

City Council Minutes

July 06, 2011

35 North 1st East
Rexburg, ID 83440

blairk@rexburg.org
www.rexburg.org

Phone: 208.359.3020 x2313
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

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 of Police Shane Turman led the Pledge of Allegiance.

Prayer was offered by **Mr. Joseph West**

Roll Call of Council Members:

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

Council President Mann asked to be excused.

Council Member Erickson asked to be excused later in the meeting after reading the BILLS.
(The BILLS were reviewed earlier in the meeting)

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

Michelle Diamond at 31 W. Main St., Apt 1, Saint Anthony, ID, had concerns with crosswalks and pedestrian safety. She mentioned how many close calls she has witnessed and the increasing population of students that will further impact crosswalks in the future. She felt that blinking lights are the best solution for pedestrian safety.

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 anything to report.

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

Council Member Egbert did not have anything to report.

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

Council Member Sutherland did not have anything to report.

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

Council Member Mann asked to be excused.

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

Council Member Benfield reported on the Police Department being very busy this week. They had a total of 16 arrests, including an arrest of seven that involved a drug manufacturing facility. They worked with the county on the drug arrests. A pedestrian was injured in a crosswalk, but is doing ok. The “B” permits have been ordered. We had 7 to 10 thousand people at the parade, and she commended the Police Department on their crowd control. Police Officer Randy Haderly is retiring on July 31st and he has worked as the high school resource officer. The Police Department would like an ok from the City to replace that position.

Council Member Benfield made a motion to replace Officer Randy Haderlie; **Council Member Sutherland** seconded the motion; Mayor **Woodland** asked for discussion and a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

Council Member Benfield reported on the Romance Theater. She attended their meeting and things are going well and she brought pictures to show the City Council. She didn’t have anything to report on for the Arts Council.

City Attorney Zollinger said they have narrowed it down to two people for the Arts Council Committee Chair and the interviews will be conducted shortly.

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

Council Member Erickson said the Planning and Zoning Commission has one item on the agenda they have heard. He mentioned how the committee feels Rexburg Rapids was such a great idea. Mayor Woodland asked about the Teton Lakes Golf Course. Council Member Erickson said the revenue is down; however, he was pleased with the employees keeping costs down. The cash is almost double last year’s cash receipts during the same time period.

Public Hearing: - NONE

Items for Consideration:

- A. **Approve publication** of proposed Fee Schedule for the Building Department fees and other city fees - Richard Horner

Mayor Woodland reviewed the proposal.

Finance Officer Horner said there will be a public hearing next meeting. There are a few fee changes for the Legacy Flight Museum. Most of the fee changes are in the Building Department. He mentioned the impact on the revenues will be at break even. The purpose of changing the fee structure is to pattern after other cities concerning rate calculations. It will be in line with Rigby’s fee schedule. This will put Rexburg on par with the rest of the state. Council Member Benfield asked if the fees and the appropriation budget are posted online. Finance Officer Horner said he wanted to get them approved first, and then they will be up online and published in the newspaper shortly. They discussed the Legacy Flight Museum and insurance.

Council Member Stout motioned to approve the publication of proposed Fee Schedule for the Building Department fees and other city fees as discussed; **Council Member Erickson** seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Stout
Council Member Erickson

Those voting nay

None

Council Member Benfield
Council Member Egbert
Council Member Sutherland

The motion carried.

B. Set tentative Appropriation Budget 2012 – Richard Horner
(**BILL 1072** Appropriation 2012 Budget)

Finance Officer Horner said this is the same budget that has been reviewed in the past. The only change was a \$30,000 grant for the Tabernacle Windows and whatever else they need. The tentative budget with all the funds and projects would be \$46,000,000. That is down from last year which was about \$52,000,000. He mentioned that in the packet there is a resource that gives information about the high points of the budget. He said we need to approve the tentative 2012 Budget tonight.

Mayor Woodland reviewed the proposal.

Council Member Sutherland moved to approve the tentative “Appropriation Budget” for 2012; **Council Member Erickson** seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

C. Set a public hearing on July 20th at 8:15 P.M. for the budget and utility rate increases and approve the proposed wastewater fee increases to be effective October 1, 2011 - Richard Horner

Mayor Woodland reviewed the proposal.

