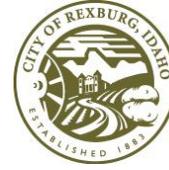


# City Council Meeting

April 15, 2009



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

12 North Center  
Rexburg, ID 83440

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x313  
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April 15, 2009

**Mayor Shawn Larsen**

**Council Members:**

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

**City Staff:**

Stephen Zollinger – City Attorney  
Richard Horner – Finance Officer  
Public Works Director Millar  
Val Christensen – Building Official  
Blair Kay – City Clerk

**6:00 P.M.** Work Meeting for City Council (walk through new City Hall)

**Mayor Larsen** said the City Council toured the new city hall building on 1<sup>st</sup> East. He indicated by July or August the City Council could be meeting in that facility.

**Attending:** Council President Mann; Council Member Erickson; Council Member Stout; Council Member Woodland and Mayor Larsen.

Excused: Council Member Stevens and Council Member Schwendiman.

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

**Roll Call of Council Members:**

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

**Fauneil Schultz** at 2300 West Hwy 33 requested additional signage on all four entries into the roundabout and repaint the lines on the pavement on 4<sup>th</sup> South. People pull into the inside lane and then turn the corner into the outside lane. She referenced a roundabout in Idaho Falls where the signs show the two lanes going through the roundabout and painted arrows on the pavement indicating where traffic should go. Mayor Larsen asked Public Works Director Millar to review the location of existing signs to help clarify how traffic is supposed to use the roundabout.

**Mayor Larsen** welcomed the Boy Scouts and he asked them to introduce themselves and explain what merit badge they are working to achieve.

**Presentations:**

**A. Proclamation 2009 – 05 Child Abuse Prevention Month in Rexburg**

**Mayor Larsen** asked the City Council to ratify Proclamation 2009-05 in collaboration with Madison School District to post windmills in support of **Child Abuse Prevention Month**. The windmills will be placed at the Junior High and the west entry into the City. Mayor Larsen read the proclamation and he asked people to visit with neighbors, friends and family at home and in the community to help promote a safe community for children. He said it was unfortunate to have any child abuse in the community. He appreciated the cooperation of schools, religious organizations and service organizations to help bring awareness to this issue. The blue windmills are placed at two locations to bring awareness to child abuse. Mayor Larsen wanted to make sure we are doing all that we can to prevent child abuse. He asked the City Council to ratify the proclamation.

PROCLAMATION  
No. 2009 – 05

WHEREAS, every child deserves to be cared for in a safe and nurturing environment; and

WHEREAS, safe and healthy childhoods help produce confident and successful adults; and

WHEREAS, children need to know that they are special, loved and capable of following their dreams, and;

WHEREAS, strong families are an essential part of our community, and;

WHEREAS, we all have a responsibility, as neighbors and community members, to look out for one another and help keep each other safe from harm; and;

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community; and;

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year, and;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and;

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, I, SHAWN LARSEN, MAYOR of the City of Rexburg, Idaho, do hereby proclaim April 2009, as Child Abuse Prevention Month in Rexburg and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening our families and the communities in which we live.

Given under my hand in these free United States in the City of Rexburg, on the sixth day of April two thousand nine, and to which I have caused the Seal of the City of Rexburg to be affixed and have made this proclamation public.

ATTEST:

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

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

**Council Member Mann** moved to ratify Proclamation 2009-05; Council Member Erickson seconded the motion; all voted aye. **The motion carried.**

**B. Recognition of F. Martell Grover** as Tabernacle Chairman

**Mayor Larsen** and Council Member Woodland, who serves as the City Council liaison to the Rexburg Tabernacle Civic Center, presented a plaque recognizing F. Martell Grover for his service for the past 6 ½ years. The “Above and Beyond” plaque was in recognition for service Mr. Grover rendered with the Tabernacle Committee. The Tabernacle Civic Center is getting more use than it has ever received. The building has been getting some maintenance renovations including an ADA lift ramp. Mr. Grover is stepping down as chair of the Tabernacle Committee. He is being replaced by Roger Harris.

**Mr. Grover** explained the facility is the largest gathering place in Rexburg. The building holds over a 1,000 occupants. The sound system will take care of almost any venue. He appreciated having the building in the city as a city asset.

**Committee Liaison Assignments for 2008:**

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

**Council Member Mann** had nothing new to report.

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

**Council Member Erickson** reported Planning and Zoning met last week. The items from their meeting are on tonight's agenda. The Golf Board met two weeks ago Tuesday. The main thing to discuss from the Golf Board is the maintenance (reseeding four greens and some fairways) on the new nine hole golf course. The Golf Board said we are at this time of year to do some reseeding. There are four greens and portions of fairways needing some reseeding. The Golf Board is seeking \$25,000 for maintenance on the new nine. Duffy wants to start maintenance work on the new nine holes by April 15<sup>th</sup>. His proposal is add two workers at \$9.00 for seven months (totaling \$20,160 plus supervision expense) to do this maintenance. The county commissioners will have to approve the proposal too. Mayor Larsen said this money comes from golf fees. Council Member Erickson said the new nine will not have any revenue this year. It is a matter of changing the golf course contract for this year. The loan for the new nine hole golf course was \$890,000. A loan payment of about \$150,000 was made on the principal of almost \$900,000 last year leaving a \$783,000 balance. Council Member Erickson was complimentary of the progress made on the new nine hole golf with limited funding. Mayor Larsen and Council Member Erickson explained funding for the golf course is approved through county commissioners and City Council.

**Council Member Erickson** moved to add an additional \$25,000 for a total of \$173,000 to maintain the 27 hole golf course; Council Member Stout seconded the motion; all voted aye.

