

Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

March 07, 2007

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: All City Council Members were present except Council Member Erickson.

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 February 21, 2007 meeting
- B. Approve the City of Rexburg Bills

Council Member Mann asked about the membership billing at World Gym. It is for any employee. From Idaho Transportation Department there is a \$2,300 bill for signal repairs. Will we get reimbursed for this? The Mayor does not think we will get reimbursed for this, but he will have Public Works Director John Millar clarify. Council Member Mann wanted to know what building had a roof repair under "building safety reconstruction." This was referring to the engineering building at 19 East Main Street. The question was also asked about the "Idaho Abatement and Installation" invoice for \$9,000. This was for the demolition and removal costs for the jewelry store next to Wells Fargo Bank.

Council Member Stevens had a correction to the minutes on page 14. It was not a "possible conflict" it was a conflict.

Council Member Benfield moved to approve the corrected consent calendar; Council Member Mann seconded the motion; all vote aye, none opposed. **The motion carried.**

Mayor Larsen welcomed the scouts to the meeting. Porter Young is working on his communications merit badge as well as his citizenship in the community merit badge. Ben Orchard is also working on his citizenship in the community merit badge. The scouts have access to the city information.

Mayor Larsen welcomed BYU-I students participating in Rexburg 101.

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

Michaela Weber from the Czech Republic spoke concerning public transportation for students. She asked if there were any plans to expand the current public transportation in Rexburg. She explained that a shuttle around Rexburg would be especially helpful for international students such as herself, so they do not have to be so dependant on others. Mayor Larsen addressed this issue. He received a call on this same issue earlier this week. The City of Rexburg has an agreement with CART who recently merged with TRIPTA. In order to expand transportation in Rexburg it would come through this organization. Mayor

Larsen directed Michaela to contact CART/TRIPTA about this issue. It is a non profit organization that has a board of directors who makes these types of decisions. Council Member Mann reported that the Idaho legislature voted down the local tax options for public transportation. There was a bill to allow local cities to add sales tax to provide more public transportation; however, it failed.

Presentations:

Committee Liaison Assignments for 2006:

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

Council Member Mann reported that the Romance Theatre Committee is getting ready for the upcoming “Top Hat” event at the Westwood on March 16. This event will help raise money for the Westwood. The Museum Board had a combined meeting with the Children’s Museum Board and had a great meeting. They planned a project for the Children’s Museum. Mayor Larsen referred to a school house display planned for the museum. They need a lot of help. It would be a good service project for the scouts.

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

Council Member Benfield reported the Beautification Committee met last Friday. They are working on several projects including: flower baskets and planters for the spring, the landscaping project on Main Street and 2nd East, directional signs around town, beautification awards for the summer along with business awards and benches and trash receptacles. Gerald Griffin noted that we need to develop a plan for the entrance onto University Blvd. They would like a plan made for the entrances so they can begin working on that project right away. They would like the county to participate by having the County Court House put up a welcome sign. They are seeking direction on the big issue for the trees on Main Street. The committee is seeking input from the city on how many trees need to be replaced and what size of trees are needed, etc. They are also evaluating cost estimates or this improvement. Once they get all their data together, they will bring it before the City Council. Mayor Larsen said they need to coordinate their efforts with the landscape architect, Brandon Bleggi, who is working on the main street project. He can possibly help with some of these issues. Council Member Benfield also read a letter from the National Safety Board in reference to a recent fatal plane crash investigation. The letter complimented Rexburg’s Emergency Services and Police staff for an excellent job.

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

Public Works Director John Millar reported on an airport board meeting. Contract compliance is in good shape with one or two details to be finalized. They discussed airport rate increases and their budget. They also discussed the need to upgrade the Armstrong report. The committee voted to recommend to the city and county to seek funds to have this study brought current. It is a master plan for the airport funded by FAA. The report was done eleven years ago and the condition, location, and needs of the airport are in the study. The Airport Board wants the City Council to approve a new study since Rexburg has experienced significant growth since the initial study was done. Typically the FAA will fund 90% and the state is asked to fund 5%. The other 5% would be split between the city and the county or it would be taken out of airport operation funds. The study would cost anywhere from \$50,000 to \$100,000. Council Member Young asked if the city is still bound by federal commitment for 20 years. Public Works Director Millar explained that we can’t close the airport. If we choose to move the airport, it would be in total harmony with FAA; the city cannot move the airport on its’ own. We are not bound to keep the location, but we must meet FAA requirements wherever the airport is located.

