

City Council Meeting

August 18, 2010



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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August 18, 2010

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

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

Scout Troop 49 posted the colors and led the Pledge.

Rick Davis gave the opening prayer.

Roll Call of Council Members:

Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Egbert, Council Member Sutherland, Council Member Stout and Mayor Woodland.

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

Roy Marlow at 142 Elm Street was in favor of discontinuing reverse angle parking around campus. It is difficult to see when parking in reverse, which is why we do not back-up into garages often. Reverse angle parking also stops traffic. If accidents have decreased, it might be a result of some reverse angle parking being done away with in some areas. He asked City Council to seriously consider these issues.

Lynn Betts at 66 North 1st East asked the city to maintain a limb pile to sell for profit. He said City Council approved a bid to improve Birch one year ago and nothing has been done. He reviewed a recent development approval at for Kartchner homes on 12th West. Public comment on the issue was the concern of so many homes already approved in that area and wanting to wait to see how the development affects the city before approving more homes. He gave an example of a meeting in Teton County with developers where it was expressed that so many homes had been approved that it would take 100 years to actually develop them all. He encouraged City Council to slow down and let the currently approved lots develop before approving more.

Public Works Director Millar said Birch was originally on the list, but Birch was not an overlay candidate so it was moved to the major reconstruction list.

Presentations:

A. Romance Theater Committee – Presentation and project update – RonaLee Flansburg

RonaLee Flansburg at 304 East 1st North in Teton, Idaho referred to Save America's Treasures Grant Program where a grant was approved to restore the Romance Theatre. She read a statement from Save America's Treasures Program concerning America's Treasures in America's communities. This program has helped preserve other great American treasures, including Mark Twain's home and Harriett Tubman's home. She presented a slide show of a similar theatre in Blackfoot, Idaho.



There are several groups that have volunteered for cleanup and other work on the Romance Theatre, including an Eagle Scout project, the Civil Air Patrol Cadets, and many committee members and other volunteers. They have received help from people with special expertise as well. They have a great committee. They would like to see their circle of support widened so more people are involved.

Council Member Mann asked for more information on the grant. It was for \$150,000; Volunteer hours are going to be a significant part of the matching in-kind funds. The auditorium painting was bid for \$78,000; however, it will be completed with volunteer labor.

Council Member Sutherland asked about the seats from the Kirkham building. Roger Harris explained the University is not ready to remove the Kirkham auditorium from service. The building is scheduled with events every week.

Council Member Benfield commended the Romance Theater Committee for their excellent work. They are there every day working. There is a three-year time frame on the grant, but it looks like they will finish much sooner.

Mayor Woodland said the whole City Council commends them for their efforts. The city owns the building and nothing has been done with it for a long time. RonaLee Flansburg said she wants people to know they are welcome to help with the project.

Committee Liaison Assignments for 2009:

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

Council Member Stout reported the Trails of Madison County has “The Great Spud Race” coming up. In the past JD Hancock has done a lot of hard work in putting it together. It has been a challenge this year since JD is gone on a mission. If anyone is available to help, Council Member Stout asked them to contact City Hall or send him an email. He said it is a fund raiser for the trails system. Those who donate get a foam potato to race down the river and the winners get prizes. He asked for community support.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

Council Member Egbert was out of town when the Legacy Flight Museum Board met last; he will provide an update on that committee at a later date. He reported Parks & Recreation’s summer activities are going well.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee*

Council Member Sutherland reported Beautification Committee and Museum Committee have not met. The Museum Committee has not met; however, by way of information, the trees around the Tabernacle need some attention. Some trees will be removed with new landscaping planned around the Tabernacle. Directional signage will be added to the streets to help the public find the Tabernacle.

Mayor Woodland asked the City Council to ratify the appointment of Martell Grover to the Museum Committee Chair position.

Council Member Sutherland moved to ratify the appointment of Martell Grover to the Museum Committee Chair position; Council Member Egbert seconded the motion; Mayor Woodland called for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Erickson	None
Council Member Sutherland	
Council Member Egbert	
Council Member Mann	
Council Member Benfield	
Council Member Stout	

The motion carried

D. Council Member Christopher Mann *Emergency Services Board · School Board · MYAB*

Council President Mann reported on an executive session for Emergency Services. MYAB will be selling cotton candy at the Celebrate Youth event.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

Council Member Benfield reported on the retirement of Bart Smith from the Police Department. She presented him with a plaque on behalf of the City Council and the Mayor. The Tabernacle Committee delayed their meeting until next week.

The School District has the Celebrate Youth Program on Tuesday. School starts on August 25th. They expect increased enrollment again this year. The district has had an average of 90 new students each year. There are currently 4,800 to 4,900 students in the Madison School District. That makes it the 15th largest school district in the state. The district is fairly large for Idaho and is average-sized on a national level.

The Arts Council did meet; however Council Member Benfield was not able to attend. Ronalee Flansburg said they are going to begin working on the Centennial for the Tabernacle. Roger Harris said the Tabernacle Museum street signs need to be moved or fixed up so the people can see the signs. He has been scraping paint at the Tabernacle to get ready for painting. There are two Eagle Scout projects going on too. Things are moving along; however, they need more help.

