

# City Council Meeting

November 5, 2008



CITY OF  
**REXBURG**  
America's Family Community

12 North Center  
Rexburg, ID 83440

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x313  
Fax: 208.359.3022

November 5, 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  
Blair Kay – City Clerk

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

**Roll Call of Council Members:**

**Attending:** Council Member Mann, Council Member Erickson, Council Member Schwendiman; Council Member Stevens; Council Member Stout; and Mayor Larsen.

Delayed: Council Member Woodland will arrive late.

**Mayor Larsen** welcomed the Boy Scouts to the meeting. They introduced themselves and they announced the merit badge they are working towards.

**Council Member Stevens** welcomed a Young Men's group to the meeting.

**Mayor Larsen** welcomed a high school government class to the meeting along with the Mayor's Youth Advisory Board.

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

**Mayor Larsen** asked who was attending the meeting to discuss the Towing and Booting Bill 1014. The BILL will be deferred until November 19<sup>th</sup> for a second reading.

**Anne Bird** from Rexburg Housing (Autumn Winds) was representing the silent majority in their opposition to the proposed amendments to the Towing and Booting Bill 1014. The heart of the issue is holding the students responsible for their parking actions. She said their residents live in Autumn Winds and they are guaranteed a parking spot because they tow to keep their parking lots clear of unauthorized vehicles. She is concerned with a minority getting audience with the city because they are speaking the loudest. Many of today's parents want a perfect life for their children void of any struggles, inconveniences, discomforts, or disappointments. They want their children to have a perfect life with every advantage. The problem with following the parking lot rules is a lack of education, ignorance and an "I don't care 'apathy' attitude". The problem is not with the City Council or Ordinance 911; it is with the students. It will make life a lot more difficult for the apartment managers. Ms. Burt read a statement for the record indicating a change to Ordinance 911 would make the situation worse for a lot more people. In closing she asked if children are protected from standing on their own two feet never having to be responsible for their own actions, never having to face the small problems of childhood or adulthood; will they have the adult tools to face life's rigors in America. She asked the City Council to contemplate why the changes to Ordinance 911 are being proposed. It is to appease the people described above or is it to better the situation and life in general for the people of Rexburg.

**Mayor Larsen** summarized the reason for the BILL on the agenda. This is an issue that comes up every single year. Ordinance 911 was adopted two years ago to address the challenges of predatory towing and booting. The proposed changes to Ordinance 911 are to address continued issues

coming from lack of compliance to the ordinance. The city will take additional public comment for and against the BILL before the proposed changes are finalized for adoption.

**Presentations: - NONE**

**Committee Liaison Assignments for 2008:**

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

**Council Member Mann** reported the Emergency Services Board met and a new Fire Chief was sworn in for the Fire Department. He invited Fire Chief Corey Child to discuss the new insurance rating for the City of Rexburg. Chief Child explained the Idaho Surveying Rating Bureau (ISO) dropped the insurance rating from 4 to a rating of 3 which is the same as Idaho Falls. The lower rating came after the new ladder truck was purchased for the Fire Department. It means City of Rexburg residents should ask for a review of their insurance billings to take advantage of the new rating after the effective date of December 01, 2008. The Fire Department received a grant from Madison School District for second graders to be trained on fire safety by visiting the fire trailer for instruction. About 600 children have taken the fire safety program. Council Member Mann said Fire Chief Child is off to a great start.

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

**Council Member Erickson** indicated the Golf Board met and they have recommended Lori Woodland as a new Golf Board Member replacing Dan Kettle.

**Council Member Erickson** moved to ratify the appointment of Lori Woodland to the Golf Board; Council Member Stout seconded the motion; all voted aye, none opposed. **The motion carried.**

**Council Member Erickson** said the new nine hole golf course has been seeded and the project came in under budget by \$2,000.00. Edstrom Construction was the builder of the project. The golf course had less revenue this year due to poor weather in the spring. The net revenue after expenses was \$18,000.00 for 2008. The net revenue was \$34,000 in 2007. The city and county have funded the new nine hole course. The new course will be ready for play in 2010. They plan to do some marketing next year to increase revenue. It takes \$100,000 to cover overheads for a year, which is funded before the net revenue of \$18,000. The final cost was \$898,000.00 to build the new nine hole course. There is a planned fee increase for golf fees of less than 5% for next year.

