

# City Council Meeting

March 17, 2010



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

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March 17, 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  
Blair Kay – City Clerk

**5:30 P.M. Joint Meeting: City Council and the Rexburg Redevelopment Agency** to discuss the North Highway Urban Renewal Plan, 2nd East expansion Ord. No. 950

**Those attending:**

Mayor Woodland	Council Member Stout
Council President Mann	Council Member Sutherland
Council Member Erickson	Council Member Egbert
Council Member Benfield	City Attorney Stephen Zollinger

**Those representing Rexburg Development Board:**

Glen Pond (President)	Marsha Bjorn
Joseph West	Rich Ballou

**Guest:** Bill Riggins (Experienced Pool Contractor)

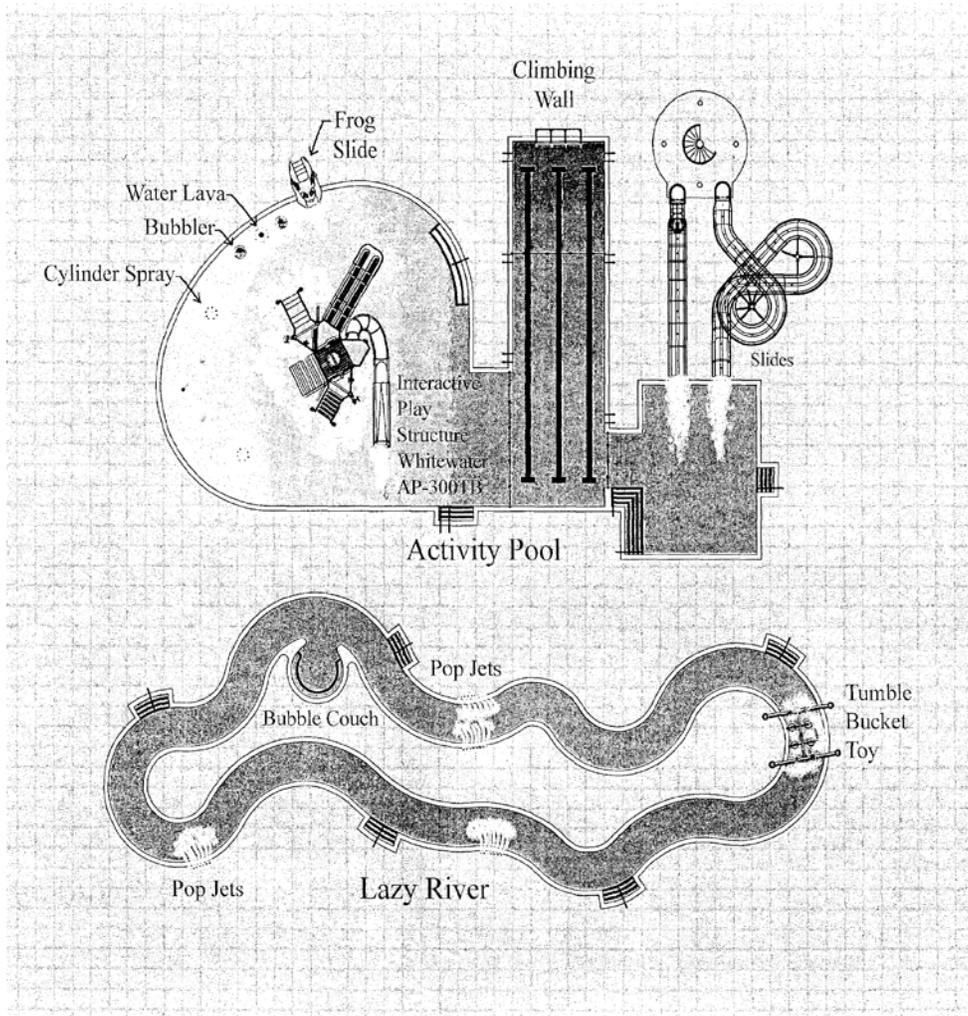
**Those representing JRW & Associates:**

Johnny Watson	Terry Butikofer
Tom Anderson (Water Design Specialist for water parks)	

The presentation began with a review of what would be included in the pool design. An old study would be presented at a later point in the meeting. JR Watson shared a 1990 AutoCAD drawing of the pool design.

**Tom Anderson**, a Water Design Specialist, stated that a few present at the meeting are engineers and others are in the pool business. The last Riverside Park Committee was represented by Steve Kugath.

**Tom Anderson** expressed that Rexburg wanted some kind of aquatic facility within budget and without the need for any subsidy in costs. They created a model that would be self-sufficient. The operation of a pool was critical – it is a revenue generating amenity. The plan included an outdoor pool to be open for 90 days during the summer months. It would be multi-user friendly, accommodating all ages, from toddlers to seniors.



He presented “Shannon’s show” with information on the Payson City Aquatic Center. Payson built this facility to accommodate as many as 800 people at a time. It is 100% outdoor and includes features like a lazy river, competitive lap pool, a slide tower with two separate waterslides, a beach-entrance leisure pool, and an interactive kids play structure. The Payson facility maintains a positive cash flow with revenues at 107%.



**Council Member Sutherland** commented that any flat water facility would not come close to breaking even in costs. The 2<sup>nd</sup> handout (Project Costs Estimate) is included below. Mayor Woodland added that it is economic development. The presenter talked about demographics in the area. A discussion was held on what times to hold swim lessons. Open swimming should begin at 1:00 p.m.

The possibility of adding picnic facilities was discussed. The Payson City Aquatic Center has a concession area and they sell between 30 and 60 pizzas a day. This adds an income of \$30,000 per year to their facility. They presented a graph showing potential income: 50% coming in at the gate, 20% coming in from swim lesson costs, etc. A financial comparison was made of three or four different pool facilities that broke even or made profits. These facilities were well run and successful.