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

Council Member Erickson reported the Golf Board has not met; Rexburg Redevelopment Agency has not met; Planning and Zoning met on August 5th. He was unable to attend that meeting; however, Planning & Zoning items will be discussed on tonight's agenda.

Public Hearings:

A. **7:20 P.M. Vacate Right-of-Way at 896 University Blvd** – It is excess street right-of-way adjacent to 896 University Blvd. – Public Works Director Millar reviewed the triangle piece of property adjacent to 896 University Blvd, near the University Blvd and Yellowstone Highway intersection. The tract of land needs to be cleaned up. The proposal is to vacate the property to the adjacent landowner so the property can be landscaped and maintained.

Council Member Erickson asked if there would be room for a fire truck between the existing building and the road. Public Works Director Millar said with or without the extra land vacated, a fire truck could not fit around the corner to the back of the building.

Council Member Sutherland clarified the land cannot be sold and it is of no use to the city in any other way. Public Works Director Millar pointed out the irrigation ditch along Yellowstone

Highway. The proposed property cannot be accessed from any other direction than from the adjacent property owner's land.

Council Member Benfield thought it made good sense. It is helpful to have areas like this cleaned up by property owners.

Those in Favor of the proposal: None

Those Neutral to the proposal: None

Those Opposed to the proposal: None

Mayor Woodland closed the public hearing.

Council Member Egbert was in favor of the proposal and he moved to vacate the city property at 896 University Blvd; Council Member Benfield seconded the motion;

Those voting aye

Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Mann
Council Member Benfield
Council Member Stout

Those voting nay

None

The motion carried.

B. 7:30 P.M. Five proposals to amend the "Comprehensive Plan Map" – Staff

RESOLUTION 2010 – 12 COMPREHENSIVE PLAN PREFERRED USE MAP

SUGGESTED CHANGES:

1. Change High Density Residential and Medium Density Residential designations to Moderate to High Density Residential.
2. Change Low Density Residential designation to Low to Moderate Density Residential.
3. Change Business Park and Highway Commercial to Commercial.
4. Change to Downtown Commercial Mixed Use (also change name)
5. Change to Neighborhood Commercial Mixed Use.
6. Change to Moderate to High Density Residential.
7. Change to Neighborhood Commercial Mixed Use.
8. Change Low Density Residential to Single Family Residential

NEW DESIGNATIONS and ALLOWED ZONES: Single Family Residential – LDR1, LDR2 and LDR3; Low to Moderate Density Residential – LDR2, LDR3, and MDR; Moderate to High Density Residential – MDR1, MDR2, HDR1 and HDR2; Commercial – All Commercial Zones

Community Development Director Christensen presented the proposal from the Planning and Zoning Commission over a six month period of deliberation. A work meeting was held with Planning and Zoning and City Council to review the proposal. The changes to the Comprehensive Plan Map had areas numbered (1) through (8) to coincide with the suggested changes noted above.

Winston Dyer, Chairman of Planning and Zoning explained the Comprehensive Plan Map is a wish-list map for Rexburg. It represents the best thinking and ideas of the Planning & Zoning Commission, and eventually of the City Council after acceptance. It represents what the development will and should look like. It is used as a tool for planning the direction the property should go. It does not confer any property rights; it is the zoning of the property that confers property rights.

Community Development Director Christensen reviewed the proposal to change the names as follows: NEW DESIGNATIONS and ALLOWED ZONES: Single Family Residential – LDR1, LDR2 and LDR3; Low to Moderate Density Residential – LDR2, LDR3, and MDR; Moderate to High Density Residential – MDR1, MDR2, HDR1 and HDR2; Commercial – All Commercial Zones. He gave an example of Rural Residential Zoning being changed to more dense zoning as the community grows into rural areas. The Comprehensive Plan Map can be modified at any time; instead of waiting six month. The Idaho Legislature recently removed the six month waiting period between Comprehensive Plan Map changes.

Community Development Director Christensen reviewed the proposed changes on the Comprehensive Plan Map under areas numbered one (1) through eight (8).

No. 1 - Change High Density Residential and Medium Density Residential designations to Moderate to High Density Residential.

No. 2 - Change Low Density Residential designation to Low to Moderate Density Residential.

No. 3 - Change Business Park and Highway Commercial to Commercial.

No. 4 - Change to Downtown Commercial Mixed Use (also change name).

No. 5 - Change to Neighborhood Commercial Mixed Use.

No. 6 - Change to Moderate to High Density Residential.

No. 7 - Change to Neighborhood Commercial Mixed Use.

No. 8 - Change Low Density Residential to Single Family Residential.

Council Member Sutherland thanked Planning and Zoning members for the time consuming and difficult job. They do an excellent job for the community.

Council Member Mann asked about No. 8 by Kartchner Homes and No. 2 by 12th West. Community Development Director Christensen explained it broadens the concept for future planning.

Mayor Woodland opened the Public Hearing.

