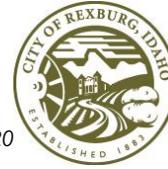


# Customer Support Services City Council Minutes

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

**December 20, 2006**

Mayor Shawn Larsen

**Council Members:**

Donna Benfield – Council President  
Farrell Young    Christopher Mann  
Rex Erickson    Randy Schwendiman  
Bart Stevens

**City Staff:**

Stephen Zollinger — City Attorney  
Richard Horner – Finance Officer  
John Millar — Public Works Director  
Val Christensen – Building Official  
Gary Leikness — Planning & Zoning Administrator  
Blair Kay — City Clerk

**7:00 P.M. – Pledge to the Flag**

**Roll Call of Council Members:**

**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.

- A. Minutes from December 06, 2006 meeting at 7:00 P.M.
- B. Minutes from December 11, 2006 meeting at 7:00 A.M.
- C. Minutes from December 15, 2006 meeting at 1:00 P.M.
- D. Approve the City of Rexburg Bills

**Council Member Stevens** moved to approve the Consent Calendar; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

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

**Committee Liaison Assignments for 2006:**

- A. Council Member Chris Mann *Parks & Recreation · Museum Committee · Romance Theatre Committee*

**Council Member Mann** did not have a committee report.

- B. Council Member Donna Benfield *Beautification Committee · Police Department*

**Council Member Benfield** reported on the decorated trees on Main Street. As the City Council liaison to the Beautification Committee, she requested everyone to look at the beautiful trees on Main Street. They are absolutely beautiful. Council Member Benfield noted the plan to replace the trees on Main Street with smaller trees. She suggested replacing every third or fourth tree over a two or three year period to maintain the current look.

**Mayor Larsen** commended Parks, Recreation, and Arts Director Jack Bowman for the beautiful appearance of Christmas lights on Main Street.

- C. Council Member Rex Erickson *Airport Board · Planning & Zoning*

**Mayor Larsen** noted Council Member Erickson asked to be excused; however, Council Member Erickson asked Mayor Larsen to read a letter from the Airport Board. In the letter, the Airport Board requested approval of Alex Chester's lease for Lot 471. The Airport Board asked City Council to add a financial incentive to the lease for five years to

accommodate the circumstances for a firewall in the proposed hangar. The lease would be at no cost for five years.

**City Attorney Zollinger** explained the reason for the proposal. The applicant is building a hangar between or next to hangars without adjacent firewalls. The applicant was not notified additional firewall protection would be required for his hangar due to its proposed location. The Airport Board would like to lease future lots first by infilling lots adjacent to existing hangars. Each lease will be considered on a case by case basis. The Airport Board plans to revisit the fee structure for lot leases at the airport. The forgiveness of lease payments for five years would be about \$140.00 (.07\*2,000) per year for a 2,000 square foot hangar. The Airport Board is asking the City Council to authorize the Airport Board to offer incentives to lease the remaining encumbered lots. There are four or five other encumbered lots requiring additional (two to four hour) firewall protection.

**Mayor Larsen** asked if the plan is to infill these encumbered lots before other lots are leased. City Attorney Zollinger explained yes, City Engineering will develop a plan to demonstrate the remaining developable lots at the airport.

**Council Member Schwendiman** asked if the cost for the firewall would be more than \$700. City Attorney Zollinger explained the cost of the firewalls have not been determined; however, Alex Chester (applicant) is willing to accept a five year lease term without a lease payment amount. The County would need to approve the proposal too. The motion could state: "up to five years" to forgive the lease payments to provide incentive to build on the encumbered lots.

**Council Member Schwendiman** moved to forgive the lease payments up to \$700.00 for the encumbered airport lots (this lot and four other encumbered airport lots); Council Member Benfield seconded the motion; Discussion: Council Member Mann asked if it was necessary to forgive the lease payments for other lots if they were notified of the firewall requirements before the lease is signed. He also asked what happens if the lease amount increases. City Attorney Zollinger explained "up to five years" covers the issue of the increase in lease fees.) The first question's answer is the five lots were created due to short sighted planning. In the future the Airport Board will not allow lot jumping. Four hour firewalls create a lot of heart burn even if the applicant is notified up front. One applicant moved his hangar to the Idaho Falls Airport due to the firewall issue on principle alone. The Airport Board would like to fill the five encumbered lots and prevent lot jumping in the future. **Mayor Larsen** asked the Airport Board to provide guiding bylaws. City Attorney Zollinger said new bylaws are under construction for the Airport Board. Council Member Schwendiman asked for the average hangar rent cost. City Attorney Zollinger indicated the lease fee varies because the lease is based on the size of the hangar. The lease amount varies from community to community. Council Member Schwendiman amended his motion not to exceed \$2,500.00 per lot for five lots. Council Member Benfield seconded the amendment to the motion; all voted aye, none opposed. **The motion carried.**

D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

**Council Member Schwendiman** reported on the Traffic and Safety Committee. They met and approved a new four way stop at 1<sup>st</sup> West and 1<sup>st</sup> South. The Traffic and Safety Committee is discussing a four way stop at 1<sup>st</sup> East and 2<sup>nd</sup> South. A study showed the foot traffic during busy times is equivalent to a four way stop. Mayor Larsen referred City Council to the red reflective tape on the poles for the four way stop signs. Council Member Schwendiman asked for the installation of an enhanced crosswalk on 2<sup>nd</sup> East like the one at 2<sup>nd</sup> South by the Snow building. The 2<sup>nd</sup> East enhanced crosswalk has been approved. It has a button to push with a blinking light.

E. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*

**Council Member Young** did not have a committee report.

F. Council Member Bart Stevens *Trails of Madison County· IBC Committee*

**Council Member Stevens** did not have a committee report.

G. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

**Mayor Larsen** reported the Mayor's Youth Advisory Board received a \$500 grant from Rocky Mountain Power to help pay registrations for their attendance at the National League of Cities in Reno, Nevada during the week of December 05<sup>th</sup>, 2006.

**Public Hearings:** - NONE

**Council Member Schwendiman** asked to be excused at 7:30 P.M.

**New Business:**

**A. Final Plat for Harvest Heights, Division 3** (Millhollow Road and 7<sup>th</sup> South)

**Richard Smith** reviewed the plat on the overhead screen. All of the Staff conditions have been met. Mayor Larsen asked Planning and Zoning Administrator Gary Leikness if there were any other issues. Planning and Zoning Administrator Leikness wanted to clarify the street access restriction to 7<sup>th</sup> South and Millhollow Road. He wanted to have a one foot strip on the plat to prevent future access to these two streets. City Attorney Zollinger recommended a recorded notation on the plat or recording a second document associated with the plat instead of the one foot strip. He said the one foot strip would not allow an LID for the property in future years. The one foot strip would make the city the adjacent property owner. Richard Smith explained Planning and Zoning approved the plat conditioned with no access to those two streets. The plat will be recorded without access to 7<sup>th</sup> South and Millhollow Road. Richard Smith said a negotiated agreement was signed between the church and the city allowing only four access points onto 7<sup>th</sup> South from this development. He preferred negotiated agreements in the future outlining access points to developments. He was reluctant to say what future access will be required, because future access would be negotiated between the city and the landowner allowing a fluid situation to work with new development.

**Richard Smith** did not know what type of development (residential or commercial) would happen on the south side of 7<sup>th</sup> South at this point in time. He reminded the City Council they designate streets with restricted access; also, Planning and Zoning had conditions for plat approval including restricted access to 7<sup>th</sup> South. Council Member Stevens recommended avoiding a one foot strip to keep the parcels clean with a defined boundary with the street.

**City Attorney Zollinger** said the one foot strip would make the city responsible for street construction or LID's for street reconstruction. The city needs to annotate those affected parcels; because in a year the conditions may change and the development may not include a church. In that case each lot needs to be annotated to restrict access to 7<sup>th</sup> South.

**Mayor Larsen** asked how the conditions would be recorded. City Attorney Zollinger said the conditions are not put on the recorded document other than they would be noted in CCR's for the development. The city staff has to sort through situations weekly to find solutions to requests dealing with past decisions that are difficult to find in the records. The city has a new system to record land use records for a historical record of each parcel. The city should take full advantage of this system to track these restrictions.

**Council Member Benfield** has how City Council can be assured the restrictions will be noted in the system. Richard Smith said a recorded document with conditions would be better than putting the conditions on the plat. City Attorney Zollinger explained a one page document could be recorded with conditions against a particular parcel. It would be better to annotate the restrictions on the parcel in the city's Land Information System.

**Council Member Stevens** asked for the restrictions associated with a subdivision to the north of this development on Millhollow Road. City Attorney Zollinger said the Siepert Subdivision had restrictions placed on the plat concerning the allowed setbacks. The concerns of issuing a permit without disclosing the restrictions would be caught if the restriction is annotated on the parcel verses recording the restriction on the plat. If there is not an annotation for a restriction to the parcel in the Land Information System, the city will issue the permit. The city does not research the plats before issuing permits. Richard Smith said the title search would be easier to catch a "document" for a lot verses a title search person looking at the plat for a restriction. He suggested a recorded document for restrictions which would show up on a title search.

**Public Works Director Millar** recommended a notation on the plat with a darker line referencing “no access allowed to 7<sup>th</sup> South.”

**Planning and Zoning Administrator Leikness** said he uses original plats for research purposes to review projects. A plat is easier to identify those issues, by the staff, instead of looking at the lot. City Attorney Zollinger said “you do not put conditions on plats... there is not room on the plat for all of the conditions.” City Attorney Zollinger explained the staff has not used plats in the past to review conditions for lots. Council Member Stevens asked Planning and Zoning Administrator Leikness if he would use the plat to process a request for a permit. City Attorney Zollinger said both procedures would be appropriate. A recorded document along with a notation on the plat would satisfy both procedures.

**Richard Smith** said a new buyer would not look at the plat for the conditions. The buyer would look at the recorded documents associated with the particular lot. Mayor Larsen said the discussion is good; it would be good to incorporate both procedures. City Attorney Zollinger recommended having a recorded document on each of the six lots showing the restrictions. Any subsequent purchasers would have specific notice in the document of the access restriction to 7<sup>th</sup> South; “your lot is encumbered.”

**Mayor Larsen** said it would be different for restricted access. He indicated “restricted access could easily be put on the plat.” Richard Smith agreed the plat would be a good place to note restricted access.

**City Attorney Zollinger** reviewed the process to review the history of a lot on the Land Information System. When you click on the parcel, it will show all of the history associated with the lot that has been entered into the system. It is the basis for the past expenditures the city has been making to become GIS savvy. If it is not working that way, the city needs to make those adjustments. The plat and conditions, minutes, etc. should be attached to the parcel associated with the plat in the Land Information System.

**Council Member Stevens** was concerned the city would be liable if the wrong setback was approved if the development’s CCR’s required a 35 foot setback and the city code only requires a 25 foot setback. City Attorney Zollinger said the city is not required to enforce CCR’s for private development.