**The motion carried.**

**Council Member Erickson** reported the Redevelopment Agency will meet April 28<sup>th</sup>.

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

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

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

**Council Member Woodland** reported he met with the Arts Council and the Tabernacle Committee last Thursday. They encouraged Mr. Grover to stay as the chairman. They continue to work on grant applications for the Tabernacle building including a grant for new windows.

**Mayor Larsen** said an application for a new federal stimulous energy conservation block grant from the Department of Energy is in the works for Rexburg. One suggestion is to use the funding to make the new city hall more energy efficient. New windows at the Tabernacle could be included in the request.

**Council Member Stout** asked if stimulous money is available for street lights. Mayor Larsen explained the stimulous package does provide for energy efficient improvements to street lighting.

**Council Member Woodland** moved to ratify the Tabernacle Board's decision to have Roger Harris chair of the Tabernacle Committee; Council Member Erickson seconded the motion; all voted aye.

**The motion carried.**

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

**Council Member Stout** reminded the City Council of the Legacy Flight Museum Air Show June 20<sup>th</sup> at 10:00 A.M.

**Mayors Youth Advisory Board** is working on Pride Days April 24<sup>th</sup> at 4:00 to 6:00 P.M..

The first one hundred volunteers to show up with brooms, shovels, or rakes will get a free t-shirt.

**Mayor Larsen** opened the public hearing and he explained the three reading process for the proposed ordinance before adoption. He recommended taking public testimony before having a work meeting to go over the changed items and before the reading process begins at the next City Council meeting at 6:00 P.M on May 06. The City Council agreed to have more discussion on amending the city's Development Code (Ordinance 926) before the three reading process.

**Public Hearings:**

- A. **7:30 P.M. Amend Ordinance 926** including but not limited to:
  - 1. BILL 1021 for PEZ (Pedestrian Emphasis Zone) Parking Plan.

2. Increased building heights within the HDR1 and HDR2 zones.
3. Modified Architectural Design Standards in Industrial Zones.
4. Removing the Project Redevelopment Option (PRO) zone.
5. Modifications to the Architectural Design Standards.
6. Modifications to the Architectural Design standards review process.
7. Reduced parking requirement for “Medical Clinic.”

**Mayor Larsen** continued with the public hearing.

**Those in Favor of the proposed changes to the Development Code:**

**Phil Packer** representing BYU-I spoke in favor of Ordinance 1021 (PEZ Ordinance). The University has been working for years towards a walking University with fewer cars. There is a need to continue to work towards a walking University. The enrollment at the University will continue to rise to about 15,000 per semester by 2015. About 90% of single students live within one block of campus. A lot of students (over 60%) bring cars to campus. Those students living close to campus will be encouraged to walk to campus. The University is proposing to reduce the parking requirements for apartment owners by working with the apartment owners and others to provide long term parking off-site. The location of the off-site parking lot is yet to be determined. This would allow students a place to park their cars while attending BYU-I. To qualify for the parking exemption, an apartment owner would have to construct at least 10 units. The University will no longer approve converted single family housing as approved University housing. Existing single family student housing approved for student housing will be phased out as the properties are sold. The University is moving towards larger complexes to provide students with a student community atmosphere.

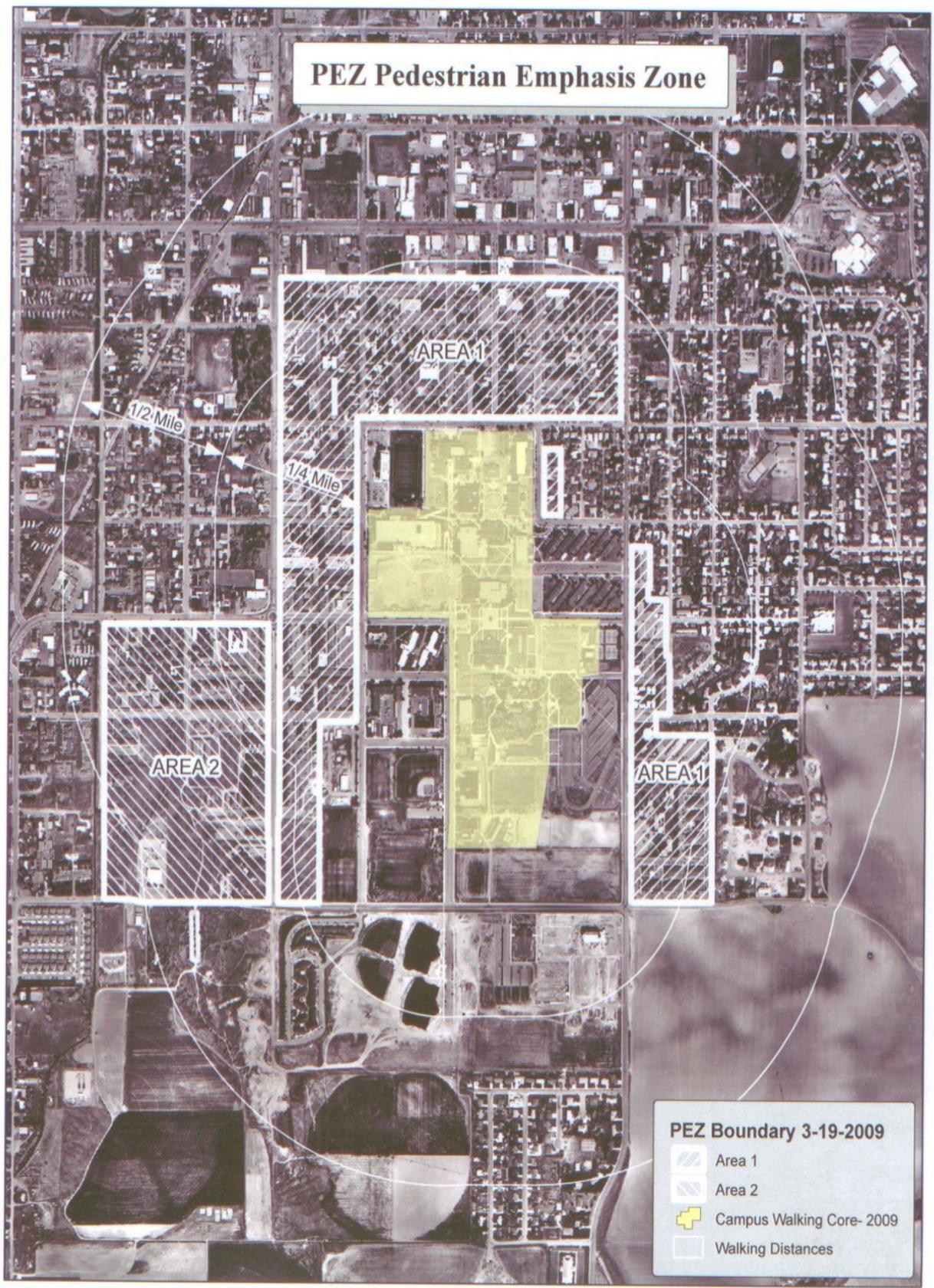
**Mr. Packer** concluded with two quick points:

