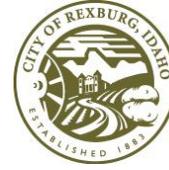


# City Council Meeting

October 21, 2009



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

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x313  
Fax: 208.359.3022

October 21, 2009

**Acting Mayor Christopher Mann**

**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  
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:**

Council Member Woodland, Council Member Erickson, Council Member Stevens, Council Member Schwendiman, Council Member Stout, and Council President and Acting Mayor Mann were in attendance.

**Mayor Mann** welcomed the scouts to the meeting and he asked them to introduce themselves.

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

**Lynn Betts** at 66 North 1<sup>st</sup> East asked about 12<sup>th</sup> West reconstruction. He referred to a fire in the area of 7<sup>th</sup> South in the Meadows Subdivision. He recommended another exit coming out of the Meadows Subdivision.

**Council Member Erickson** indicated 12<sup>th</sup> West will be worked on next year. There are a number of culverts on the road needing to be replaced. The bridge is still under consideration. The consideration is whether to extend the bridge or channel the traffic through the narrower bridge. He indicated the property to the north will develop a 2<sup>nd</sup> access into the Meadows at a future date. The fact that there are 175 homes in the meadows makes it a safety issue. The current layout of the Meadows was approved by the fire department. It would be nice to have two accesses onto 12<sup>th</sup> West.

**Presentations:**

A. **Mayor's Youth Advisory Board (MYAB)** Teen Center proposal – Brooke Lofthouse

**Malorie Brugger** gave a statement as the chairman of the MYAB. She read a statement on the activities of the youth group. It is an excellent program for the high school students.

**Brooke Lofthouse** is the vice chair of the MYAB. Almost everyone in the room stood to show support for the youth center at City Hall. They think the area could be used as a study area. The library has limited hours and it is usually filled with college students which leaves limited use for high school students. They need a facility for high school projects. They do not want to compete with local businesses. Space becomes more limited as the university grows. It would be a safe place for the students to go and stay out of trouble. They could sponsor events like poetry reading night, art shows, dances, etc. She called for testimonials.

**Jordan Hope** is a member of MYAB. It is awkward to have kids come to your house. A teen center would be a place for students to meet and work on a project or studies.

**Blaiklee Cook** is a member of MYAB. She lives 20 minutes away via car in Sunnydell. The center would be a place for them to study and be with friends. Today is an example of when they waited in town for this meeting to save gas and were bored out of their minds.

**Daniel Hansen** said his house lost power and he could not get his homework done; this would be a second place to do studies. He wants to make a band to help develop his skills. This proposal would help teens learn communication skills that would help them later on with jobs.

**Moriah Mason** is a member of the MYAB. MYAB has been talking about this center for the last year. The MYAB has put many hours into the program and working towards creating a Teen Center. They are asking for support from the City Council. She thanked Council Member Stevens for his help. The four asked for support. Brooke explained they are looking forward with a progress report.

**Mayor Mann** asked for comments or questions from the City Council.

**Council Member Stout** asked if any plans were addressed for security and control of access. He was concerned with vandalism, etc. Brooke said they were working on security.

**Council Member Schwendiman** said security and supervision were a concern.

**Council Member Stevens** said it is important to understand the more people involved will help with more fund raising possibilities. The expenditures will be minimal with donated material and labor. "Many hands make small work." Brooke looks forward to making it bigger and better with time. Mayor Mann applauded the student's efforts to come up with the solutions discussed.

**Council Member Erickson** said funding supervision and security were his concerns. There would need to be adult supervision. There is some concern with the proposal affecting private business. The Westwood Theatre is not used to capacity. Maybe some youth activities could be held at the Westwood Theatre. Brooke said the students don't have money to go to a fun center every weekend. Council Member Erickson said youth activities are always paid with funding from tax payers, parents or participants of recreational activities. Fund raising will be needed and parents will need to be involved. Council Member Stevens said there is enough community support to help finish the teen area. Brooke said some help could come from the community.

**Council Member Woodland** was impressed; however he was concerned with security. There will need to be cooperation from parents, students, and the city. He commended the MYAB.

**Michelle Hepworth** did not believe it would be competitive with private business. This will be another place where students can go to have a place to do activities, etc. Students and parents can help with security. She said the students and parents should cherish the opportunity to have a good place to go for activities.

**Council Member Stevens** said the floor space is about 2 ½ times the size of the council chambers. He mentioned the process that goes along with having another building. Maybe in 20 or 30 years down the road the city may need the space and by that time the building may be finished. He believes there should be something in the agreement that no one who donates money should expect the Teen Center to be there for 100 years, because eventually it will go to the City Hall to purchase the project for future development for the city.