Finance Officer Horner said the only utility that needs an increase this year is the wastewater. The increase amounts to an average of \$2.00 a month for the average home. The increase is related to inflation and addition expenses. He said, “we hope that in a year we won’t have to raise it at all.”

Council Member Stout moved to approve the public hearing on July 20th at 8:15 P.M. for the budget and utility rate increases and approve the public hearing for the proposed wastewater fee increases to be effective October 1, 2011 as discussed; **Council Member Egbert** seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

D. BILL 1073 to Amend the Development Code - Ordinance 1026 (Chapter 3) Medium Density Residential Two (MDR2) by allowing larger buildings. Change the code to read “Buildings with more than four (4) dwelling units.” The second change is to add the

“Medium Density Residential Two (MDR2) Zone to “Low-Moderate Density Residential” land use designation – Staff (**NOTE:** Recommended for approval by Planning and Zoning.)

Mayor Woodland reviewed the proposal.

Council Member Stout moved to amend the Development Code Ordinance 1026 Chapter 3, Medium Density Residential Two (MDR2) by allowing larger buildings. Change the code to read “Buildings with more than four (4) dwelling units.” The second change is to add the “Medium Density Residential Two (MDR2) Zone to “Low-Moderate Density Residential” land use designation as discussed; Council Member Benfield seconded the motion; **Mayor Woodland** asked for a vote:

<u>Those voting aye</u> Council Member Stout Council Member Erickson Council Member Benfield Council Member Egbert Council Member Sutherland	<u>Those voting nay</u> None
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The motion carried.

E. Amend the Comprehensive Plan Map land use designation from “Low-Moderate Density Residential” to allow “Neighborhood Commercial/Mixed Use” and allow “Moderate-High Density Residential” – Rexburg Hill Properties, LLC.

NOTE: This request was denied by the Planning and Zoning Commission.

Council Member Erickson asked if it was an appeal of the same proposal. Michael Batt indicated it was the same application presented to Planning and Zoning. They would amend their proposal if BILL 1073 was approved; Which is to “Amend the Development Code Ordinance 1026 Chapter 3, Medium Density Residential Two (MDR2) by allowing larger buildings; and change the code to read “Buildings with more than four (4) dwelling units.” Plus the second change is to add the “Medium Density Residential Two (MDR2) Zone to “Low-Moderate Density Residential” land use designation.” He indicated if the amended proposal [BILL 1073](#) was approved, they would be able to take High Density Residential out of their request; They are hopeful to have the area east of the Temple changed to mixed use to allow for a park and commercial zone for a reception center and other activities relating to weddings.

Mayor Woodland reviewed the proposal.

Council Member Stout moved to accept the recommendation of Planning and Zoning to deny the request to amend the Comprehensive Plan Map land use designation from “Low-Moderate Density Residential” to allow “Neighborhood Commercial/Mixed Use” and allow “Moderate-High Density Residential” – Rexburg Hill Properties, LLC. as discussed; **Council Member Erickson** seconded the motion; **Mayor Woodland** asked for a vote:

<u>Those voting aye</u> Council Member Stout Council Member Erickson Council Member Benfield Council Member Egbert Council Member Sutherland	<u>Those voting nay</u> None
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The motion carried.

F. Temporary Business Registrations

Compliance Officer Schneider stood in for Planning and Zoning Director Christensen. She mentioned Planning and Zoning Chairman Dyer could not attend the meeting. She presented a

letter from him and input from other Planning and Zoning Commissioners regarding temporary businesses. Three businesses were reviewed concerning “Temporary Business Registrations.” She indicated the city requires a business registration and time requested for temporary status as allowed by the city code:

A. (ORDINANCE 1029: WHEREAS, *a distinction has been observed between businesses operating on a temporary basis of around fourteen days – around events such as July 4th – and businesses operating on a seasonal basis – usually within four or six months centered on the Summer season; 6.01.040 Definitions: 26. Temporary: Is defined as six months or less; 6.01.190 Violation – Penalty Any person, firm or corporation violating any provision of this chapter, or of any ordinance relating to licensing, where no other penalty is provided, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense. Any person violating any such provision may in addition to a fine or in lieu of a fine be imprisoned for not more than six months. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.*

B. Site plan to show the dimensions of the lot and the location of the business on the lot including setbacks and the location of sidewalks, streets, parking, etc.