**Planning and Zoning Administrator Leikness** said there may be a setback condition associated with the approval of a development which would be part of the recorded plat. Otherwise, the CCR’s would be reviewed by an Architectural Review Board, etc. for the development requirements.

**City Attorney Zollinger** recommended having staff present a policy change to the City Council in the future. He recommended having a notation on this plat showing the controlled access restrictions, and record a “document” showing the associated lots restrictions.

**Mayor Larsen** said the city should record this information. He liked the big picture and noted it was a policy shift. He recommended all plats have the same requirements, upon City Council’s approval of the policy change.

**Council Member Benfield** moved to allow Public Works Director Millar, City Attorney Zollinger, Planning and Zoning Administrator Leikness to formulate a policy and procedure for City Council’s approval; Council Member Mann seconded the motion; Discussion: Richard Smith said to include Building Official Christensen. All voted aye, none opposed.

**The motion carried.**

**Council Member Young** asked about the compaction of some of the lots. Richard Smith said the setback on those lots will be 50 to 60 feet away from the city right-of-way. The setback area will become front yards. The homes will be two to three feet below the curb. The road right-of-way for Millhollow Road is 68 feet. Curb and gutter will be the same as Harvest Heights Subdivision with a one foot flat curb. Sidewalks are required under Zone RR2. Richard Smith said the one foot flat curb protects the pavement and it should be required in all RR2 Zones.

**Council Member Stevens** said the city is a service entity; however, the developers need to do their diligence “homework” on setbacks, etc. found in the CCR’s for a particular subdivision.

**Council Member Stevens** moved to approve the Final Plat for Harvest Heights, Division 3 with a condition a notation will be placed on the plat showing limited access and a second

recorded document with the restricted access notation, noting the Subdivision's CCR's; Council Member Benfield seconded the motion; Discussion: Council Member Young asked if the Millhollow Road width should be noted in the motion concerning the different widths of Millhollow Road going north. Public Works Director Millar acknowledged the road width issues with Millhollow Road; however, he would like to bring a number of road policy issues (including street widths on developments, existing roads, water issues, etc.) to the City Council in the near future for review and approval. Council Member Young was concerned with ending up with Millhollow Road having a number of different road widths. The policy review would take a look at all of the existing roads including Poleline Road and 7<sup>th</sup> North. Council Member Stevens indicated the adjoining subdivision to the north on Millhollow Road is 68 feet. Public Works Director Millar explained the easements along Millhollow Road in this area are 68 feet. The proposed new policy on streets will be brought to City Council before this development installs curb for the development. If the road right-of-way has been secured, future changes to the road will be possible. **Richard Smith** said it is wise for a developer to coordinate with the Public Works Director on the location of curb and gutter for a new road. If the curb and gutter are placed in the wrong location, the city could LID the property owner to move the curb and gutter. **Mayor Larsen** concluded the discussion on the motion by calling for a vote on Council Member Steven's motion: all voted aye, none opposed. **The motion carried.**

#### **B. Final Plat for Sky Meadows (North of Poleline Road & East of 2<sup>nd</sup> East)**

**Winston Dyer** from The Dyer Group 310 North 2<sup>nd</sup> East Suite 153 is the engineer of record for this development. He offered an option of placing an instrument number on the plat of the recorded CCR's for a subdivision. Sky Meadows does have a CCR document. He introduced David Waters (Construction Management Student) from the Sky Meadows organization. Winston reviewed the proposal on the overhead screen. Richard Smith indicated he is selling the property to the Sky Meadows, LLC owners. The subject property contains forty acres and the zoning is LDR1. The development contains 87 lots of about .3 acres each. The roads will have a 68 foot right-of-way with 44 foot streets allowing for seven foot boulevards and five foot sidewalks. There will be high back curbs with gutters for water runoff containment in hilly terrain. There will be two access connections to Poleline Road with a 100 foot right-of-way for Poleline Road. Development on each side of the road will provide 50 feet of road right-of-way. Winston reviewed storm water runoff and a storm water detention pond. One of the streets will connect through Sunrise Drive to 7<sup>th</sup> South in the future. One of the streets (Sunny Lane) will be temporarily built in a cul-de-sac until future development will allow a connection to a through street. Water and sewer connections would come from 2<sup>nd</sup> East with a central pump station for the area. There is a development agreement for this development. The Planning and Zoning Commission required homes at the entry ways and adjacent to Poleline Road to have their driveway accesses inside the development. They have done a preliminary master plan for storm water drainage in the development plus areas laying east and south across Poleline Road. They plan to install a pipeline to handle historical runoff patterns in the area. The storm water detention pond would be a minimum effort to a larger effort to work with adjoining property owners to contain the storm water. The development would be built in phases during the next three or four years. The first phase would be the west street.

**Mayor Larsen** asked for a staff report. Planning and Zoning Administrator Leikness reviewed the access restrictions and block one is the location of the detention pond, which would be maintained with landscaping by the home owners association. Also, maintain and landscape an area that is not developable. Public Works Director Millar said these conditions are in the development agreement and the plat will not be signed without the development agreement.

**Mayor Larsen** asked for a standardized fence along Poleline Road. Council Member Stevens was concerned with line of sight issues on the intersections. Public Works Director Millar said the intersections would be within the standard design criteria. Winston noted a cellular tower in the corner of the plat. The open space will be maintained by the homeowners association. Mayor Larsen said the plat could stipulate a standardized fence along a restricted access roadway.

**Council Member Mann** is concerned with the growth in this area and the traffic proposed for this area. The number of proposed lots (87) will impact the schools. He has concerns for a city park in this area. He has grave concerns with detention ponds to collect storm water. Council Member Mann was concerned with the development the city into this area, noting Rexburg Heights has not been annexed into the city.