The use of the pool would be based around the school year. The pool in Mesa, Arizona is only open 3 months of the year as well. The number of lifeguards needed would depend on the design of the pools. Some facilities have eighty lifeguards set up on 3+ teams, with 25 lifeguards at peak times. Council Member Sutherland explained that two pools means two filters and a duplication of many costs. A discussion was held on the number of pieces of water requiring separate equipment. It would be a trade-off with design and operation. The Lindon and Ogden, Utah Aquatic Centers have wave pools that cost about \$1.5 million. The Lindon facility charges an extra \$10 fee to cover costs. The Ogden facility charges \$20-25 per rider. There was a discussion on the option of a 1-rider wave pool, which would cost approximately \$750,000.

Information on different building options for the pool was presented:

Myrtha pools are built with laminated stainless steel panels to provide maximum resistance and structural sturdiness. To ensure the pool is waterproof, a hard PVC membrane is hot laminated to the steel in the manufacturing process. A reinforced membrane is used on the floor of the pool in order to follow the contours of the concrete. Klinker tiles are used to give the pool the desired visual finish. The presenter showed images of the stainless steel pool framing. There is a 90% heat loss off the surface of the water.

Plaster pools are made by digging the hole, lining it with rebar, and installing drains, skimmers, and a cleaning system. Then, the pool is shot with gunite, or shotcrete. The tile and coping stones are placed and then the pool is finished off with plaster. Plaster provides a water-tight seal, unlike the porous shotcrete underneath. A plaster surface degrades slowly, requiring a fresh coat after some time. Plastered pools need to be fixed every seven to ten years on average.

The Myrtha stainless steel pool has a 15 year warranty. Its membrane floor is soft and pliable. Myrtha has designed over 10,000 pools. There is also an option of installing a solar-powered heating system. This option may require an extra pump. It is the green option, saving natural resources. It would take 10 years of use to pay back its cost.

Electricity costs could be cut down by using variable frequency drive motors on the pool's. The variable frequency drive allows the flow of water through the pump to be changed as needed. A dial can program a decrease in the motor speed, so it does not have to run full speed 24-hours a day. This would help with better filtration.

The Project Cost Estimate handout from the 2007 Riverside Aquatic Park plan was reviewed. Council Member Erickson asked about the bottom line costs to the city and what it would take to keep it running. The installation estimate was given at \$5.2 million. There is \$350,000 available in a grant for the baseball diamonds and the parking. Council Member Erickson responded that was very workable for Urban Renewal.

**RIVERSIDE AQUATIC PARK**

**PROJECT COST ESTIMATE  
JULY 16, 2008**

**SITE DEVELOPMENT**

Excavation	\$ 119,750
Engineered Fill	\$ 101,500
Granular Base	\$ 65,750
Asphaltic Concrete	\$ 121,500
Curb & Gutter	\$ 68,500
Concrete Walk	\$ 96,500
Utilities	\$ 110,750
Landscape	\$ 114,500
<b>Subtotal</b>	<b>\$ 798,750</b>

**AQUATIC CENTER**

Building Shell	\$ 1,031,000
Mechanical	\$ 185,000
Plumbing	\$ 157,500
Electrical	\$ 220,000
Shade Structures	\$ 95,000
Fencing	\$ 34,000
Concrete Deck	\$ 202,500
Pool & Lazy River (Structure, Piping and Equipment)	\$ 1,650,000
Pool Excavation, Concrete Footing & Floors	\$ 250,000
Slides & Dumping Bucket Play Structure	\$ 510,000
Frog Slide, Bubbles, Deck Jets, etc.	\$ 90,000
<b>Subtotal</b>	<b>\$ 4,425,000</b>
Building Permit	?
Special Testing	\$ 25,000
State Review	?
<b>TOTAL</b>	<b>\$ 5,248,750</b>

**Glen Pond**, Rexburg Urban Development Agency President, stated the agency would have the money to move forward. They already have **or** they need \$500,000 now and a bond for \$4.5 million. Council Member Erickson asked if the Payson City Aquatic Center is the city's or joint ownership. The city leases facility to the school district. He recommended a recreation district in the county.

**RIVERSIDE PARK AQUATIC FACILITY**

**PROPOSED SCHEDULE**

March 17, 2010	Meeting with City Council and Rexburg Development Agency
April – June 2010	90 day for Construction Document Package
May 1, 2010	Bid Infrastructure / Parking Package
May 15, 2010	Begin Construction on Infrastructure /Parking Package
June 30 – July 15, 2010	Bid Aquatic Facility Package
July 30 – May 15, 2011	Construction Period
Memorial Day Weekend 2011	Grand Opening

**Glen Pond** stated the agency needs to know if they should move forward and make plans to build the pool facility. They will construct it, but they need a commitment from the city to take over operation and maintenance. Council Member Sutherland suggested the City Council needs a week

to discuss the proposal. Glen Pond stated it will be the city's development in the end. Council Member Stout raised concerns that the allotted time was nearly spent and adequate discussion on financing the project had not yet taken place. Council Member Benfield asked to meet again to discuss finances."

**Mayor Woodland** explained that there would be no increase in taxes. He asked for a motion.

**Council Member Erickson** mentioned his concern that it would be hard to have money to operate the facility. He asked to know how much it would cost to run it per year and what the city's liability would entail. Joseph West asked if the City Council is interested in this project. Council Member Erickson stated the City Council is very interested in the concept. Glen Pond asked if the city will take over the project once it is built.

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

**Mayor Woodland** asked Roger Harris to give the opening prayer.

**Scout led the pledge**

#### **Roll Call of Council Members:**

All present

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

**Todd Tuckett** clarified past presentation. He gave the mayor and the council chocolates for a problem in his last presentation.

#### **Presentations:**

**A. Mayor's Youth Advisory Board** proposal on the "Teen Center" at City Hall – Staff

**Amanda Saurey**, MYAB liaison for the city introduced Madison High School students to make the presentation.

**Malory Bruger** gave an update on the Romance of the Romance activity. The board plans to sell concessions at the Westwood Theater for upcoming activities, including Upper Valley Idol and the May Masquerade. She thanked the City Council, on behalf of the board, for their support of the teen center.

