

# City Council Meeting

September 02, 2009



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

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September 02, 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

**7:00 P.M. Westwood Theatre – Pledge to the Flag**

**Roll Call of Council Members:**

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

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

**Presentations:**

**A.** Inter local Agreement and Final Impact Zone Agreement – Brent McFadden of Madison County  
**“Deferred to the next City Council meeting by Brent McFadden”**

**Committee Liaison Assignments for 2009:**

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

**Council Member Mann** reported Emergency Services met last night to go over the budget. They held the line on some issues that were quite uncomfortable. Everyone was able to come to an agreement. He appreciated Dr. Jeff Zollinger and others who supported the city’s position on some of those tough budget decisions. The Beautification Committee met this afternoon; however, he was unable to attend. Mayor Larsen reported the Beautification Committee met and discussed the East Main Street project to remove some trees from East Main and relocate them to Evergreen Kiwanis Park. The plan is to do some landscaping and add additional trees to the end of Main Street as well as a new sign to advertise community events. It is the major project for the Beautification Committee this year which was budgeted last year.

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

**Council Member Erickson** reported the Golf Board meeting was canceled for last night; however, they did meet Monday night for a round of golf to see the new nine hole addition to Teton Lakes Golf Course. The new nine holes are open for business. Planning and Zoning has project recommendations on the agenda tonight. The Redevelopment Agency budget has been approved. A discussion on redevelopment issues will be discussed tonight.

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

**Council Member Stevens** reported on the new counter tops and display cases recently installed at the front counter of the Westwood Theatre. Grant monies of \$8,100 paid for the addition. Public Affairs Director Kristy Geisler was the grant coordinator. The Airport Board is getting new lights installed at the airport. City Attorney Zollinger mentioned some of the detail of the FAA recommendation before there is an airport expansion plan. David Taylor was added to the Airport Board. Council Member Stevens said the community field’s contract at the high school is still under review by the school district.

**Mayor Larsen** asked Recreation Director Bob Yeatman to give an update on the negotiations with the school district to use the community fields. Recreation Director Yeatman indicated he has been working with Madison High School Athletic Director Glenn Romney and Madison County Schools Maintenance Director Russell Wilson to work through any contract issues. He also left a message with Superintendent Dr. Thomas concerning the contract.

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

**Council Member Schwendiman** reported the Parks and Recreation Committee did not meet. Traffic and Safety met; however, he was unable to attend. Mayor Larsen reported the committee discussed the 1<sup>st</sup> North street diet proposal recommendation (*moving from four lanes to three lanes including a center turn lane and bike lanes.*) The item is on the agenda for a motion later this evening.

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

**Council Member Woodland** asked Roger Harris to update the City Council on the progress of the committee to fund new windows for the tabernacle. Mr. Harris indicated the committee is still working on funding for new tabernacle windows. They talked about treating the roof to help preserve the shingles. They had a water leak in the northeast corner of the building accumulating a foot of water from the roof and water seeping into the building. They plan to put in a sump pump to keep the water out of the building. The carpet needs replaced before the centennial celebration.

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

**Council Member Stout** reported the Legacy Flight Museum Committee is in the process of getting the museum area cleaned up including moving a storage container. City Attorney Zollinger indicated the storage container has been moved.

#### **Public Hearings:**

A. **8:00 P. M. Amend Appropriation Budget** for 2009 – Richard Horner

**Finance Officer Horner** referred to the amendments:

This amendment amends the budget to pick up changes previously discussed. BYU Police were added to the city police force. The street fund changed due to the “Share the Road” program cost for advertising etc. Reductions in the budget are cuts in fuel, training and capital expenditures. The Arts Council got its own funding account in the budget. The drug fund received additional contributions for the purchase of a drug dog and the police force got small grants for additional state funding. Animal control needed additional funding for animal “spa and neutering” expense which is self funded through adoption fees. Emergency Services cuts, new city hall remodel, including the reimbursements from the hospital. A Paramedics Care Unit for fire support was put together. The Street repair for the farmers market was self funded. The Rexburg Arts Council Community Safety Lighting funds will be discussed by Council Member Schwendiman.

**Council Member Schwendiman** asked about the budget report through July 2009. He mentioned the Tabernacle Fund budget. The expended budget \$43,584; do we still need \$63,000 of budget for the year? Yes, they are still working on capital expenditures for windows. The Farmers Market is self funded by fees. He commented on new lighting fee. Cities in California are cutting street lighting due to funding. He recommended revisiting lighting fees to cut projects. In certain areas there are no lights; however, his recommendation was to have the City Council revisit the issue and determine where lights should be placed. Council Member Mann was concerned with shutting off lights.

**Mayor Larsen** opened the public hearing for public testimony. BILL 1032 will need to be passed by the next meeting to follow the state code for amending the appropriation budget. Either pass it tonight or add it to the next agenda.

**Debra Smith** at 75 South 5<sup>th</sup> West was concerned with safety lighting. She explained \$75 and \$45 were added to her water bill for her two businesses. She did not feel she should pay for lighting on someone else’s property.

**Susan Tatum** at 522 Linden Avenue wanted lighting fees revisited. She recognized Friday is the deadline for running for City Council. She thanked the City Council for their services. She referred

to comments noting it is difficult to follow the money. She requested spending on city infrastructure first. The 2010 budget (splash park etc. budget over runs) she is concerned with future cost over runs for Riverside Park. She requested a go slow approach with great oversight from the City Council.

**Devon Beattie** at 480 Linden complimented the city's care for the city parks.

**Mayor Larsen** closed the public input.

**Council Member Stout** asked to put BILL 1032 on the next agenda.

**Council Member Stout** moved to put BILL 1032 on next agenda for third reading and passage; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

**Items for Consideration:**

- A. **Conditional Use Permit for 2.79 Acres** at 1220 Stone Drive adjacent to Founders Square  
– Teton Communications Cell Tower

**Tony Hafla** President of Teton Communications at 545 South Utah Circle in Idaho Falls indicated their business has been in the valley since 1966. Their business has changed from a small farms and small properties (mom and pop business) to a larger company leasing space on their towers to other companies for communication equipment. They are out of space on their current tower; therefore they are asking to add a 150 foot new tower at the same location where the location has been used for cell towers for quite awhile. This is a working business that needs vertical space for cellular (high and low) power installations. They are multi-service providers to a myriad of services. The new tower has been designed to cover a blind spot in the downtown area. He discussed the limited service and functionality of a mono pole which causes blind spots. The current city ordinance prefers the mono poles. He suggested the city code should be changed to move away from the mono pole design. There is a new 700 watt service being installed in the county. It is a state of the art radio system for public sector uses including police, fire, etc. The radio frequencies are line of sight service. Sighting issues are a problem for their company in the city's code. They were the first to locate in this parcel before housing was built in the area. Mr. Hafla reviewed the proposal on the overhead screen. If the tower fell it would not fall on any homes in the area. The Planning and Zoning Commission was concerned with access. This location has been there forever, and it has historically been used by farms. Most of the adjacent property is owned by the city.