**Council Member Benfield** attended a workshop where holding ponds were done in the 1980's versus more dispersed type of water development in current planning. She mentioned the use of absorbent roads and porous yard areas for homes to absorb the runoff water. Public Works

Director Millar said the developer will have to submit a grading plan to keep the development's storm water runoff on site. The idea is to disperse the storm water not treat it. Winston said they are looking at it in the development agreement.

**Council Member Mann** is concerned with the issue of treating the runoff water. There is a lot of high end housing being built in Rexburg. He wants to have available housing in Rexburg for people in the work force.

**Council Member Benfield** said it would help to recharge the aquifer. Council Member Stevens liked the concept with keeping the storm water on the individual lots. Storm water treatment would be expensive. Finance Officer Horner asked about planning for a neighborhood park. Council Member Young was concerned high back curbs would not allow the water to be dispersed onto each parcel from road drainage. Winston responded saying each lot would retain their own storm water runoff. A development must have 100 lots to initiate the creation of a city park; otherwise, impact fees of about \$67,000 would be used from this development for the development of a city park. Mayor Larsen noted \$67,000 would not be adequate to build a city park. Public Works Director Millar said the city ordinance requires the developer to offer land for a park.

**Mayor Larsen** said a city park would be a huge challenge in this area. Everyone would like to see some city park development in this area to service all of these new subdivisions. Mayor Larsen asked if there was an opportunity to develop a city park with all of these subdivisions. **Finance Officer Horner** explained one option would be to require the development to pay in excess of the impact fees to provide a local park for the development in a development agreement.

**Public Works Director Millar** explained the plan for development agreements. He said full build out for this area (bounded by 2<sup>nd</sup> East, Millhollow Road, 7<sup>th</sup> South, and Poleline Road) is 680 acres, 1,700 homes and about 5,600 people. He explained the plan to acquire four to five acres for a park/storm water detention pond with a filtration sediment system which would pump into the storm water system after the storm has passed. He stated the area would be a park 99% of the time. Waste water would be handled in a similar fashion with a pumping station for the area. He has been working with the property owners in the area to solve the storm water and waste water problems as the area develops. The property owners agree, this issue will take an area wide solution to allow the development of the properties. The city could put the pump station in service and charge property development when it gets developed for a portion of the pumping station costs. Property owners are open to this proposal. In the long run, the costs would be paid by the development of the properties. Porter Park and Smith Park have about 11 acres of grass.

**Council Member Mann** reiterated his desire to have open spaces for the residents, instead of having subdivision after subdivision without any open space.

**Council Member Stevens** wants a bigger destination park. He is opposed to a pocket park. Planning and Zoning Administrator Leikness mentioned the need for a city parks plan and the opportunity to allow clustering dedicated on the plat in a development to allow park space. A trails system would connect to the parks.

**Council Member Mann** asked if this developer would be bound by the discussion. Public Works Director Millar said the development agreement would bind the developer.

**Council Member Stevens** moved to approve the Final Plat for Sky Meadows with a dark line on the recorded plat restricting the access onto Poleline Road and a recorded document restricting access onto Poleline Road; along with standardized fencing adjacent to Poleline Road; Council Member Young seconded the motion; Discussion: Mayor Larsen called for a vote.

**Those voting aye**

Farrell Young  
Donna Benfield  
Bart Stevens

**Those voting nay**

Christopher Mann

**The motion carried.**

**C. Discussion to set public hearing for increasing “water & sewer hookup/ capacity fees” – Richard Horner**

Finance Officer Horner discussed the need to replace waste water plant capacity as new participants come onto the city system. An average home uses 1,600 gallons of water per day and 328 gallons in waste water. See charts below:

**WATER PRODUCTION SYSTEM HOOKUP FEES**

CITY OF REXBURG

Printed: 01/03/07

		<b>CURRENT RATE</b>	<b>PROPOSED RATE</b>
<b>TOTAL FIXED ASSETS PRESENT VALUE</b>		\$9,446,019	\$12,237,428
<b>LESS DEBT AGAINST THOSE ASSETS</b>			
<b>---KEY BANK LEASE ON NORTH WELL</b>		(304,628)	(193,274)
<b>WATER PRODUCTION HOOKUP FEE</b>	<b>as of:</b>	<b>9/30/04</b>	<b>9/30/06</b>
<b>TOTAL SYSTEM REPLACEMENT COST</b>		\$ 10,561,769	\$ 12,044,154
<b>AVERAGE CAPACITY--gpd</b>		11,393,280	11,393,280
<b>COST PER GALLON (avg. gallon per day)</b>		\$ 0.93	\$ 1.06
	<b>AVERAGE GPD</b>	<b>OLD FEE</b>	<b>NEW FEE</b>
<b>ALL HOMES &amp; MINIMUM</b>	1,667	\$ 1,550.00	\$ 1,767.00
<b>if &gt; 1667 gpd, then for every 1 gpd</b>		\$ 0.93	\$ 1.06
<b>Per Singles Apt. (6 Students)</b>	410	\$ 380.00	\$ 435.00
<b>Per Family Housing Apartment</b>	644	\$ 598.00	\$ 683.00