**Mariah Massey** presented on the usage of the teen center. It would be opened to teens from age 14 to 18, as well as opened to the community for use by appointment. She assured the City Council it would not interfere with local businesses. Possible activities and security ideas were presented. One option included purchasing security cameras for \$200 each. The center would benefit the community by utilizing the available space.

**Council Member Egbert** asked for more security camera bids from more than one security firm.

**Brooke Lofthouse** presented the design proposal. Inspiration for the Teen Center is "vintage meets modern coffee house," with the use of four neutral colors: white, brown, tan, black, also using orange and turquoise as accents.

The board proposed having two to three large tables with chairs and two computer desks for the study area. For the recreation area, they would like two separate seating areas and a ping pong table. To keep costs low, floor paint or industrial carpet were suggested.

A design concern was to separate the study area from the recreation area without building a permanent wall. A curtain wall is a possible solution.

**Clara Sants** from the budgeting committee thanked donors which included the City Council for donating a chair lift and infrastructure improvements; the Ron and Tammy Harker family for donating a ping pong table; and the Madison High Shop Department for offering to build computer desks.

The projected costs include:

Paint \$938

Furniture \$5,330

Floor Paint \$480

Carpeting \$7422 (at a later date)

The budget would total \$6,748 for the floor paint option, or \$13,690 if industrial carpet is included.

**Blakely Cook** presented future fundraising ideas to reach their goal of \$5,000 within a 6 month period. Ideas included a community talent show, Farmer's Market, May Masquerade, car washes, bake sales, and concessions at the Westwood Theater.

Questions:

**Council Member Erickson** asked about janitorial services.

The board has not looked into that yet, but did put forward that board members could clean it once a week.

**Council Member Erickson** asked if pop machines will be installed, because they can cause additional cleaning needs. There are no plans to install pop machines.

**Council Member Erickson** also asked if the Police Department has talked with them about security. They have not. He is in support of the teen center, but his biggest concern is the need for proper security. He asked the board to look into security more and let the City Council know their plans.

**Mayor Woodland** added that the Mayor's Youth Advisory Board has done some heavy-duty cleaning at the Rexburg Tabernacle and they have done a great job.

**Council Member Benfield** asked if the city or the teens would be responsible for scheduling. The board would like it to be community oriented. They do not want to compete with local businesses. In regards to fees, Council President Mann pointed out that it is still city property. The front desk typically manages scheduling and fees with city properties.

**Council President Mann** said how proud he was of the board and thanked them. They have worked very hard on this and gave a professional presentation.

Miss. Cook thanked the City Council for their support.

#### **Committee Liaison Assignments for 2010:**

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

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

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

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

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

**Council Member Sutherland** reported the Beautification Committee met with Dan Hanna. He is seeking community support to work on approaches to the city on the south and main street accesses to Hwy 20. More meetings are planned.

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

**Council Member Mann** reported that Emergency Services has not met, but they will be meeting tonight to discuss proposed bills. MYAB meets every Wednesday. They do a great job and he appreciates their work. He also thanked Amanda Saurey who helps with MYAB.

Tonight is the final Rexburg 101 event. The last Rexburg 101 group was given a mock vote on two scenarios that came to City Council and they voted opposite to what the City Council voted.

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

**Council Member Benfield** had good news to report for the Police Department. In the past week there have been 16 cases of vandalism in the city and two in the county. Two high school and two junior high kids have been apprehended and will pay restitution for \$5,000 in damages. Additionally, the leak in the Police Department roof will be repaired. The Police Department's backup generator is being installed. The Madison School Board will be meeting tomorrow tonight and a report will be given on that meeting in two weeks.

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

**Council Member Erickson** reported the Golf Board has not met. Planning and Zoning has met, but he was not able to attend. Rexburg Redevelopment Agency met with City Council tonight.

**Public Hearings:**

A. 7:30 P.M. Five proposals to amend the "Comprehensive Plan Map" – Staff Community Development Director Christensen reviewed five areas on the overhead screen.

**Area 1** (bordered by South 1<sup>st</sup> East, East 1<sup>st</sup> South, South 2<sup>nd</sup> East, and East 2<sup>nd</sup> South) - #09 00468 –City of Rexburg

This proposal is sponsored by the city. The staff indicated that the existing comprehensive plan identifies this area as low density residential. A Pedestrian Emphasis Zone (PEZ) was created in this block. PEZ zones require High Density Residential or High Density Mixed Use, which is high density residential with a commercial component. With that area being reclassified as single-family residential, the city felt the comprehensive plan should mesh with the PEZ designated area. It is currently a problem for any redevelopment. For PEZ zones to work, they should correlate with the land use. The change would allow a residential component of 30 units per acre.



**Council Member Benfield** asked about the request. Community Development Director Christensen explained two or three older homes could be torn down for a 200 student complex. HDR Mixed Use allows 30 units per acre with 10% minimum commercial. The city does not feel this will be a commercial area. It will be a higher density residential with a small

commercial component, allowing a corner store or a salon. This type of development is referred to as new urbanism.

**Mayor Woodland** asked for comments.

**Those in favor of the proposal:**

**Rachael Whoolery** representing the properties of Matthew Whoolery, Dennis Richardson, American Manor, The Academy, Greenbrier, and Briarwood. They represent 18 tax blocks. There are more properties on the block, but she was not able to make contact with all. These properties support this change. She read a letter from Sherry Morrow, Property Manager for The Academy Apartments. They are for neighborhood mixed use. Approximately 11 homes could be owner occupied per county records. She views it as a realigning of current property uses reflected in the comprehensive plan; a realigning of what is already going on. Their properties are kitty-cornered from campus and provide much-needed housing to BYU-Idaho students. Existing properties are at a higher density than current zoning allows. There will always be give and take with the problems between single-family homes and business owners. They are connected to the wrong area on the comprehensive plan map. Most of the properties are rentals. The PEZ overlay establishes boundaries to protect adjoining neighborhoods. There is a disconnection with planning and current uses that needs to be changed.