**Mayor Larsen** asked Building Official Val Christensen for the staff report. He noted there is a list of proposed conditions from The Planning and Zoning Commission:

***Proposed Conditions of Approval  
from Planning and Zoning meeting August 20, 2009***

1. *There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in itself is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.*
2. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
3. *Commercial lighting standards per the City's development code shall be adhered to.*
4. *Large equipment that is to be located on the subject property and is to be used for heating/cooling/ventilation of the proposed building(s), or similar uses, shall be located the maximum feasible distance from any adjacent residential dwelling unit, and shall incorporate any current technology that reduces noise generation.*
5. *Evidence must be submitted to the Planning Department that clearly shows that site has full access to the nearest public right-of-way, in that site ingress and egress is through lots which may or may not allow access by way of access easements.*
6. *Proposed fencing and anti-climbing material to be used shall be submitted to the Planning Department for review and approval prior to the issuance of a conditional use permit.*
7. *A landscape plan that adequately addresses screening shall be submitted for review and approval by the Planning Department prior to the issuance of a conditional use permit.  
As part of the submitted landscape plan, information shall be included that adequately addresses the need for regular site maintenance to ensure that noxious weeds are not present and at the same time no dust leaves the property in such a manner that it becomes a nuisance.*
8. *The color of the new cell tower shall be changed to gray.*

9. *The access road shall be graveled.*
10. *In fifteen (15) years (August 2024) this cell tower shall be revisited, and if it is no longer used or needed, it will be taken down.*

**Council Member Stevens** said two conditions were eliminated:

- ~~9. *Stricken* -The proposed tower, due to its height of 150 feet, will not be screened from adjacent properties, existing and platted. A shadow will likely be cast on the recently approved lots to the east in the Founder Square planned unit development. As space is leased on the new tower, a larger shadow will be cast on adjacent residential property. Therefore, the entire parcel of 2.76 acres shall be screened and/or appropriately landscaped so as to complement the surrounding residential properties. The submitted landscape plan shall addresses screening of the tower base and also for the entire subject parcel.~~
- ~~10. *Stricken* -Due to the projects potential visual impacts on adjacent property, the submitted landscape plan, if determined by the planning and zoning administrator, may need to be reviewed by the Planning Commission rather than a staff review.~~

**Mr. Halfa** indicated they are willing to mow the acreage to keep it nice for the area. Indigenous plants like sage brush have returned to the lot since it was cleared. He asked for the city's recommendation on maintaining the site.

**Council Member Erickson** said Planning and Zoning did their due-diligence. They eliminated two conditions and added two more conditions including changing the color of the tower from red to gray. Mr. Halfa did a good job accepting the proposed conditions. Council Member Erickson recommended passage of the CUP if there was not a lot of opposition from people living in the area. The City Council could hear from ½ dozen people who testified in the planning meeting; however, Mr. Halfa covered the same items of concern.

**Council Member Stout** moved to approve a Conditional Use Permit for a 150 foot cell tower for Teton Communications on a 2.79 acre parcel adjacent to Stone Drive and Founders Square with the conditions recommended by the Planning and Zoning Commission; Council Member Erickson seconded the motion; Council Member Stevens asked if this was for this tower only or for the whole property. City Attorney Zollinger said it was for one tower. Council Member Stevens Asked Mr. Halfa to allow other service providers to use the tower to avoid having many towers in the same place. Discussion on the size of the tower and allowing other service providers to use the tower. It will be 150 feet tall about the same as the city's water tower. Council Member Mann was concerned with a tower forest on the Rexburg hill. He recommended tower trees to avoid a bunch of towers in the long term. Mr. Halfa said the best thing to do is to expand the tower ordinance and design criteria to specifications for multi-services verses a mono-pole tower. The trend in the industry is to put my own tower up and not share with other service providers. Mayor Larsen suggested the city work closely with the county to avoid moving cell towers across the road to the county. Mayor Larsen called for the vote. All voted aye; **The motion carried.**

**B. Preliminary Plat for Tamana Fields, Division 1 at 1162 South 5<sup>th</sup> West and University Blvd – MY NOJO, Inc.**

**Kurt Roland**, Schiess & Associates at 859 South Yellowstone Hwy indicated the property is zoned C1. They are proposing two phases. Planning and Zoning approved the preliminary plat; they were concerned with 40 foot wide easements. He reviewed the proposal on the overhead screen including turn lanes on Yellowstone Hwy. Council Member Stevens suggested allowing one additional access after the Marriot entrance. The accesses have to be 400 feet apart at a minimum. Council Member Erickson referred to the Planning and Zoning issues. Parking stalls are 9'x18' and Planning and Zoning recommended parking stalls 10' x 20'. Council Member Erickson reviewed the aisle widths of 24' vs. 22' with 90 degree parking. Haring bone parking will remain with 22' aisles. Discussion on size of parking stalls and the snow removal area. Council Member Stevens commented on redoing the plat if needed for smaller stores increasing the parking stalls to 20' stalls. A lot of the aisles are wider than 24 feet. Winter parking was a concern thus they wanted to maintain the plan for the smaller stalls. City Attorney Zollinger said it is a preliminary plat and generalized review with current standards applying at the time of building permit applications. It is irrelevant at this point to discuss the size of the parking stalls. The final plat will lock in the details for the site plan.

**Council Member Erickson** said it was a suggestion from Planning and Zoning.

**Council Member Mann** agreed with Kurt that certain streets are narrow and with so many buildings parking can be problem.

**Council Member Stevens** moved to approve the preliminary plat for Tamana Fields, Division 1; Council Member Erickson seconded the motion; Discussion: Council Member Schwendiman review the proposal to change the size of the parking stalls. City Attorney Zollinger said more detail is irrelevant at this point for this approval. Council Member Stout asked about the national standard for the stalls. City Attorney Zollinger said the bigger stalls are not the national standard.

**Building Official Val Christensen** explained the Planning and Zoning Commission was concerned with the building location and the lot size. All voted aye; **the motion carried.**

C. **Final Plat of 1.87 Acres for Pioneer Village** First Amended Plat at 669 Pioneer Road consisting of Seven lots –

**Kurt Roland**, Schiess & Associates at 859 South Yellowstone Hwy Suite reviewed the proposal to condiminize the building for each individual unit for private ownership. The strip mall is located by “World’s Gym”. It would be split from one owner to six owners. Building Official Christensen explained the concern for the unfinished portion of the lot on the south end of the parcel and the dumpster location. The Planning Ordinance allows for the condiminizing of this building. Council Member Stevens discussed the maintenance of the common area. Building Official Christensen indicated CCRs were a condition. Council Member Mann asked if there was room for more expanded parking.

**Council Member Schwendiman** would like CCR’s done up front before recording. City Attorney Zollinger referred to floating access to adjacent property. It is on the site plan.

**Council Member Stevens** moved to approve Final Plat of 1.87 acres for Pioneer Village First Amended Plat at 669 Pioneer Road with conditions; Council Member Mann seconded the motion; all voted aye. The motion carried.