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

**Council Member Stevens** reported on the Mayor's Youth Advisory Board. They met tonight and they would like the Mayor and a couple of City Council Members to hold monthly forums at the high school. They are also planning a Christmas Party. He conveyed comments from Captain Lewis concerning the recent changes at the Police Department. The addition of BYU-I officers to the Rexburg Police Department are good. Captain Lewis wanted the City Council and Mayor to know the Police Department appreciates their support through this transition. The Westwood received an \$8,100 renovation grant for the lobby area. Mayor Larsen announced a Warren Miller ski film to raise funds for the Westwood Theatre on November 14<sup>th</sup>. The Upper Valley Idol talent search is underway with event information on Rexburg.org. All proceeds for these events are going to the Westwood Theatre fund.

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

**Council Member Schwendiman** indicated committee changes are in order to get the committees active. Mayor Larsen asked the City Council to confirm Stephen Smith's appointment to the Traffic and Safety Committee.

**Council Member Schwendiman** moved to ratify Stephen Smith as a member of the Traffic and Safety Committee; Council Member Mann seconded the motion; all voted aye, none opposed. **The Motion Carried.**

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*  
Not present.

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*  
Nothing to report.

**Mayor Larsen** asked Council Member Stout to be on the 2010 Complete Count Committee (Census Committee for the county). This committee will make preparations in the county for the 2010 Census. BYU-I staff as well as students will need to be a part of the committee to achieve an

accurate count of all city residents. The Census Committee will meet monthly. Mayor Larsen explained the state revenue sharing program for cities is based on the population of each city.

**Public Hearings:** - NONE

**New Business:**

**1. City of Rexburg 504/ADA Transition Plan and recommendations – Craig Rindlisbacher**

**GIS Director Rindlisbacher** said the “ADA Transition Plan” is a requirement of the Block Grant Program to receive block grant funding. City Hall’s entry door, height of the phone, and the inadequate floor space in the restrooms is a problem. At Porter Park the curbs from the sidewalks need to be cut out, and the restroom needs longer handles. Also, the Smith Park gazebo is currently inaccessible.

The Development Company will use this report for future Block Grant Applications. Council Member Stevens reviewed the time frame for completing remedies and asked if the city will have to pay the cost, and if there is something that needs to be signed. Craig Rindlisbacher stated there is no actual requirement for anyone to do anything after an assessment. The hope is that they will recognize the problem and take care of it on their own.

**Council Member Mann** moved to accept 504/ADA Transition Plan; **Council Member Erickson** seconded the motion; all present voted aye, none opposed. **The Motion carried.**

**2. Community Development Block Grant (CDBG) proposal requesting funding for Downtown Pedestrian Safety Plan.**

**Mayor Larsen** stated the grant is based on economic development and the Department of Commerce is the funding source to fund these grants which are based on the addition of jobs. Mayor Larsen reviewed pedestrian accident statistics. He stated in the last eight years there have been three fatalities, four people transported to the hospital, 25 treated and released, 38 possible injuries, and sixteen non evident. The city needs to start the steps necessary to improve safety in Rexburg. Mayor Larsen stated the budget proposal is very rough. Parts of the funding will come from the Department of Commerce, Idaho transportation, Urban Renewal, and the City of Rexburg. A planning and safety study revealed the need for improvements on 2<sup>nd</sup> West and 3<sup>rd</sup> South, 2<sup>nd</sup> West and 1<sup>st</sup> South, and Main Street signal improvements. Mayor Larsen stated the main idea is for the application process to begin right away. A formal application is due in March, 2009. As of now he is looking for the City Council’s approval to move forward with the Development Company. He would like to submit an application to the Department of Commerce, and then pursue additional funding through ITD.