1. Reduce the parking requirements by providing a long term parking lot. The location is yet to be determined.
2. The University does support a limit of at least 10 unit buildings to participate in the PEZ Zone. Single family home units will be phased out.

**Those Neutral to the proposed changes to the Development Code:** None

**Mayor Larsen** read into the record a letter from Attorney Richard Smith referencing the University’s position in support of the proposed (PEZ) 1021 Ordinance.

# PEZ Pedestrian Emphasis Zone



0 250 500 1,000 Feet

1 inch = 1,000 feet

BRIGHAM YOUNG  
UNIVERSITY  
IDAHO

April 13, 2009

Dear Mayor and Councilman

On behalf of Brigham Young University, I present the following testimony in support of the newly proposed Rexburg City Ordinance No. 1021, more commonly referred to as the Pedestrian Emphasis Zone Ordinance (PEZ Ordinance).

As you know, a common goal of BYU-Idaho and the City of Rexburg is that the university campus be pedestrian in nature. The ability of our students and faculty to walk to and from campus is an integral part of every step of the University's planning process. From the location of classroom buildings to the minute details of the scheduling of events and classroom instruction, a student's ability to walk to and from their destinations in a timely manner is central to the planning process.

We believe that the provisions of Ordinance No. 1021 will promote these goals. The central theme of the newly proposed ordinance is that in those areas near campus which are primarily single student housing in nature, required parking ratios should be reduced. The expectation is that an increase in housing density in areas near campus will result in an increase of the number of students walking to and from campus and a decrease in motor vehicle traffic which is associated with the operation of the University.

A number of concerns arise when discussions regarding reducing parking are proposed. I will address a few which have been directed towards the University.

- **Will reduced parking near campus encourage pedestrian traffic to the University campus or will it simply create unacceptable parking pressures?** With respect to this very legitimate concern, we submit the following data regarding our student's ownership and use of motor vehicles. This data comes from a preliminary survey of 1250 university students who live within a 1 – 2 block radius of campus. It is the intent of the University to conduct a more thorough survey in the near future which will assist the University and City as we plan for increased enrollment at BYU-Idaho.

Richard F. Smith Counsel P O Box 8, Rexburg, Idaho 83440  
Phone (208) 390-7000 Fax (208) 356-5959 E-mail [rsmith@cableone.net](mailto:rsmith@cableone.net)

- 61% of the students at BYU-Idaho bring automobiles to Rexburg.
- 57% (2063 of 3607) of their roommates brought automobiles to Rexburg.
- Of students walking to school during the week,
  - 56% walk all of the time
  - 20% walk most of the time
  - 7% walk about one-half of the time
  - 9% walk a few times
  - Only 9 % indicated that they rarely or never walk to school

This preliminary study indicates that those students living close to campus are primarily pedestrians. Rarely are their cars used to drive to the University. If the number of students who reside in close proximity to campus increases, it would logically follow that the pedestrian nature of those students would also increase. Although hopeful that some students may choose not to bring a car to Rexburg, the University does not have any solid information which would suggest that reducing parking near campus will result in a lower student/car ratio. Any success of the PEZ zone will be measured not only by the added benefits of encouraging pedestrian traffic but also by the steps taken to resolve parking issues as we reduce the amount of parking.

As noted in our previous discussions, the University is not suggesting that parking be reduced without addressing the resulting parking issue. It has been proposed with members of City staff, members of the Planning and Zoning Commission, and with the mayor that a long term parking facility be constructed which would meet the student parking demand as parking near campus is reduced. It is the vision of the University that this facility would be located in an area which would be far enough from student housing that students would prefer to be pedestrians while going to and from the University yet would be located close enough to student housing as not to be over burdensome at those times when use of a car is necessary. Costs associated with this lot would be born by the apartment complexes utilizing the PEZ zone designation, the students and the University.

Additionally, a responsible review and a fresh look at the City's policy regarding on-street parking prohibition during the winter months may also identify acceptable options which might ease parking near campus.

- **Will reducing the required parking ratio in the proposed zone simply encourage a higher student population in existing facilities?** The PEZ ordinance provides that only apartment structures consisting of 10 units or more may utilize the reduced parking ratio provided by Ordinance 1021. Structures with fewer than 10 units must obtain a conditional use permit in order to take advantage of the reduced parking ratio. The ordinance also provides that the ordinance shall not apply to "any structure originally constructed as a single-family or duplex residential structure."