Council Member Mann moved to proceed with the update of the Armstrong report as long as the 5% match is split with the county or comes out of airport operations budget. Council Member Young seconded 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 has nothing new to report from the Golf Board since they met with the City Council at the last meeting.

Mayor Larsen reviewed the staff discussion on the recent accident with the school buses concerning pedestrian safety. A meeting with law enforcement is necessary, especially with spring coming. Mayor Larsen would like to see an educational campaign in conjunction with the university about pedestrian safety. He has spoken with Building Official Val Christensen to get with Charles Andersen along with university and city police to discuss this issue. The purpose of the meeting is to discuss pedestrian safety around the university. City Attorney Zollinger said the meeting is needed to decide a policy for pedestrian safety and the penalty for violating the ordinance on J-walking.

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

Council Member Young reported the Tabernacle Orchestra Concert is giving a really great concert. He is pleased with the production. He commended the Arts Council for their work. The Tabernacle Committee is working to improve the tabernacle. They want the fire truck and the fire truck building moved. Parks, Recreation and Arts Director Jack Bowman said staff is making plans to move the building and the fire truck to the Legacy Flight Museum. They are also working to get a handicap entrance on the north side of the tabernacle. They could not put the handicap ramp on the south side of the building for historical reasons. The committee also talked about getting a bid for new windows and better cleaning of the building.

Mayor Larsen asked the committee to make a recommendation on the windows. Council Member Young said it is a dilemma because wood windows are a better fit for the historical nature of the building. Funding opportunities can be lost if historical values are lost with remodeling the building.

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

Council Member Stevens reported the Madison School Board will come before the City Council again on March 21. There is no report on the Trails Committee meeting held last Thursday.

Council Member Schwendiman asked about the \$10,000 grant for trees. He will follow up with Mayor Larsen on the grant information.

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

Mayor Larsen reported the Mayor of Idaho Falls is starting a Mayors Youth Advisory Board and will be bringing them to the Mayor's Youth Advisory Board meeting here in Rexburg on April 04, 2007.

The Legacy Flight Museum has one appointed representative from the city, one appointed representative from the county, and three appointments made by John Bagley. The city representative, Neil Erickson has asked to be replaced on this board. The Museum Board has asked Finance Officer Richard Horner to replace Neil Erickson. Mayor Larsen asked the City Council to confirm the appointment of Richard Horner to the Legacy Flight Museum Board. Council Member Schwendiman and Council Member Mann had some concerns with the city's financial officer being on a city committee. Mayor Larsen suggested waiting to ask the board their concerns during the presentation they will be given by the Museum later in the meeting.

Mayor Larsen explained to Terry Bagley, who was giving the presentation on the Legacy Flight Museum, of the City Council's concerns with possible conflicts having the city treasurer on the Legacy Flight Museum Board. Mayor Larsen suggested a city staff financial liaison would be a better function for Finance Officer Richard Horner. The Museum Board could appoint a city member to the board to replace Neil Erickson. Mr. Bagley will ask the board for a replacement.

Public Hearings:

A. 8:00 P.M. – LID 37 (2nd South; 5th West; Shoshone Avenue; Pioneer Road & Mariah Avenue)

City Engineer Keith Davidson explained LID 37 on 5th West and 2nd South. School children in the area need to have a walking path to school. The LID calls for sidewalks on property where there is not one currently in existence. Shoshone Avenue will be

reconstructed. It has been a half of a street for a number of years and has significantly deteriorated. The reconstruction requires curb, gutter and sidewalk.

Mayor Larsen opened the public hearing.

2nd South and 5th West

Those in favor of the proposal:

City Engineer Davidson said that Nedrow's are interested in participating in getting a sidewalk.

Those neutral to the proposal:

John Barrick at 251 South and 5th West is speaking on behalf of his father. They are located two blocks south of Kennedy School. This LID has been brought about because of the new Henderson Subdivision edition to the area. There is 90 feet of curb and gutter without a sidewalk on the east side of the street. There never has been curb and gutter there, and there are no children that use this path to get to school. The cost estimate is about \$10,000. He thought this was crazy. He is not against improving the street. There is curb and gutter in pretty good shape. The letter they received about this LID says the curb and gutter would also need to be replaced. They are happy to accommodate pedestrian traffic; however, most people use the street for walking in his area. The street is not in good condition. They don't have a problem with making their property nicer. He wanted to use gravel for the pathway. He said the walkway was pavement. He feels that \$10,000 in 90 feet is unacceptable. Most of the area is their driveway. The biggest concern Mr. Barrick has is he doesn't feel someone should have to put something on their property for other people's convenience to walk on their property.