**Council Member Schwendiman** asked what happens if the city commits money to the grant. Mayor Larsen stated it is then committed unless action is taken to change the commitment. Council Member Schwendiman then asked what happens if city revenues start to fall. Mayor Larsen stated the city has currently set aside \$350,000 for street improvements, and the commitment in this conceptual plan is \$400,000.

**Council Member Mann** stated he is in favor of this proposal and that it looks like a way to get state highway money and community grant money. Also, it could possibly even triple the amount of money the city would be putting into street improvements, helping to solve the problem.

**Mayor Larsen** expressed he is not asking for anyone to commit the money tonight, and that the City Council will always have an opportunity to say that they do not want the project any longer in the future. They do not have to commit until the proposal is actually submitted.

**Council Member Stevens** asked what kind of commitment the city will give towards the Development Company. Mayor Larsen stated cities with 50,000 people or more have less competition for funding; however, cities under 50,000 people are more competitive. The city has a fairly large project in Hemming Village. The Development Company will not do anything unless the project is good. Mayor Larsen explained how two state agencies would be involved in the process.

**Council Member Erickson** said the intersection at 2<sup>nd</sup> West and 3<sup>rd</sup> South needs an immediate fix which will not qualify for future ITD funding. Mayor Larsen said the application would be more competitive if ITD and the Department of Commerce are both included in the application. Council Member Erickson said the set aside money (\$350,000) was earmarked for downtown development.

He was concerned with using the city's money (\$700,000) committed to do Main Street for another project; however, he wanted to move as soon as possible to make 2<sup>nd</sup> West and 3<sup>rd</sup> South safer for pedestrians without waiting for the grant funding proposal. He proposed to use the set aside money for Main Street to fix 2<sup>nd</sup> West and 3<sup>rd</sup> South.

**Mayor Larsen** asked to leverage the money spent on 2<sup>nd</sup> West to use for the grant proposal. He stated the money set aside for downtown improvements would be leveraged to get ½ million from ITD and ½ million from the Department of Commerce. This proposal is conceptual at this point.

**Council Member Schwendiman** agreed with Council Member Erickson; however, he was in favor of leveraging the funds to seek additional revenue. He would like to take some time to review the proposal for the next meeting. He was concerned with revenue shortfalls at the state level affecting city revenue allocated from the state.

**Mayor Larsen** explained the proposal includes a study on 2<sup>nd</sup> West and 3<sup>rd</sup> South. Council Member Erickson is not comfortable to wait for the grant to work on 2<sup>nd</sup> West. He stated there are other intersections in the city equally as dangerous as 2<sup>nd</sup> West and 3<sup>rd</sup> South, but he would like to move forward as soon as possible to improve 2<sup>nd</sup> West and 3<sup>rd</sup> South. He requested an Engineering Study using city staff with recommendations from a licensed traffic engineer.

**Public Works Director Millar** explained the speed limit has been lowered on 2<sup>nd</sup> West to 25 MPH and a safety barrel with a pedestrian sign was added in the middle of the road at the intersection of 2<sup>nd</sup> West and 3<sup>rd</sup> South. Additional signage was added to 4<sup>th</sup> South coming east into the round-about to slow traffic to 25 MPH.

**Council Member Erickson** wanted to accept the engineering recommendations submitted by the City Engineering Department and move forward with some work to improve 2<sup>nd</sup> West and 3<sup>rd</sup> South. He was in favor of reducing the lane widths as narrow as 11 feet by adding a center island to slow traffic at this intersection.