**Attorney Phil Packer** spoke representing the University. The PEZ zone needs to be facilitated for this area. The University does support the Mixed Use Plan allowing High Density Residential for this area.

**Those Neutral:** None

**Those Opposed:**

**Dave Martin** at 130 South 2<sup>nd</sup> East, is one of the property owners on the block. He respects the staff's decision to get a plan. He referred to death accidents on 2<sup>nd</sup> West. They have had traffic accidents on 2<sup>nd</sup> East. He was concerned with the traffic and safety problems for pedestrians.

**Steve Herdti** at 141 South 2<sup>nd</sup> East was concerned with traffic on 2<sup>nd</sup> East. This proposal will increase vehicular traffic. He complained about the need to have a parking permit to park on the street in front of his home. He feels property values and the neighborhood are being sacrificed because of the University. He does not have an issue with Greenbrier. He was concerned with commercial enterprises on the street, stating that there are other areas in the city better suited for those purposes. He feels homeowners are being sacrificed for developers who want to come in and make a lot of money. They want to maintain a neighborhood in this area.

**Judy Taylor** at the corner of 2<sup>nd</sup> East and 2<sup>nd</sup> South said students need a place to live but professors need a place to live too. She did not want higher density student living. She referred to the requirement of commercial in the development. She said the students are already confused with the location of the downtown. She asked who was the person who proposed the change; who the "staff" is, or if it is a specific person.

**Community Development Director Christensen** said he represents the Planning and Zoning staff, including the fire inspector, building official, and the public works director. He wanted them to understand that this is a comprehensive plan, not a zone change. It is a 10-year plan for the best fit down the road for preferred land uses. Each land use would have to be done independently. This does not give any rights. It is a planning tool. The apartments on 2<sup>nd</sup> East, formerly called Porter House, are located in a Mixed Use area in the comprehensive plan. They came to the City Council and asked for Medium-Density One and they were denied. This does not give any rights. It is a planning tool. It is not as zoning change; it is looking at where things are planned in the future. Judy Taylor wanted it to remain residential also on the other side of 2<sup>nd</sup> East.

**Allison Taylor** at 203 East and 2<sup>nd</sup> South said it affects the kids too. We need to stay the way we are without businesses by our home.

**Karla Jamison** at 255 Harvard Avenue reminded City Council of the recommendation in the new comprehensive plan to preserve old neighborhoods. Over time it will add to the value of that particular area. They need places close to campus for single family use.

**Jamen Birch** at 148 South 2<sup>nd</sup> East grew up in this neighborhood and as an adult he has lived there for six years with his own family. He is a little nervous about the change which would be similar to when 2<sup>nd</sup> East was widened. Having small children, he also gets nervous with the traffic. There are younger families coming back into that area.

**Rebuttal:**

**Community Development Director Christensen** asked for City Council questions.

**Council Member Erickson** asked if it was proposed because of the PEZ Zone. The staff answered yes. It could also be High Density Residential and still be a PEZ Zone. Staff thought it was what the City Council would prefer. Council Member Erickson thought High Density Residential (HDR) would be better for the future. He thought commercial was the wrong message to send.

**Community Development Director Christensen** said HDR would serve the same purpose. The old plan used to have both. The new plan changed to single housing use. Council Member Erickson said HDR makes more sense. He thought HDR would be better for a bigger residential development. It would not give developers the ability to come in and buy out portions of the neighborhood for commercial purposes. He recommended changing it to HDR.

**Council Member Benfield** said if we want to go that direction they would have to give the public time to respond. She recommended waiting six months and then consider if HDR is the direction they want to go. She stated how hearing from a neighborhood as they had this evening is evidence that this may not be the right time. Community Development Director Christensen responded it was done to address concerns in the area for the PEZ Zone.

**Council Member Stout** said it may not come back in six months as an HDR proposal. In the long term picture, this property would most likely be a mixed use area. It does seem premature at this time to propose a change.

**Council President Mann** concurred with Council Members Stout and Benfield. He does not think he would be in favor of High Density either. This area has a neighborhood element with families and students, unlike some high density areas in town. The area is the gateway to the east side of town. The change would keep growing up the hill.

**Council Member Benfield** knows 2<sup>nd</sup> East is the corridor. She wondered if the block can be split to designate land use appropriately for growth happening on the west side of that block. Community Development Director Christensen said anything that happens in zoning is approved by this group. There are many options, for example: City Council can change it now and control the zoning later, or they can change parts of the block later. He noted that nothing gets by this group.

**Council Member Stout** pointed out that they do not know who will be on the City Council in the future. If they were to take action, he thinks it should be for Mixed Use. There is a lot that could happen in this block. It is not a problem spot at this time. He thought they should just wait and see what happens. It can be adjusted in the future.

**Council President Mann** moved to deny the request at the end of the meeting; Council Member Benfield seconded. Discussion: Council Member Sutherland added that with the exception of the houses along 2<sup>nd</sup> East, the rest of the block fits the proposed change. He

wanted to split the block. 2<sup>nd</sup> East does not need to be changed. He moved to do a partial change. Council Member Stout asked for clarification. Council Member Sutherland wants to exclude the entire area on 2<sup>nd</sup> East and keep 2<sup>nd</sup> South and the rest of the block in the proposal. Council Member Egbert seconded the substitute motion.

