

City Council Meeting

June 01, 2011

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CITY OF
REXBURG
America's Family Community

June 01, 2011

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

Chief Shane Turman led the Pledge of Allegiance.
Lawrence Winder said the prayer.

Roll Call of Council Members:

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

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

Presentations: - NONE

Committee Liaison Assignments for 2011:

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 reported on the Legacy Flight Museum's Fly in and the Chamber of Commerce breakfast on June 18th. Things are progressing well with the pool.

Johnny Watson from JRW & Associates reported on the new city swimming pool. The slide installers from Philadelphia finished the two slides today. The membrane in the lazy river should be finished this week. They are starting to put water into some of the features. They are doing temporary fences so the pool can be protected and tested while the permanent fencing is being installed. They only need two more pours of concrete to finish the deck. The locker rooms are done. Top soil and landscaping will begin next week. The bear & trout water features are installed. The two shelters have been roofed. The cabinetry is being installed. Epoxy is being applied to the floors. It is coming along well.

Council Member Sutherland asked if there would be any lighting. Only the park area will be lit for security. Some lighting will be around the concession areas.

Council Member Benfield commended Johnny Watson for his excellent work on the pool facility. She referred to a newspaper article that said cities were closing flat water indoor pools because they were not profitable. She noted that our answer to the public when questioned should be that that article is talking about indoor pools with flat water. That is why we did not elect to construct an indoor pool with flat water. That is why we made the decision to choose a pool that is open for only three months as an aquatic facility with more than flat water.

Johnny Watson said the cameras are installed too. The climbing wall needs to have the right anchoring before it can be installed. About another 120 cubic yards of concrete will be needed to finish the flat work. There will be some soft openings for training and testing the facility. There should be water in the pool for crew training to begin by the 13th of June. They will work on landscaping and fencing when the training is being done. Swimming lessons will probably start about the 22nd of June.

Council Member Sutherland asked when the hydro seeding would start for the surrounding fields. Public Works Director Millar said the seeding would start in the next week. Johnny Watson said they have been waiting on water and pumps. There will be approximately an acre of hydro seeded area outside of the water facility and another half acre inside. There will be over 30,000 square feet of concrete deck for people to enjoy as well.

Council Member Erickson referred to the newspaper article being somewhat ill-timed and negative on the city swimming pool. General public responses he received were “see, you shouldn’t be building this pool.” He said if the newspapers would do what they should, they would write a front page article explaining the facts and the details of financing, etc. There was a negative article yesterday in the Scroll, the University’s newspaper, as well. An editor wrote an article criticizing the city saying we haven’t made plans to take in enough money to cover the costs of construction because we have a three-month pool. They don’t even know how it was done, how it was financed, and that the construction costs are all taken care of. They don’t even know that, yet they criticize us. Our local newspaper should get the facts from Johnny Watson and from Finance Officer Richard Horner and write a decent article that lets the people of Rexburg know that we do know what we are talking about. It really bothered me. That is what yesterday’s article was all about. I wish it was never written, especially at this time when we are trying to get everything going. That kind of negativity is inappropriate.

Council Member Sutherland did not like the article either because it does not represent the Rexburg pool. The picture and text were focused primarily on a facility in South Carolina. If the paper wants to write a comparative or investigative article about other facilities they should write about Logan, Ogden, Payson, and Boise, so it makes sense. That article had no basis for our area; it was irrelevant. It was written about flat-water facilities. It was like comparing apples to oranges. It was just a pot-stirrer.

Council Member Erickson said he hoped the newspapers would correct that and write a positive article. **Mayor Woodland** said some of the city staff researched it and the article was based on flat-water pools. The flat-water pools are failing and many are changing their facilities to be more like what we have here in Rexburg because they know this kind of facility is what makes money. The city would address the article to give the people the full story. It gives us an opportunity to respond and show that we are actually right.

Johnny Watson said he would help the paper do a follow-up article. He said just wait until the sun shines and all ages are in the pool enjoying it.

Council Member Stout asked about the size of the zero-entry area water feature that is similar to the Porter Park splash park. Johnny Watson said the Porter Park facility is about 2/3 the size of the new zero-entry water feature. The zero-entry water area is probably bigger than all the concreted area around the Splash Park. It is something people just have to see; it is hard to describe in square feet. He remembers meeting with a gentleman from the Rotary Club who had negative feelings

about the pool until they gave their presentation. He had no idea what kind of facility was being built. He said he dares people to come take a look at the aquatic facility and still think negatively of it. It is impressive.

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

Council Member Sutherland did not have a report.

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

Council President Mann reported MYAB met and reviewed the Film Festival with seven entries. Rexburg Days is scheduled for June 17th from 4:00 to 6:00 P.M. They will be cleaning up the Riverside Park around the pool. Emergency Services will meet next Thursday.