Three businesses discussed:

1. M.A.J.I.X. doing business as “The Bubble Dome” located at 72 North 1st East. The product is “Boba Drinks.” The drink is a frozen slush drink made with real fruit and Boba imported from Taiwan.
2. Super Savers Discount Food, LLC. doing business as a “grocery outlet” for case lot sales located at 328 North 2nd East.
3. Taco Bus on 4th South relocated across the street to 312 West 4th South.

The letter from Planning and Zoning Chairman Winston Dyer reads as follows:

“I recognize that in our current economic climate everyone is trying to do the best they can. Many of us are seeking ways to do business with lower overhead, and it would appear that these two requests are something along those lines. In that respect one would want to do what they could to help encourage business and commerce as long as it didn't detract from or create impacts on others.

However I do have some serious concerns about the potential impact of these proposals and knowing that there are several others just like them wanting consideration. Our planning and our zoning are set up to bring uniformity and conformity to neighborhoods, protect the character of the neighborhood, reduce impacts, keep things aesthetically appealing, and try to balance the greater good of the community with the rights and desires of individual property owners. Even though these proposals are in commercial areas, I don't believe anyone would argue that inflatable bubbles or large tents in the midst of brick-and-mortar buildings would be out of character and create distraction.

I worry too about what "temporary" means. We've had a number of businesses indicate they wanted temporary status (which in my mind is maybe 30 to 60 days) and they've been there a couple of years now. Think of the "temporary" taco bus right next to the proposed tent that has taken on such permanence as to have had a drive through ramp built up next to it to help cars get up to the level of the bus windows. I've had a number of comments from citizens over the past couple of years about how out of character that business is with everything else along the 2nd East corridor.

If these proposals for temporary structures were going in for 30-60 days then I doubt it would be worth the expense of buying the bubble or the tent...so in my mind they likely have a much longer plan in mind and thus the character of the commercial neighborhood will be impacted for a corresponding duration well beyond “temporary”.

I also reflect on all the efforts we've made in enacting design standards to help improve the aesthetic appeal of the community, improve property values, and make the community more attractive to new business and consumers – and then remember the requests we've made of many businesses to make their new buildings an attractive enhancement to the community through implementation of those design standards. How do bubble domes and large tents fit into that philosophy and approach, and where would

there be equity to the others that have had to incur costs beyond what they really wanted to in order for the community to be made a better place?

I have had inquiries in the past from brick-and-mortar business enterprises about these temporary businesses around town (e.g., trailers and taco busses) and whether these temporary businesses pay the same kinds of taxes and fees that the brick-and-mortar businessmen pay. Thus I am confident that approving these proposed temporary businesses would do nothing but bring a perceived inequity in the minds of our more "permanent" businesses.

As always in our planning and zoning we walk the fine line between respecting individual property rights and providing for the greater good of the community. Without studying these proposals in detail and depth, I am of the opinion that they are mostly for the economic benefit of the applicant and do little to improve or enhance the community or to contribute to the "greater good". With an increasing trend toward lower overhead and cutting costs across the business spectrum, I fear that opening the door to these kinds of requests will be establishing a precedent that will create additional concerns for us in the long run as such proposals could easily detract from, rather than enhance, the community.

Sorry, but I see the potential impacts of these proposals to be greater than any benefits to the community and therefore do not feel I am in a position to support them.

Lastly, I have an additional concern about circumventing due process to give these requests special consideration just because they may be seasonally oriented and time is running short. I think of the many other people we have made go through the normal channels and regularly scheduled meetings in order to get proper consideration from us and I believe we are doing an injustice to them by giving these applicants special consideration outside of our regularly established process. Lack of understanding or adequate planning on the applicant's part should not constitute an emergency on ours (even though I went ahead and commented anyway J). The unfortunate consequence is that every time we do something like this, then the next guy expects it too...

Thanks for the opportunity to observe and comment... hope this is helpful.