**Mayor Larsen** said they were all on the same page with making 2<sup>nd</sup> West safer. He was concerned with the weather turning cold before the work could be completed. Council Member Erickson wanted to move forward with the work until the middle of December. Council Member Stevens said street construction has different challenges including ground frost and safety issues verses other construction projects where traffic is not involved. Public Works Director Millar said a center project could be possible this year; however, the bulb outs on the edge of the street would require moving catch basins and other work which would not be possible this fall. Other safety procedures being done include adding crosswalk signs and monitoring the intersection to see if the crosswalk blinking light is being used by pedestrians.

**Council Member Stout** asked about the Hawk Signal proposal.

**Council Member Woodland** joined the meeting.

(Five minute break)

### 3. 2010 Complete Count (County wide Census Committee) – Staff

Item covered under Committee Liaison Assignments (item F above)

#### **Staff Reports:**

##### **Public Works:** John Millar

- A. 7<sup>th</sup> South is the only project under construction, and it is to be paved Saturday. The Zipper was used on this project by the Gale Harding home.
- B. **Public Works Director Millar** stated that they were looking for approval for the water project on city right-of-way for more pressure on Barney Dairy Road for Hidden Valley/Millhollow area. He then explained current water flow in the area on an overhead map. He proposed that they work with city crews for the project. There is currently enough money in their budget for water-line extensions. It would be about \$50,000 to do it.  
**Council Member Erickson** inquired as to why we need to do this project? Public Works Director Millar stated that the whole area has limited pressure. In addition, there is only one six inch line (in which runs through the high school) and an eight inch line.

**Council Member Mann** asked where the \$50,000 comes from. Public Works Director Millar stated that they budget about \$200,000 a year in the water budget for line extensions.

**Council Member Woodland** moved to approve the water project on city right-of-way for more pressure on Barney Dairy Road for Hidden Valley/Millhollow area; **Council Member Stout** seconded the motion; all voted aye, none opposed. **The Motion Carried.**

**Public Works Director Millar** stated Resolution 2007-14 was passed last year requires those developments that have water rights with developing property to give the water to the city and to make up for water required to provide water for the development.

#### ***RESOLUTION 2007-14***

*A resolution of the City of Rexburg, Idaho, adopting new requirements relative to providing culinary water for areas being proposed for development or annexation into the City of Rexburg.*

*WHEREAS, the City Council desires to maintain the overall quality of life for its constituents; and*

*WHEREAS, the City Council on behalf of ratepayers has invested substantial sums of money in its water system infrastructure; and*

*WHEREAS, the City Council wishes to continue to be able to provide service to existing and future ratepayers that are, or will be utilizing the culinary water system;*

*NOW THEREFORE, be it resolved by the Mayor and City Council of Rexburg, effective immediately, that prior to issuance of "will serve letters" for providing water to new developments any water rights that have historically been appropriated or committed to the lands seeking connection to the Rexburg City water system must be transferred to the City of Rexburg, or suitable arrangements made with the City of Rexburg for equivalent water sources.*

*On lands that the water right is tied to a larger tract, an agreement must be executed with the City of Rexburg to transfer water rights in a scheduled and programmed manner.*

*Any lands from which the water rights have previously been transferred must acquire and provide to the City water rights in quantity equal to the volume of water which the City of Rexburg will be required to provide.*

*Any user may request a review by the City Council as to the appropriateness of the calculated minimum or increased capacity to be charged. Any user can purchase additional capacity at any time with the written consent of the City.*

*PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 19<sup>th</sup> DAY OF December, 2007.*

**Public Works Director Millar** stated that the meaning of the resolution can be hard to comprehend. He explained the project located north of the golf course has no water rights to transfer to the city. The surface water came from shares in a ditch; therefore, at best, the city would end up with water shares from a ditch. Right now it is almost impossible to get the water shares from a ditch converted to ground water rights. He indicated the city and the developers are unable to obtain ground water for this development; therefore Public Works Director Millar proposed to substitute "required surface water by resolution" from annexed developments to a fee per lot from the developer. There are various methods in which the city could be compensated for surface water when the surface water is unavailable.

