on this project. Council Member Schwendiman said he wanted this done for the left hand turn lanes, but left hand turn lanes won't help traffic flow.

Council Member Erickson said merchants don't want to lose parking on Main Street.

Council Member Stevens asked what the timing on ITD would be. He asked if ITD would still be willing to contribute if the project is done in one to two years. Public Works Director Millar said this is *probably* something ITD would be willing to move around. They are contributing \$250,000 to the Main Street project. ITD actually approached the city with this project. He will talk with ITD to make sure this is a possibility. He thinks ITD will work with the city.

Council Member Mann said he would like to see the project done because it would make a more pleasant downtown experience.

Council Member Stout said he likes the Main Street project, but he doesn't feel justified in doing the project right now. There are a lot of city streets that could be repaired at a much lower cost if done now than if they are put off and have to be totally reconstructed later.

Mayor Larsen asked the City Council if they need to look at road projects again.

Mayor Larsen said he drives Main Street several times each day and feels left hand turn lanes would be very beneficial. This project focuses on vehicle and pedestrian safety more than traffic flow, beautification, etc.

Council Member Erickson said he would like to see Main Street done, but he doesn't like the bulb outs and he doesn't feel the city has the money at this time. He doesn't think taking all the money the city has for streets this year and putting it into this project is in the best interest of all the residents. He suggested the city work on getting some beautification money and grants to help with this project. He explained there is no way everybody is going to be satisfied.

Council Member Stevens asked if \$300,000 can be set aside from this year's street budget to do this project possibly as soon as next year. Council Member Erickson liked this idea. He said instant gratification is not good business, and this seems like it is a project that brings instant gratification.

Council Member Mann said this is more than instant gratification. Downtown merchants have been talked to, plans have been drawn up, and a lot of thought has been put into this project. This project will be a benefit to the city.

Council Member Erickson wants us to save \$300,000 for three years so other streets won't be neglected.

Finance Officer Richard Horner said Urban Renewal could probably contribute about \$100,000 a year for this project.

Council Member Stevens said the Main Street project cannot be done in phases. It needs to be done all at once. He is comfortable with saving up for it.

Mayor Larsen said the City Council needs to come up with a number to save out of the street budget each year.

Council Member Erickson said he would rather have an article written about how the City Council is being judicious in how tax dollars are spent than an article explaining the city is taking the city's entire street budget for one year and putting into one project.

GIS Manager Craig Rindlisbacher said he is afraid there is a dead tree problem on Main Street that won't wait three years.

Council Member Mann said he is concerned this is just being decided now. If it had been decided two months ago, other street priorities could have been discussed.

Council Member Stevens said he is comfortable with saving up for this project. He asked Public Works Director Millar if there is enough time to engineer two or three other projects. He doesn't want to lose the whole season of road repair.

Public Works Director Millar explained it is feasible to engineer other projects this year assuming ITD will contribute to the Main Street project in a year or two. He feels ITD will work with the city especially if they know the city is saving for this project to be done.

Public Works Director Millar said there is an opportunity for reconstruction on 7th South at least from 2nd West to 4th West. A new LDS Stake Center is going to be built on 7th South on 2nd West. The city is requiring them to build a portion of the street contiguous to their development. This means they would put in their portion of the road with no city money being used, and match the road up to the piece of road that is there now. This means the city can go in rebuild the rest of this portion of the road, so there is a good road at the end of construction instead of a piece of a new good road connecting to a piece of an old bad road.

Council Member Stevens likes the idea of rebuilding 7th South and redoing the road all at once.

Public Works Director Millar said there are a few roads that are bad, but don't get a lot of traffic. The worst road in the city is probably the north end of 5th West. It has been this way for about ten years now, but doesn't get a lot of traffic, so it has held up. South 4th East has a piece of road by Dr. Crouch's house that needs to be redone as well. There are other projects in town that can be looked at as well.

Mayor Larsen said tonight the City Council needs to decide how much money to set aside for the Main Street project and then have Public Works Director Millar come back to the City Council to decide what streets to do this year. Public Works Director Millar said he will come back with some options. He said the field work on 7th South has already been done if the City Council feels this can be a priority this year. He will come back to the City Council with numbers on the 7th South project.

Council Member Stevens said if they take \$350,000 out of this year's street budget and take \$100,000 of Urban Renewal funds the Main Street project can possibly be done next year.

Council Member Stevens moved to save \$350,000 out of this year's road budget for the Main Street project. Council Member Erickson seconded the motion. Discussion: Public Works Director Millar clarified \$350,000 comes out of the road construction budget not including Urban Renewal funds. All voted aye, none opposed. **The motion carried.**

Public Works Director Millar said by next Tuesday he will have proposals on road projects with estimated costs emailed to the City Council.

B. Chief Financial Officer Horner

1. Monthly Budget Summary Report

Finance Officer Richard Horner explained the monthly budget summary ending February 2008. He explained this ends 42% or 5 months of the fiscal year. There isn't anything that looks out of line.

Council Member Erickson asked what put the Finance Department over 42%. Finance Officer Horner explained this is because of the heating and cool system put into City Hall.

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

Finance Officer Horner also explained health insurance premiums with Blue Cross are going up 18% for the same coverage. The city had two good years but last year was a bad year with claims filed. The employee committee looked over some options on how to pay for this increase. They would like to meet with the administrative committee. The employee committee will meet with Council Member Mann, Council Member Erickson and Council Member Stout to discuss this and then present this at the next City Council meeting. The meeting will be held with the employee committee and the administrative committee on March 25, 2008 at 8 AM. A proposal will be emailed to the City Council before the next meeting.

Council Member Erickson asked what the total claims were. They were about \$700,000. Only about 12 employees were responsible for 60% of these claims.

Council Member Erickson asked if the city has any bargaining power with Blue Cross since the last two years were good years, we just had one bad year. Finance Officer Horner said he asked Blue Cross, but they won't negotiate.

Council Member Erickson asked if this is bid out each year. Finance Officer Horner said we are bidding it this year. Blue Shield is bidding it as well.

Council Member Mann asked the City Council to receive an email of what employees are paying now. Finance Officer Horner will email this information.

Calendared Bills and Tabled Items:

- A. BILL Introductions:** - NONE
- B. First Reading:** Those items which are being introduced for first reading. - NONE
- C. Second Reading:** Those items which have been first read. - NONE
- D. Third Reading:** Those items which have been second read. - NONE

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Old Business:

Mayor's Report:

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 March 05, 2008 meeting
- B. Approve the City of Rexburg Bills

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

Executive Session:

Council Member Mann moved to go into executive session pursuant to State Statute 67-2345 (F) communicate with legal counsel for legal options concerning possible litigation. Council Member Woodland seconded the motion. Roll call vote:

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

Those voting nay
NONE

The motion carried.

Executive Session ended

Adjournment

Shawn Larsen
Mayor

Attest:

April Howard
Deputy City Clerk