City Engineer Keith Davidson explained the costs are only estimated costs until the city gets a bid. The property owner can get their own contractor for the sidewalk.

Council Member Stevens asked if Mr. Barrick's driveway was paved. It's not paved its gravel. City Engineer Davidson explained that the estimate is for the whole length of the property. There are two LID's, one for Lowell and one for Jerome. The parcel lines are divided.

Anthony Robbins at 138 North 1st East asked why the city doesn't just hire a construction company to come in and put in the sidewalks at not cost to anyone. Since parts of the area being discussed do not have grandfather rights and they were built without sidewalks and below city standards. The construction company doing the original construction should be responsible for the costs, since they didn't meet standards when it was originally built.

Those opposed to the proposal:

Jay Mason speaking for Ilene at 265 South 5th West, received an estimate showing the area that needs to be paved. It shows 66 feet. The driveway is 16 feet of asphalt. Does he need a sidewalk where the asphalt is located? Mayor Larsen suggested working with City Engineer Keith Davidson. He complained that when they put in the new Henderson Subdivision, they patched the road and didn't do a good job at it because every time a truck goes by his front yard for water and sewer, the house shakes. City Engineer Davidson will look into this issue.

City Engineer Davidson said the city will only bill for the actual construction costs. The date of construction will be communicated to the property owners in a letter.

Shoshone Avenue

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those opposed to the proposal:

Cathy Rasmussen at 550 Terra Vista Avenue wanted to know why they are required to make a \$13,000 improvement when the area that they need to improve is not even on their property. She did not know why they were included. She feels that whoever does own this land should be the ones to pay for the improvements. City Engineer Keith Davidson

explained the city has made improvements to city streets (curb, gutter & sidewalk) in the past by billing the adjacent property owner. When a new sub-division goes in, the city does not pay for curb, gutter and sidewalk, the developer pays for it and then the developer bills the property owner for this when the developer sells the property. He gave the example of Sunrise Drive property owners.

City Attorney Zollinger explained the city assesses the benefit that comes from these improvements to property owners or those paying for the improvements. Ms. Rasmussen is asking what benefit she will get for developing this property.

Alan Rasmussen asked for the cost per foot for curb and gutter. Mayor Larsen said the estimated cost is \$16.34 per lineal foot.

Phillip Parkinson at 420 Shoshone Avenue explained there was damage done to his curb, gutter and sidewalk by Zollinger Construction a few years ago when they did snow removal on the street. Recently, Depatco has been going up and down his street, and their trucks have caused further damage by driving on the curb. The letter says he is responsible for 30 feet of damaged curb. He does not want to pay for damage done by city snow removal and new construction. They are destroying Shoshone Avenue with loaded trucks. He would like the city to close the street while construction is going on. The only ones that need access to Shoshone is him, his wife, the mail man and the garbage man. Everyone else on the street has a different way in; his house is the only one landlocked. It has been a big hassle. The contractors are not respecting the road. Pretty soon they are not going to have a road to drive on.

Council Member Benfield thanked Mr. Parkinson for bringing the issue to the City Councils attention. She agreed the heavy loads are damaging the streets on Shoshone Ave, Millhollow Road and others. She wants the issue addressed. The city does not have frost limits. Public Works Director Millar said we will have to look at what the city is able to do. Mr. Parkinson said the road is already crumbling and sinking. They have seen crack damage in his home. Council Member Mann asked if the snow removal was reported. Mr. Parkinson said it was reported to the City Clerk on site. City Engineer Keith Davidson said this damage was reported and it is in the LID at city expense. They are planning to visit with Depatco and Parkinson's to come to an agreement on who should be responsible for the LID costs. Depatco will limit the truck traffic on Shoshone Avenue. They will have to maintain Shoshone Avenue until it is rebuilt.

Public Works Director John Millar said Shoshone Avenue was never constructed to code. The city has planned to rebuild Shoshone this year. This LID includes the west half of Shoshone Avenue. The east half of Shoshone Avenue will be built and paid for by the developer.

Council Member Benfield asked if the construction would be coordinated so the new rebuild on Millhollow Road would be done after this construction. Public Works Director Millar said the heavy work would be done by the time they get to the Millhollow Road repair. He is not so concerned if Millhollow Road fails now before the reconstruction of the road, he wants to make sure it won't fail after the repairs are made.