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**WASTEWATER TREATMENT SYSTEM HOOKUP & BUY-IN FEES**

CITY OF REXBURG

Printed: 01/03/07

		<b>CURRENT RATE</b>	<b>PROPOSED RATE</b>
<b>COLLECTION ASSETS</b>			\$0
<b>TREATMENT ASSETS</b>			\$15,572,061
<b>TOTAL SYSTEM ASSETS PRESENT VALUE</b>			\$15,572,061
<b>---LESS BONDS</b>			(\$1,444,870)
<b>---LESS WELLS FARGO PLANT LEASE</b>			(\$214,609)
<b>TOTAL SYSTEM DEBT</b>			(\$1,659,479)
<b>WASTEWATER TREATMENT HOOK-UP FEE</b>	<b>as of:</b>	<b>9/30/04</b>	<b>9/30/06</b>
<b>TOTAL ASSET PRESENT VALUE</b>		\$12,571,400	\$15,572,061
<b>--LESS TOTAL DEBT</b>		(\$2,652,560)	(\$1,659,479)
<b>TOTAL SYSTEM REPLACEMENT COST</b>		\$10,997,418	\$13,912,582
<b>AVERAGE CAPACITY--gpd</b>		3,600,000	3,600,000

<b>AVERAGE COST (avg. gallon per day)</b>		<b>\$ 3.05</b>	<b>\$ 3.86</b>
	<b>AVG GPD</b>	<b>OLD FEE</b>	<b>NEW FEE</b>
<b>ALL HOMES &amp; MINIMUM</b>	<b>328</b>	<b>\$ 1,000.00</b>	<b>\$ 1,266</b>
<b>if &gt;328 gpd, then for every 1 gpd</b>		<b>\$ 3.05</b>	<b>\$ 3.86</b>
<b>Per Singles Apt. (6 Students)</b>	<b>250</b>	<b>\$ 762.00</b>	<b>\$ -</b>
<b>Per Family Housing Apartment</b>	<b>134</b>	<b>\$ 410.00</b>	<b>\$ -</b>
<b>WASTEWATER TREATMENT BUY-IN FEE</b>		<b>OLD FEE</b>	<b>NEW FEE</b>
<b>TREATMENT ASSETS</b>		<b>\$ 13,649,978</b>	<b>\$ 15,572,061</b>
<b>AVERAGE CAPACITY--gpd</b>		<b>3,600,000</b>	<b>3,600,000</b>
<b>BUY-IN FEE for every gallon per day</b>	<b>1 gpd</b>	<b>\$ 3.79</b>	<b>\$ 4.33</b>

**Council Member Mann** asked how the county is dealing with this issue. Can the city work with the county to keep up with some of the city fees? Finance Officer Horner explained the county does not have water and waste water hookup fees. The applicants in the county would need to buy a private well and a septic system for \$10,000 to \$12,000. Council Member Mann asked if the water rights in the county need to be purchased from the farmer for water wells drilled in the county. The applicant in the county applies for a well permit. Finance Officer Horner explained the subdivisions in the county may sell their lots for less money. City lots can cost \$50,000 to \$60,000.

**Mayor Larsen** explained the city policy has changed to allow county connections outside the city with City Council approval. See Resolution in 2005 allowing hookups outside city limits:

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**RESOLUTION FOR ESTABLISHING THE POLICY  
FOR SERVICES OUTSIDE THE CITY LIMITS  
Resolution 2005-14**

*WHEREAS, on the 05<sup>th</sup> day of October, 2005, the City Council for the City of Rexburg was duly convened upon notice properly given and a quorum was duly noted; and*

*WHEREAS, the City Council desires to provide those services necessary for the safe and orderly growth of the areas immediately adjacent to the City of Rexburg;*

*NOW THEREFORE, by resolution duly adopted on the date first above written, be it resolved by the Mayor and the City Council as follows:*

*The City of Rexburg shall accept application from any property within the Rexburg Area of Impact for services including water and sewer; and*

*The City of Rexburg shall evaluate any such application based upon the need, the threat to health and safety, and the ability on the part of the City of Rexburg to provide for the requested services; and*

*The City of Rexburg shall cause such evaluation to be accomplished by the public works director or his designee; and*

*The Council of the City of Rexburg shall ultimately act upon such application based exclusively upon the will of the Council after having received a report from the public works department either approving the extension of services outside the City limits, or denying the extension of services; and*

*Should the Council vote to approve the extension of the services, the applicant shall execute written verification and acceptance in the form provided at the time by the City of a willingness and desire to be annexed to the City of Rexburg at such time as the City deems annexation to be appropriate; and*

*The applicant shall be responsible for all costs associated with the extension of any service outside the City of Rexburg.*

*RESOLVED this 05<sup>th</sup> day of October, 2005; City Council, City of Rexburg, Idaho*

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**SIGNED BY: Shawn Larsen, Mayor**

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**ATTEST: Blair D. Kay, City Clerk**

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**Mayor Larsen** explained it is good policy to be able to extend city lines out into the impact area. The city and county need to look at the city impact area city wide. The county has the ultimate decision on the city’s impact area. Council Member Mann encouraged the City Council to be looking at the impact area as soon as possible. Council Member Benfield noted discussions about two years ago recommending impact area changes to the county for the City of Rexburg.

**Mayor Larsen** explained the impact area discussions have been stalled due to litigation.

**Council Member Stevens** appreciated the details presented to the City Council. He appreciated Finance Officer Horner making sure the city has funding available for future expansion of the city’s water and waste water systems. He is concerned with the “rate of increase” and the amount of the increases. Since 2004, the hookup fees have increased 220%. The city has decided to set a 4% escalation fee on the impact fees. Street impact fees were recently adopted adding \$800.00 to a building permit. It is the timing of the fee increase request; street impact fees were enacted in September, 2006. He did not want the reputation of having high fees forcing development into the county. Richard Smith asked about having service fees (street, park, or sewer hookup fees) in the impact area. By building in the impact area, a developer could sidestep the street, park, and other impact fees.