**Mayor Mann** thanked the MYAB for the Teen Center presentation.

**Committee Liaison Assignments for 2009:**

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

**Mayor Mann** did not have a report.

B. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*  
Golf Board met 10 days ago.

**Council Member Erickson** reported on the financial report: There was \$190,000 revenue at the end of the golf season; \$104,000 was kept in reserve for winter payroll; about \$84,000 was expended on

expenses. The Golf Board voted to pay off \$60,000 of debt which is now under \$700,000 for the new nine hole addition to Teton Lakes Golf Course. An excellent job was done, the new course and it is playable. The Municipal Golf Course's revenue went up this year. If revenue continues upward, it will be a good for paying off the note.

The Urban Renewal Rexburg Redevelopment Agency had a meeting on a new Urban Renewal District addition on the Hemming property. It was proposed to add it to the Downtown Urban Renewal District. The Urban Renewal Board passed the project. Currently there are seven board members. The attorney from Boise recommended staying at seven board members. Mayor Mann asked to defer the number of board members to the new mayor and City Council. The State Supreme Court law suit on the Rexburg funding source using redevelopment revenue is in Twin Falls November 05, 2009 at 11:00 A.M. for oral arguments. Finance Officer Horner and a few from the Urban Renewal Agency will be there to hear the oral arguments.

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

**Council Member Stevens** reported the MYAB met tonight and they were at the meeting tonight. It is impressive to see students get involved in the group. They do a lot for the community.

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

**Council Member Schwendiman** reported on the Traffic and Safety Committee's need for a committee chair. The plan is to delay an appointment until the new mayor is installed. The Parks & Recreation Committee met and they want involvement of Riverside Park development.

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

**Council Member Woodland** did not have a report.

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

**Council Member Stout** did not have a report.

**Public Hearings:**

**A. 7:30 P.M. Zone Change** (File No. 09 00257) from Light Industrial (LI) to Community Business Center (CBC) at 563 Trejo, 512 South Yellowstone Hwy, and approximately 528 South Yellowstone Hwy – Rex Meikle

**Rex Meikle** reported on the proposal to change the zone at 563 Trejo. He spoke for the Teton Valley Museum Foundation who are part owners. He was here to answer questions. They are proposing a business park. BYU-I provided part of the donation of land. Winter is coming and due to the condition of the economy they do not plan on presenting their plan until spring. The coal has been moved from the BYU-I coal yard.

**Natalie Powell** gave a staff report. The plan was approved by Planning and Zoning with conditions. (i.e. Road right-of-way, development agreement addressing traffic on Trejo, protective covenants required, etc.).

Mayor Mann opened the public hearing:

Those in favor - NONE

Those neutral - NONE

Those opposed - NONE

**Mayor Mann** closed the public hearing.

**Council Member Stout** asked about the right-of-way for access by other properties; City Engineer Keith Davidson said the right-of-way was to allow access for other lots to the north. Residential areas have 68 feet for street right-of-ways. It will be covered in the development agreement.

**Council Member Erickson** moved to approve the rezone change (File No. 09 00257) from Light Industrial (LI) to Community Business Center (CBC) at 563 Trejo, 512 South Yellowstone Hwy, and

approximately 528 South Yellowstone with PZ conditions; Council Member Woodland seconded the motion; Discussion: all voted aye, the **motion carried**.

**Items for Consideration:**

**A. “U” Parking permits** for fall term and annually - Staff

City Clerk Kay reviewed the number of permits issued and the number of empty parking stalls. About 1,000 parking permits have been issued by the city and the University for the city’s “U” parking permits. At 11:00 A.M. on Tuesday 200 parking stalls were opened on the city street designated for “U” parking permits. At 1:00 P.M. on Tuesday 150 parking stalls were open. Today (Wednesday October 7, 2009) at 11:00 A.M. there were 123 parking stalls open and at 1:00P.M. there were 125 parking stalls open. City Clerk Kay asked the city to release another 50 parking passes. The concern was having open spaces not being utilized. The City Council was concerned individuals who have parking passes would have trouble finding a parking spot if too many parking passes were sold. Mayor Mann advised to be very cautious on the amount of passes that becomes available.

**Council Member Woodland** moved to sell 50 additional parking passes for the fall semester; Council Member Erickson seconded the motion; all voted aye, **the motion carried**.