**Those voting aye**

Council Member Egbert  
Council Member Sutherland

**Those voting nay**

Council Member Benfield  
Council Member Erickson  
Council Member Mann  
Council Member Stout

**The motion failed.**

The original motion from Council President Mann to deny the proposal of Area 1 was brought to vote:

**Those voting aye**

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

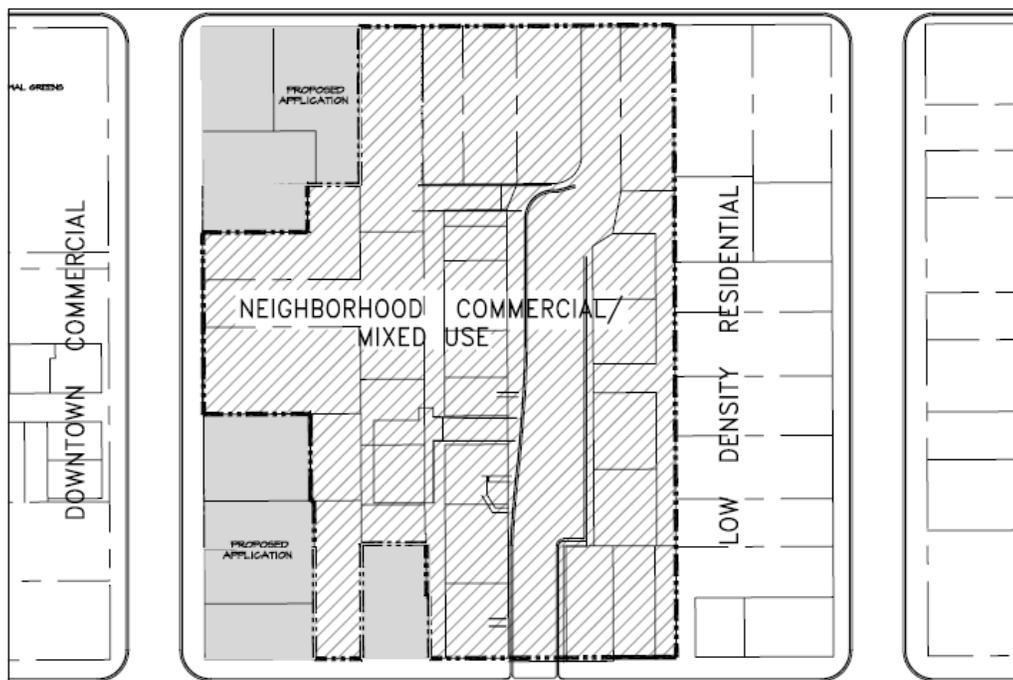
**Those voting nay**

Council Member Sutherland

**The motion to deny at the end of the meeting carried.**

**Area 2** (approximately South 2<sup>nd</sup> East and East Main) - #09 00469 Targhee Professional Offices.

**Community Development Director Christensen** reviewed Area 2 on the overhead screen. The request is to change the remaining properties in the half block to the same as the Professional Plaza.



**Those in Favor of the proposal:**

**Steve Oakey** at 25 South 3<sup>rd</sup> East was in favor of the proposal. 2<sup>nd</sup> East is a serious problem that needs to be dealt with now or in the future. His opinion is to embrace change and try to steer it to our benefit. He has been in touch with developers and seen drawings that are progressively getting more favorable. Often time developers come in and complete projects without input from the neighbors and it turns into disasters. Everyone is starting to come around, both developers and homeowners. He lives through the block from the Professional Plaza. He thought the developer is on the right track. They need to maintain a close relationship with the homeowners. Many property owners on 2<sup>nd</sup> East want to sell. Planning

and Zoning and City Council need to be sure developers are sensitive to the historical nature of the area. Apartments are the worst way to preserve historical homes. He has tried to persuade his neighbors that the best way to preserve the homes is to sell to professionals who will take care of the property. If the homes are converted into apartments they would not last that long. He is in favor of this particular change. There are many issues to be dealt with, but this particular project maintains a partnership between developers and homeowners.

**Johnny Watson** at 1152 Bond Avenue was representing the applicant and **Andrea McCulloch** from Logan, Utah, presented a drawing on the overhead screen. This portion of the block east of the line is in a unique situation with homes in the middle of the block, Walgreens across the street and the Porter building to the north. It is a corridor to the hospital. Downtown commercial is on three sides. They have been waiting for the Neighborhood Commercial Mixed Use designation to be created for this type of area. With Mixed Use designation, the correct transition from the formal downtown to the residential neighborhood would be made possible.

Their intent is to clean up the map for future development. It is to create a transition in scale, in architecture, and in uses from the downtown area to a residential area. He recognized the importance of maintaining good communication with the neighbors.

**Andrea McCulloch** explained she has spent quite a bit of time working with the owners. She reviewed the history of the medical plaza building. The doctors' desire is to develop something with lasting value with aesthetics as Rexburg changes. They are flattered to work with the owners. She worked with Logan downtown alliance and property owners with a vested interest in properties. This is not a finished spot. They view this as a gateway to downtown. The second layer is to encourage positive development. She wanted to be more regularly involved in the development of the rest of Rexburg. They want to put the right use in place. This really is an opportunity to increase the value of the adjoining properties.

**Jack Harrell** at 216 East 1<sup>st</sup> South was in favor of the change; concurred with what Steve Oakey said. This change would not result in a rapid change to the neighborhood. It would change over time. The Medical Plaza is a good neighbor. He was in favor of Mixed Use with businesses, residential, and apartments because it creates opportunities. He mentioned behind his house is a vacant lot just sitting there doing nothing. He would like to see good land put to use.

**Gary Lovell** is one of the owners of the medical plaza, along with Dr. Smith and Dr. Lofgran. He has had the experience of walking into a neighbor home and being called Darth Vader. He wanted to give a historical perspective. When he purchased the property it was identified as a Commercial Business District. He was advised by the city that it would be a growing commercial area. He purchased three properties before the comprehensive plan was changed back to residential. He encouraged the City Council to be consistent. The other properties were purchased after they sat for sale a long time. The nature of the block has changed. He asked for a decision.

Some of the homes are eye sores; others are nice homes. The medical offices have been there for 30 years and they have grown a lot from three doctors to many more. Professional offices close to the hospital reduces traffic. The previous proposal was to reduce traffic with pedestrian traffic. He was in favor.

**Mitch Neibaur** at 896 Freedom Lane brought up that there is no way to meet everyone's expectation; he complimented everyone for working together. He was instrumental in bringing Walgreens to Rexburg. He wanted to bring more businesses to the downtown area. 2<sup>nd</sup> East will be a busy street and not much can be done to slow it down. He supports this change.