**Mayor Larsen** explained if the property is annexed, the developer can have smaller lots sizes to recoup development costs by the number of homes that can be built in the development. Richard Smith indicated if the city zoning for smaller lots is allowed in the impact area, a developer may be willing to develop in the impact area. This would allow the developer to sidestep some of the city fees including impact fees. Finance Officer Horner said the City Council did not intend to have impact area development. The intent of the resolution was to provide city services outside city limits to properties that would be annexed very soon.

**Mayor Larsen** gave the example of a new subdivision in the city impact area installing enhanced septic systems. They will be built up against the city with private septic systems. Does it make more sense to work with the developer to connect to city services with the annexation requirement when the property becomes contiguous to the city; or should the city stay back and wait for the development to build their own septic systems.

**Council Member Stevens** said it would make sense for the county to have a central sewer system that would be connectable to the city system at a future date. This would be better than retro-fitting the subdivision to a central system at a later date. Mayor Larsen said it would require the county to mandate central waste water systems for developments in the impact area.

**Council Member Stevens** referred back to Council Member Mann’s comments about affordable housing in Rexburg. Is the city providing affordable housing for the consumer when the fees continue going up? Maybe the city should address affordable housing. Finance Officer Horner explained land prices are a big part of the cost. Council Member Stevens said every thing adds up to higher costs.

**Mayor Larsen** said past elected officials have done a very good job providing a funding mechanism for the growth Rexburg is experiencing. The city staff has done a good job in developing the fee structure which allows the city to maintain its capacity. Other communities have to go to a waste water bond to develop new waste water capacity; however, these communities seem to get bailed out with grants for waste water problems. Council Member Stevens mentioned the City of Idaho Falls has low hookup fees (\$600 for water, \$600 for waste water); however, they did receive funding through a grant for waste water expansion. Finance Officer Horner explained many cities in Idaho do not get the multimillion dollar grants to fix

their waste water systems. Those cities may only receive a \$500,000 grant. Pocatello recently raised their hookup fees seven fold from \$300 to \$2,000 to play catch up with their growth.

**Council Member Mann** moved to set the public hearing date for water & sewer hookup/ capacity fees on February 07, 2007; Council Member Stevens seconded the motion; all voted aye, none opposed. **The motion carried.**

#### **D. Resolution 2006-15 Final Regulations for 401 (K) and 401 (M)**

**Finance Officer Horner** explained the need for the resolution to manage the employee 401 (K) Plan. It brings the city up to IRS Code for the plan. There would not be any changes to the paychecks. It does add wording to the document due to IRS rule changes. Mayor Larsen asked the City Council for a motion to adopt Resolution 2006-15.

**Council Member Benfield** move to adopt Resolution 2006-15 with final regulations for 401 (K) and 401 (M) as stated; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

#### **Report on Projects:** John Millar

Public Works Director Millar reported on the following projects:

1. LID36 is being prepared for the following:
  - a. 2<sup>nd</sup> West from 1<sup>st</sup> North to 4<sup>th</sup> South for curb, gutter and sidewalk as needed including the storm water system; developable lots will have stub out lines.
  - b. Sunrise Drive by the Crest Haven church (funding questions).
2. 4<sup>th</sup> North between Cal Ranch and Forsgren's from 2<sup>nd</sup> East to 3<sup>rd</sup> East.
3. 6<sup>th</sup> South from 4<sup>th</sup> to 5<sup>th</sup> West (new development).

**Public Works Director Millar** would like to have an agenda item in mid January requesting intent to create LID36. He is planning to present a "no cut" road ordinance to prevent unnecessary road cuts.

**Mayor Larsen** asked about sidewalks on 5<sup>th</sup> West by the local school, Park Street to Porter Park, the area by Steiner Brick on 5<sup>th</sup> West. These areas are used by a lot of students. Public Works Director Millar said those location can be added to an LID.

City Council agreed to look at 5<sup>th</sup> West for sidewalks, one block at a time.

**Council Member Benfield** asked if the runoff problem at the roundabout could be corrected. Public Works Director Millar explained additional piping is needed to move storm water off the roundabout area; the runoff water comes from the university. There is another piping system from the campus coming down 5<sup>th</sup> South. They will try to move some of the water away from the roundabout. The roundabout floods because the city storm water system has reached capacity. 2<sup>nd</sup> West needs another route for a storm water route. The city will be more proactive to keep storm water on site.

4. Restrooms in Smith Park, should the restrooms be relocated or stay in the same location. The construction will be similar to the pump house in Porter Park. Instead of a pumping equipment room there will be a 10 foot room for lawn mowers. Mayor Larsen said the Parks and Recreation Committee needs to make a recommendation. Council Member Mann will ask the Parks and Recreation Committee for a recommendation.

#### **Financial Officer Report:** Richard Horner

- A. Monthly Budget summaries – Deferred.

#### **Calendared Bills and Tabled Items:**

- A. BILL Introductions:** - NONE
- B. First Reading:** Those items which are being introduced for first reading. – N ONE
- C. Second Reading:** Those items which have been first read. – NONE

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

1. **BILL 975 – Rental Registration Requirements**

**City Attorney Zollinger** noted a change concerning mobile homes. They are defined in the BILL; however, they will not be under the same requirements as rental apartments. They are excluded from the rental bed count. The effective date for the BILL may be a problem because of signed rental contracts. April 01, 2007 was an approximate date for implementation based on the City Council's decision. The BILL will create a mechanism to inventory rental unit parking.

**Jessica Pace** mentioned her remarks at the last meeting. Colleagues in their organization are gathering opinions concerning the rental bill. They are dealing with the largest housing market to date. She asked Ross Farmer to speak to some of their issues. They are having fewer problems with parking this year than in past years.