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The above provisions adequately address concerns which some have raised suggesting that the ordinance will simply lead to higher density in already existing structures. The University is very sensitive to overcrowding of its students and will continue to maintain living standards which require sufficient living space for each student.

Additionally, please know that BYU-Idaho approves single student housing facilities which are safe, promote good health, and encourage a student living atmosphere which is consistent with the values of the Church of Jesus Christ of Latter-day Saints. Over time, the University has determined that these goals are best met in housing complexes consisting of structures with many apartment units. The University believes this type of student living encourages interaction between the students and helps create a 'student community' atmosphere. Recently, the University adopted the following housing statement which will further assure that future development is consistent with these goals:

#### Housing Statement

BYU-Idaho promotes meaningful opportunities for social, emotional, and spiritual development of its students. As part of its plan to enrich each student's life, a new policy concerning single student housing is being implemented.

Effective immediately, only apartment complexes will be eligible for approval. Future applications to convert single-family residential homes to single student housing will not be approved. Current approved single-family residential homes will not be currently affected by this policy. Expansion of current single-family residential homes to accommodate additional students will not be approved. When current approved single family residential homes change legal ownership, the approved status is removed.

For the above reasons, we urge your support and adoption of Ordinance No. 1021. If you have questions or if I can provide additional information, please feel free to contact me at (208) 390-7000.

Sincerely,



Richard F. Smith

Richard F. Smith Counsel P O Box 8, Rexburg, Idaho 83440  
Phone (208) 390-7000 Fax (208) 356-5959 E-mail [rsmith@cablone.net](mailto:rsmith@cablone.net)

**Those opposed to the proposed changes to the Development Code:** None

**Mayor Larsen** closed the public hearing.

Discussion to have a work meeting to go through the process of amending the city's Development Code. The work meeting would center around the PEZ Ordinance, Building heights, Design standards, and ProZone Architecture.

**Council Member Mann** asked for careful review of the proposed changes to the Development Code to ensure the city is not creating more pedestrian zones without property controls for pedestrian safety. He did not want the pedestrians to become a target for cars.

**Council Member Stout** asked to vote on the items separately with their own bills. City Attorney Zollinger explained it could be broken up into three categories; 1) PEZ Ordinance 2) Architectural Design Standards 3) All other Development Code changes. Council Member Stout indicated the Comprehensive Plan should be considered before making the proposed changes. The City Council was provided with a CD containing all of the proposed changes to Ordinance 926.

**Mayor Larsen** asked some late arrival Boy Scouts to introduce themselves.

**New Business:**

A. **Conditional Use Permit** for Paddington Court – 535 Mariah Dr.

**Dave Badham** at 125 North 640 West in North Salt Lake representing the contractor and owners of Paddington Court said the proposal for a 24 plex has been approved by the Planning and Zoning Commission.

Discussion on the two accesses to the development with a loop road. There is a 24 plex requiring a conditional use permit started along with four 8 plexes that do not require a conditional use permit.

**Mr. Badham** explained the development was originally planned for 24 plexes. They down sized to eight plexes due to the sprinkler requirement. They have started a single 24 plex with a foundation installed under the original building permit before the redesign to the remaining eight plexes.

**Mayor Larsen** referred to the Planning and Zoning Minutes to add clarity to the discussion. Mr. Badham said the plan was for pedestrian traffic and walk-ability. Council Member Erickson reviewed the project for connectivity. He did not want the burden to be placed on Paddington Court for access to properties to the east of Paddington Court.

Discussion on connectivity for properties east of this development. Mayor Larsen said future development must consider connectivity for all of the property owners to the east of this development.

**Dan Hanna** explained his motion in Planning and Zoning. He asked to review the Paddington Court Plat for connectivity for the greater good. He said the area should have been considered as a whole for connectivity including Paddington Court.

***Planning and Zoning Meeting April 03, 2009. Dan Hanna** motioned to recommend approval to City Council to grant a conditional use permit for a 24-plex, for Paddington Court, at 535 Mariah, including the conditions that the City Engineer review the north property line regarding connectivity, that the landscaping on the east be addressed, that a master site plan showing phasing will be submitted, that the plan for the parking lot and its landscaping will be reviewed by staff, that snow storage and fencing comply with City requirements, and that all other staff review concerns are addressed. **Josh Garner** seconded the motion. **Dan Hanna** amended his motion to include that the layout of the buildings be substantially the same as that which was presented with the application at tonight's hearing, and that the applicant designate snow storage areas on a site plan for review by staff. **Josh Garner** seconded the amended motion. None opposed. **Motion carried.***

**Council Member Erickson** said the property owners should work towards connectivity onto Handcart Lane. Dan Hanna said two accesses are needed. Council Member Erickson said the burden should not be on Paddington Court. Dan Hanna said Planning and Zoning did not realize the connectivity problem for the other properties. Council Member Erickson reiterated the land owner's opportunity to plan access points. Dan Hanna said future planning decisions will take adjoining property connectivity into account for approvals.

**Dave Badham** said the railroad access is still available and he said there are concerns with commercial access through a residential development.

**Council Member Stout** reviewed the access points on the overhead screen. He was concerned with additional accesses onto Mariah. He asked if the units are condos or apartments. They are building apartments. Mayor Larsen asked Planning and Zoning Administrator Leikness if the staff review was completed. Mr. Leikness said his review was complete.

**Public Works Director Millar** recommended working with the landowners with access problems instead of putting the burden on the Paddington Court development. Mayor Larsen concurred. Jon Gregory is the owner of the property with access concerns.

**Council Member Mann** asked for consideration for children's safety with access development. He wanted the area reviewed for roads, pedestrian crossings, etc.