**Mayor Larsen** asked if Public Works Director Millar could update the City Council on a recent conversation held with Director Todd Hill. Public Works Director Millar stated the city made an application for three additional water wells several months ago. The application has gone before the Water Resources Board. The Water Resources Board decided to combine the entire city's water rights into one water right; however, the city is given the right to withdraw only so many acre/foot

of water out of a well. The city can now withdraw only 5.23 CFS in a twenty four hour day for 365 days a year. Public Works Director Millar explained the city wants to be given an acre/foot volume for a water right. He stated the director of the Water Resources Board is now going to accept this allocation change from a cubic foot per second allocation to a volume measurement allocation. The City Council discussed examples of water mitigation projects in the area.

<u>C. Street projects for 2009:</u>	<u>Cost Estimate</u>	<u>Property Owners Cost Estimate</u>
1. Valley River Dr.	\$ 85,000	\$ 25,000
2. North 1 <sup>st</sup> East	\$175,000	\$ 70,000
3. North 2 <sup>nd</sup> West	\$100,000	\$105,000
4. 2 <sup>nd</sup> West Safety	\$125,000	
5. South 2 <sup>nd</sup> West, 6 <sup>th</sup> – 7 <sup>th</sup> S	\$105,000	\$ 80,000
6. 3 <sup>rd</sup> East	\$ 75,000	\$ 63,000
7. Comanche Dr.	\$100,000	\$ 10,000
8. 5 <sup>th</sup> West	\$280,000	\$160,000
9. Pioneer Road 1	\$320,000	\$250,000
10. Pioneer Road 2	\$410,000	\$135,000
11. 7 <sup>th</sup> South/2 <sup>nd</sup> East Signal	\$300,000	
12. Storm Drain Basin	\$200,000	
13. 4 <sup>th</sup> South	\$ 55,000	\$ 25,000

Other future projects mentioned include Airport Rd., signal light at West Main and Pioneer Rd., and 12<sup>th</sup> West.

**Public Works Director Millar** stated that the top priorities are:

- 1) Comanche Dr. (which will cost the city \$100,000 and home owners \$10,000).
- 2) 5<sup>th</sup> West (which will cost the city \$280,000 and home owners \$160,000).

**Council Member Mann** expressed his concern about the \$160,000 on a proposed LID for home owners. He is worried about the number of people that will share the amount, and he believes the cost may be too high.

**Council Member Erickson** asked about a safe route to the schools along 12<sup>th</sup> West.

**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.

1. **BILL 1014 Amending Ordinance 911** for “Towing and Parking Enforcement” (Deferred to November 19<sup>th</sup>)

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

1. **BILL 1012** Establishing definitions, guidelines, and creating a Joint Commission for Areas of City Impact within Madison County.

**Mayor Larsen** asked for a motion to third read and approve BILL 1012.

**Council Member Schwendiman** moved to 3<sup>rd</sup> read and approve BILL 1012; Council Member Erickson seconded the motion; all voted aye, none opposed. The motion carried.

**Tabled Items:** Those items which have been the subject of an affirmative vote to a motion to table:

**Old Business:** - NONE

**Mayor’s Report:**

- A. “Share the Road” meeting report from October 28, 2008 – Mayor Larsen

**Mayor Larsen** reviewed the recent community meeting on October 28<sup>th</sup> to listen to community input concerning pedestrian safety. The minutes for the meeting were included in the City Council

packets. He took the top ten points from concerned members of the community and separated those under three headings: Engineering, Education, and Enforcement.