D. **West 2<sup>nd</sup> South (Hemming) Project** Area Plan Discussion – Council Member Erickson

**Council Member Erickson** reviewed Urban Renewal options. He suggested an expansion of the existing district verses creating a new Urban Renewal District for the Hemming Project. He reviewed four Urban Renewal Districts in the city including the North Hwy from 1991 to 2022; Washington School (Broulim’s) ending in 2027; downtown ending in 2027, University Blvd from 2007 to 2031; two are pending with a total of six districts.

**Council Member Erickson** suggested adding Hemming’s proposal to downtown project.

- 1) If all new property affected is all owned by Hemmings? and if
- 2) Hemming’s are already in the Downtown area; then his first concern would be the downtown area. He wanted Hemming’s project to enhance the downtown area. There is 20 years left on the Downtown Urban Renewal area. The Urban Renewal Board is still seeking input on the request.

**Council Member Schwendiman** reviewed the time line for an Urban Renewal project and asked what can be done with the funds. Mayor Larsen explained the sewer, water, and street improvements are over \$800,000 in this project. Council Member Schwendiman asked to shorten the Urban Renewal period to allow the funds to go back into the taxing receipts. Council Member Erickson recommended amending the Downtown Urban Renewal Project.

**Lane Hemming** said the sole purpose was to pay for water, sewer and road improvements. He agreed with Council Member Erickson’s comments. Boise doesn’t like mixing and matching projects. Mayor Larsen explained the issue is being discussed to provide better direction. Council Member Mann agreed with Council Member Erickson. Council Member Stevens was agreeable to combine the proposal into the downtown area. Council Member Stout liked the idea of including the proposal in the Downtown District. The consensus was to move forward with a single downtown project including Hemming’s.

**Richie Webb** provided some layouts (renderings) of the proposed Hemming Development. The last meeting was an update of the overall project. Currently they are waiting for steel framing for the building. He reviewed ingress and egress to 2<sup>nd</sup> West. They reduced the access by 50%; moved the building back to the 24 foot line with an overhang of 15 feet in height. The exit will be a right turn coming out onto 2<sup>nd</sup> West. There is snow storage area. All City Council and staff concerns are met. Mayor Larson and Council Member Mann said this plan looks so much better from the first proposal. Richie Webb said they want to make a pedestrian connection for the neighbors and the city park.

E. **Beer and Wine Licenses** for 2010 – Staff

**Mayor Larsen** read the list.

<b>Business Name (BEER)</b>	<b>Billed</b>	<b>Amount</b>	<b>Paid License Fees Off Premises</b>	<b>Date Paid</b>	<b>License Number</b>
ALBERTSONS #171		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1780
BROULIMS		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1749
HB BOYS LC (Chevron One Stop)		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		102
HORKLEYS SELF SERV #1		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		103
HORKLEYS SELF SERV #2		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		104
MAVERICK COUNTRY STORE		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1746
MAVERICK COUNTRY STORE		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1747
TETON LANES		\$200.00	\$200.00 ON PREMISES CONSUMPTION		1723
Applebee's Bar and Grill		\$200.00	\$200.00 ON PREMISES CONSUMPTION		1927
Valley Wide Coop		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		112
Joe's Filling Station, LLC		\$200.00	\$200.00 ON PREMISES CONSUMPTION		1751
Winger's-Beer License		\$200.00	\$200.00 ON PREMISES CONSUMPTION		2192
	<b>TOTAL</b>	<b>\$1,200.00</b>			

<b>Business Name (WINE)</b>	<b>Billed</b>	<b>Amount</b>	<b>Paid License Fees Off Premises</b>	<b>Date Paid</b>	<b>License Number</b>
ALBERTSONS #171		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1781
BROULIMS		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		101
HB BOYS LC (Chevron One Stop)		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1402
HORKLEYS SELF SERV #1		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1403
HORKLEYS SELF SERV #2		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		1404
MAVERICK COUNTRY STORE		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		105
MAVERICK COUNTRY STORE		\$50.00	\$50.00 OFF PREMISES CONSUMPTION		106

Applebee's Bar and Grill	\$200.00	<b>\$200.00 ON PREMISES CONSUMPTION</b>	1928
Joe's Filling Station, LLC	\$200.00	<b>\$200.00 ON PREMISES CONSUMPTION</b>	1719
Wingers-Wine License	\$200.00	<b>\$200.00 ON PREMISES CONSUMPTION</b>	2193
<b>TOTAL</b>		<b>\$950.00</b>	

**City Clerk Blair Kay** explained the businesses have been invoiced for the coming year's license. They will not be issued a license until all the licensing requirements are completed.

**Council Member Woodland** moved to approve the Beer and Wine Licenses for 2010; Council Member Schwendiman seconded the motion; Discussion on the fee of \$200 to sell on premise and \$50 for off premise sales; all voted aye, **the motion carried.**

F. **1<sup>st</sup> North Safety** Improvement Recommendation – Bill Baranowski

**Public Works Director Millar** explained a report recommendation from Bill Baranowski. City Attorney Zollinger reviewed the recommendation for added pedestrian safety from the Traffic and Safety Committee which was unchanged. They recommended following Mr. Baranowski's recommendation.

**Public Works Director Millar** reviewed the recommendations from Mr. Baranowski.

## Memorandum

**To:** John Millar, PE Public Works Director  
**From:** Bill Baranowski, PE City Traffic Engineer  
**Date:** August 18, 2009  
**Re:** Feasibility and the Pros and Cons of a "Road Diet" on 1<sup>st</sup> North in Rexburg City

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**Purpose of this report:** The pavement on 1<sup>st</sup> North between 2<sup>nd</sup> East and 1<sup>st</sup> West is scheduled to be overlaid in September. This gives the City the opportunity to make changes to the street striping to improve traffic flow. This report outlines the feasibility and the pros and cons for a 4-lane to 3-lane conversion or a "Road Diet" on this section of street.

**Existing Conditions.** The current land use on the 3 block long section of 1<sup>st</sup> North between 2<sup>nd</sup> East and 1<sup>st</sup> West is a mix of commercial, school and residential uses. The street is currently striped as a four-lane undivided roadway between 2<sup>nd</sup> East to west of 1<sup>st</sup> West where it becomes a 2-lane undivided roadway. The existing asphalt width is between 60 and 62 feet. The street width reduces to 53 feet east of the study area. To the west most traffic turns south before the railroad tracks at 2<sup>nd</sup> West. Trucks are allowed to use this roadway.

There is a 20 MPH school zone for the Middle School on the block between 1<sup>st</sup> West and Center Street and it is posted at 25 MPH for the remainder of the street. A speed study was conducted in April 2009 that found the 85<sup>th</sup> percentile speed to be 33.7 mph which is rather high considering the posted speed of 20 to 25 mph. The percentage of speed violators is also significant at more than 50 percent. An accident study was conducted for a 3-year period at the intersection of 1<sup>st</sup> North/1<sup>st</sup> East in November 2006. No accident data related to only 1<sup>st</sup> North was available for this report.