**Dr. Robert Lofgran** at 1299 Morningside Drive stated this particular project has a lot of history and they have come a long way. He really appreciated the wisdom of the City Council to work with the neighborhood. Prior they had not taken that advice. They have used a developer to meet with the neighbors several times.



**Community Development Director Christensen** reported on the overhead screen. Planning and Zoning staff is neutral. The proposal is to change Area 2 from Low Density Residential to Medium Density Residential. It would allow MDR1 Zone, with up to 16 units per acre, or MDR2 zone, with up to 20 units per acre. Low Density Residential currently allows 6,000 to 12,000 square foot lots. Current zoning for this area is Rural Residential 2(RR2), which allows 2 lots per acre. The request is to change the comprehensive plan to Medium Density Residential.

Low Density Residential encompasses LDR1, LDR2, and LDR3. LDR1 allows 12,000 square foot lots and does not allow twin homes or duplexes. LDR2 allows 8,000 square foot lots with an additional 2,000 square feet allowed for a second unit on a CUP; LDR3 allows 6,000 square foot lots with an extra 2,000 square foot for a duplex or twin home by CUP.

**Council Member Stout** asked to clarify the specific area.

**Those in favor:**

**Jon Gregory** from Blackfoot pointed out there is some MDR to the south. It would be a good area for twin homes and duplexes.

**Those neutral:** None

**Those opposed:**

**Judy Steiner** at 417 South 12<sup>th</sup> West reviewed the map showing residential going onto 12<sup>th</sup> West. This is the road to the new high school and currently there is construction to widen the bridge. The map shows LDR for a neighborhood that has recently been changed for the new Kartcher Division, with lots of multi-density homes, including townhomes and apartments. All of the traffic for that development is going to be on 12<sup>th</sup> West. It is not a good idea to build another area of high density homes when we do not even know what the impact will be with traffic from the new high school. She thinks it is a little premature to give the green light on changing it to MDR. When her area was annexed into the city, she was told it would protect the area from apartments being built in her backyard. She asked to have protection from apartment growth. There are a lot of approved subdivisions without any growth now. This is the road people will use to get to the new high school. We need to do things that would improve neighborhoods. She wanted to have a neighborhood where families can finish living in Rexburg, not just start.

**Doug Thompson** at 1053 Widdison Lane believes that there is the potential, once it is changed, that it could end up similar to the Meadows apartment complex. It is kind of an eye sore as you come into town. He stated that we need to try to eliminate problems like that if we can. Rexburg is a family community. He knows we have the college and need to accommodate for that. It was rejected by Planning and Zoning when the economy was better, it seems odd to him it is being proposed again now with a slower economy. He asked the City Council to consider this.

**Leon Parson** at 298 South 12<sup>th</sup> West is opposed and concurred with previous statements. It opens the door for increased density. The road will already be incredibly busy with the high school. It is going to increase the traffic and be an eye sore. It is a mistake.

**Brent Harris** at 1125 Widdison Lane concurred with the comments already made. He pointed out that the developers initiated this. Even though this is a comprehensive plan change, the next step is to request a zoning change. He sees no reason to approve this. He agrees with Judy. He supported annexation because the city would have more control.

**Jeremy Forsberg** on South 12<sup>th</sup> West agrees with what has been said already. He wanted to point out that in the comprehensive plan, duplexes are allowed under LDR.

**Jon Gregory** rebutted saying that many were mentioning HDR and he was not asking for HDR. We are trying to find an area for affordable Medium Density housing.

**The public hearing was closed.**

**Council Member Sutherland** is generally sensitive to Planning and Zoning. He believes they look at it carefully. South of this development is a nice new single family subdivision. Widdison Lane is single family. The fact there are a tremendous amount of development properties, it should remain LDR, even through the distant future.

**Council President Mann** concurred. He does not think we should take the field in the middle and change it from what already exists on each side. The meadows have been painted nicely and they have made them look nice, but we certainly do not need more of that kind of housing out by the high school. He thinks we need to wait for the school to open up. He thought City Council should turn down this proposal.

**Council Member Stout** agreed with Council President Mann. It does not seem to be a good move. It is taking the High Density housing further from current HDR areas.

**Council Member Erickson** said there is no reason to change it at this point. They should wait for dirt to turn in other areas first. Come back in six months with something different. Question arose as to lighting if it will be added on the east side; no, due to the lack of funds in the budget.

**Council Member Sutherland** moved to deny this change at end of the comprehensive plan discussion for Area 3 (approximately 301 South 12<sup>th</sup> West) - #09 004470 – Jon Gregory; Council President Mann seconded; all voted aye. **The motion carried.**

**Public Works Director Millar** answered a question about 12<sup>th</sup> West improvements.

12<sup>th</sup> West is a three-stage project:

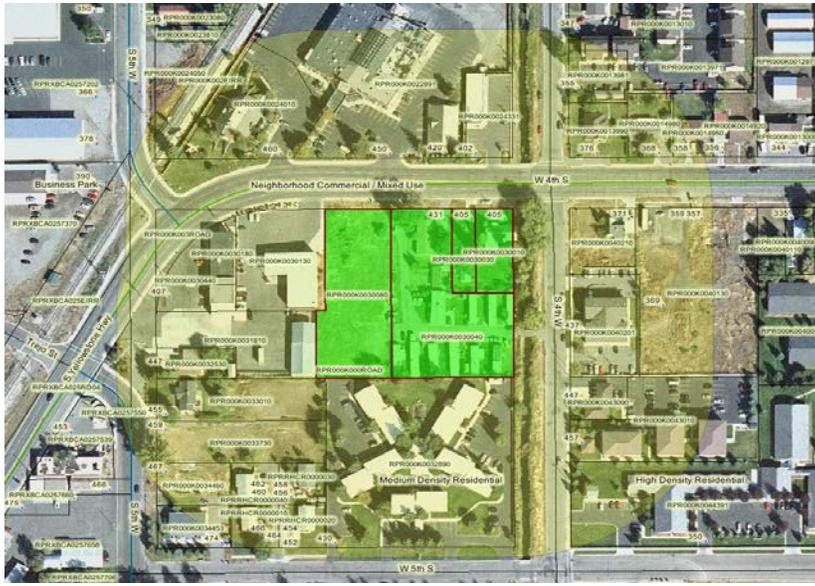
1. Replace the bridge
2. Extend water and sewer service lines out from the main line under the road
3. Repave the road from University to Main Street, widening it to 34 feet wide with turn lanes at 7<sup>th</sup> South and the main entrance to the high school.