Those in favor of the proposal: None

Those Neutral to the proposal: None

Those Opposed to the proposal:

Mary Hailey at 275 East 1st South read a letter from the East Main Neighborhood Association, written by Don Sparhawk, who is President of the association. She is the Vice President. She read:

“Dear Mayor and City Council: We are responding to your request for input regarding the proposed changes to the Rexburg Preferred Land Use Map. We have appreciated the protection you have provided to our neighborhood under the current Land Use map. We have tried to work closely with the city in recent years to allow for some planned development between 1st South and 2nd South, while at the same time, maintaining our traditional Single Family Residential neighborhood. Most of the property within our neighborhood association is currently designated Low Density Residential on the Land Use map and zoned LDR2. It is the desire of most residents of our neighborhood to remain in the Single Family Low Density area. We do not wish to open the door to Moderate Residential housing. It is our recommendation that the areas around Smith Park and along 2nd East be kept Single Family Residential where only LDR1, LDR2, and LDR3 zones are allowed. We do not wish to be included in the newly created area called Low to Moderate Density Residential that allows for Medium Density zoning. This will ensure that our neighborhood remains a Single Family Residential area in future years. Thank you for your help in this matter.”

Mary Hailey said she knows the difference between the Comprehensive Plan Map and the Zoning Map, but the neighborhood association does not want anyone to read into that change as an invitation for moderate density housing.

Rebuttal:

Community Development Director Christensen said Planning and Zoning would be amenable to keeping the area Single Family Residential. City Attorney Zollinger said it might be a problem because the new Comprehensive Plan Map does not allow for the designation the neighborhood association wants to maintain. He discussed the two designations of Low to Moderate and Moderate to High Density Residential. Community Development Director Christensen discussed area changes on the map; there are certain parts that are in the Medium Density range. The Comprehensive Plan represents a 20-year plan. Winston Dyer explained area No. 2 could be zoned up to MDR1, which is the lowest degree of Medium Density. It is just an option; it does not mean it has to be that way. The zone change would still have to come to a public hearing before any changes could be made.

Mayor Woodland closed the public hearing.

Council President Mann was concerned with No. 2 on Hwy 20. People came to City Council requesting High Density near the highway and they were turned down. He was also concerned with No. 7 around Cornell Avenue. People go to the broadest of the broader ranges anticipated to try to

change residential neighborhoods. He was concerned with giving impressions that they would accept those broad range proposals. He was concerned with No. 5 by 2nd East.

Council Member Erickson asked to read a letter regarding Cornell Avenue. The letter was submitted by Donetta Rhead, who lives at 224 Cornell Avenue. He agreed with the comments on the letter.

To the City of Rexburg and Planning and Zoning,

We live on 224 Cornell Ave and are writing concerning the comprehensive zoning of our area. We understand there is a proposal to change our area from Medium Density Residential to Neighborhood Commercial Mixed Use. We are in favor of this as five of the eight houses on our block are now rentals. The house next door has any number of Students at any time. We are in favor of changing our side of the street to Neighborhood Commercial Mixed Use as we can see how it will be that way whether it is zoned for it or not.

*Sincerely,
Randall & Donnetta Rhead*

Council Member Sutherland agreed with Council Member Erickson on the changes going on in the Cornell Avenue neighborhood. He appreciates the State of Idaho legislature for changing the six month limit on changing the Comprehensive Plan. The option is now available to make changes quickly when necessary. He reviewed past growth when Ricks College was changed to BYU-Idaho; there was a desperate need for young married student housing. Neighborhoods were turned into rental neighborhoods. Now, the city can react in a timely manner to changes in the community. He thanked Planning & Zoning for the hard work they have done. These proposed changes help clarify between the Comprehensive Plan Map and the Zoning Map.

Council Member Egbert agreed it will help in the planning process. Zoning issues will be reviewed in more detail as they are presented. The Comprehensive Plan Map proposal makes a lot of sense.

Council Member Stout reviewed the request and indicated he agreed with the proposals.

City Attorney Zollinger explained the Comprehensive Plan is not a wish list; it is a projection of future planning based on trends. He asked to refer to the map as a Comprehensive Plan Map, not a preferred land use map. He reviewed the East Main Neighborhood Association's request to maintain their existing designation on the Comprehensive Plan Map. Discussion on the different areas proposed for change and how the motion for the changes could be constructed.

Winston Dyer reiterated the two types of changes being addressed: the changes in terminology for the Comprehensive Plan, as well as designation changes in certain areas of the Comprehensive Plan Map. City Attorney Zollinger continued to explain the changes in the map and the changes in nomenclature have gone without comment, with the exception of the East Main Neighborhood Association wanting to remain Single Family Residential, the density by the highway as addressed by Council President Mann, and the changes on Cornell Avenue. The motion could include adopting the changes, with the exception of the three areas of concern.

Council Member Stout moved to approve the suggested changes to the Comprehensive Plan and Comprehensive Plan Map as presented in whole under areas numbered one (1) through eight (8):

SUGGESTED CHANGES:

1. Change High Density Residential and Medium Density Residential designations to Moderate to High Density Residential.
2. Change Low Density Residential designation to Low to Moderate Density Residential.
3. Change Business Park and Highway Commercial to Commercial.
4. Change to Downtown Commercial Mixed Use (also change name)
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NEW DESIGNATIONS and ALLOWED ZONES: Single Family Residential – LDR1, LDR2 and LDR3; Low to Moderate Density Residential – LDR2, LDR3, and MDR; Moderate to High Density Residential – MDR1, MDR2, HDR1 and HDR2; Commercial – All Commercial Zones

Council Member Erickson seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Benfield
Council Member Stout

Those voting nay

Council Member Mann

The motion carried

C. 8:00 P.M. Amend 2010 Budget – Matt Nielson

Deputy Finance Officer Matt Nielson reviewed the proposal to amend the 2010 Appropriation Budget for the City of Rexburg. The amended amount is \$5,927,000 to income and expenses from projects and grant funding including:

1. Airport maintenance
2. LID 40
3. Madison County Fire District
4. City Hall
5. Riverside Park
6. Street operations, etc.