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

Council Member Benfield reported the Chamber of Commerce will not be doing a breakfast at the Legacy Flight Museum “Fly in.” The Police Department made another arrest for graffiti. They have just completed another Firearms Instructor Course. The Romance Theatre continues to be improved; volunteer people are hard at work.

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

Council Member Erickson did not have a report. Some run-off water is on the back nine at Teton Lakes Golf Course.

Public Hearings:

7:30 P.M. Parks Shelter Fees and Legacy Flight & Teton Flood Museum Fees - Staff

Mayor Woodland reviewed the proposal.

Finance Officer Horner reviewed the proposed fees. Most of the fees are for plane rides at the Legacy Flight Museum. Some of the rides will go to the Tetons and back. The rides will be available for the Fly-in on the 18th of June, 2011, with helicopter rides available on that day as well.

Council Member Stout asked how the plane rides would affect the insurance. Finance Officer Horner said the city has additional insurance to cover the plane rides. There is coverage on the facility and the planes owned by the city. The premium is paid by the Legacy Flight Museum. The insurance for the Legacy Flight Museum is not nearly as subsidized as the insurance for the Romance Theatre and the Tabernacle. The city recently received another plane as a donation.

Discussion on the issue of Park Shelter Fees. The city parks are left cluttered after planned events.

Parks Director Greg McInnes decided not to charge for clean-up fees for city parks. The city will add signage to encourage user cleanup.

Mayor Woodland opened the Public Hearing.

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.

Discussion:

Council Member Benfield applauded the Parks Director **Greg McInnes** for his great work on the parks, as well as his consideration in keeping the fees the same, especially in these hard times. He is willing to go the extra mile and work a little bit harder; which is appreciated.

Council Member Stout moved to approve RESOLUTION NO. 2011 – 06 for the **Legacy Flight & Teton Flood Museum Fees**; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Items for Consideration:

A. **Conditional Use Permit** to allow dormitory housing at 264 Steiner Avenue – David Haney

Mayor Woodland reviewed the proposal.

David Haney reviewed the plan to allow dormitory housing for three houses on Steiner Avenue. This proposal is for the home at 264 Steiner Avenue. He showed before and after pictures of the three homes. He showed what the properties looked like when the Haney family acquired them in 2005 and reviewed the improvements they have completed. They have installed a parking lot for the homes. He and his wife do the maintenance and management of the properties. They maintain the landscaping in the summer and do the snow removal in the winter; allowing for sidewalk access. They are proposing a parking lot in the back of 264 Steiner Avenue. The traffic for the parking lot will be directed to 3rd West instead of Steiner Avenue. About 2/3rd of the tenants walk to campus.

Council Member Erickson said the proposal came a few years ago and was turned down due to dumping traffic onto Steiner Avenue. Visitor parking will be available on Steiner Avenue and the home's driveway. Council Member Erickson said they have done an admirable job improving the proposal and the plans for traffic. Council Member Egbert said it looked like a good project.

Council Member Erickson moved to approve the **Conditional Use Permit** to allow dormitory housing at 264 Steiner Avenue with Planning and Zoning's five conditions; Council Member Sutherland seconded the motion; Discussion: **Council President Mann** referred to the University's policy of limiting student housing in homes. He referred to comments from Planning and Zoning concerning where will the line be drawn. Council Member Erickson said Planning and Zoning answered the questions in the planning meeting. The University issues were clarified by Attorney Phil Packer. Council Member Egbert referred to the minutes stating the development was recommended because it was in an existing neighborhood with dormitory housing. Council Member Erickson said it did not affect the University's housing policy. Mr. Packer reiterated the University's policy is still in place. Community Development Director Val Christensen said a work meeting is needed with Planning and Zoning and the City Council to discuss the direction the city is going on student housing. Council Member Stout said it fits the Comprehensive Plan for higher density housing. Council Member Sutherland said the area started to change when (Ricks College) BYU-I became a University. Mayor Woodland asked for a vote:

Those voting aye

Council Member Erickson

Those voting nay

Council President Mann

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

The motion carried.

[\\$3,600 annual salary](#) for Arts Council Chair (\$300 per month) – Staff

Mayor Woodland reviewed the proposal.

Economic Development Director Scott Johnson reviewed the challenges of being a Chair person for the Arts Council. The issue is putting events together to utilize the two venues of the Romance Theatre and the Tabernacle. He reviewed the work being done on the two buildings. It is exciting. The hope is to give someone an incentive to bring the facilities to a higher level. The budget is available in the Arts Council to fund the position. The intent is to increase revenue by utilizing the two facilities. He reviewed the responsibilities of the Arts Council Chair. They would like to have two events every month. The intent is not to spend more money; it is to make more money by having more events. The Tabernacle and Romance Committees have been very focused on the renovations of their facilities. An Arts Council Chair could focus more on promoting events in these venues. Discussion on the fee schedule for proposed events. It will be based on the particular events.