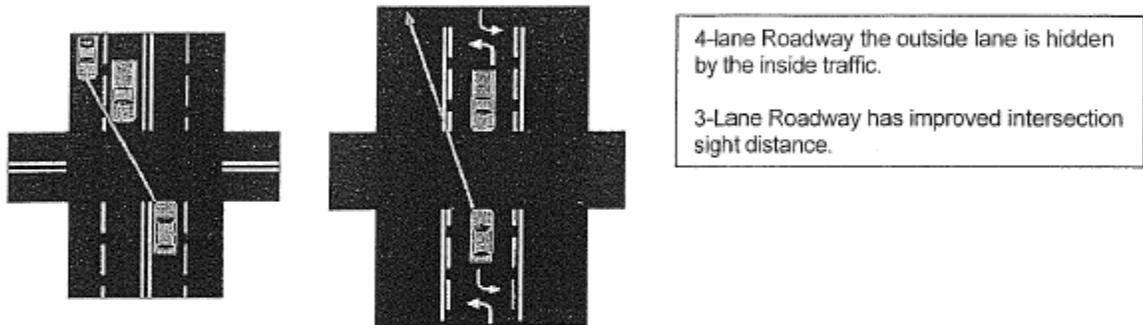
Parking on the street is mostly parallel parking except for in front of the Floral Store on the south side where some angle parking protrudes slightly into the gutter area. Daily and peak hour traffic data was collected on 1<sup>st</sup> North in April 2009. The average weekday traffic was 6,391 vehicles per day. The peak hour traffic was 866 vph. The eastbound traffic is almost twice as much as the westbound traffic as shown in the table below.

Daily Traffic on 1 <sup>st</sup> North – April 13-18,2009						
Direction/Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EB	3,927	3,845	4,041	4,413	4,504	3,835
WB	2,292	1,597	2,115	2,011	2,211	2,106
Total:	6,219	6,442	6,156	6,424	6,715	5,941

Five foot wide bike lanes were recently painted on 1<sup>st</sup> North between 2<sup>nd</sup> East and Madison Ave. These bike lanes connect Madison High School and Smith Park. Bike lanes are also painted between Madison Ave. and 5<sup>th</sup> West on 2<sup>nd</sup> North. A 4-way stop is located at the intersection of 1<sup>st</sup> North/Center Street. All four intersections in the study area have painted/marked crosswalks on all four legs.

**Pros and Cons of Converting to a 3-lane Roadway with a two-way left-turn lane**

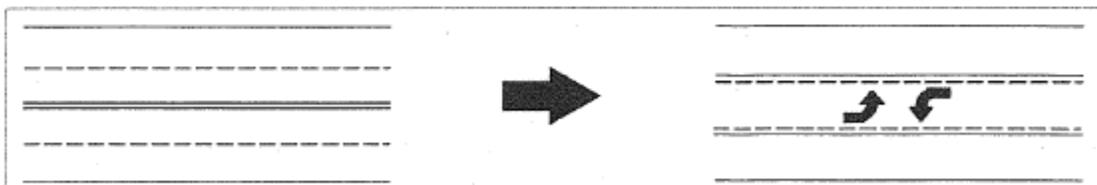
Communities throughout the USA are considering converting their existing four-lane undivided roadways into three-lane roadways. Traffic capacity now and in the future should be considered. A 4-lane to 3-lane conversion is recommended for streets with between 12,000 and 18,000 vehicles per day. If traffic were to double on 1<sup>st</sup> North in the next 20 years the street would still operate at an acceptable Level of Service (LOS) of "C" or better. Elimination of the left-turn traffic greatly reduces traffic delays at intersections. Several case studies have shown that a three-lane street is safer than a four-lane street. There is a significant reduction in accidents due in part to a reduced variation in lane speeds by reduced weaving and the elimination of left-turn traffic from through traffic. Conflict points for drivers are reduced and the "sight distance" for intersection turning movements is increased.



4-lane Roadway the outside lane is hidden by the inside traffic.

3-Lane Roadway has improved intersection sight distance.

Making a left out of a side street or driveway can often be difficult with a 4-lane undivided roadway because drivers must find a gap while crossing 2 lanes of traffic at once. Converting two through lanes to one center turn lane improves access to the roadway. Pedestrians will have a safer crossing area after the conversion because the center turn lane will provide a refuge area. It may encourage more pedestrians to jaywalk at locations between intersections because the continuous center turn lane seldom contains traffic. Bicycles will have a designated lane in each direction to encourage their use and to provide separation from other vehicles. Emergency responders will experience improved flow as other vehicles can pull over into the bike lane.



Conversion of a 4-lane Undivided Roadway to 3-lane Divided Roadway

There are a few negatives to consider. The pavement of a 4-lane roadway may last longer due to traffic spread more uniformly over 4 through-lanes instead of only 2 through lanes on a 3-lane roadway. If additional right-of-way is required that is another negative however there is more than adequate right-of-way on 1<sup>st</sup> North for the 4-lane to 3-lane conversion and for bike and parking lanes.

Pros	Cons
Accident Reduction	Potential for traffic diversions to other streets.
Less delay at intersections	Pavement wear more concentrated for 2 through-lanes instead of 4 through-lanes.
Improved sight distance at intersections	May encourage jaywalking pedestrians at midblock areas.
Bike lanes are possible with the conversion.	Additional right-of-way is sometimes an issue but not on 1 <sup>st</sup> North
Parking is not impacted.	
Speed reductions.	
Pedestrian crossings at intersections improved.	
Improved emergency vehicle access.	
Access to properties improved.	
Left-turn traffic is removed from through traffic at 4 intersections.	
No weaving of traffic.	

The Iowa Department of Transportation has prepared some guidelines for road diet conversion projects. They included 13 case study projects used to show the benefits. The before-and-after impacts of these 13 four-lane undivided to three-lane conversions from Montana, Minnesota, Iowa, California, and Washington were summarized. The roadways included in this summary had an average daily traffic volume of between 8,400 and 24,000 vehicles per day (vpd) and experienced the following benefits:

- Average or 85<sup>th</sup> Percentile speed reduction (typically less than 5 mph)
- Excessive speeding reduction (up to a 60 to 70 percent reduction in the number of vehicles traveling 5 mph faster than the posted speed limit), and
- Vehicles traveling 5 mph faster than the posted speed limit), and total crash reduction (between 17 to 62 percent).

**Study Recommendations:** The center turn-lane conversion will greatly improve traffic flow, reduce delays at intersections, improve parking, and allow for bike lanes. Pedestrian safety will be greatly enhanced at intersections. Fire and emergency response traffic will improve. No loss in traffic capacity is expected.

1. Install the 4-lane undivided to 3-lane divided conversion after the pavement is overlaid. The small amount of daily and peak-hour traffic on 1<sup>st</sup> North does not warrant 4-lanes of traffic now or in the future.
2. Include the striping of a center-turn lane on 1<sup>st</sup> North at least 150-ft to the west of 1<sup>st</sup> West to allow for traffic to make a smooth transition.
3. Paint the new lanes as follows: two 12' through lanes, one 14' center two-way left-turn lane, 6' parking lane with a 5' bike lane in both directions.
4. Paint direction arrows next to each bike symbol on the street to encourage bicyclists to ride in the proper direction.
5. Conduct before and after data collection on the street including: accidents, average weekday volumes, and speed data.