Winston Dyer"

Compliance Officer Schneider referred to other Planning and Zoning Commissioner's comments to staff concerning the temporary businesses.

Cory Sorensen:

"I have mixed feelings about this because I put myself through school here in Rexburg Idaho selling hot chocolate and scones out of my temporary business. I do feel there is always room for these types of businesses but the question is where and what requirement need to be implemented so they are a benefit to the community and not a distraction. There are some very good examples of temporary business that have been around for years and I believe add to our community while there are many more examples that are very distracting as chairman Dyer has pointed out."

"I agree that the approval process for such businesses needs to remain the same, and go through the current established channels."

"Thank you Mayor, Chairman, Commissioners, and Staff"
Cory Sorensen

Jedd Walker:

"My thoughts are congruent with Chairman Dyer's."
Thanks,
Jedd

Thaine Robinson:

"I agree with Winston's points. It would not be necessary to repeat them."
Thaine Robinson

Compliance Officer Schneider said Community Development Director Christensen's opinion is some temporary businesses contribute to the community while others are distracting. Community Development Director Christensen feels the design standards and safety issues need to be considered. He also feels that time lines need to be more definitive, and specific deadlines are needed. Mayor Woodland asked if there is a time line currently; Compliance Officer Schneider stated there is a time line. There are seasonal ones that last for four to six months, such as the Snow Shack. Council Member Stout questioned the request. Compliance Officer Schneider said this would extend this past one year.

The request from Community Development Director Christiansen is to give businesses only thirty or sixty days and then have them move into a building. Mayor Woodland said he feels six months is fine; however, the problem is enforcing the six month limit. Council Member Benfield is also concerned with the fairness in cost of a fixed business verses a mobile business. Council Member Stout indicated temporary businesses allow them to become established in the community and prevents customer leakage to other communities. One issue that needs to be address is the conversion of mobile businesses located in structures that are permanent. This raises questions of safety and building code compliance.

Compliance Officer Schneider stated there are temporary business owners and individuals from the brick and mortar businesses to share their thoughts.

Diana L. Johnson, owner of the business Majix gave statement regarding commercial property. The applicant rezoned the property to continue their revenue stream and avoid litigation. She said she has conformed to all of the requirements of the City. She feels that if a property is kept up nicely then it should be able to generate revenue. She explained that she has forgone rent from her tenants for over a year in some cases because they didn't initiate market studies to test the viability of their product on the market.

Brandon Urednick, business manager used a power point to explain his business at 110 E 1st N called the Bubble Dome. They are proposing an active market study for three months as a mobile business. The suggested location is closer than ten feet to the right of way line. They will follow Osha regulations regarding electric cords. Mr. Urednick is requesting 90 days for his temporary business. Diana L. Johnson made further comments regarding the safety and parking. She said they are changing the parking to make it safer than it has been in the past. Mr. Urednick wants to eventually move into a brick and mortar building if his business goes well. Compliance Officer Schneider mentioned that the temporary banners have a time limit as well.

Mayor Woodland reviewed the proposal.

Council Member Stout motioned to approve the Bubble Dome's Temporary Business application in line with the set up they have presented for 90 days; Council **Member Sutherland** seconded the motion;

Council Member Stout withdrew his motion to hear from other businesses first. **Council Member Sutherland** seconded to withdraw the motion.

Ron Campbell at 2275 Robinson Drive owns three brick and mortar businesses in town including Subway and New York Burrito. He feels some frustration with temporary businesses because of property taxes. He made a suggestion to limit the volume of temporary business permits. Idaho Falls does not have the volume of temporary businesses that Rexburg allows.

Richie Webb at 68 Wheatland Drive thinks that volume is an important consideration. Certain criterion needs to be developed including design standards. Also, enforcement is important to consider and penalties for those who do not comply.

Wes Haws at 136 W. 8000 S. representing Super Savers Food said they need to establish brand recognition in the community. They will have a large tent and sell case lots and will be located where the John Deer building used to be located. This location would be for market research and Mr. Haws has plans of moving into a brick and mortar building. There will be no refrigeration, just case lots.