Council Member Benfield referred to her experience with these committees while serving as the Council Liaison for the past year and a half. She addressed the challenges they have and the hard work committee members do to promote events. It is now at a point where they need someone who goes out and brings more shows in. As a volunteer committee, they are not set up to be responsible for advertising, promotions, etc. She thinks this is a great idea to help these venues become profitable.

Economic Development Director Scott Johnson said the city has applied for, and will hear back this month, regarding a grant that could cover the salary. The funds are in the Arts Council budget, but the grant is another financial option to be aware of.

Council Member Erikson clarified there will still be two different committees for the Tabernacle and the Romance Theatre. Economic Development Director Scott Johnson stated these committees will focus primarily on restoration of the facilities. Each committee will have a representative serve on the Arts Council as well; however, it will be the Arts Council that plans events and promotes the Arts in Rexburg.

Council Member Benfield moved to approve the [\\$3,600 annual salary](#) for Arts Council Chair (\$300 per month); Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

[Downtown Parking Lot](#) permit parking for 30 College Avenue apartments – Staff

Mayor Woodland reviewed the proposal.

City Attorney Zollinger explained a home and a vacant lot were exchanged with the Hadelius family through an LID agreement with Mayor John Porter to provide parking with 38 units at 30 College Avenue. The law states that if a decision by the Mayor goes unchallenged for 180 days then it stands as a legally binding contract by the city. This agreement was made by Mayor John Porter in approximately 1979; therefore, it stands as a binding agreement.

Police Chief Turman introduced the two new parking attendants Mishelle Montano and Hallie Andersen. They have a proposal for parking for downtown businesses. He reviewed the downtown parking lots on the overhead screen. The open parking on Carlson Avenue and 1st East includes 53 stalls. Business employees downtown have been using the 2 or 3 hour parking. It is a struggle to manage their parking. They are proposing to sell Business parking permits to 14 businesses in the downtown area that do not own their own parking. They recommended selling 5 “B” permits per business. The parking permits would stay with the business location. It is a start to a good compromise in fixing the parking for downtown businesses.

Council Member Egbert reviewed the issues with employees from T-Rex Plaza.

Discussion on T-Rex Plaza parking issues and the ability for them to use their own parking passes.

Council Member Erickson reviewed T-Rex Plaza’s hold on downtown parking. They have been issued eight “DR” permits. Customers can park in the nearby lot for up to three hours.

City Attorney Zollinger explained the downtown parking lots were created as parking for the public as customers. All of the city-owned parking lots were constructed from the Downtown Urban Renewal Grant in the late 1970’s. All of the businesses were assessed, according to their proximity and the size of their building, but all parking was intended for public use, not for individual stores. Businesses have no right to parking; it is for public use.

Council Member Erickson referred to the LID to create the downtown parking lots. Businesses were assessed their share of the cost in contributing to public parking so their customers would have places to park.

Western Watts or Opinionology parking lot was discussed.

Council President Mann thought it was a great idea for a one year experiment. Council Member Sutherland agreed.

Council Member Benfield clarified the discussion on 30 College Avenue where they get a parking pass for each unit.

City Attorney Zollinger said Manwaring’s own their own parking spaces. The donated Hadelius lot was used for parking spaces in the DR Parking lot for 30 College Avenue.

Discussion on the parking issues.

Mitch Neibaur at 127 East Main Street discussed the parking problems in the downtown area with the planned growth of BYU-I. He said it would be wise to incorporate a parking meeting with businesses, the University, and the city. He wanted to take a broad look at downtown parking.

Varley Sanford, owner of Big Bites, asked for four or five parking spots in the DR lot. The biggest problem exists during the evening after the parking attendants have gone home. He wanted to park by the shop to bring in supplies.

Ryan from Alpine Jewelry said the employees do not want to walk long distances with jewelry or money in hand. He wanted one paid pass.

Jacob Freeman, from the Plasma Center, wanted parking for employees. He suggested a possible solution could be installing meters in front of businesses.

Julie Ferrin, owner of 30 College Avenue, asked for space on the Porter Parking lot to free up space in the other downtown lots. She suggested 20 minute parking closer to the residences for unloading; then residents might not mind parking further away. She has thought of the possibility of buying more space for parking for her residents as well. She would like to work together with the city for more solutions to improving the parking.

Police Chief Shane Turman asked how the City Council would like to move forward. City Attorney Zollinger said the DR Permit could be used as it is already established. A public hearing can be set for the 6th of July for a new fee schedule to be presented.