### **Road Diet Examples Provided by the ITRE**

#### **Montana Examples**

In 1979, the City of Billings, Montana repainted 17th Street West from a four-lane undivided roadway to a three-lane cross section. The roadway was 40 feet wide, had a 35 mph posted speed limit, and an ADT of 9,200 to 10,000 vpd. A study of the conversion impacts indicated that there was no significant increase in delay after the roadway was converted, but that there was a decrease in vehicle accidents. In general, there were 37 reported accidents in the 20 months before the conversion, and 14 for the same time period after the conversion. The city traffic engineer of Billings, Montana has concluded that the conversion significantly decreased accidents with no notable increase in delay.

The city of Helena, Montana has also converted one of its urban roadways (i.e., U.S. 12). U.S. 12 is 48 feet wide in Helena and has a posted speed limit of 35 mph. The roadway is located in a commercial area, has numerous access points, and an ADT of 18,000 vpd. The conversion of this roadway to a three-lane cross section was suggested by the Montana Department of Transportation for safety reasons. It did not have a high overall accident rate, but the accidents that did occur were primarily of the rear-end and sideswipe type. When the conversion was initially proposed there was apprehension initially, but the change resulted in better operations and safety along the roadway. This fact alleviated most of the concerns previously expressed by city and some state officials. There also appears to be support for the conversion from the general public. The state traffic engineer for Montana has indicated that the number of accidents has decreased along the roadway segment, traffic flow has been maintained, and that the public prefers the new three-lane cross section.

Case Studies by ITRE  
Case Study Analysis Results (9, 10, 11, 12, 13)\*

Location	Approx. ADT	Safety	Operations
<b>Montana</b>			
Billings – 17 <sup>th</sup> Street West	9,200 –10,000	62 Percent Total Accident Reduction (20 Months of Before/After Data)	No Notable Decrease**
Helena – U.S. 12	18,000	Improved**	No Notable Decrease**
<b>Minnesota</b>			
Duluth – 21 <sup>st</sup> Avenue East	17,000	Improved**	No Notable Decrease**
Ramsey County – Rice Street	18,700 Before 16,400 After	28 Percent Total Accident Reduction (3 Years of Before/After Data)	NA
<b>Iowa</b>			
Storm Lake – Flindt Drive	8,500	Improved**	No Notable Decrease**
Muscatine – Clay Street	8,400	Improved**	NA
Sioux Center – U.S. 75	14,500	NA	Expected Average Arterial Speed Decrease of 1.7 mph
Iowa Falls – U.S. 65	8,700	NA	Expected Intersection Stopped Delay per Vehicle Increase of 0.5 seconds
<b>California</b>			
Oakland – High Street	22,000-24,000	17 Percent in Total Accident Reduction (1 year of Before/After Data)	No Notable Change in Vehicle Speed
San Leandro – East 14 <sup>th</sup> Street	16,000-19,300 Before 14,000-19,300 After	52 Percent in Total Accident Reduction (2 years of Before/After Data)	Maximum of 3 to 4 mph Spot Speed Reduction

\*ADT = Average daily traffic. NA = Not Available.

\*\*Summarized results based on anecdotal information.

**Council Member Stevens** asked about item two. Public Works Director Millar explained it was by Tristate Tire. Council Member Stevens asked about the area where the buses enter the street from the Madison Junior High. Public Works Director Millar said the city would maintain an extra wide area for buses to enter on 1<sup>st</sup> North. He mentioned the bus turn around needed to be reviewed. Council Member Stevens asked to have the area marked for parking.

**Council Member Stout** referred to the traffic doubling in 20 years (statement “C” area). Public Works Director Millar said if the traffic is doubled, it would still work. It will handle well beyond the current traffic levels. Council Member Stout asked if Mr. Baranowski looked at the road. Public Works Director Millar said he did come to Rexburg and review the road with accident information. The traffic counts were in April, 2009 and last week. A speed study was done verifying the April study.

**Council Member Schwendiman** was concerned with the reason for the proposal. He asked for an accident count. Public Works Director Millar said the speed of the traffic was the problem verses the number of accidents. Mayor Larsen said it was discussed at Traffic and Safety; however, Police Officer Captain Lewis said it would take additional personnel to keep the speed down by ticketing the speeders.

**Mayor Larsen** explained it was clear from the studies pointed out in the recommendation that three lane streets are safer than four lane streets. It is a safety issue. Council Member Schwendiman suggested controlling the speeders to have a safer street versus going to a three lane road. If traffic is reduced 25%, accidents should be reduced by 25%. Council Member Stout indicated the study mentions traffic may be diverted to another street with the three lane option.

**Council Member Mann** said he thought everyone in Rexburg thinks 1<sup>st</sup> North is problematic. There is a school and a library on one side of the street and pedestrians don't know if cars are going to stop for them to cross the street. He thought it was a great idea to make it easier for people to drive and for pedestrian safety. It is a simple solution to a problem in the city. He thought it was a great idea when the recommendation came from Traffic and Safety; He thought it was a great idea a month ago when the City Council voted to make the change to a three lane road and he still thinks it is a good idea.

**Council Member Erickson** said Mr. Baranowski will follow the local recommendation. He wanted to dismiss the report from Mr. Baranowski. He thought it was a program for bike paths. He was concerned with bikers getting run over with right turns. He did not want to change the street to three lanes. Years ago the street was designated for a truck route. He was against the change. He is open to discussion. In four years he has never seen a bad accident on 1<sup>st</sup> East and 1<sup>st</sup> North. In his opinion it is a bad program for reasons that bike paths should be made for those who want to ride bikes and not convenient for traffic. If the paths were to be placed; they would be next to traffic and blocks would need to be placed at the corners. This is more dangerous. The street was originally set for a truck route, so it should stay as a four lane street.

**Council Member Stout** expressed concerns about the school zones and jay walking. It will also slow the speed and could possibly cause trouble when drivers switch lanes to pass slower traffic.

**Council Member Stout** was concerned with page three "jaywalking statement" and children getting caught in the middle of the street. He referred to speeding on 7<sup>th</sup> South where impatient drivers pass on the right side. He was concerned with the plan.

**Mayor Larsen** reviewed the history and recommendation from City Council is to accept the recommendation for the Traffic and Safety Committee. The City Council will need a motion to disregard the recommendation from the Traffic and Safety Committee. Council Member Stevens was concerned with opposing opinions and expertise of the City Engineers and the traffic safety consultants.

**Council Mann** mentioned a letter from Corey Child, the Fire Chief of Rexburg/Madison County Emergency Services in support of the plan proposed.