**Council Member Woodland** agreed to look at access first before the developments are planned. **Council Member Erickson** explained the property owner has an opportunity to plan access for the property to the east of Paddington Court.

**Mayor Larsen** asked for connectivity to be addressed in the motion.

**Council Member Erickson** moved to approve the Conditional Use Permit for Paddington Court – 535 Mariah Dr. according the conditions from Planning and Zoning except the north property line regarding connectivity will be “pedestrian” connectivity; landscaping on the east to be addressed; master site plan showing phasing will be submitted; plan for the parking lot and its landscaping will be reviewed by staff; snow storage and fencing comply with City requirements; and all other staff review concerns are addressed; including the layout of the buildings will be substantially the same as presented with the application; and designate snow storage areas on a site plan for review by staff. Council Member Stout seconded the motion;

Those voting aye

Council Member Mann

Council Member Erickson

Council Member Stout

Those voting nay

Council Member Woodland

**The motion carried.**

**B. Rezone** for 431 & 445 W 4<sup>th</sup> South - Jared Sommer

**Jared Sommer** reviewed the proposal on the overhead screen. The property is just east of Les Schwab tire store. The request is for a rezone to HDR1. Planning and Zoning approved the request.

**Council Member Mann** moved to approve the rezone of 431 & 445 W 4<sup>th</sup> South to HDR1; Council Member Woodland seconded the motion; Discussion: Planning and Zoning Administrator Leikness said only a portion of the one address is applicable due to the commercial frontage on 4<sup>th</sup> South; Council Member Erickson said the rezone applies to the south 165 feet of the lot. All voted aye. **The motion carried.**

**C. Master Plan** for Tamana Fields

**Kurt Roland** from Schiess and Associates at 859 South Yellowstone Hwy Suite 2503 in Rexburg representing the Fujimoto’s Taman Fields development. He reviewed the proposal for platting 78 acres for assorted mixed use commercial developments. The Master Plan will make it easier to develop the property; however, the Master Plan may change depending on who purchases the lots.

**Council Member Erickson** said the original proposal was a preliminary plat. The developer changed the preliminary plat proposal to a Master Plan to provide a conceptual plan to investors. This will show the overall plan showing road connectivity to University Blvd. Changes on a preliminary plat would require re-plating where the Master Plan can be changed as needed by the investor’s needs.

**Council Member Mann** was concerned with accesses onto University Blvd. Mr. Roland explained there are four accesses on both sides of University Blvd to the Fujimoto’s property. These accesses were approved when University Blvd was developed. Council Member Mann would have preferred one access in and one access out of University Blvd with an interior road for additional access points.

**Public Works Director Millar** explained there are some other things to do (signalize the main north south road.) add medians etc. There are two accesses into this development from the Marriott development. Council Member Mann was appreciative of the Master Plan concept.

**Mrs. Fujimoto** said the plan shows a representation of smaller lots that could be enlarged if a developer needs more lots for a development. Council Member Erickson said Mr. Dyer did a very good job transitioning the preliminary plat into a master plan for the development.

**Council Member Erickson** moved to approve the **Master Plan** for Tamana Fields with two accesses from the Marriott property (east and ne corner); Council Member Stout seconded the motion; Discussion: Planning and Zoning Administrator Leikness said the master plan focuses on the access points and connectivity instead of lot size; all voted aye. **The motion carried.**

Note: Mrs. Fujimoto explained the name came from Tamana City in Japan.

#### **D. Preliminary Plat** for Pioneer Pointe Condominium – W 7<sup>th</sup> South – Kurt Roland

**Kurt Roland** representing Jon Gregory concerning a Preliminary Plat for Pioneer Pointe Condominiums consisting of four acres west of world Gym and south of Stonebrook Apartments. Planning and Zoning approved plenty of parking green space, pavilion, snow storage, and a basketball court. There are 60 units in 15 four plexes. The Fire Department likes the plan with some improvements to the garbage receptacles pending.

**Council Member Stout** referred to the vinyl fence on three sides of the property around Mary Ann Becks home. The CCRs will be included with the final plat. Public Works Director Millar explained the snow storage is remote from the parking lots which may be a problem. Mr. Roland explained there will be an asphalt path to use to transverse the snow from the parking lot to the snow storage area.

**Council Member Stout** asked about the development agreement. Mr. Roland said there would be a development agreement.

**Council Member Erickson** referred to staggering of the buildings. Mr. Roland said the buildings would be staggered. The development agreement shows a reimbursement to Mary Ann Beck for the power expense she paid to Rocky Mountain Power. Mr. Roland said they would reimburse Mrs. Beck for their share of the power costs. Discussion concerning the intersection of 7<sup>th</sup> South and Pioneer Road. Council Member Mann said any future development in this area should have some responsibility for enhancing this intersection.

**Council Member Woodland** moved to approve the Preliminary Plat for Pioneer Pointe Condominiums subject to staff review and Planning and Zoning conditions; plus reimburse Mary Ann Beck; Council Member Erickson seconded the motion; all voted aye. **The motion carried.**

#### **E. Resolution 2009 – 07** Identity theft prevention program – Staff

**Finance Officer Horner** reviewed the Identity Theft Resolution and the Identity Theft Prevention Program. The Finance Officer will be the administrator for the program. He mentioned conflicts between federal and state code.

**Council Member Erickson** moved to approve Resolution 2009 – 07 “Identity theft prevention program” with Finance Officer Horner in charge; Council Member Mann seconded the motion; all voted aye. **The motion carried.**

#### **F. Parking Plan** – Staff

**City Attorney Zollinger** explained the plan on the overhead screen. The parking signs limiting parking on College Avenue from 9:00 A.M. to 10:30 A.M. in the mornings have been somewhat successful; however, it has not been met with full support of the residents on College Avenue. Converted homes on College Avenue would get two parking passes; the same for a single family home. The average available parking on the yellow streets is two permits per parcel. Overnight parking is currently not allowed on College Avenue for street sweeping and other maintenance. The residential pass could allow overnight parking on College Avenue.