Council Member Sutherland moved to allow Chief Turman and staff to bring back a permit proposal for the downtown businesses; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

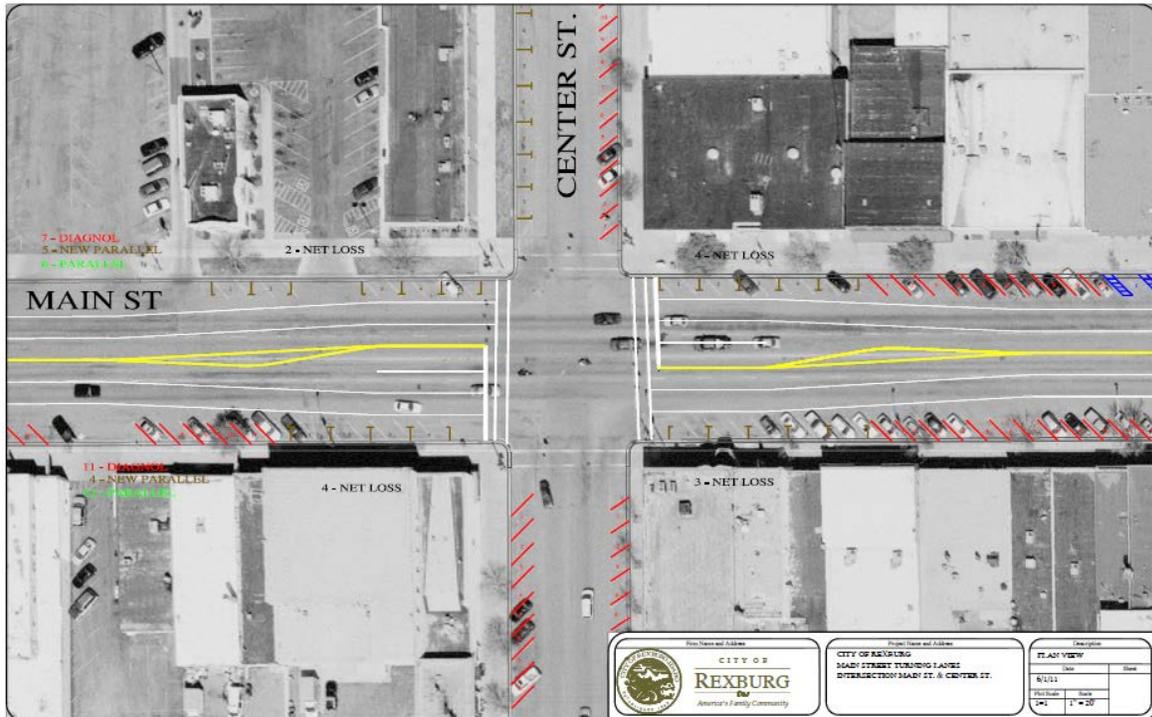
Decision on [left hand turn lanes](#) on Main Street at 1st East and Center Street – Staff

Kristy Geisler, editor for the Standard Journal, representing the Downtown Vision Committee. She addressed Council Member Erickson; the Standard Journal has always been a proponent of the pool. They will redeem themselves sufficiently. You will see extensive and impressive coverage in their paper when the pool opens. The Vision Committee has re-established their position with the Chamber of Commerce. They have met with downtown business owners and city staff to review the needs of the downtown area, particularly as it pertains to parking on Main Street. That is the number one concern of all the businesses they have reviewed. The \$350,000 ITD Grant is on the table for two left hand turn lanes at Center Street and 1st East. The businesses are very concerned with losing 18 parking spots on Main Street. John Millar, Scott Johnson, and Mayor Woodland have been attending the Vision Committee meetings. She said an alternative parking plan presented by John Millar at a meeting on May 26th was accepted. It widens the road, but only eliminates four parking spots instead of the initial 18. It does affect the shops like Great Harvest that do not have back entrances. The Vision Committee and downtown business do support this plan; however, they know that this plan alone will not be enough. She read a statement. She referred to the need to change the look of the Main Street in Downtown area. She mentioned that one of the biggest concerns from the vision committee is that the city doesn't have a master plan for traffic affairs or developing the downtown. What will happen to traffic once Riverside Park opens? When the theater is renovated? She also referred to the Hudson Report that contains suggestions and quotes. She said that she feels that it is imperative that the city allocate funds for a new study. This can be used as a greater economic tool for Rexburg.