**Council Member Schwendiman** said it was all about bike lanes. Council Member Mann read the statement from Fire Chief Child supporting the plan to make the street safer. He encouraged moving forward to have a safer street. Council Member Mann feels the plan is a simple, safe, and effective way to reduce risk.

**Council Member Woodland** disagreed with Council Member Mann saying the bike lanes would cause more problems. It's not the Middle School or the college it is a different part of town.

**Council Member Erickson** said he supported Council Member Woodlands opinion. The street is as safe now as it was 20 years ago.

**Council Member Erickson** moved to leave the street as it is currently with four lanes; Council Member Woodland seconded the motion; Discussion: Council Member Stout reviewed the issues explaining the study was not comprehensive and it went against his better judgment. Council Member Stevens said in other cases the professional judgment of the engineers and safety consultants have been followed. He appreciates everyone's concerns; however, he did not want to go against the recommendation of the city engineers and safety consultants. Council Member Erickson said the City Council needs to make a decision; he is not for the change.

**Those voting aye**

Council Member Schwendiman  
Council Member Woodland  
Council Member Erickson  
Council Member Stout

**Those voting nay**

Council Member Mann  
Council Member Stevens

**The motion carried**

**Staff Reports:**

**G. Public Works:** – John Millar

1. Airport runway lighting replacement funded by FAA:
  - a. Skyview Electric - \$30,965
  - b. Wheeler Electric - \$46,343
  - c. D-K Contractors – 62,629.59

**Public Works Director Millar** explained the bids for the airport light replacements. Skyview Electric was the low bidder. The matching funds will come from the city at 2.5%; county at 2.5% and 95% from the FAA grant.

**Council Member Mann** moved to accept the low bid from Skyview Electric for \$30,965; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

2. Mother Hibbard storm line bids Friday.
3. Street seal coating – \$152,000
4. Reroof city hall
5. Hawk signal in process with small island similar to a cross walk at a traffic signal.
6. Founders Square storm line project.
7. S seal coating various roads.
8. Riverside Park \$350,000 grant work reimbursement grant develop area along 2<sup>nd</sup> North only use for park development. Parking lot soccer fields clean up area 300-400 feet along 2<sup>nd</sup> North.
9. Bike path connection to Sugar City to bid next week.
10. 7<sup>th</sup> South storm water plan.
11. Main Street east end face lift with tree replacement and some asphalt work.
12. Parking signs for permit parking.
13. Reverse diagonal parking changed on two streets.
14. Other work on schedule budgets is looking better.
15. Pioneer Road bid opening Friday; City Council was asked to accept low bid.
16. Signal on 7<sup>th</sup> South and 2<sup>nd</sup> East still contacting land owner. Need to proceed as soon as possible to get funding. Right-of-way needed to go east.
17. Water right application filed 15 CFS now apply to use water wherever needed in the city. Now asking for 5 additional CFS over two locations. Only restricted by peak withdrawal rate not CFS. Planning three new water wells.

**Council Member Stout** asked who is receiving city services; that's connected outside the city. Currently the city provides wastewater services to Sugar City, Teton City, plus Huskinson's homes east of the high school. Rexburg Heights Subdivision is receiving water and wastewater services.

**Calendared Bills and Tabled Items:**

**A. BILL Introductions:** NONE

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

**1. BILL 1014 – Towing and Parking enforcement – Staff**

**City Attorney Zollinger** explained it is the same bill under review a year ago back at City Council's request. Property representative and visitor parking committee recommended a change in visitor parking.

**Council Member Erickson** agrees with Section 9G concerning property owners' responsibilities. City Attorney Zollinger indicated Section G had some minor changes to the ratio of visitor parking as well. Council Member Erickson asked if the visitor parking ratio was talked about in the last meeting. He read the minutes he thought they had limited their changes in the discussion to 9G. Council Member Erickson asked what changes in the ratio were put in the BILL. **City Attorney Zollinger** indicated BILL 1014 took the visitor parking stall ration to 10%; however, visitor parking's current ratio is 3%.

**Council Erickson** felt that the more visitor parking the better as long as they covered that with the owners.

**City Attorney Zollinger** said that the committee came back and said that 10% visitor stalls was too high and that 5% was a better number. He said a member of the committee had some of the same recommendations. He said the reason it was never brought forward is because City Council deferred BILL 1014 to the University before acting upon it. BILL 1014 is now before the City Council for a 1<sup>st</sup> reading. It is the exact copy of what was presented a year ago. He said Ordinance 911 was the one without the changes which was ultimately passed after Section 9 was taken out. Section 9G gives owner representation as a requirement of any initiation of towing.

**Council Member Erickson** asked whether Ordinance 911 included the 10% visitor parking or a lesser amount. He agreed with having visitor parking. There will be some heartache over the property owner having to notify which vehicle is to be towed. He still thought the property owner is the one who built the place and he has the responsibility to authorize a tow.

**Council Member Schwendiman** asked about owner representation and stated that it was the towing company. He asked whether or not that was eliminated from being on the records.

**City Attorney Zollinger** explained under BILL 1014 the owner representative could not derive direct monetary benefit from the number of towing routes he initiated.

**Council Member Schwendiman** asked whether the apartment owners knew that their visitor parking was being changed.

**City Attorney Zollinger** explained that originally BILL 1014 met some resistance and was pulled back for a period of time to allow the committee to hear recommendations. He said the committee didn't quite get back to them as quickly as anybody had hoped and that before they got back to them some on the committee had insisted that BILL 1014 be pulled off the agenda all together. He said he talked to Kevin Meiaski (BYU-I) concerning apartment owners recommendations to change BILL 1014; however, at that time BILL 1014 was being pulled from the agenda.

**Council Member Schwendiman** said that it was pulled from the agenda on the basis that the City Council had not heard the property owners.

**City Attorney Zollinger** said they brought back recommended changes to BILL 1014.

**Council Member Schwendiman** asked if all the property owners had bought into all those changes. City Attorney Zollinger responded he couldn't respond to the committee's recommendations because he was excluded from the committees meetings.

**Rachel Whoolery** reviewed the previous discussions. Ordinance 911 was more reasonable for visitor parking. She talked about how 30% of some parking spots were not being used. 10% for smaller lots was too high. Larger lots would fit better. 5% was more reasonable for smaller lots. Changes in percentages was a concern too. Council Member Stevens asked if the 1.2% rounded up and if that was how she came up with two visitor parking spaces.

The committee discussed visitor parking, towing fees, and lot size and said students parked in certain places knowing the risks.

**Council Member Mann** asked how the owners thought about their managers or agents having to sign off on or authorizing the tow. Mrs. Whoolery referred to the agreement they had already made with the towing company to represent them for booting and towing issues.

**Council Member Schwendiman** mentioned predatory towing. He gave the example that if you were in the parking lot in the middle of summer with no students and it's an empty lot and you tow some lady's car that's dropping off the kids then you've got predatory practices.