FUND	ORIGINAL	AMENDMENT	FINAL
AIRPORT OP. EXPENSE	18,400	332,000	350,400
BEAUTIFICATION EXPENSES	6,500	4,000	10,500
ESD PIPES&DRUMS EXPENSES		10,000	10,000
FIRE DEPARTMENT EXPENSES	1,820,900	23,000	1,843,900
GENERAL FUND EXPENSES	6,763,300	156,000	6,919,300
LID 35 DEBT SERVICE EXPENSES	50,000	5,000	55,000
LID 36 DEBT SERVICE EXPENSES	60,000	10,000	70,000
LID 39 DEBT SERVICE EXPENSES		10,000	10,000
LID 40 CONST. EXPENSES		1,400,000	1,400,000
MADISON FIRE EXPENSES	606,500	460,000	1,066,500
NEW CITY HALL EXPENSES		334,000	334,000
REVOLVING LOAN EXPENSES	97,000	283,000	380,000
RIV.PARK CONST. EXPENSES	450,000	1,900,000	2,350,000
STREET OPERATIONS EXPENSES	2,326,500	400,000	2,726,500
STREET REPAIR EXPENSES	224,600	520,000	744,600
TABERNACLE FUND EXPENSES	75,700	80,000	155,700
NON-AMENDED FUNDS	34,102,900	-	34,102,900
GRAND TOTAL EXPENSE:	46,602,300	5,927,000	52,529,300

Council Member Stout asked if City Hall would be completed with the allotted funds. Deputy Finance Officer Nielson replied that it will. The Finance Department wants the new City Hall completed on the 2010 Budget.

Mayor Woodland clarified that this simply cleans-up the budget. Deputy Finance Officer Nielson added that these are dedicated one-time funds and grant monies for specific purposes, not money that be spent on anything.

Council Member Erickson said the news paper article was not clear to the public on the budget changes. The revenue comes from other sources including new development projects and grants.

Council Member Erickson moved to first read BILL 1052 amending the Appropriation Budget for 2010; Council Member Stout seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson

Those voting nay

None

Council Member Sutherland
Council Member Egbert
Council Member Mann
Council Member Benfield
Council Member Stout

The motion carried

Mayor Woodland reopened the public hearing to take public comments:

Those in favor of the proposal: None
Those neutral to the proposal: None
Those opposed to the proposal: None

Mayor Woodland closed the public hearing and called for a vote:

Council Member Egbert moved to first read BILL 1052 amending the Appropriation Budget for 2010; Council Member Benfield seconded the motion;

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Erickson	None
Council Member Sutherland	
Council Member Egbert	
Council Member Mann	
Council Member Benfield	
Council Member Stout	

The motion carried

Items for Consideration:

- A. **Conditional Use Permit** for additional units (from 24 units to 77 units) in a development. The Development Code requires a Conditional Use Permit to have more than 24 units in a building. The project is at 405 and 431 West 4th South. The increased building density will help the development comply with parking requirements in the Pedestrian Emphasis Zone (PEZ) – Ordinance 1021 – Trent Birch

Trent Birch at 4148 West Homestead Drive reviewed the proposal explaining the need for additional parking. Originally they had planned to build a parking garage underground. After taking a closer look, the cost to put in the underground parking was much more than he anticipated. He found additional ground for parking for the project. All plans are in compliance with City ordinances and codes and Planning & Zoning requirements. The property is located west of South 4th West which is adjoining the development to the west. They have an agreement with Temple View Apartments to share the parking space.

Council Member Erickson asked about the bridge and proposal to use property across 4th West. Mr. Birch explained the planned use of the corner cross walk on South 4th West with the main doors of the building put adjacent to the existing pedestrian walkway over the bridge. The new bridge across the canal for Temple View Apartments will be wide enough to allow pedestrian traffic. Council Member Erickson was concerned with the pedestrians accessing the parking lot using the same access that cars will be using. A curb will be a separation fixture to adjoin the crossing sidewalk on the new bridge.

Community Development Director Christensen explained the parking lot did not need to meet the same setback as the buildings. The commercial zones require 17 feet of landscaping, etc. The developer requested a smaller setback for the parking lot area. It would move the setback from 20-25 feet to 10 feet for a parking lot in a High Density Area. Planning and Zoning is asking to amend the Development Code to 10 feet for parking lots.

Council Member Erickson asked Chairman Dyer about Condition 11. He was concerned with Condition 11 being recommended; not required. Chairman Dyer explained the Planning and Zoning Commission is a recommending body; thus, Condition 11 is recommended for approval. There was discussion on the access to the parking lot and the resident's ability to access the parking lot to the west over the canal bridge installed by Temple View Development. Public Works Director Millar explained there would be a curb and adjoining the sidewalk for the residents to cross the canal bridge.