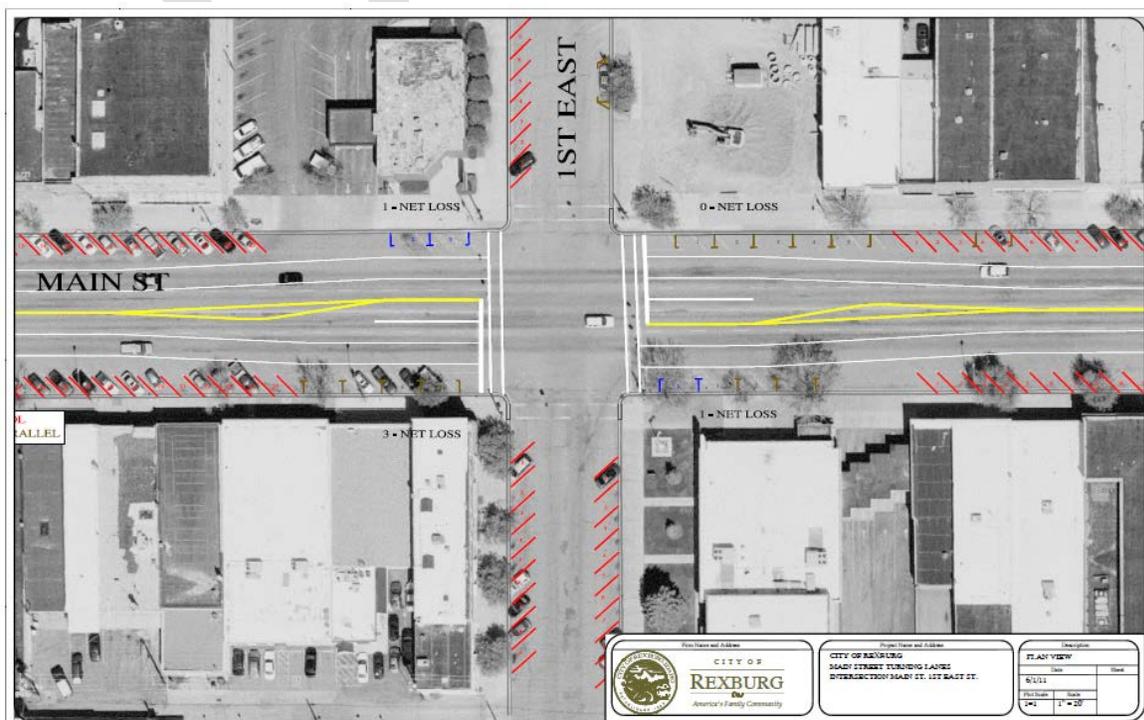
Council President Mann thanked Kristy for the input. She has done a great job; however, he was concerned with the Block's building. Was the owner contacted? They have attempted to contact all of the businesses.

Kristy Geisler said Melanie Davenport has contacted many downtown businesses. Many comments have been filled out regarding the left turn signals. The concern of the loss of eighteen parking spots has been the primary discussion point in the three meetings held. The grant funds needing to be completed by the end of September has also been discussed. She heard the Block's building is possibly going to become active again. She mentioned how Bob Carlson in the past would rent parking spots out of his parking lot. The only concern with this is the Farmer's Market on Fridays. She Believed a planner needs to come in and assist in all of this planning.

Discussion on an easement on Center Street that requires parallel parking. There are a lot of concerns; so a master plan is needed. Parking meters on Main Street were proposed. They could help enforce parking regulations.



Council Member Stout suggested using the Junior High Parking lot through negotiations with the school district. He also mentioned electronic parking meters which could allow self monitoring. Public Works Director Millar passed out a new proposed Main Street parking plan with the installation of the left hand turn lanes. Discussion on the proposal.



Council Member Benfield moved to accept the letter on the left hand turn lanes and approve the **left hand turn lanes** on Main Street at 1st East and Center Street; leaving the finer details (including diagonal parking across from old city hall and possible bulb outs on First East) to maximize parking to a net loss of zero, if at all possible with city staff; Council Member Sutherland seconded the motion; Discussion: Council Member Egbert and Benfield recommended moving forward. Council President Mann has not seen the public using the parallel parking. Public Works Director Millar and Council Member Stout said it is used in other areas.

Council Member Erickson said the Mayor has a point; just because we have the money we don't have to spend it; it is one of the finest main streets in the state. He did not think spending \$300,000 would do what people want. People would rather spend money on the beautification of Main Street. He doesn't think it is needed at the moment. Mayor Woodland said we are doing something to people that they don't know we are doing. Public Works Director Millar said the lights would have to be replaced at some point. The city pays 45% on new replacements. Council Member Stout thought in the long term left hand turns are a good idea for the downtown area. Council President Mann expected to have another look at the decision with more input from staff. Council Member Egbert said the city needs to have left hand turn lanes for safety issues. The state may eventually mandate left turning lanes. The staff can continue to work on keeping as much parking as possible including changing parallel to diagonal parking on Center Street. Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Public Works Director Millar said the staff would report back as the project progresses.