**Ross Farmer** (Apartment owner) was concerned with some inefficiency problems in the BILL. One of the problems would be linking beds to parking in the contract. There is a market for resale of contracts. If the contract caring a parking stall is sold, who gets the parking stall? He was concerned with staying in compliance with the new BILL. Bed rentals and parking stalls are inventoried separately and contracted separately. It will cause a less efficient use of space for their parking than they currently enjoy. Is there a way to wait on the third reading? He was asking for a market solution to the management of parking stall rentals.

**Mayor Larsen** reviewed the intent of the BILL. It was created to provide full disclosure to the renter for parking stalls. They have parking availability disclosed in the contract. "This is a contract without a parking stall." It needs to be spelled out in the contract.

**Ross Farmer** asked about someone who does not have a car. The earlier the contract is signed, the more liquid the contract becomes in the market place. Mayor Larsen said the contract with a parking stall would be much more valuable than a contract without a parking stall. Ross Farmer was concerned with contracts that are sold and the parking could fall through the cracks.

**Council Member Stevens** asked how the apartment owners would handle a contract that is sold with a parking stall; then the next renter with the same contract does not have a car. It could be done with less complication. City Attorney Zollinger said Ross Farmer handles the bed rental and the parking stall rental separately with separate contracts. Every bed contract would have to be annotated with the message "this contract does not have a parking stall"; then the parking stalls would be sold separately. Those apartment owners selling the bed and parking space on the same contract would allow the renter to sub rent his parking space based on the free market system. City Attorney Zollinger noted this contract is working all over the country without any glitches according to his information.

**Ross Farmer** understood how this concept would be workable with his facilities. He was still concerned with apartment rental contracts that handle parking stall rentals differently. City Attorney Zollinger said the bed rental contract should be independent of the parking stall contract.

**Ross Farmer** asked about someone who does not have a car and signs a contract that includes a parking stall. City Attorney Zollinger said the renter would be paying extra for the contract. The apartment complex would have an empty spot. It should not affect the apartment owner at all. The bed renter could sub rent the parking stall to someone for \$20.00 a month. The free market would take care of the supply and demand issue. If the apartment owners do not want to manage the parking stalls separately, they could step in and help the renter manage the parking rental space by providing a list of interested parking stall renters. They can't get involved with a parking contract on a contract that says there is no parking available with this contract. If the apartment owner sells a contract without a parking stall, they have to state on the contract "there is not a parking stall available." "Don't bring a car unless you can find a parking stall somewhere else." It would be self policing.

**Council Member Mann** asked about a parking stall being sold to a non-resident of the complex. City Attorney Zollinger said the contract should require the parking contract to go to a tenant at the parking complex. The BILL does not attempt to regulate that situation. It reads:

**“RR.04.010 Parking Space Management.** Each Residential Rental, Apartment House or Apartment must inventory all approved parking spaces, and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available.

**RR.04.020 Parking Space Restrictions.** All designation of available parking as referenced in Section RR.040.010 above must have an approved parking space associated with the designation such that if all designated tenants were to park a vehicle there would be adequate spaces. No allowance for absenteeism shall be allowed. For each agreement containing an affirmative designation of parking space, there must be a space.

**RR.040.030 Non-Parking Agreements.** Any agreement for tenancy in a Residential Rental, Apartment House or Apartment which is not specifically designated as a “Parking Space” agreement, there must be an affirmative statement notifying the parties to the agreement that there is no overnight, on site parking provided in connection with the agreement.

**City Attorney Zollinger** stated the apartment owners have the right to stay involved in this liquid behavior of parking stall rentals. The owners can broker the parking contracts for parties who wish to get out of the contract due to personal reasons. The city wants to ensure parking lots are not spilling out into city streets.

**Council Member Benfield** said the City Council could wait on the third reading. She asked for a suggestion on a area of the BILL that needs more work. Ross Farmer did not have a particular suggestion for changing the language in the BILL.

**Council Member Young** said he was glad the parking problems had decreased. The BILL was redone in the current language in an attempt to satisfy the apartment owners request to change a prior BILL with new language helping with the parking problems in apartment complexes. He asked Jessica Pace if they wanted the BILL or do they not want the BILL? Booting, towing, and parking lot overflow into the streets caused the discussion. The first BILL may have required registered parking for each complex. At that time the apartment owners asked for another way to regulate the parking with out registering each parking stall to an apartment. Jessica Pace said “absolutely”. She thinks they are a lot closer than they have ever been before. Council Member Young said the City Council is just trying to be helpful to solve the parking problems. Jessica Pace was struggling with the idea of taking care of cars that park on the street. She asked if other university towns allow parking on the street.

**City Attorney Zollinger** was struggling with “why would that be relevant?” If you don’t let them bring a car, the apartment facility can’t accommodate, there will not be excess cars. As a student, Jessica Pace did not care where she would park if she brought a car, even if she had to park at Broulims. City Attorney Zollinger said the city or Broulims would tow the car if it is illegally parked. This type of BILL in Salt Lake City engendered private parking lots. It engendered students to park a mile away from their apartments and use there cars as needed for trips other than close proximities. New York City exists on a pay for parking basis. He was asked to find an ordinance that was not as overbearing as the original one taken from Bozeman. This is simple a full disclosure BILL. The city is requiring registered business owners to treat their customers the same with full disclosure. It was a surprise to the city and the university when it was disclosed 180 parking stalls were being sold for 112 parking stalls. Some apartment’s complexes oversell their parking stalls. The response was “we don’t anticipate all of the students being in the parking lot at the same time.” The university was under the opinion the apartment owners were responsible to have the all of the students in the apartment complex during curfew. This BILL is a response to not have the hard fix; it is the soft fix. City Attorney Zollinger did not understand how this BILL would affect any of the apartment businesses.