**City Attorney Zollinger** reviewed the existing parking restrictions on five city parking lots in the downtown area. He discussed the issue of constituency and enforcement issues with five city parking lots managed independently. The newly developed Lot 1 is north of main with overnight parking. Overnight parking is allowed in two city lots. The time restrictions vary from no time restrictions to thirty minutes to three hours. In Lot 1 there is reserve parking stalls along with no time restricted parking stalls. Lot 1 allows for overnight parking for apartment tenants. Some of the property owners contributed to the parking lot reconstruction based on their respective ownerships in the lot. Consistency with enforcement issues is the No. 1 complaint.



Eames Law Office and Wells Fargo have signed parking stalls in Lot 1.

Lot 2 is the Porters parking lot. It has two hour parking during the day time hours up to 5:00 P.M. It becomes reasonably overrun at about 3:00 P.M. after the final pass by the ticketing officer. Lot 3 is the Gringos parking lot and it is time restricted parking with a few reserved stalls. He reviewed the parking exchange with Manwaring's when Gringos was reconstructed which gave the Manwaring's some parking stalls along their building. Lot 4 is a small lot south of Gringos. It has some tolerated overnight parking. Lot 5 has been the No. 1 problem generator. It has two hour parking and indefinite parking for housing on College Avenue and INL parking. Overnight parking is not allowed in Lot 5; however, it is tolerated. When parking Lot 5 was constructed, an agreement was struck with the owners (Hedelius' or the Barrett family) of the old Ida-Mont Hotel to provide parking for tenants of the hotel.

In summary: The City of Rexburg is obligated to provide some overnight parking. Some Property owners on Main Street purchased parking stalls in the city's lot. Previous administrations committed to provide overnight parking for some tenants of the old hotel. Early morning and late night parking is driven by particular businesses. Winter maintenance (Snow removal) policy needs to be addressed. Commercial day time use should be protected. Reasonable and understandable rules need to be applied consistently in the downtown area. Commercial contributors must have their accesses protected. Commercial businesses who have not participated in the past should be assessed.

Downtown public parking policy recommended by the City Attorney:

1. Uniform language for all city parking lot signs.
2. Limit stores or businesses from parking longer than five continuous days.
3. Post lots 2 and 3 with "No overnight Parking" signs.
4. Lots 1, 4, & 5 would allow overnight parking with a designated parking permit.
5. Allow business use of parking lots until 7:00 P.M.
6. University participation.
7. Randomized enforcement or add a part time enforcement person funded with parking tickets.
8. Train downtown business employees of the parking policy with some designated employee parking stalls.

There is a proposal to construct a 90 to 120 stall parking lot at the entrance for all INL parking needs. The city would put up the property; the city has submitted a letter of interest to build the lot with a lease agreement. Mayor Larsen said the issues of parking in city lots was discussed with a women's group who liked the three hour parking plan to allow time to do business in the downtown area.

City Lot 1 – located north of Main Street.

City Lot 2 – located behind Porters Variety.

City Lot 3 – located at Gringos Restaurant.

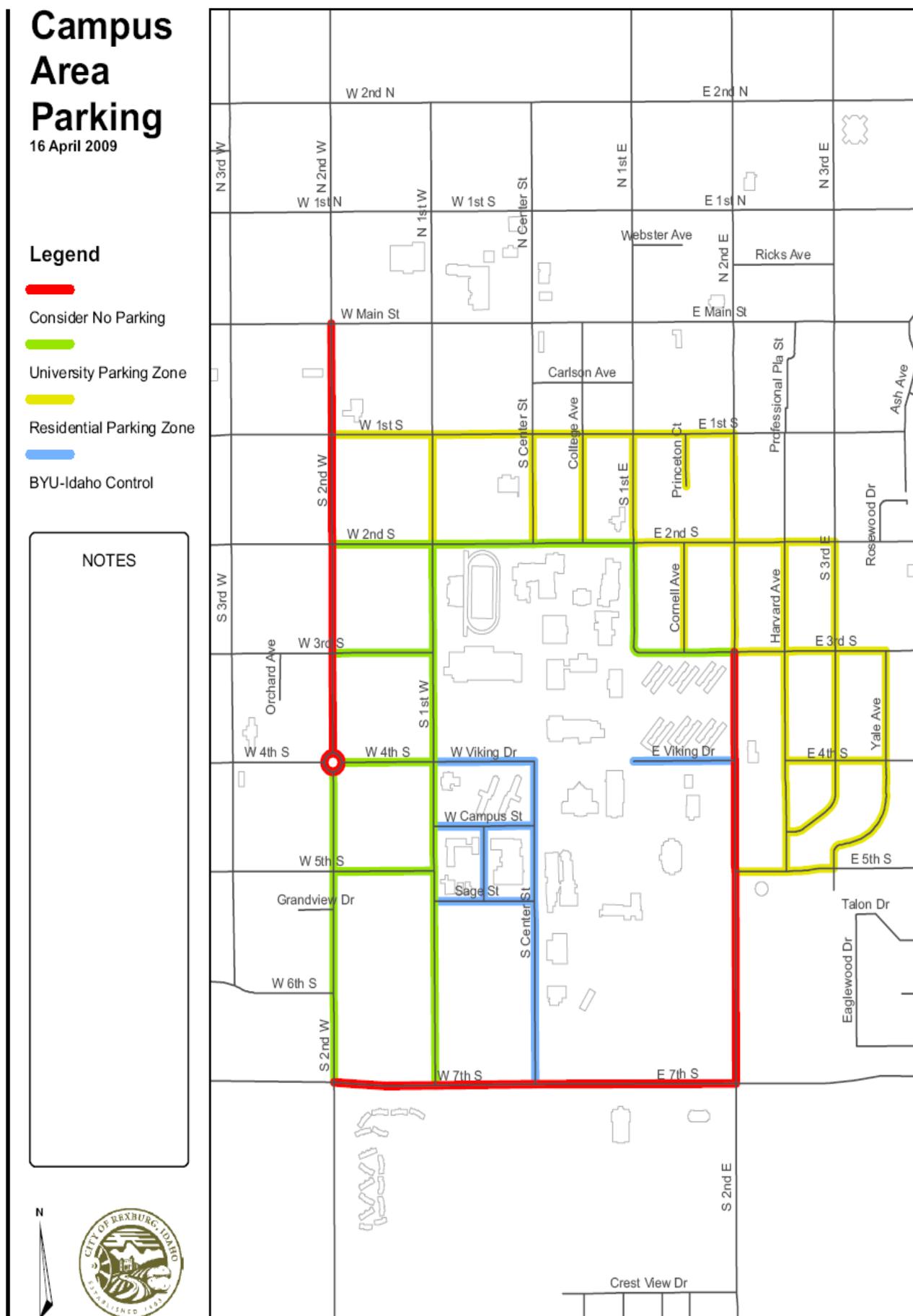
City Lot 4 – located south of Gringos.