#10 00261
Conditional Use Permit – Trent Birch
Proposed Conditions of Approval

1. *Trash dumpsters/receptacles shall be located within the interior (behind front building line, but in required setbacks) of the lot and shall be enclosed.*
2. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, etc. shall be submitted and approved by the City prior to the issuance of a building permit. The existing snow storage as currently shown is of concern for the City Engineer.*
3. *All requests of the City Engineer to be implemented. This includes ~~a walking bridge over the canal and~~ the right in/ right out access to the parking lot from 4th South. Storm drainage and other Engineering considerations to be reviewed and approved by the City Engineer.*
4. *Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City’s lighting ordinance.*
5. *To encourage alternative travel options, i.e. bicycling, bike racks and hard surface must be provided. Location of racks needs to be shown on revised site plan. This requirement is identified in the PEZ Ordinance.*
6. *Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.*
7. *Parking Contracts to be approved by the City Attorney.*
8. *Requirements of the PEZ Zone Ordinance to be applied to this project. Including but not limited to wider sidewalks.*
9. *A 10-foot setback for the parking lot shall be allowed.*
10. *Secure parking in perpetuity.*
11. *A crosswalk at the existing bridge on South 4th West is recommended.*
12. *Offsite parking shall be allowed, and allow a 60 percent (plus 2 for managers) overall minimum parking percentage.*

Council Member Erickson moved to approve the Conditional Use Permit (CUP) for additional units (from 24 units to 77 units) in a development at 405 and 431 West 4th South in the Pedestrian Emphasis Zone (PEZ) with all the Planning and Zoning recommendations being required;

Council Member Sutherland seconded the motion; Discussion: The setback will be reduced to 17 feet plus the sidewalk or 22 feet in total from the back of street curb. Mayor Woodland called for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Erickson	None
Council Member Sutherland	
Council Member Egbert	
Council Member Mann	
Council Member Benfield	
Council Member Stout	

The motion carried

- B. Affirm **Resolution 2010 – 08: Authorizing the filing for Judicial Confirmation** proceedings for the financing, acquisition and construction of waste water treatment facilities for the City (collectively, the “Project”) to be constructed and acquired to meet the city’s needs and requirements.

City Attorney Zollinger explained the Resolution came before City Council a few months ago in a meeting he was not able to attend. The Resolution was approved after the public hearing; however, the two week waiting period was not fulfilled. The law requires a 15-day time frame before voting on the Resolution. It is being presented to City Council for a re-vote in order to meet that requirement.

Council Member Sutherland moved to affirm Resolution 2010 – 08: Authorizing the filing for Judicial Confirmation proceedings for the financing, acquisition and construction of waste water treatment facilities for the City (collectively, the “Project”) to be constructed and acquired to meet the city’s needs and requirements; Council Member Egbert seconded the motion; Mayor Woodland called for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Erickson	None
Council Member Sutherland	

Council Member Egbert
 Council Member Mann
 Council Member Benfield
 Council Member Stout

The motion carried.

Staff Reports:

A. **Public Works:** – John Millar

1. Approval of Local Improvement District (LID40) Bid

Public Works Director Millar reviewed the bids. The estimate was just under \$600,000. The property owner requested the opportunity to get their own bids. Public Works Director Millar contacted him with the results and he was in support of going forward with the low bid received by the city. Landon Excavation was the low bidder; their bid came in almost \$50,000 lower than the next bid. They have a good track record in Idaho Falls. Council Member Erickson asked if they present a performance bond. Yes, before signing a contract they do provide a performance bond.

**6th South &
 3rd West LID-40**

DESCRIPTION	Landon Excavating	DePatco	Hill & Son	Edstrom Const.	HK Contractors	TMC Contractors	Jerome Bowen
Item Description	Bid Amount	Bid Amount	Bid Amount	Bid Amount	Bid Amount	Bid Amount	Bid Amount
Excavation	4,770.00	30,475.00	21,200.00	29,415.00	29,150.00	21,200.00	44,520.00
Geo Textile Fabric	6,372.00	5,900.00	7,080.00	9,440.00	8,850.00	10,030.00	8,260.00
Granular Borrow For Street Section	41,310.00	32,300.00	59,160.00	20,400.00	40,800.00	44,200.00	46,920.00
3.5" Thick 3/4" Minus Crushed Aggr. Base	5,075.00	18,125.00	17,218.75	12,470.00	20,300.00	18,125.00	16,095.00
Asphalt Surface Course Plant Mix (143 pcf)	81,217.50	79,950.00	86,658.00	79,706.25	78,000.00	87,067.50	82,095.00
Valley Gutter	3,465.00	3,693.25	3,630.00	396.00	3,795.00	3,740.00	3,740.00
Sanitary Sewer Line in New Street Section	37,520.00	28,000.00	18,606.00	43,225.00	14,000.00	36,400.00	31,430.00
Sanitary Sewer Line & 12" Storm Sewer in Existing Street Section	15,924.00	24,000.00	29,520.00	43,560.00	38,400.00	32,400.00	57,420.00
8" Sanitary Sewer Service Line	880.00	3,600.00	2,528.00	4,936.00	4,640.00	4,512.00	4,648.00
8" Water Line Extension	12,407.20	15,600.00	13,533.00	8,970.00	13,000.00	13,520.00	15,496.00
12" Storm Sewer Line	19,710.00	31,500.00	30,330.00	49,545.00	18,000.00	54,900.00	40,230.00
Adjust Manholes to Grade	5,100.00	3,000.00	4,800.00	3,348.00	4,200.00	5,160.00	4,725.60
Adjust Water Valves to Grade	825.00	600.00	600.00	543.00	900.00	1,170.00	1,102.50
Replace Existing Sanitary Sewer Manhole	7,105.00	5,000.00	2,800.00	3,993.00	10,000.00	1,500.00	3,062.90
Sanitary Sewer Manhole Installation	7,000.00	10,000.00	6,400.00	10,360.00	16,000.00	5,400.00	10,256.40
Storm Drain Manhole Installation	7,600.00	10,000.00	6,400.00	11,616.00	16,000.00	5,660.00	10,386.80
Fill behind Curb & Gutter	1,300.00	3,250.00	4,062.50	487.50	1,625.00	6,175.00	5,590.00
Catch Basin and Installation and 12" Piping to Manhole	5,325.00	9,000.00	2,700.00	8,349.00	9,000.00	4,500.00	8,474.70