Jorge A. Pelayo owner of Taco Bus on 4th West is asking for an extension on his temporary business license. He explained that at one point he moved to a brick and mortar building, but lost many of his customers. He says his customers prefer to going on the bus and after nine months

after moving his restaurant into a brick and mortar building he decided to move back into the bus to regain his previous customers.

Council Member Egbert had a concern regarding Super Savers Discount Food, LLC. Council Member Stout explained that Rexburg is in competition with Idaho Falls especially for grocery and discount food.

Council Member Benfield agreed with Richie Webb’s suggestions regarding design standards. The City of Rexburg does not have any design standards in place currently for temporary businesses. City Attorney Zollinger commented about safety standards and compliance of temporary businesses. Council Member Stout suggested Planning and Zoning be involved with aesthetic regulations.

Council Member Stout moved to approve the Temporary Business Registrations as discussed; **Council Member Sutherland** seconded the motion; Mayor Woodland asked for a vote:

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

The motion carried.

Staff Reports:

A. **Public Works:** – John Millar gave his report.

1. South Pioneer Road Construction ground work is under way. Sewer and water stub outs for undeveloped property will be installed.
2. High pressure sewer line project is going out to bid next week
3. Preliminary design for phase two of the wastewater treatment upgrade is being designed which includes the sludge thickening process and associated buildings.
4. Discussion on the 2012 sanitation truck (sanitation trucks are budgeted on a seven year cycle) The proposed sanitation truck is used in other communities including Shelley, Blackfoot and Preston. We are proposing to piggyback on the same bid for these communities.

a. Sanitation Truck: 2012 Peterbilt Chassis	\$101,802.00
b. Wayne Curbtender 24 C.Y. Packer	<u>\$ 99,601.77</u>
Total	\$201,403.77
Budgeted	\$282,800.00
Shortfall	\$ 18,603.77

The Net Sanitation Department Budget to the end of June is -\$62,000.00 under budget. The \$18,603.77 shortfall will be covered by the Sanitation Budget. **Mayor Woodland** reviewed the proposal.

Council Member Sutherland moved to approve the purchase of the 2012 Peterbilt Chassis and the Wayne Curbtender 24 C.Y. Packer; **Council Member Benfield** seconded the motion; **Mayor Woodland** asked for a vote:

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

The motion carried.

Public Works Director John Millar explained Rexburg Rapids has been busier than expected and has not been able to accommodate the parking needs of the customers. Rexburg Rapids reached 2200 attendance on their peak day thus far. Further parking was discussed. He explained they may turn adjacent land into more parking stalls. The east parking lot that runs north to south may be opened which would allow for 40 to 60 more stalls. Finance Officer Horner suggested that the parking needs to be doubled. He also said there would be money available for more parking. Currently, there are 142 stalls in the parking lot. Public Works Director John Millar said the slightest wind causes dust to come in and the west area needs to be hydro-seeded. This will cost approximately \$2,000 to \$3,000. He said he will put together some plans the first of the week with two or three alternatives.

Recreation Director Robert Yeatman reported on the progress of Rexburg Rapids at Riverside Park.

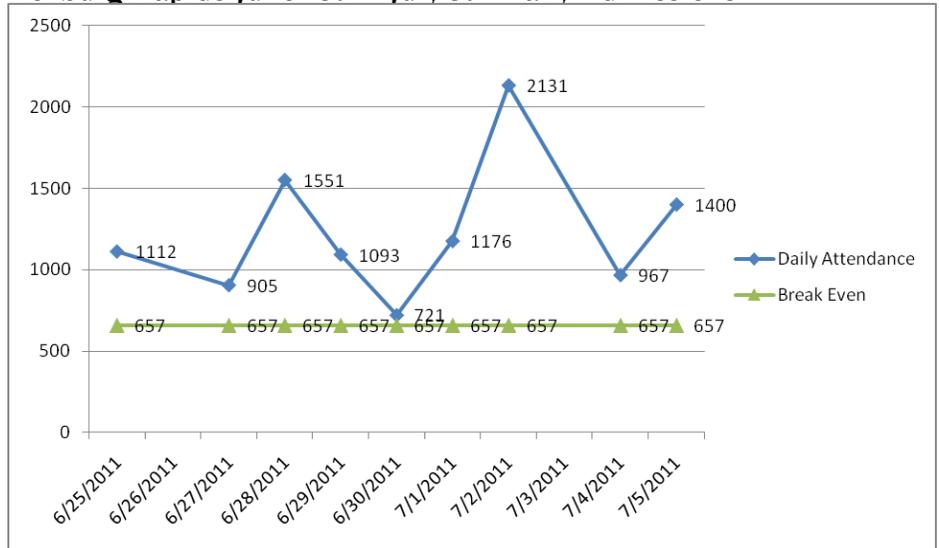
**Additional Pool Information
June 25-July 5, 2011**