**Jessica Pace** agreed with the City Attorney Zollinger. She said Rexburg Housing was as close as they have ever been on this BILL. They are still concerned with possible inefficiencies.

**Council Member Young and Council Member Benfield** are willing to wait on the third reading. Council Member Mann and Council Member Stevens will go along with a delayed third reading with a date specific.

**Mayor Larsen** asked the City Council if they could meet on the 31<sup>st</sup> of January at 7:00 A.M. (for 3<sup>rd</sup> Reading of BILL 975). The City Council decided to wait until an early morning meeting at 7:00 A.M. on January 31, 2007.

**Mayor Larsen** asked the City Council to meet on January 10<sup>th</sup>, 2007 with the Department Heads at 6:00 P.M.

January 17, 2007 Mayor Larsen and Council President Benfield are going to Arizona to recruit Sunbirds.

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

**Old Business:**

**A. Resolution 2006 – 14** (Records Retention Schedule)

**City Clerk Kay** explained the resolution relates to a Records Retention document for each city department. The document was distributed to the City Council in November 2006 for review. Each city department has a section in the manual relating to the time required to keep city records. The records are defined as Permanent Records, Semi-permanent Records, and Temporary Records. (see classification and retention of city records in the manual.)

**Classification and Retention of City Records**

State laws governing retention of city records were substantially updated and revised by the passage of House Bill 48 by the 2005 Idaho Legislature. House Bill 48 was sponsored by the Idaho City Clerks, Treasurers and Finance Officers Association (ICCTFOA). The legislation preserved the “permanent,” “semi-permanent” and “temporary” categories of city records found in Idaho Code 50-907. One important change made by the legislation is that records classified as “permanent” by state law or a city’s retention schedule must be kept permanently or be transferred to the State Archives upon resolution of the City Council. The legislation also provided that each city must adopt, by resolution, a record retention schedule by January 1, 2007 listing each type of city record with the applicable retention period.

**Mayor Larsen** noted the City Clerk was on a state-wide Records Retention Committee, which formulated the document. This resolution will adopt the records retention manual as city policy.



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

***RESOLUTION NO. 2006 – 14***

***A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO, ADOPTING A RECORD RETENTION SCHEDULE.***

*WHEREAS, a record retention schedule establishes minimum retention periods for the various types of city records; and,*

*WHEREAS, Idaho Code 50-907 requires the City Council to adopt by resolution a record retention schedule, listing the various types of city records with the applicable retention periods; and,*

*WHEREAS, adoption of a record retention schedule assists in efficient and effective records management by identifying records that have exceeded their minimum retention that may be destroyed following approval by*

*the City Attorney and, as required for semi-permanent records, approval by the Idaho State Historical Society and upon resolution of the City Council in accordance with the provisions of Idaho Code 50-907; and,*

*WHEREAS, a record retention schedule also enhances protection of historic records by identifying records of enduring value as permanent records that are retained by the city in perpetuity or transferred to the Idaho State Historical Society's Permanent Records Repository for permanent retention upon resolution of the City Council.*

*NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Rexburg, Idaho that the city hereby adopts the record retention schedule attached as Exhibit "A."*

*Records identified as permanent shall not be destroyed, but shall be retained by the city in perpetuity or transferred to the Idaho State Historical Society's Permanent Records Repository for permanent retention upon resolution of the City Council.*

*Records that are not considered permanent shall be retained for the period specified in the retention schedule and until destruction is approved by resolution of the City Council pursuant to the provisions of Idaho Code 50-907.*

*Prior to disposal of short term (transitory) records consult with the City Attorney for the retention period.*

*The administrative staff of the City is authorized to take all necessary steps to carry out the authorization provided by this Resolution.*

*PASSED BY THE CITY COUNCIL and SIGNED BY THE MAYOR December 20, 2006.*

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SHAWN LARSEN, MAYOR

ATTEST:

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BLAIR D. KAY, CITY CLERK

**Mayor Larsen** asked the City Council to adopt Resolution 2006-14.

**Council Member Mann** moved to adopt RESOLUTION NO. 2006 – 14; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

**B. Airport Hangar discussion - Deferred**

**Mayor's Report:**

**Calendar:**

**January 03, 2007 – City Council meeting**

1. Discuss the AIC Elected Officials training meeting held December 01, 2006.
2. Mayor Larsen & Council President Benfield will report on their trip to the National League of Cities meeting in Reno, Nevada.
3. Mayor's Youth Advisory Board report on the National League of Cities meeting in Reno, Nevada.

**January 10, 2007 – City Council meeting**

1. Department Head dinner to discuss 2007 City Council priorities

**January 31, 2007 – City Council meeting 7:00 A.M.**

1. Pay city bills
2. 3<sup>rd</sup> Reading of BILL 975 – Rental Registration Requirements

**Executive Session:** – Pursuant to State Statute 67-2345

**Mayor Larsen** asked for an executive session to discuss pending litigation.

**Council Member Young** moved to go into executive session Pursuant to State Statute 67-2345 to discuss pending litigation; Council Member Benfield seconded the motion; roll call vote:

**Those voting aye**

Council Member Young  
Council Member Benfield  
Council Member Stevens  
Council Member Mann

**Those voting nay**

None

**Executive session.**

**Executive session ended.**

**Adjournment**

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Mayor Shawn Larsen

Attest:

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Blair D. Kay, City Clerk