12" of excavation, backfill & compaction for sidewalk	5,040.00	15,400.00	10,360.00	3,724.00	14,700.00	10,080.00	21,000.00
Sidewalk Removal	1,130.00	1,130.00	791.00	491.55	904.00	678.00	2,384.30
4" Concrete Sidewalk Installation	38,430.00	41,090.00	41,160.00	43,750.00	42,000.00	42,000.00	37,660.00
Truncated Domes	1,260.00	1,020.00	15.00	1,032.00	3,150.00	1,320.00	1,260.00
Curb & Gutter Removal	300.00	200.00	240.00	211.00	100.00	208.00	420.00
Curb & Gutter Installation	39,760.00	35,074.00	38,340.00	48,706.00	51,120.00	52,398.00	41,748.00
Sub-Total	348,825.70	407,907.25	408,132.25	438,674.30	438,634.00	462,343.50	498,925.20
Deduct Lithium (Curb & Gutter)	(4,686.00)	(9,570.80)	(4,742.80)	(7,384.00)	(5,254.00)	(4,970.00)	(4,828.00)
Deduct Lithium (Sidewalk)	(4,200.00)	(9,492.00)	(4,242.00)	(6,580.00)	(4,760.00)	(4,452.00)	(4,340.00)
Total	339,939.70	388,844.45	399,147.45	424,710.30	428,620.00	452,921.50	489,757.20

Council Member Egbert moved to approve Landon Excavation as the low bid for Local Improvement District (LID40); Council Member Stout seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson
 Council Member Sutherland
 Council Member Egbert
 Council Member Mann
 Council Member Benfield
 Council Member Stout

Those voting nay

None

The motion carried.

Other projects:

- 1. Public Works Director Millar** reviewed the work on 12th West. The Depatco portion of the project, to widen the base and make repairs to soft spots, is 99% completed. They have some clean-up to do, but should be done by next week. ITD handled the bidding and the low bidder for the paving project went bankrupt; the project has been offered to the second lowest bidder, HK Contractors. The pre-construction conference with the contractor is scheduled for tomorrow. The street will not be paved before school begins. They will be working directly with Russ Wilson, the school's Physical Facilities Manager, to coordinate the flow of traffic during construction.

Discussion on the timing of paving 12th West. It will most likely be completed near the end of September. It only takes four or five days to pave, but the roads will have to be closed down for that time.

- 2. The street light at 7th South and 2nd East** is complete including the widening of the street and the blacktop south of the light. There is some grading to clean up. Seal coating on city streets is complete too. Seal coating failures for the past two or three years were discussed. Public Works Director Millar met with HK Contractors today to discuss the past seal coating failures. They plan to do some tests in a very controlled environment to figure out what is going wrong. Council Member Erickson was concerned with seal coating failures by HK Contractors. When the first chip seal coat failed, HK Contractors did the second seal project on their own. Other projects have held up; they are trying to figure out the reason three chip seal projects have failed on 7th South. The bonding for seal coating contracts only lasts 12 months. Streets that had seal coat failures include Reed Street and 7th South.

3. **1st and 2nd West Water and Sewer Line extensions** are complete for the Hemming project; curb and gutter will be installed next week. The water lines are being tested; they have experienced some problems with bacteria. The lines will be flushed again tomorrow. The project might not be finished before school starts.
4. **LID 40 Contracts** are signed. The work will start next week.
5. **Waste Water Plant** screening tower is being constructed. Pictures of the project were reviewed. 48 Semi Loads of media for the tower tank are being delivered this week. It should be operational around the 1st of September.