City Lot 5 – located south of the theatres on Center Street.



**City Attorney Zollinger** gave an example in the University Parking Zone for an engineering student who would get a University parking pass to a parking lot near the University’s engineering building. He reviewed the streets colored in **Red** where parking would not be allowed, **Blue** streets are owned and controlled by the University, **Green** streets would be controlled by the parking permits purchased at City Hall; and **Yellow** streets in residential properties would receive two parking permits to park in their specific neighborhoods from 8:00 A.M to 5:00 P.M. Mayor Larsen recommended keeping the proposal simple. Council Member Mann asked if parking meters were considered. Meters are more time consuming and someone would have to collect the money from the meters. It would be an expensive startup. This proposal is the least intrusive and least expensive. Parking passes can be given to single family residents in the green zones. The residential parking pass could allow overnight parking. Snow removal restricted parking may be restricted from December 15<sup>th</sup> instead of November 1<sup>st</sup>. This would allow parking on the streets through the end of the fall semester. If approved, the parking plan would be implemented for the fall semester. **Council Member Mann** asked about parking for construction workers at the University. Some parking stalls are being used construction workers. Mr. Bruce Hobbs

representing the University said there is a University parking lot for these workers.



**G. Spring Cleanup** dates for yard debris (April 20 – May 22) – Staff

**Council Member Mann** moved to approve the spring yard cleanup from April 20 – May 22, 2009; Council Member Woodland seconded the motion; Discussion: The City Council recommended moving the start date back to May 1<sup>st</sup> and ending June 01, 2009. Council Member Mann amended his motion to start May 1 and end June 01, 2009. Council Member Woodland seconded the amended motion; all voted aye. **The motion carried.**

## H. Destruction of Records – Staff

The City Clerk reviewed the list of records on the Records Destruction list. The audio tapes are for assisting in preparing the minutes. Public Hearing tapes are supposed to be kept per the Records Retention Schedule. The City Attorney's approval is required.

**Council Member Woodland** moved to allow the City Clerk to decide if the records follow the Destruction of Records Policy along with City Attorney's approval for records destruction; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

### Staff Reports:

#### A. Public Works: – John Millar

1. Report on Project
  - a. Bridges on Barney Dairy and Pioneer Road are complete.
  - b. Road work on Barney Dairy Road is next on the schedule.
  - c. Pioneer Road signal under review.
  - d. Wastewater Treatment Plant presentation at the next meeting.
  - e. The waste is being hauled off to the city's treatment site.
  - f. Storm Water Detention facility on Trejo and Mariah has ground work, pump station, and sidewalk scheduled this year.
  - g. County mosquito abatement building north of the transfer station in the Airport Zone is planned this year.
  - h. Sewer line extension for the mosquito building should be done with city participation to extend the sewer line farther north.
  - i. Airport hookups need to be completed. Craig is not hooked up. The Museum is hooked up. The INL parking lot will be an opportunity to hook up airport locations. Council Member Mann recommended working with the county on the sewer line. The Mosquito Abatement Building will require a washout process to treat chemicals before entering the city's sewer system. A certified applicators license is required to dispose of the Mosquito Abatement chemicals. **Mayor Larsen** reviewed the policy to have permission from the city (Mayor) before the county will begin mosquito spraying in the city.
  - j. 2<sup>nd</sup> East lights will be done tomorrow.

**Council Member Erickson** asked about the stop light at 2<sup>nd</sup> East and 7<sup>th</sup> South. Mayor Larsen said the plan is being reviewed by the President's Council at the University.

#### B. Finance Department: – Richard Horner

1. Monthly Budget Report

**Finance Officer Horner** reviewed the monthly budget report with the City Council. The budget year is 50% complete. Mayor Larsen explained the review process the department heads followed in staff meeting. The department heads are well aware of their budgets and they are keeping a close eye on them.

**Council Member Erickson** reviewed the budget for the Police Department. Their capital purchases were done at the beginning of the budget year. Council Member Mann said the Association of Idaho Cities (AIC) is projecting a 10% reduction in state revenue.

**Council Member Woodland** moved to approve the monthly budget report; Council Member Stout seconded the motion; Discussion: Community Affairs and other departments who have summer activities including LID's will have increased expenditures in the summer months; all voted aye.