The ten points are as follows:

1. Community Education campaign using PSA's, Website, and billboards to promote "Sharing the Road."
2. Installing new pedestrian safety signs.
3. Improving walking routes to and around schools.
4. Stepping up education efforts in schools.
5. Increasing enforcement and pedestrian bicycle and safety laws.  
**Mayor Larsen** stated that tomorrow (November 16<sup>th</sup>, 2008) he is going with a group of officers to crosswalks to perform enforcements. Captain Lewis will set up specific patrols to enforce cross walks.
6. Inspection of all crosswalks within the city by an independent source with a special emphasis on 2<sup>nd</sup> West and 3<sup>rd</sup> South.
7. Rotating speed limit trailers.
8. Long term infrastructure improvement lighting throughout the city.
9. Increased availability of safety classes to reduce pedestrian related citations.  
**Attorney Aaron Davis** stated there is a class held by "Total Safety Consultants" which specifically deals with pedestrian issues including failure to yield, Jaywalking, and other related problems.  
**Council Member Schwendiman** asked if we could pass a "No cell phone while driving" and/or a "No cell while walking across an intersection" law.  
**Attorney Aaron Davis** stated nothing he knows would prohibit it; however, it is something he thinks the city should look into very carefully. Council Members discussed various safety hazards involved with the use of cell phones while driving or walking in pedestrian zones.
10. Increase bike lanes throughout the city. They have already added bike lanes on 5<sup>th</sup> West and 2<sup>nd</sup> North, and have seen great results from it.

**Mayor Larsen** stated (on a side note) that Marsha Bjorn requested be taken off of the Museum Committee, and added to the Arts Council.

**Council Member Mann** moved to ratify; Council Member Woodland seconded the motion; 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. October 15, 2008 meeting
- B. Approve the City of Rexburg Bills

**Council Member Erickson** asked about men's winter clothing: coats, gloves, coveralls, jackets, etc. Does City pay? It is a "uniform" budget line item? Council Members discussed some of the invoices concerning employee clothing purchases. They discussed how to provide "work related" clothing for the city shop and other city crews. A city logo was suggested for all work clothing purchased for city "uniforms". Other invoices mentioned were for the following:

1. Pavement at the skate park parking lot.
2. Ditch rider's contract awarded to an employee.
3. Salt for the Waste Water Treatment Plant.

**Public Works Director Millar** explained the pavement was authorized in the 2008 budget. The expense for the ditch rider's contract is expensed to the ditch users and the employee does the work on his own time. Mayor Larsen said he expects the Department Heads to provide oversight and accountability for all "city uniforms" clothing purchases.

**Changes requested to the October 15, 2008 minutes:** On page one Council Member Stout and Council Member Woodland requested adding to the minutes concerning employee insurance that "Council Member Stout and Council Member Woodland were opposed to bypassing a lower bid to renegotiate with Archibald Insurance."

**Council Member Erickson** commented on the proposed ordinance for towing and booting. He questioned how the parking ratio could be changed from 3% parking compared to 10% parking towing discussion.

Ordinance 911

- 1. **Visitor Parking:** *Properties with less than 10 on-site parking spaces shall not be required to provide visitor parking. Properties with 10 or more on-site parking spaces must provide visitor parking equal to 3% of the number of onsite parking permits or spaces (with a minimum of one visitor parking space).*

Proposed amendments to Ordinance 911:

- 2. **Visitor Parking:** *Properties with less than 10 on-site parking spaces shall not be required to provide visitor parking. Properties with 10 or more on-site parking spaces must provide visitor parking equal to 10% of the number of onsite parking permits or spaces (with a minimum of one visitor parking space).*

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

**Executive Session** Executive Session pursuant to State Statute 67-2345 (F) to communicate with legal counsel to discuss pending legal matters.

**Mayor Larsen** asked for a motion to go into executive session.

**Council Member Erickson** moved to go into Executive Session; Council Member Stout seconded the motion; Roll Call Vote:

<u>Those voting Aye</u>	<u>Those voting Nay</u>
Council Member Mann	None
Council Member Erickson	
Council Member Stevens	
Council Member Schwendiman	
Council Member Stout	
Council Member Woodland	

**The motion carried.**

**Executive Session**  
**Executive Session Ended.**

**Adjournment**

\_\_\_\_\_  
Shawn Larsen  
Mayor

Attest:

\_\_\_\_\_  
Blair D. Kay  
City Clerk