B. Approval of Bids on Aquatic Facility

Johnny Watson from JRW Associates reported a sign has been put up at the site of the Riverside Park Aquatic Facility. Now residents know what is happening if they did not know before. He reviewed the calendar for the construction of the Aquatic Facility. Tuesday was the pre-bid for the HVAC, plumbing, and electrical contractors. There was a good amount of local interest. Payment bonds are required. The foundation wall for the building is scheduled. Bids were reviewed:

Pool Installer

- | | |
|---------------------------|-------------|
| 1. CEM Aquatics | \$1,811,204 |
| 2. Knorr Systems, Inc. | \$2,000,000 |
| 3. The Pool Company, Inc. | \$2,095,995 |

Building Concrete Package

- | | |
|------------------------|-------------|
| 1. Bryan Landon | No Response |
| 2. Edelmayer & Sons | \$129,125 |
| 3. KB Construction | No Response |
| 4. Saurey Construction | \$144,800 |

Masonry

- | | |
|--------------------|--------------|
| 1. JW Masonry | \$286,695.72 |
| 2. Mickelson's | \$305,000.00 |
| 3. Sommers Masonry | \$324,750.00 |

Mr. Watson explained some of the building processes for the current bid projects. Pictures were shown of concrete projects. Walls will be poured tomorrow. The facility is well ahead of schedule. Mr. Watson added extra plumbing fixtures to maximize occupancy. There will be approximately 108 plumbing fixtures, including floor drains, showers, restrooms, and etcetera.

Council Member Erickson asked about the bid for construction of building parts. Mr. Watson explained different parts of the building are included in separate bid projects. The concrete, masonry, structural steel, are all components of the building that are in the bid process now. They are building from the ground up. The building walls will be made by masonry work; the roof will be done in steel. Mr. Watson further explained the building will have a 50 year lifespan. All components are low-maintenance and built for longevity.

Council Member Egbert moved to accept the low bids for the Aquatic Facility building components from CEM Aquatics for \$1,811,204 on the Pool components for the building; Edelmayer & Sons for \$129,125 for the building concrete package; and JW Masonry for \$286,695.72 for the masonry; Council Member Benfield seconded the motion; Mayor Woodland called for a vote:

Those voting aye

- Council Member Erickson
- Council Member Sutherland
- Council Member Egbert
- Council Member Mann
- Council Member Benfield
- Council Member Stout

Those voting nay

None

The motion carried.



C. **Finance Department:** – Matt Nielson
 1. Monthly Budget Report

**CITY OF REXBURG
 FY 2010**

**BUDGET SUMMARY REPORT
 10 months ending 7/31/2010**

Budget vs EXPENSES	BUDGET	ACTUAL	83%	FORECAST	Forecast
OPERATING DEPARTMENTS & FUNDS					
Mayor, Council & Economic Development	296,600	204,822	69%	254,400	42,200
Economic Development	287,500	173,297	60%	311,500	-24,000
Customer Services	239,800	200,087	83%	242,100	-2,300
Information Technology	181,000	147,219	81%	179,300	1,700
Financial Management	613,800	489,775	80%	604,500	9,300
Legal Services	195,500	159,919	82%	192,300	3,200
Planning & Zoning	96,400	73,947	77%	107,600	-11,200
Building Safety	634,300	503,247	79%	618,700	15,600
GIS	350,400	267,803	76%	340,000	10,400

Emergency Services	2,023,600	1,475,603	73%	2,040,600	-17,000
Golf Courses	473,100	359,538	76%	443,700	29,400
Parks & Ball Diamonds	380,600	221,401	58%	361,800	18,800
Recreation	354,600	177,382	50%	332,600	22,000
Administration & Programs					
Miscellaneous: MYAB, Airport, Legacy Flight Museum	276,000	107,704	39%	138,400	137,600
Police Department					
Administration Division & Fund 09	851,000	694,567	82%	874,900	-23,900
Patrol Division & Funds 13	1,485,100	1,235,227	83%	1,483,700	1,400
Investigations Division	541,400	459,525	85%	560,400	-19,000
Community Services Division & Funds 08,11,14	448,200	340,343	76%	437,800	10,400
Total Police Department	3,325,700	2,729,662	82%	3,356,800	-31,100
Public Works					
Public Works Director & Engineering Shop	405,500	332,746	82%	415,000	-9,500
Sanitation	263,300	219,946	84%	267,100	-3,800
Water	1,583,300	1,176,158	74%	1,484,600	98,700
Wastewater	1,824,900	1,222,347	67%	1,688,200	136,700
Street Operations	3,280,900	2,261,600	69%	3,038,300	242,600
Street Repair	1,441,900	1,032,659	72%	1,320,400	121,500
Contracts	224,600	452,752	202%	726,900	-502,300
Total Public Works	9,024,400	6,698,208	74%	8,940,500	83,900
TOTAL OPERATING DEPARTMENTS & FUNDS	18,753,300	13,989,614	75%	18,464,800	288,500

Deputy Finance Officer Matt Nielson reviewed the Budget Summary Report at 83%. Operations are under budget at 75% and capital is at 37%. Revenue is at 78% and property Tax is at 96%. Golf Course expense is up 12% and revenue is level. The municipal revenue is low; probable due to the new nine holes at Teton Lakes Golf Course. The fees were kept level while expenses went up. Council President Mann asked about a \$300,000 transfer to the Rexburg Development Agency. The city invests some of the money and then transfers it to the Rexburg Development Agency. They administer on the loans. The Veterans Memorial fund is from donations.