**Council Member Erickson** reviewed the feelings of the property owners about having to sign off on each and every tow instead of just giving blanket approval. Mrs. Whoolery said the homeowners did not like the language requiring manager approval for a tow. They felt like their representation was already in the contract. He asked what language the apartment owners saw as

correct in the bill. Council Member Erickson said that was the decision that had to be made by the City Council: whether they wanted to go against the homeowners or not. Because if they approved it then they'd be going against what the homeowners/apartment owners would want.

**City Attorney Zollinger** said property owners don't want to approve each tow or boot.

**City Attorney Zollinger** said they could discuss amending BILL 1014 and incorporating all of the issues they'd recommended and that the property owners having reduced visitor parking ratios would have the effect of changing the hours in which visitor parking would have any impact on the tenants. It was asserted by Council Member Erickson that if they were to take out Section 9G where it said they seek from the property owner's authorized agent who shall not be affiliated in any way with the parking enforcement or towing company a signed request for booting or towing of vehicles, they'd be right back where they started with Ordinance 911 with the exception of the 10%. He asked whether or not the City Council wanted to enforce that for them.

**Council Member Schwendiman** recommended owner authorize up to curfew then let the tower take over. He didn't feel like it was right for the apartment owner/manager to have to get up at 3:00 A.M in the morning to have to authorize a tow. He said the companies had proved to them that they were predatory. He said he was sick and tired of all the phone calls because they had been predatory.

**Council Member Mann** recommended making the change by putting it into the BILL to see if it solves the problem. The reason they were doing it was because they had their chambers full of students who felt like they were taken advantage of and that the apartment managers would say it wasn't them. He said it was supposed to bring some reality to what was going on. If he were an apartment owner, he would want to know if his tenants were being booted, if he was charging them rent. It might cause them to move out and not rent from him anymore. He would want a sign-off on it. He doesn't understand why the owners wouldn't want to sign off. He said it at least moves it in that direction a little bit.

**Mrs. Whoolery** said they were trying to meet a commitment to their tenants that when they come in there is a spot there for them. If they allow a tenant's spot to get taken then they're not able to follow their contract they have with their tenant because other people are parking in it.

**Council Member Mann** said he understood; however, the people had to be able to come somewhere and they came to the City Council and he felt a responsibility to try to take care of the problem. He felt the compromise moved it in the right direction but they still had to watch it and make sure the problem goes away.

**Council Member Woodland** said he didn't think they had a responsibility to take care of their parking problems. He said it becomes burdensome to the city and the city gets blamed for property owners booting practices. Get rid of predatory booting and towing to solve the problem. He said the whole problem was the predatory booting. If they could get rid of it then they would be fine. He said it wasn't just student's who have been victimized; it was Bishops and home teachers and moms coming in the middle of the night from out of town.

**Council Member Erickson** asked if the city had to dictate what apartment owners do with towing and booting contracts. He asked if the city had to be in on that discussion and why. He said if Darren was breaking the law, then arrest him. That would be the police department's responsibility. If he was not, then why is the city involved?

**Council Member Schwendiman** responded to Council Member Erickson that the City Council were involved because of the towing and booting ordinance and because of predatory towing and the apartment owners would say "go ahead and tow them." He indicated he would never have anyone towed from his parking lot without authorizing it. He wouldn't drive off his customers but the students didn't have any option. The student signed a contract and he was there and didn't have any choice.

Discussion concerning whether the city should step in between the apartment or house owner and those parked illegally.

**Council Member Schwendiman** replied that they were in the middle of it and had been for five years. He replied he had been in it for six years and they still didn't have an answer.

**Mayor Larsen** asked to add curfew hours and review visitor parking. City Attorney Zollinger will make changes for the 1<sup>st</sup> reading. Discussion on notifying the apartment owners to have them there on September 16<sup>th</sup>.

Discussion from a Rachel Whoolery indicated 3% visitor parking was sufficient; however, they would go to 5% visitor parking. City Attorney Zollinger mentioned 5:00 P.M. to 11:00 P.M. is the problem time. The property owner could ask the towing company to remove cars if needed until the curfew begins. This will remove the city as the originator (allowing) the tow if the property manager initiates the tow.

**Mayor Larsen** indicated it was the consensus of the City Council to bring back BILL 1014 with the changes discussed (visitor parking down to 5%; and the curfew hours). Council Member Schwendiman asked if visitor parking converted to student parking after curfew. City Attorney Zollinger explained 30 minutes after curfew would allow for workers on late shifts to come back to their parking stall after curfew before the visitor parking stall is converted to overnight parking. Council Member Schwendiman was supportive of the manager maintaining control of booting until one half hour after curfew.

**Mrs. Whoolery** said that their suggestion was that they post a sign that said how much time a person had there for instance less than a class but long enough for a visit. She talked about spots for home teachers and others that are 30-45 minutes.

**Darren Helm** at 223 Ricks Avenue (All American Towing) reviewed his experience with towing around the University. He checks parking lots 15 hours per week. He makes that worth his time. They have all the time in the world but they still park illegally. But when he went through the parking lots, he was going to make money. You could call it predatory or whatever but Mr. Helm could guarantee that he tows the cars in the parking lot that managers wouldn't tow anyways. He tows cars that would have been towed anyway. If they towed a mom, the managers wouldn't know it was a mom anyway. He would not charge the mothers for towing. He talked about cars being parking in complex parking lots. Said they were not supposed to be there. If he was called to come and tow a car it would take 15-20 minutes. He was concerned with college students taking advantage of everything they could. If he were to drive through and they were in a fire lane they were going to get towed. It was no parking at anytime.

**Mayor Larsen** explained the issue over the past six years was deferred to the apartment owners and the University; however, it is unfortunate the city continues to have complaints blaming the city with calls to the City Council Members and the Mayor's Office. They asked why this is allowed to happen in this community. The problem has not gone away.

**Darren Helm** said property owners are not willing to be involved in the decision because the meetings drag on.

**Council Member Schwendiman** said the apartment (RA) or somebody could go out and make the decision. He said those people don't get to bed until midnight anyway. He suggested they talk about the increase in visitor parking next.

Discussion from Darren Helm to allow a copy of the contract with the owner for towing. He asked for a list of the complaints. Provo (BYU) has contracts for towing. If someone gets towed, they can't blame the city. The tower can show the contract to the owner of the vehicle and show them that the owner authorized them to tow their vehicle.

**Mrs. Whoolery** said they took a vote and that they didn't want to have managers authorizing the tows.

**Council Member Schwendiman** said that it already proved a fallacy because according to City Attorney Zollinger most of the towing and booting happens to home teachers and visiting teachers.

**Council Member Stevens** asked how they got in the middle of the mess. He asked why the city is involved. City Attorney Zollinger explained the city's allowance for .4 parking ratios for residential parking stalls which did not allow for transient parking. The rental parking ratios should be 1.2 to allow for friends etc.

**Council Member Stevens** asked why apartment owners continue to have disgruntled people from out of town calling the city when it's still a private parking lot. City Attorney Zollinger indicated it was due to past policies when these issues weren't covered. Council Member Stevens reviewed the past policies where things weren't regulated to the point they are now and they were feeling responsibility to try to police the whole situation.