There was discussion on future road changes.

**Area 4** (approximately West 4<sup>th</sup> South and South 4<sup>th</sup> West) - #09 00472 – Temple View LLC

**Community Development Director Christensen** reviewed the proposal for Planning and Zoning. The area's history was reviewed on the overhead screen. In the comprehensive plan, part of the area is Neighborhood Commercial Mixed Use and part is High Density Residential. Area 4 has apartments that were built about six years ago. They want to clean up on the plan and make it HDR.

Discussion on the proposal: Clarification was made that Mr. Sommer proposed the change on the east side of the block to HDR and the staff added the west side of the block, with the apartment complex, to the proposal so that the area would be consistent on the map. This is not a zoning change, this is a comprehensive plan.



**Jared Sommer** at 3614 North 3000 West explained the change to the area by 4<sup>th</sup> West. Growth is taking place and apartments are going into this area. They want to improve the appearance of the block as you enter Rexburg.

**Those in favor:** None

**Those neutral:** None

**Those opposed:** None

**The Public Hearing was closed.**

**Council President Mann** said at one time he had hoped it would be a commercial corridor. No one has taken advantage of that as a commercial area. He thinks this would be a good improvement. He thinks it will look good there. Mr. Sommer has always done a good job.

**Council President Mann** moved to approve Area 4 (approximately West 4<sup>th</sup> South and South 4<sup>th</sup> West) - #09 00472 – Temple View LLC at the end of the night; Council Member Erickson seconded; Discussion: Council President Mann amended his motion to include the east property; Council Member Erickson seconded the amended motion; all voted aye.

**The motion carried.**

**Area 5** (814 North Yellowstone) - #10 00002 – Ray Peterson

**Community Development Director Christensen** reviewed property on overhead screen. The proposing individual would like to move Medium Density out further as a buffer between the Highway Commercial area and the LDR. Under the previous comprehensive plan there was some MDR in this area, but it has since been changed with the new comprehensive plan. The majority of 7<sup>th</sup> North is agricultural. The applicants would like to trade some MDR for some Commercial Use, in order for them to move forward. The problem is the underlying zone is in two different pieces: one part is LDR on the comprehensive plan and the other is in the business part. Neither side's comprehensive plan meets the requirements to be able to allow the MDR extension. Planning and Zoning recommended to approve the MDR for now, and asked Community Development Director Christensen to replace the other MDR that used to exist on the plan. Planning and Zoning felt a buffer is needed. For now, the applicants are asking for just a small piece to be changed to MDR.



**Those in favor:**

**Kyle Baldwin** at 957 Hwy 32 in Ashton was representing Ray Peterson. He asked to reestablish an MDR buffer zone.

**Those neutral:** None

**Those against:** None

**The Public Hearing was closed.**

**Council Member Sutherland** moved to **approve Area 5** (814 North Yellowstone) - #10 0002 – Ray Peterson at the end of the meeting; Council Member Benfield seconded to approve at end of the meeting; all voted aye. **The motion carried.**

**Mayor Woodland** reviewed the previous voting to be done at the end of the meeting for each area on the Preferred Land Use Map. The voting was as follows:

- Area 1 – Deny
- Area 2 – Approve
- Area 3 – Deny
- Area 4 – Approve
- Area 5 – Approve

**Council Member Benfield** moved to modify Preferred Land Use Map as discussed during the course of the meeting to approve the changes proposed for Areas 2, 4, 5 and deny Areas 1 and 3; Council Member Erickson seconded the motion;

**Mayor Woodland** called for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

**B. 8:00 P.M. Rezone request** from Community Business Center (CBC) to High Density Residential Two (HDR2) at 357 & 371 West 4<sup>th</sup> South – Trent Birch

**Trent Birch** at 4148 W. Homestead Drive presented his proposal on the overhead screen. He is requesting HDR2. He showed plans to the City Council. The property is in the PEZ Zone. Commercial was in the plan however, the economy faltered. It is needless to pursue commercial on this property. On the north side of 4<sup>th</sup> South could be developed into commercial.

**Council President Mann** asked how people would access 4<sup>th</sup> West. Mr. Birch explained the two entrances onto 4<sup>th</sup> South. Council President Mann is concerned with left hand turns. Council Member Erickson said it will be one-way in and one-way out. There was discussion on making a second exit. Planning and Zoning could help with plans to make the entrances safe. Council Member Benfield felt this was an excellent use for the zone. She would like to know how many residents would be living there before it happens. It was discussed that the area is a gateway to Rexburg, being just three blocks away from the University. It would need nice landscaping etc. Mr. Birch has plans to make it look nice, including underground parking.

**Those in favor:** None

**Those neutral:** None

**Those opposed:** None

**The Public Hearing was closed.**

**Council Member Egbert** moved to approve the rezone request from Community Business Center (CBC) to High Density Residential Two (HDR2) at 357 & 371 West 4<sup>th</sup> South – Trent Birch; Council Member Stout seconded the motion; all voted aye.

**The motion carried.**

**Items for Consideration:**

- A. **City of Rexburg Master Fee List** – Set time and date for public hearing for proposed City of Rexburg fees changes – Staff

**Deputy Finance Officer Matt Nielson** presented a request to have a public hearing to review the city fees. The staff is asking to hold a meeting April 7<sup>th</sup> at 8:00 p.m. Changes will be reviewed and questions will be answered at that time.