Break:

Booting and Towing issues – **Tabled BILL 1014** - January 20, 2010: “THE TOWING AND PARKING ENFORCEMENT ORDINANCE” – Mayor Woodland

Mayor Woodland reviewed the proposal. City Attorney Zollinger said the BILL would require property owners or representatives would have to make the decision to have a car towed. It was done that way 10 or 12 years ago, where either the police department or the property owner would have to authorize the tow. We have evolved into towing and predatory booting since that time. The appropriate action should be to take the Bill off the table and put it back on the agenda for discussion and action.

Council Member Egbert moved to remove the tabled BILL 1014 - January 20, 2010: “THE TOWING AND PARKING ENFORCEMENT ORDINANCE” from the table to be considered in the next meeting for passage; Council Member Sutherland seconded the motion;

Discussion:

Council Member Erickson said he would be glad to retire to avoid this issue: it has been a reoccurring issue for the eight years he has been on the City Council. He said a manager at 2:00 A.M. should not have to go out to tell a tower or booter to tow a car. He has a property that is under a towing agreement and it works great; the tower knows when to tow a car. Council Member Stout said the parking lot in question has good signage; however, the signage was ignored. Council Member Erickson said it is private property and the owner can ask cars to be towed. He does not want the city telling him who can park on his lot.

Council Member Egbert asked for clarification from the City Attorney Zollinger.

City Attorney Zollinger said predatory towing and booting is being restricted in other states. It does not take away any property rights from the owners. Nationally this has been accepted, and we have been falling behind the curve. The reason the BILL was taken off the table before was to give property owners the chance to respond with their input. We never received any feedback from property owners. It takes the blame off the city and puts the managers as the ones responsible for what happens on their properties. Council Member Egbert asked to restate the motion to take it off the table for tonight's consideration; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Sutherland
Council Member Egbert
Council Member Benfield

Those voting nay

Council Member Erickson
Council Member Stout

The motion carried.

Council President Mann moved to consider **BILL 1014** "THE TOWING AND PARKING ENFORCEMENT ORDINANCE" first read; Council Member Sutherland seconded the motion;

Discussion:

Council Member Benfield asked if there was a lot of towing and booting controversy in the last 18 months. City Attorney Zollinger said the complaints come in and the people blame the City of Rexburg. BYU-I can monitor the student complaints and has an appeals board. Managers have said that if they had control over the situation they wouldn't have towed in many instances. There is nothing managers can do to reverse the booting or towing because of the contact with the towing company. People can't believe that the City would tolerate this behavior Why are we involved?

University Attorney Phil Packer explained the University only regulates single student housing for towing and booting; they are only working on one complaint at the present time. City Attorney Zollinger said the 2:30 A.M. reasoning is not a problem because they would not be towing at the hour to resolve a parking complaint. The tow companies would only tow at 2:30 AM to make a quick profit. **Council Member Erickson** does not agree.

It was tabled 18 months to allow the towers to clean up their practices. City Attorney Zollinger said there was almost no activity for 12 months and the city has received about one complain a month for the past six months.

Council Member Egbert said we don't want to allow predatory towing and booting.

City Attorney Zollinger asked if Council Member Erickson would tow someone in an empty parking lot at 3:00 A.M. He said no.

Council Member Stout said we give far too much credit to complaints on these issues. Many of the complaints have been dishonest in portraying their report.

Council Member Sutherland said the issue has been going on for years. A past occurrence required two police officers to be dispatched to resolve the issue. It was all due to predatory booting. All this BILL does is give managers the ability to decide who should and should not be booted; the purpose is to stop predatory booting for money.

City Attorney Zollinger related a personal experience with his 18 year old son who parked at the Ridge complex where he was towed for parking without a resident permit. He was invited to the

complex by a tenant. He did not know the parking rules in the Ridge parking lot. His son's car was not creating a parking problem; there were 12 empty spaces around his car. Mr. Zollinger indicated the owner was aware of the event going on in the complex and should have notified his son of the parking requirement. He said the City Council should decide if Rexburg is going to allow predatory towing and booting. There is a problem that could be addressed in the passing of this ordinance. The City Council has to decide: Is this an area you want to be involved in? Do you want the responsibility returned to the owners and managers?

Council Member Benfield asked how many apartment managers would agree with Council Member Erickson and wish to keep the tow companies responsible to decide. City Attorney Zollinger responded all of the managers would most likely agree; they do not want the responsibility. They would prefer to say they had nothing to do with it and those who were towed or booted should take up their concerns with the city. She asked if people who bring complaints to the city can be informed the city is not involved in towing matters that take place on private property. City Attorney Zollinger said those affected will answer by saying the city is involved because, unlike the majority of the nation, there is no ordinance in place that prevents predatory towing and booting in Rexburg.

Council Member Stout was concerned with who could authorize a tow. It is hard to get a hold of the manager. What's a resident suppose to do when there is not an available parking space and they can't get a hold of the manager? He did not think this would fix the problem by requiring the management to be there.