- Maximum capacity has been reached twice, on July 2nd and July 5th during our afternoon sessions.
- Our average daily attendance (June 25-July 5) has been 1228 patrons.
- License plate inspection has determined that on a given day, 35-45% of patrons are from outside of Madison County. We do not include out of state licenses in this count, believing that the majority of those plates are BYU-I students.
- As of July 5th, we have used 1800 lbs of chlorine and 145 gallons of hydrochloric acid to treat the pools.
- We have begun using cyanuric acid in our systems to help reduce chlorine burn off and loss due to bather load and evaporation. This measure is to try to reduce chlorination waste and cost. Cyanuric Acid bonds with chlorine particles and extends the life of the chlorine.
- The pools are being maintained at a temperature between 83-84F degrees.
- We have had 3 fecal incidents, 2 resulting in half hour closures and the other requiring a 12 hour closure. Fortunately the 12 hour incident occurred late in the evening. We have also had one case of vomit in the pool, resulting in another half hour closure. Three of the incidents happened in the Zero Entry/Pool area and the other in the Lazy River.
- The blue side is currently being re-fabricated and delivery is expected in the next two weeks. Johnny Watson has already been consulted regarding the new install and having the correct equipment and personnel on hand to expedite the process without disrupting daily pool activities.
- Our parking lots have filled within an hour of opening each day. An overflow lot has been created adjacent to the parks department grounds and has created about 50 new parking spaces. Additional parking is being discussed.

June 25th to July 5th 2011 Revenues

Fitness Admissions	\$	126.00
Daytime Admission	\$	34,508.95
Evening Admission	\$	9,017.50
Punch Passes	\$	4,924.75
Total Admissions	\$	48,577.20
Inventory Sales	\$	2,130.00
Shelter/Party Room Rental	\$	170.00
Exlusive Rental	\$	875.00
Swim Lessons	\$	28,886.00
Total	\$	80,638.20

Rexburg Rapids June 25th - July 5th Daily Admissions



Daily & Weekly Totals

		Total Afternoon	Total Evening	Total People	High Count Afternoon	High Count Evening
6/25/2011	Saturday	885	227	1,112	423	154
6/27/2011	Monday	820	85	905	527	85
6/28/2011	Tuesday	1,202	349	1,551	858	330
6/29/2011	Wednesday	825	268	1,093	558	213
6/30/2011	Thursday	721		721	462	closed
7/1/2011	Friday	880	296	1,176	589	226
7/2/2011	Saturday	1,613	518	2,131	925	455
Weekly Total		6,061	1,516	8,689		
7/4/2011	Monday	827	140	967	472	135
7/5/2011	Tuesday	1,127	273	1,400	N/A	N/A
Weekly Total		1,954	413	2,367	472	135
Daily Average			270	1,228	602	228

B. Finance Department: - Richard Horner

Calendared Bills and Tabled Items:

A. **BILL Introduction:** Ordinance to change Mayor and City Council Salary
(No motion needed)

Finance Officer Horner introduced the ordinances to change the salaries of the Mayor and City Council Members. The Mayor’s salary would go up according to the changes in costs of living. The last time it was raised was four years ago. This ordinance would change the salary for the Mayor from \$58,944 to \$64,416. The City Council would receive an annual salary of \$6,000 or \$500 per month. He said this needs to be done by the second Council meeting in August, because it must be completed 75 days before the election. It would not need a public hearing.