**Council Member Erickson** moved to set the public hearing date for April 7<sup>th</sup> at 8:00 p.m.; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

**Council Member Erickson** asked how many fees exceeded a 5% increase. Staff responded that none are over 5%. He mentioned a public hearing is not needed if increases are less than 5%; however, there are new fees that need to be opened to public hearing.

- B. **Residential Handicapped Parking Permits** – Staff

**Mayor Woodland** explained the request from Donna Seeber.

In an email to City Clerk Blair Kay, Donna Seeber asked for a residential parking permit to have when she visits a neighbor in the restricted parking zone. *“I spoke with you and Richard Woodland yesterday 3/8/10; regarding the fact that I have lupus and cannot always walk to visit neighbors that have restricted parking. I regularly get mail and check on my friend’s house and need a permanent visitor parking permit. I would appreciate your help in this matter. Please call if you need further information or when you have any information for me. 359-1643. Thank you. Richard, thank you for your help & kindness.*

**Council Member Stout** moved to allow staff’s discretion in providing handicap parking permits; Council Member Egbert seconded the motion; all voted aye. **The motion carried.**

**Staff Reports:**

A. **Public Works:** – John Millar

1. Backup power completed at City Hall; the generator was tested tonight and it worked correctly.
2. Police generator will bid tomorrow.

**Council Member Sutherland** moved to give leeway of up to \$5,000 for bid quoting on the Police Generator; Council Member Benfield seconded the motion. Discussion: Council Member Stout asked to be notified concerning the bids. All voted aye. **The motion carried.**

3. 12<sup>th</sup> West project- already reported on
4. Mariah Bridge is under construction
5. The bike path connection from Rexburg to Sugar City was never completed due to lack of funds- planned this project with the Idaho Transportation Department to remove a guard rail and extend the path to the sidewalk. Low bid was at \$31,734 – City pays ½, ITD pays ½.

**Council President Mann** moved to approve the bike path connection bid for \$31,734; Council Member Stout seconded the motion; Discussion: Council Member Stout said the Trails Committee introduced the problem a year and a half ago. The project should be finished. Council Member Erickson added that the money is budgeted, and it will be well spent. Council Member Stout mentioned it is safer this way. All voted aye. **The motion carried.**

6. Leak in Police Department roof:  
Three bids came in for this project. Public Works Director Millar mentioned that he knows there is not a budget for this project. There was discussion on taking the cost out of the contingency fund. Contingency funds should be used on these kinds of projects.

The roof has R20 insulation; R30 is recommended. The R30 insulation was not included in the project bid; the low-bid contractor anticipated it would cost an additional \$2,500 to remove the old insulation and install new R30 insulation.

It would cost around \$9,000 to fix the roof and improve the insulation. There may be grant funds available from the power company for \$400. There is \$37,000 left from federal energy grants, but plans are in place to use it for the Tabernacle windows.

**Council Member Erickson** moved to approve the low bid and add the R30 insulation with the new cap out of contingency funds; Council Member Benfield seconded; all voted aye. **The motion carried.**

**Council President Mann** thanked Public Works Director Millar for having the streets cleaned. Public Works Director Millar explained with two sweepers, it takes three weeks to get through the city. There were questions about when street lines will be re-painted. It depends on the weather. The streets need to be really clean first.

B. **Finance Department:** – Matt Nielson

1. Monthly Budget Report

The City Council reviewed the budget summary reports. The street repairs are carryovers from last fall. Council Member Stout asked about revenue. Deputy Finance Officer Nielson said to review the 2<sup>nd</sup> page; revenues are expected to be \$67,300 lower for the year. Council Member Sutherland said with this type of economy that was really good. Council

President Mann asked if capital projects should be curtailed; they are already curtailed with Mayoral approval.

**Council Member Stout** moved to accept budget summary as presented; Council Member Egbert seconded the motion; all voted aye. **The motion carried.**

**Calendared Bills and Tabled Items:**

- A. **BILL Introductions:** NONE
- B. **First Reading:** Those items which are being introduced for first reading. – NONE
- C. **Second Reading:** Those items which have been first read.
  - 1. **BILL 1041 Open Burning Guide** - Fire Chief Corey Child

**Fire Chief Child** entertained questions.

**Council Member Egbert** moved to consider BILL 1041 second read; Council Member Benfield seconded the motion; Discussion: Council Member Erickson made an alternative motion to suspend the rules for BILL 1041 and BILL 1042 approvals; Council Member Egbert seconded the alternative motion;

**Mayor Woodland** called for a roll call vote to suspend the rules:

**Those voting aye**

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

**Those voting nay**

Council Member Stout

**The motion carried.**

- 2. **BILL 1042 Amending Ordinance 918** adding additional lock boxes for structures in excess of 20,000 square feet. - Fire Chief Corey Child

**Council Member Erickson** moved to approve BILL 1041 Open Burning Guide and BILL 1042 Amending Ordinance 918 adding additional lock boxes for structures in excess of 20,000 square feet; Council Member Egbert seconded the motion; all voted aye. **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:**

**Council President Mann** asked for discussion on the pool. It was put on the agenda for the next meeting at 6:00 P.M. Council Member Benfield asked for a financial report. Council members need a booklet with all of the information.

May 19<sup>th</sup> is planned for a “drive around” as a work meeting to look at city projects; lunch will be at Craigo's.

**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. March 03, 2010 meeting
- B. Approve the City of Rexburg Bills

**Council President Mann** asked to review policies like the wellness program, flowers on Main Street etc. He asked Deputy Finance Officer Nielson for a list of expenses.

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

**Council Member Benfield** asked to have an executive session per Idaho Code 67-2345 (B) to consider personnel issues; Council Member Egbert seconded the motion. Mayor Woodland called for a roll call vote:

**Roll call vote:**

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

**Executive Session:  
Executive Session ended.**

**Adjournment**

Attest:

\_\_\_\_\_  
Richard Woodland  
Mayor

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