Council President Mann said half of the community is made up of single students; we have some obligation to protect half of the population from predatory towing. He wants property owners who are enforcing these kinds of parking regulations to own up to the responsibility.

Council Member Stout said it is the responsibility of the person parking illegally to follow the rules. Virginia Pratt wants to have the option to tell the towing companies to patrol parking violators.

Discussion on past rules for towing and booting.

City Attorney Zollinger said it requires a property owner to manage his property instead of turning it over to others. Council Member Erickson does not want to require property owners to micro-manage their properties.

Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Sutherland
Council Member Egbert

Those voting nay

Council Member Erickson
Council Member Benfield
Council Member Stout

The motion carried.

Mayor Woodland cast a deciding vote of aye.

The motion carried to first read BILL 1014 "THE TOWING AND PARKING ENFORCEMENT ORDINANCE"

LAND USE ACTIONS" REQUESTING APPROVAL OF ___ for the rezoning of land use actions previously approved: - NONE

Staff Reports:

A. **Public Works:** - John Millar

1. Award Equipment Bids for Wastewater Treatment Plant Upgrade

Public Works Director Millar explained the bid was for equipment for three facilities. One part of the equipment included in the bid is a ultra-violet disinfection system, which would work with the chlorination system. It would more for the facility on-site, instead of across the street by the airport. We currently spend approximately \$50,000 each year on chlorination. There would be a savings on operating costs with the new equipment. Ultraviolet drying would show substantial savings. We received bids from four different manufacturers. A ranking system was used to evaluate the bids based on operating costs, power usage, replacement costs, etc. OZONIA was the low bid and ranked lowest on lifecycle costs.

Council President Mann moved to approve the low bid of \$227,160 from OZONIA for the Wastewater Treatment Plant Upgrade; Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

2. Sludge thickening system bid:

Public Works Director Millar explained the need for a new sludge thickening system. The centrifuges have reached their capacity and need to be replaced. They are being run 16 hours a day to try to keep up; they are spending a lot of money on power. They received five bids. The Johnson Screens equipment did not qualify; it was low in price, but would not meet the specifications. Of the other four bidders, three came on site with their equipment and ran pilot tests for three or four days each. They were able to determine each system's effectiveness, the kind of power utilized, and the capture rate. This bid process is a little more difficult to determine because so many elements are considered. He explained the difference in the results received from the pilot testing. The decision comes down to PWTech and Huber. Huber is about \$15,000 more. Both bidders would install two units. PWTech would run the two machines for 15 hours a day to meet the criteria. Huber bid larger units that could meet the criteria with both machines running eight hours or one machine running 16 hours a day. Looking at dollars per pound cost, Huber was the low qualified bidder with their equipment running about eight hours per day. The overall savings over 20 years of operation with Huber's equipment would show significant power savings of 30-40% over the other bidders.

Council Member Sutherland moved to approve the low bid of \$514,242 from Huber; Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Public Works Director Millar review the current projects:

1. Sewer Line piping on 7th South is done. They are finishing the grading on schedule.
2. The 7th South road project will begin ASAP. There will be no need for temporary paving between projects. As soon as Edstrom Construction is done, Depatco will be there to start the street portion of the project.
3. Pioneer Road project has been awarded to Depatco. They will hold a pre-construction conference early next week and then they should be able to get started.
4. For the county parking lot across the street, they are waiting for clearance from the environmental appraisal. They cannot move forward until the Development Company completes that proposal.
5. U.S. Hwy 20 Wastewater pressure line – The city submitted a grant for this project. They had a meeting and were informed that there have been some budget cuts for the grant, but they are still fairly positive the city will receive some kind of funding. We will know for sure by next Friday.
6. Sewer Plant upgrade on the solar drying bed equipment.

B. **Finance Department:** - Richard Horner

Calendared Bills and Tabled Items:

BILL Introduction: – NONE

First Reading: Those items which are being introduced for first reading: – NONE

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

Third Reading: Those items which have been second read.

1. BILL 1063 [International Fire Code 2009](#)

Discussion: Fire Inspector Dale Pickering indicated BILL 1063 has been reviewed and finalized by city staff with the changes included in the final document including changing **Section 503.7.4 Bridge Load Limits** from “by the fire code official” to “by the fire code official and the city engineer.”

Council President Mann moved to third read and approve BILL 1063 for the [International Fire Code 2009](#) with changes as presented; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

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

[Rezone – Community Business Center](#) (CBC) and Medium Density Residential ONE (MDR1) to High Density Residential 2 (HDR2) –approximately 360 South 4th West.

Council President Mann reminded the City Council there is a meeting scheduled for 5:00 PM next week to look at the property on South 4th West and to visit the pool site. There will be a scheduled budget meeting following the drive-around at 6:00 PM.