Council Member Schwendiman asked to deal with speed limits for frost.

Mike Packer at 552 Harvest Drive said this development is purely for the benefit of the developer. The existing home owners should not have to bear the burden of new development. This should be the sole cost of the developer. He does not want the city to come to him to pay for the curb and gutter so they can build a road for the developer's benefit. He also reported the flat curb in Harvest Heights never should have been allowed. The flat curb causes water run off to come down into his lot. Harvest Heights' run off goes to his lot and to the two lots north of his lot. He recommended a storm drain to protect those lots that will surely be flooded if nothing is done.

Pioneer Road and Mariah Avenue:

Public Works Director Millar review this area on the overhead screen. The owners will guarantee a bond to pull this area from the LID. The bond will guarantee a sidewalk to be put in by a certain date. If this happens, they will pull this area from the LID. New procedures require public works to sign off on occupancy permits. The bike path on Pioneer Road was supposed to be the sidewalk.

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

Mayor Larsen closed the public hearing.

Council Member Young asked if Pioneer Road and Mariah Avenue are being deleted at this time from the LID. It will not be removed from the LID until the bond is secure to ensure the sidewalk will be installed.

Mayor Larsen asked about extending the roadway on a street for future development. Public Works Director Millar said it is similar to Sunrise Drive. The street was platted; however, it was not built by the developer. The City Council decided on LID36 to have the sidewalk, curb and gutter paid by the homeowner and the city paid for the street. Rasmussen's lot does not have any street improvement or curb and gutter.

Council Member Benfield asked if this is the same issue as Sunrise Drive because the developer did not finish his project. Public Works Director Millar explained that it is the same issue. Half a road was dedicated, but because there were a few lots in front of the development, the developer did not finish the road. Costs for the roads were not included in any estimates.

Council Member Schwendiman said the city is behind in their battle to bring our city up to standard. In the past developments were allowed to develop without completing their projects. Now the city is trying to get the corrections done. He feels badly for any hardships this may cause homeowners, but there is no other way to get the city up to standards. Mr. Packer asked why the developer is not paying for the entire street development. The developer is the one making the money off of the streets and curb and gutter. Council Member Schwendiman explained that the original developer is no longer here. It was first developed in 1978 and we are just now dealing with the problem. He also explained that each contractor is supposed to develop 1/2 of the street on their respective sides of the street.

Mayor Larsen asked Public Works Director Millar if we would allow developers to dedicate roads and not develop it. This would not be allowed now. Developers must pay for the roads as the land is developed. Only arterial roads in some cases can develop roads half at a time. Half the road on 7th South for example is being built now, the other half will be built when the other side develops.

Council Member Young asked if a developer can be held responsible for road damage. City Attorney Zollinger said there could be an attempt to recover verifiable damages.

Council Member Mann asked City Engineer Davidson if he would go back with Mr. Parkinson to work out specific details on what he is responsible for on LID 37 if it passed tonight. This would be worked out.

Note: The motion for the first reading of BILL 981 for LID 37 is on page 14.

New Business:

- A. Request to annex 45 acres at 701 South 12th West – Blair Heinz**

Planning and Zoning Administrator Leikness reviewed the proposal on the overhead screen. It was a part of an annexation proposal a couple of years ago. He reviewed the

zoning as RR1 and commercial which is the same as the Comprehensive Plan's land designation. The proposal is to annex this land into the city and for the zoning designation to be consistent with the surrounding area which is Community Business Center (CBC).

Council Member Young said when this was first proposed, it did not include the two homes on the north side. Now the annexation proposal does include these homes. Planning and Zoning Administrator Leikness explained they have worked with Mr. Heinz and he understands the purpose of annexing the entire area.

Council Member Mann asked if the commercial zone would be acceptable for good planning. Planning and Zoning Administrator Leikness said it was adjacent to commercial zoning on the south side of the property. Council Member Schwendiman was agreeable with the proposal. The commercial property would need to comply with the commercial design standards.

Mayor Larsen explained that if this proposal were to go forward, it would then have to go before the Planning and Zoning Commission and then back to the City Council for final approval.

Council Member Stevens asked if the annexation will provide design standards. Planning and Zoning Administrator Leikness said that it will provide the appropriate design standards.