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

1. **BILL 1073 Amend the Development Code** Ordinance 1026 Chapter 3, Medium Density Residential Two (MDR2) by allowing larger buildings. Change the code to read “Buildings with more than four (4) dwelling units.” The second change is to add the “Medium Density Residential Two (MDR2) Zone to “Low-Moderate Density Residential” land use designation.

City Attorney Zollinger said over the past few years they have gone back and forth on their Comprehensive Plan Map and presented it to the public. They used what was called a bubble map. Some property owners were stretching the bubbles a little more than they considered reasonable. This bill would allow for low and medium density to be allowed in the low-moderate density on the Comprehensive Plan Map. The bill would also allow medium and high density in the moderate-high density on the comprehensive plan map. This would create definitive lines instead of these bubbles. The first effect of this change would be to allow low-moderate density to apply for medium density. The second effect is that developers will be able to have more units per buildings without changing the density. This bill doesn't change the heights or density only the number of units per building. The bill takes one of the steps out.

Mayor Woodland reviewed the proposal.

Council Member Stout moved to first read **BILL 1073 Amend the Development Code** Ordinance 1026 Chapter 3, Medium_Density Residential Two (MDR2) by allowing larger buildings. Change the code to read "Buildings with more than four (4) dwelling units." The second change is to add the "Medium Density Residential Two (MDR2) Zone to "Low-Moderate Density Residential" land use designation; **Council Member Benfield** seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried.

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

1. **BILL 1071** Rezone – Community Business Center (CBC) and Medium Density Residential One (MDR1) to High Density Residential 2 (HDR2) at approximately 360 South 4th West.

Mayor Woodland reviewed the proposal.

Council Member Sutherland moved to second read **BILL 1071** Rezone – 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 Benfield was not prepared to vote for a second reading pending a traffic report. Council Member Erickson said they tabled the bill last time until the traffic report was submitted. **Council Member Stout** withdrew from seconding the motion. The motion died for lack of a second. Mayor Woodland proposed to table the bill until a traffic report is presented.

Council Member Benfield moved to table the second reading of BILL 1071 pending the traffic study; **Council Member Erickson** seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

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

Those voting nay

Council Member Sutherland

The motion carried.

D. **Third Reading:** Those items which have been second read.

1. **BILL 1014** - January 20, 2010: "THE TOWING AND PARKING ENFORCEMENT ORDINANCE"

Mayor Woodland reviewed the proposal.

Council Member Sutherland asked Council Member Erickson if he hired someone to tow or boot vehicles on his property. Council Member Erickson indicated he did have a towing and booting service patrol his lot. Council Member Sutherland asked if Council Member Erickson should declare a conflict of interest. Discussion on what constitutes a conflict. City Attorney Zollinger indicated a conflict could be declared if it was discussed as a conflict; then the City Council Member would need to declare a conflict if there was a pecuniary interest in the outcome of the vote. Council Member Erickson did not believe it was a conflict because he did not have an agreement on his property. He has relatives that have a towing and booting agreement with property they own. Mayor Woodland asked for any further discussion.

Council Member Stout moved to remove [BILL 1014](#) “THE TOWING AND PARKING ENFORCEMENT ORDINANCE” from the agenda and not consider the BILL third read; **Council Member Benfield** seconded the motion;

Mayor Woodland asked for a vote:

Those voting aye

Council Member Stout
Council Member Benfield
Council Member Erickson

Those voting nay

Council Member Sutherland
Council Member Egbert

The motion carried.

Council Member Sutherland moved to remove the City (Police Department) from the complaint process and the City should divest itself of any conflicts with towing and booting. Conflicts should be referred to the University and the property owners. It should be standard City policy to say the City Council has voted on the BILL to resolve booting and towing issues; however the BILL was tabled. We have voted on this issue and we should not have our Police and City employees in the middle of any conflicts between booting and towing companies and private property owners. People should be referred to legal counsel, property owners, or the University for relief; Council Member Stout seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

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:

Mayor’s Report:

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:

June 15, 2011 meetings
Approve the City of Rexburg Bills

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

Those voting aye

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

Those voting nay

None

The motion carried.

Adjournment

Richard Woodland, Mayor

Attest:

Marianna Gonzalez, Assistant City Clerk