Council Member Egbert asked if there was additional information to be presented.

Jared Sommer showed photos of the property on the overhead screen. From the exit of the property to 4th South, the pavement is not deteriorating except for some cracks. They put in a 36 foot wide bridge to access the property. They have leveled the canal bank along the canal. There have been zero issues with snow removal. It is a property in isolation with rail road tracks and canals as borders. 4th South is 32 feet wide with no issues with snow removal or traffic when Temple View Development was approved. There are two recorded accidents on 4th West and 4th South in the past years which is insignificant. **Jared Sommer** went home after the last City Council meeting to pencil the numbers and do his homework to see what other options might exist. There are more requirements for housing these days that add additional costs. They have to have:

1. Fire suppression
2. 8 inch water line to the development
3. Bridge
4. Impact fees

These additional requirements would add \$10,000 a door in a MDR2 Zone. Planning and Zoning approved HDR2 for 60 units. The development would be similar to the Temple View Project, which by design is set up for young married couples without children. This property is not in anyone's rear yard. They need HDR1 for 50 units to develop the property.

Council Member Erickson reviewed the units per acre allowed for the HDR1 Zone which is 50 units for this proposal.

Discussion on the area and the canal bank. Jared Sommer referred to a permanent recorded easement to the property to the south. It is only for a fire truck with a breaker bar.



Council Member Egbert moved to take from the table the request to [Rezone from Community Business Center](#) (CBC) and Medium Density Residential One (MDR1) to High Density Residential 2 (HDR2) at approximately 360 South 4th West; Council Member Stout seconded the motion;

Discussion:

Council Member Egbert stated they have received some good information.

Council Member Stout added the project fits the long term plans for land use for high density areas near campus.

Council President Mann felt the City Council made a verbal commitment to have a field visit. He is concerned with addressing it tonight. City Attorney Zollinger reminded the City Council that Planning & Zoning did not request a traffic study.

Council Member Benfield asked how many single family homes exist on Bare Street. There are six. Not all of them are single family homes; three residences are duplexes. There is an eight-unit apartment complex at the end of Bare Street.

Discussion on where the bridge aligns with Bare Street. The streets are off-set; traffic coming from the bridge and heading south to 4th South would not pass in front of the Bare Street entrance.

Mayor Woodland asked for a vote:

Those voting aye

Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

Council President Mann
Council Member Benfield
Council Member Erickson

Mayor Woodland cast a deciding vote of aye.

The motion carried.

Discussion:

Council Member Stout indicated City Council's decisions are not made to increase the tax rolls. It is not a decision to make economic sense for developers. The decision needs to be based on if they believe this would be appropriate land use.

Council Member Erickson related the last meeting discussion was to have HDR1 Zoning. Council Member Stout said the property does not lend itself to MDR Zoning. Council Member Erickson said the concern is the traffic going to the intersection at 4th South. Jared Sommer said they are seeking three story buildings with a maximum of 60 units.

Council Member Egbert moved to rezone the property from Community Business Center (CBC) and Medium Density Residential One (MDR1) to High Density Residential Two (HDR2) at approximately 360 South 4th West to HDR2 with a maximum of 60 units; Council Member Stout seconded the motion; Discussion: The traffic study was not required on this development. City Attorney Zollinger said the rezone request is just the first step for the development. Council Member Erickson said he recommended HDR1 with a maximum of 50 units.

Mayor Woodland asked for a vote:

Those voting aye

Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

Council President Mann
Council Member Benfield
Council Member Erickson

Mayor Woodland cast a deciding vote of nay. He cannot think of a better place to do HDR2 because of the canal and the railroad tracks as a buffer to surrounding properties. Traffic density is low. City Attorney Zollinger mentioned one of the two accidents reported at the nearby intersection was a fatality. Discussion on flow of traffic and different possible routes.

The motion Failed.

Council Member Egbert moved to rezone the property from Community Business Center (CBC) and Medium Density Residential One (MDR1) to High Density Residential Two (HDR2) at approximately 360 South 4th West to HDR2 with a maximum of 60 units with the proposal following the recommendations of a professional traffic study; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

Council President Mann
Council Member Benfield
Council Member Erickson

Mayor Woodland cast a deciding vote of aye.

The motion carried.

Mayor's Report:

Council President Mann asked the City Council to meet next week at 5:00 P.M. at the Rexburg Rapids at Riverside Park for a tour of the pool facility. The budget review meeting will follow at 6:00 P.M. at City Hall.

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, Bills, etc:

May 18, 2011 meeting
Approve the City of Rexburg Bills

Council Member Sutherland moved to approve the Consent Calendar consisting of the minutes, and the city bill; Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Adjournment

Richard Woodland, Mayor

Attest:

Blair D. Kay, City Clerk