**City Attorney Zollinger** said it wasn't the first time the City of Rexburg had experienced this issue. Retail parking used to have the same problem. Parking standards have slowly evolved.

**The Mayor** said the consensus of the counsel was to bring it back with the changes moving visitor parking back down to 5%, curfew hours, and then consider it a first reading.

**2. BILL 1027 – Amend Ordinance 908 Temporary Sign Sections – Staff  
(Deferred to September 16<sup>th</sup> meeting)**

**Mayor Larsen** indicated City Council would defer this BILL to Sept. 16<sup>th</sup> as well as Ordinance 926. He asked Building Official Christensen if changes were ready for review.

**Building Official Christensen** said the committee, consisting of himself, Council Member Stevens, Johnny Watson, and Richie Webb met and went through Ordinance 926 page by page and they had recommendations for Planning and Zoning. The changes were cleanup in nature with the exception of design standards. They are about three quarters complete. He hoped to have the cleanup completed for the September 16<sup>th</sup> meeting. **Mayor Larsen** thanked Building Official Christensen for all his efforts to update the Planning and Zoning Ordinance.

**Council Member Stevens** asked if they needed to meet to finish the design standards between "now and September 16<sup>th</sup>?" Building Official Christensen said he thought it was more important to get the rest of it done. He didn't want the rest of the design standards opened up. They did separate them out completely. They want to have both BILLS ready for City Council's review at the same time.

**C. Second Reading:** Those items which have been first read: NONE

**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 September 16<sup>th</sup> 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 (Deferred to September 16<sup>th</sup> meeting)**

**3. BILL 1030 Amend Ordinance 523 (winter overnight parking restrictions) – Staff**

**Mayor Larsen** explained the new parking restriction for plowing snow is from December 15<sup>th</sup> to March 1<sup>st</sup> of the following year.

**Council Member Stout** moved to third read and approve BILL 1030 Amend Ordinance 523 (winter overnight parking restrictions); Council Member Woodland seconded the motion; all voted aye, **the motion carried.**

4. **BILL 1031** – Appropriation Ordinance for 2010 Budget – Finance Officer Horner

**Finance Officer Horner** explained the Appropriation Budget for 2010. The total budget is \$46,602,300. The last several weeks have had cuts in personnel, deferred salary adjustments, and other capital cuts. The City Council has requested a “Statement of Understandings” which is attached to budget proposal.

City of Rexburg  
For the 2010 Budget (Year Ending 9/30/10)  
STATEMENT OF UNDERSTANDINGS

- 1) The Council will review the General Fund Contingency Balance at the end of the year to decide if any could be applied to the Police Impact Fee Fund deficit.
- 2) Expenditures, including all capital items, will be managed so that short falls in total revenues are offset by cutbacks in expenditures in the General and Street Funds.
- 3) \$350,000 of street funding has been allocated to the Downtown Revitalization Fund in 2008, and in 2010 an additional \$350,000 will be allocated to be used for construction to make the downtown more pedestrian friendly. Construction, operating and maintenance costs will be reviewed and approved by the City Council before any funds will be committed to this project. If the City Council finds a higher priority for these funds, these funds can be transferred to a higher priority street project.
- 4) All construction projects over \$25,000 and their related operating and maintenance costs will be reviewed and approved by the City Council before any funds will be committed to the project.
- 5) All FY2010 capital purchases of \$5000 or more shall be delayed until February 1, 2010, unless special permission is granted by the Mayor.
- 6) All hiring of employees to fill a previously existing position that was vacated must have approval from the City Council.
- 7) The new position of Fire Inspector shall not be filled until February 1, 2010.
- 8) All merit (step) raise eligibility dates will be delayed exactly 12 months starting October 1, 2009.

**Council Member Stout** review some of his concerns including the ladder truck equipment transfers, fire inspector position and the Building Safety Department. He asked about the Romance Theatre fund transfer. How much from the general fund? Past budgets reviewed. Finance Officer Horner explained the City Council has approved budget expenses out of the General Fund for the Romance Theatre. Council Member Stout was concerned the theatre would continue to receive increased budgets from the General Fund into the future. Finance Officer Horner explained there was a transfer in 2007 of \$18,600; in 2008 there was a transfer of \$23,700 with a budget of \$25,600 for building remodeling of \$15,000, the remainder is for utilities. Heat and lights are \$14,000 with miscellaneous building repairs of \$6,000.

**Council Member Stout** wanted to stay away from the general fund to help fund the theatre and have the funds raised. Maybe the city could match 50% of what was raised.

**Roger Harris** had a discussion on the difference in the Romance Theatre verses the Tabernacle Building. Lighting and other amenities are different. He wanted citizens to know how the public needs theatre. Theatre has to be subsidized by the public sector. Citizens did say they would pay for improvements; however, large items need some city support. The building is needed in the community. It just needs to be finished to have a good building for the community.

**Mayor Larsen** said the money did not come from the stimulus package but rather was a congressional appropriation to be matched by the city over a course of five years. Each year would require \$15,000 for repairs, maintenance, remodeling, etc. Mayor Larsen said that if the city didn't get the money for the match then the grant wouldn't get allocated.

**Council Member Stout** doesn't want to be misunderstood saying he doesn't want the Westwood Theater to stay. He is not up for subsidizing from the General Fund but would rather the theater renovations be paid for by donations.

**Council Member Mann** explained the city owns the building and needs to maintain the building even if its out of the General Fund. Congressman Simpson is helping with congressional funding proposals.

**Council Member Stevens** reviewed the donated items over the past four years. The city's investment needs to be taken care of over time. He asked for people to have patience with the improvements over time. It is a fun building to come and use for the city.

**Mayor Larsen** explained the line item for the carousel deck will come from donations. The \$37,000 will be raised by donations and revenue from the facility. The spray park has help to raise the revenue. This years forecast is \$8,000 profit from the carousel. All revenues generated by the carousel go back into the carousel. Council Member Mann said the carousel is a great addition to the west side of town.

**Council Member Erickson** moved to approve BILL 1031 – Appropriation Ordinance for 2010 Budget; Council Member Stout seconded the motion; all voted aye, **the motion carried.**

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

**Mayor's Report:**

A. **Revolving Loan Fund** "Façade Improvement Program"

**Mayor Larsen** explained the façade improvement plan approved for downtown facades. Great Harvest is asking for a façade improvement through the Revolving Loan Program at 3% interest. It will become a lien on the property. There have been a couple of façade improvements on this program. Finance Officer Horner said some back doors on buildings need improvements too. This proposal would be \$10,000.

**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. August 19, 2009 meeting
- B. Approve the City of Rexburg Bills

Corrections: Review and change page two at bottom concerning the title of "Council President". Cost of living statement needs to state "ask whether the committee discussed cost of living raises".

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

**Council Member Erickson** moved to go into Executive Session per Idaho Code 67-2345 (F) to communicate with legal counsel for the public agency to discuss legal ramifications of and legal options. Council Member Mann seconded the motion.

Roll Call vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

Executive Session:

Executive Session ended.

**Adjournment**

Attest:

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

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