Calendared Bills and Tabled Items:

A. **BILL Introductions:**

City Attorney Zollinger introduced a BILL for Pawn Shops to use LEADS online software. It allows monitoring the receipt of Pawn Shops to check for stolen property. It is an ordinance requiring all pawns to be entered electronically. The Police Department already has the software. It was purchased with a grant, costing approximately \$2,500. After being required to use the LEADS Online software, if the pawn shop neglects to enter an item online then it becomes a misdemeanor. Detective Randy Reese supported the proposal.

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

1. **BILL 1052 Amend Appropriation Budget 2010**

Council Member Erickson moved to first read BILL 1052 amending the Appropriation Budget for 2010; Council Member Stout seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Mann
Council Member Benfield

Those voting nay

None

The motion carried

C. Second Reading: Those items which have been first read.

1. BILL 1050 Appropriation Budget 2011

Council Member Sutherland moved to second read BILL 1050 for the Appropriation Budget 2011; Council Member Stout seconded the motion; Mayor Woodland called for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Erickson	None
Council Member Sutherland	
Council Member Egbert	
Council Member Mann	
Council Member Benfield	
Council Member Stout	

The motion carried.

D. Third Reading: Those items which have been second read. – NONE

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

Mayor’s Report:

A. Eliminate Reverse Diagonal Parking

Mayor Woodland asked for public comment:

Debbie Little lives in Burton at 20 South 5000 West; her husband works at the University. She does not like Reverse Diagonal Parking because it is counter intuitive. If you are in a hurry you are going from a wide street to a narrow parking place. You have to pass the parking place before you can back into the parking space. She asked to eliminate Reverse Angle Parking.

Rick Davis at 530 Comanche Drive related six reasons to discontinue reverse angle parking.

1. Those that use it have a different idea than those who drive by it.
2. New students each semester to train.
3. Parking spaces are at premium. It eliminates parking with poor parking methods taking a slot and 1/2 with the vehicle parking across the lines.
4. It impedes traffic flow.
5. Visitors are confused. Cars are going both ways.
6. Salt Lake has abandoned their reverse angle parking.

Council Member Egbert moved to abandon Reverse Diagonal Parking; Council Member Erickson seconded the motion; Discussion: Council Member Sutherland was concerned BYU-I was not recognizing the parking problem. City Attorney Zollinger indicated there was never was a full utilization of parking stalls on the west perimeter of campus.

Council Member Mann said the real concern is safety, when it seems it is becoming a political issue. There is a real reason for reversed angle parking; the record shows injury accidents are reduced by 45% for injuries and 25% fewer vehicle accidents. Kids’ open doors lead them to the sidewalks on reverse angle parking. Bicyclists are safer. It wasn’t done without some thought; there have been some traffic accidents around the University. It was a tool in the safety direction. Council Member Erickson asked Attorney Phil Packer if the University had an opinion on Reverse Angle Parking. The University will support the decision of the city.

Council Member Erickson agreed with regular angle parking. Council Member Egbert indicated Sunday use of reverse angle parking is not appreciated. Mayor Woodland said the main problem was training new students every semester. Since implementing reverse angle parking, Rexburg has not had an icy winter, which creates problems with the visibility of the parking lines. Council Member Benfield agreed with the safety concerns; however, the University has increased efforts to educate and bring awareness to students on traffic safety matters. She was willing to abandon the reverse angle

parking plan. Council Member Stout was favorable to Reverse Angle Parking; however, he supports changing the parking when so many dislike it. Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Benfield
Council Member Stout

Those voting nay

Council Member Mann

The motion carried.

Discussion on when to begin painting the new street parking lines. Next week would be ideal, before students come back to school.

B. Resolution 2010-13 for University Vicinity parking and Downtown Commercial Residential parking

City Clerk Kay explained the residents on 3rd East have asked to be included on the Parking Plan Map. The change will include two more blocks from 2nd South to 4th South on 3rd East. Residents would be given two free Residential Permits from the city. Residents also have the option of purchasing additional permits from the city if they would like to park more than two vehicles on the street.

Council Member Stout moved to approve Resolution 2010-13 for changes to the University Vicinity Parking Map and the Downtown Commercial Residential Parking Map with removal of reverse diagonal parking; Council Member Egbert seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council President Mann
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Benfield
Council Member Stout

Those voting nay

None

The motion carried

**C. Ratify appointments to Arts Council – Paula Sonderegger, Leslie Berger, & Rebecca Brown
Ratify appointment to Tabernacle Committee – Paula Sonderegger
Ratify appointment to Museum Committee Chair – Martell Grover**

Council Member Egbert moved to ratify appointments to Arts Council for Paula Sonderegger, Leslie Berger, & Rebecca Brown; also, ratify the appointment of Paula Sonderegger to Tabernacle Committee; Council President Mann seconded the motion; Mayor Woodland called for a vote:

Those voting aye

Council President Mann
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Benfield
Council Member Stout

Those voting nay

None

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. August 04, 2010 meeting

B. Approve the City of Rexburg Bills

Council Member Sutherland moved to approve the Consent Calendar, the minutes, and the city bills; Council Member Egbert seconded the motion; Discussion: Council President Mann asked for information on the transfer of \$300,000 to the Rexburg Development Agency. Mayor Woodland called for a vote:

Those voting aye

Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Mann
Council Member Benfield
Council Member Stout

Those voting nay

None

The motion carried.

Adjournment

Attest:

Richard Woodland, Mayor

Blair D. Kay, City Clerk