**Staff Reports:**

**Public Works:** – John Millar

**City Engineer Davidson reported on city projects:**

1. Comanche Drive repairs are being completed.
2. Pioneer Road is being paved on the north end this week and the south portion next week.
3. Autumn Drive repairs (7<sup>th</sup> South) are completed.
4. Airport lighting is being done by Skyview Electric plus the signal on Main and Pioneer is being scheduled.
5. The Hawke pedestrian street light at 2<sup>nd</sup> West and 3<sup>rd</sup> South is waiting for equipment.
6. The Overlay for Mohawk and 4<sup>th</sup> East is in process depending on weather.  
There are concerns with getting the roads tore up and then having bad weather set in to delay the pavement.
7. Wastewater line behind Mother Hibbard’s is being done.
8. Street Light on 7<sup>th</sup> South and 2<sup>nd</sup> East is moving forward with the city obtaining right-of-way. University Attorney Packer said the University’s commitment is still in place to help with the street light.
9. City Engineer Davidson requested approval for next year’s projects.

Discussion of 12<sup>th</sup> West repairs scheduled for next year. Planning is currently in process.

**Calendared Bills and Tabled Items:**

- A. **BILL Introductions:** NONE
- B. **First Reading:** Those items which are being introduced for first reading. - NONE
  1. **BILL 1027 – Amend Ordinance 908 Temporary Sign Sections** – Staff  
(Deferred to a future meeting)
- C. **Second Reading:** Those items which have been first read.
  1. **BILL 1014 – Towing and Parking enforcement** – Staff  
(Deferred to a public hearing meeting November 04, 2009)
- D. **Third Reading:** Those items which have been second read.
  1. **BILL 1024 Amending Ordinance 926** by modifying Architectural Design Standards in Industrial Zones; modifying Architectural Design Standards; and modifications to the Architectural Design standards review process – Staff  
(Deferred to a future meeting)
  2. **BILL 1026 Amending Ordinance 926** by increasing building height, remove Pro-Zone, reduce parking requirements for Medical Clinics, and other substantive and non-substantive items – Staff

**Planning and Zoning Chair Winston Dyer** presented a planning code update to the City Council for review. The City Council asked to have more time for review.

**Natalie Powell and Winston Dyer** reviewed some of the changes and clarified any questions the City Council Members mentioned.

Discussion items included in the draft Planning and Zoning Ordinance:

1. Smaller pods (four per group)
2. Page 19 PEZ Maximize density around the University.
3. CUP's controlled by building code and university standards.
4. Page 33 LDR2 Lot area and CUP's for twin homes having 5000 square feet each.
5. Page 38 LDR3 lot area 4000 for each twin home.
6. Page 45 Lot configuration and density; five and six plexes require a CUP. (Setback reduced to 15 feet with rear parking)
7. Page 58 HDR building height at 55feet from horizontal eve; it used to be 30 feet from eve; also 35 feet on transition properties.

**Planning and Zoning Chair Winston Dyer** thanked Council Member Stevens, Council Member Woodland, former Mayor Larsen and others on the committee for their contribution to the proposed changes to the Planning and Zoning Ordinance.

**City Council Member Stevens** thanked Mr. Dyer for all of his donated labor to the effort.

**Mayor Mann asked Kelly McCandless** to review some property on 2<sup>nd</sup> West and 7<sup>th</sup> South for student housing. Mr. McCandless asked for rapid consideration for the changes to the planning code. He asked for the ordinance to be put in place to enable their project to move forward.

Discussion on adding the design standards to the package and having a work meeting to review the design standards.

The City Council asked to have the entire document in time to study it before it is approved.

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

**Mayor's Report:**

Mayor Mann mentioned the Main Street sign on the east end of Main Street is completed and there has been good progress with the Christmas tree lighting planning.

**Council Member Erickson** liked the new style of tree on East Main Street. He wants the same trees on Main Street. He complimented staff.

**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 07, 2009 meeting
- B. Approve the City of Rexburg Bills

Discussion on a bill from the Department of Environmental Quality (DEQ). Their annual billing is based on population. The billing has been in place for about 10 years.

**Council Member Erickson** moved to approve the City of Rexburg Bills and the Consent Calendar; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

**Executive Session** 67-2345 (B) & (F) to consider personnel and legal issues.

- (B) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

**Council Member Stout** moved to go into **Executive Session** per Idaho code 67-2345 (B) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; (F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Schwendiman seconded the motion;

**Roll Call vote:**

**Those voting aye**

Mayor Mann  
Council Member Woodland  
Council Member Schwendiman  
Council Member Stevens  
Council Member Erickson  
Council Member Stout

**Those voting nay**

None

**The motion carried.**

**Executive Session:**

**Executive Session ended.**

**Adjournment**

Attest:

---

Christopher Mann  
Acting Mayor

---

Blair D. Kay  
City Clerk