**The motion carried.**

### Calendared Bills and Tabled Items:

#### A. **BILL** Introductions.

1. **BILL 1025** Lighting Utility Ordinance – Traffic & Safety Committee

**City Attorney Zollinger** explained the discussion started with street lighting and pedestrian safety. Staff has explored how other cities in the state have funded street lighting projects by ordinance. BILL 1025 is a mechanism by which the city can fund residential and commercial street lighting enterprises for pedestrian safety. He asked Reed Nielsen from the Traffic and Safety Committee to provide additional information on the lighting utility ordinance.

**Reed Nielsen** at 345 South 4<sup>th</sup> East explained the Traffic and Safety Committee supports improving street lighting in the city. They have spent three months working on the proposal in one area or another. There are three different areas of priority established by committee members as they observed the street lighting in the city at night.

1. Focus on every intersection/crosswalk in the community.
2. High pedestrian areas, especially around university, focus on crosswalks
3. Neighborhoods within the city limits that have no/inadequate lighting.  
(Older neighborhoods within the city limits including residential areas around the campus are poorly lit)

**Mr. Nielsen** supports BILL 1025 and the Traffic and Safety Committee supports BILL 1025.

**Council Member Mann** requested more information on the costs for the enhanced street lighting program. City Attorney Zollinger explained the planned cost for residential was \$1.65 per month for maintenance and power; commercial businesses less than 10,000 square feet were \$3.30; commercial businesses over 10,000 square feet were \$6.00. Pedestrian accesses were considered.

**Mayor Larsen** explained funding would first go to priority areas including 2<sup>nd</sup> West, 2<sup>nd</sup> East, and collector roads. The 2<sup>nd</sup> priority was areas around the University. Public Works and Traffic and Safety will continue to be involved.

**Public Works Director Millar** explained the role Rocky Mountain Power will play in this plan. The plan will be to purchase the lights from the utility and the city would own the lights and pay for the power. It could save the city about \$24,000 annually. Areas where lights are near high voltage lines would be maintained by a utility worker.

The city is working to get more efficient street light bulbs. The city is moving to LED lights from 67 watts down to 5 watts. One light is a magnetic inductance bulb giving (three or four) to one efficiency lasting up to 22 years. The new bulbs would require a new head with a payout of three to four years. Grant funds may be available for the change to more efficient street lights.

**Council Member Erickson** asked how much money the fees would generate. Public Works Director Millar explained the estimate is about \$100,000 of street light revenue per year. There will be three standards decorative lights, utility lights, and overhead street lights like street lights on Main Street. The city has modified one street light pole on Main Street to use with the new lighting project.

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

1. **BILL 1021 for PEZ** (Pedestrian Emphasis Zone) Parking Plan

**Council Member Erickson** moved to approve the first reading of BILL 1021 for PEZ (Pedestrian Emphasis Zone) Parking Plan; Council Member Stout seconded the motion; Discussion: Council Member Woodland does not support the proposal. He does not think the proposal is workable. Council Member Erickson said the hope is new development would enhance the density and change the appearance of properties in the PEZ zone. City Attorney Zollinger said it will reallocate student housing patterns. Council Member Erickson said the University has committed to provide the off-site contract parking site. Council Member Mann is supportive of the BILL and he wants the opportunity to change the BILL if needed before the third reading.

Those voting aye

Council Member Mann

Council Member Erickson

Council Member Stout

Those voting nay

Council Member Woodland

**The motion carried.**

2. **BILL 1023 for Rezone at 431 & 445 West 4<sup>th</sup> South – Jared Sommer**

**Council Member Mann** moved to approve the rezone; Council Member Woodland seconded the motion; Discussion: Planning and Zoning Administrator Leikness said only a portion of the one address is applicable due to the commercial frontage on 4<sup>th</sup> South; all voted aye.

**The motion carried.**

**3. BILL 1024 Amending Ordinance 926 - Staff**

- A. Increased building heights within the HDR1 and HDR2 zones.
- B. Modified Architectural Design Standards in Industrial Zones.
- C. Removing the Project Redevelopment Option (PRO) zone.
- D. Modifications to the Architectural Design Standards.
- E. Modifications to the Architectural Design standards review process.
- F. Reduced parking requirement for “Medical Clinic.”

The City Council asked to have BILL 1024 split into two ordinances.

- 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:

- A. **BILL 1014 Amending Ordinance 911** for “Towing and Parking Enforcement”

**Old Business:**

**Mayor’s Report:**

- A. AIC conference

**Council Member Mann** recommended attendance for all who could go to the conference in June. It is at the Grove in Boise.

**Mayor Larsen** reported he received a letter from Rachel Whoolery at 2169 Ferris Lane in Rexburg, concerning a pedestrian path and green space in the new Pinebrook Subdivision 2.

**Public works Director Millar** explained McJon Lane has not been widened yet with curb on the south side. He will work with the developer to complete this phase of the project. Some buildings are under construction. Green space is colored on the final plat.

**Council Member Mann** moved to allow Mayor Larsen to sign the Inter Agency Agreement; Council Member Stout seconded the motion; all voted aye. **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. April 01, 2009 meeting
- B. Approve the City of Rexburg Bills

**Council Member Stout** asked about the \$3,500 payment into the recycling program. This is a one year contract. Minute changes for page 6 where the addressing grids were discussed: Housing facing both sides of the boundary street will be on the city grid.

**Council Member Erickson** moved to approve the Consent Calendar with noted changes; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

**Calendar:**

**Mayor Larsen** reminded the City Council of the upcoming Pride Day scheduled at Porter Park. The first 100 volunteers will get a free t-shirt. The event is scheduled for April 24 from 4:00 to 6:00 P.M.

**Adjournment**

Attest:

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Shawn Larsen  
Mayor

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Blair D. Kay  
City Clerk