B. Preliminary Plat for Aspen Village Townhomes at 545 South 2nd East

Planning and Zoning Administrator Leikness gave a brief history of the request in 2005 for 11 acres of apartments to be sold as town homes. It has been delayed until now for City Council. The proposal would create separate lots around the existing buildings. Planning and Zoning Administrator Leikness recommended before the final plat is approved, the CCR's must be reviewed and approved by the City Attorney. Also, he suggested the site have a recorded document tying all lots together for development purposes. This would require each parcel be up to city standards as far as parking, landscaping, etc. It would be one big development. The site plan review should be considered when the building department reviews the application for building permits. He asked the applicant to explain the proposal to the City Council.

Darrell Dixon, the owner of Aspen Apartments explained the proposal. The proposal includes a nine parcel sub-division with an additional parcel that would include the common areas. This proposal would help with their financial structure and it would potentially help to attract sunbirds in the summer. He has done similar projects in the past that have worked successfully.

Council Member Young asked where the two new units would be located. There are seven buildings with two more building shown on the drawing. They are not doing any new buildings at this time.

City Attorney Zollinger said if parcels are sold off independently, there would have to be a review to see if the parcels could stand alone. Parking would remain at status quo.

Council Member Mann asked if BYU-Idaho had any concerns or comments. Will CCR's be strong enough to cover and protect the separate owners? Mr. Dixon explained this is a request to allocate parcels in an existing development. City Attorney Zollinger explained that as far as laying out land, the city really has no interest if this is solely student housing or other public housing. Mr. Dixon intends to remain a part owner. This proposal opens up some financial options.

Council Member Benfield did not see any negatives at this time. It is thinking outside of the box in a proactive manner.

Mayor Larsen asked Planning and Zoning Administrator Leikness about the next step and recommended conditions of approval again:

1. Prior to final plat decision the CCR's needs city attorney approval.
2. The site would need a recorded document tying all lots together for development purposes.
3. The preliminary plat should not constitute a new site plan approval; this should be done through staff at the time new building permits are requested.

City Attorney Zollinger explained the process to get to the final plat before the City Council approves the final review. This is a preliminary plat, not a site plan.

Council Member Stevens said each parcel would need to own a fractional interest in the common area. Mr. Dixon confirmed each parcel would be part owner in the common area.

Council Member Benfield moved to approve the Preliminary Plat for Aspen Apartments as recommended by Planning and Zoning; Council Member Stevens seconded the motion; Discussion: Council Member Schwendiman asked about additional parking needed for new buildings. City Attorney Zollinger confirmed the requirement to have a "one to one" ratio of parking with any new buildings. Council Member Mann asked if other developments in the city have used this method. Yes, other developments have used this approach.

Mayor Larsen called for a vote: All voted aye, none opposed. **The motion carried.**

C. Resolution 2007 – 06 (in support of a Global Nuclear Energy Partnership)

Mayor Larsen explained Resolution 2007 – 06 shows our community's support for this project to be located at the INL in Idaho Falls. There is no financial obligation to this proposal. It will be presented at the Red Lion Hotel in Idaho Falls on March 15. We are joining with other cities to show our support of this project in hopes the Department of Energy will choose the Idaho Falls site.

Council Member Benfield motioned to approve **Resolution 2007 – 06**; Council Member Mann seconded the motion. All voted aye; none opposed. **The motion carries.**

D. Final Plat – Valley View Division 6, Phase3

Council Member Stevens asked to be removed from the discussion due to a conflict on the final plats for Valley View Division 6, Phase 3 and Valley View Townhomes, Phase 1. He stepped down from the dais.

Planning and Zoning Administrator Leikness presented the proposal on the overhead screen. The Planning and Zoning Commission recommended approval pending staff approval. Lot nine does not close; however, this will be addressed. The property is adjacent to the south side of Sunrise Drive. There were no comments from the Fire Department on access to the development. Mayor Larsen asked why fencing is not being addressed. Sunrise Drive will become a major arterial (five lanes) in the future. City Attorney Zollinger gave an example of allowing a fence adjacent to the street if the fence is continuous along the entire subdivision. There will be one home with access onto Sunrise Drive on the north side of Sunrise Drive.

Council Member Schwendiman wanted to require the developer to install the continuous fence.

Planning and Zoning Administrator Leikness recommended a mixed use with limited access to the street. He referred to the runway effect with a continuous fence. He said a fence would be at the discretion of City Council. The development has restricted access.

City Attorney Zollinger said the lots are not planned to access Sunrise Drive. The fence may or may not be installed in the back yards by the homeowners. Fences must be set 25 feet back from the right of way unless it is a continuous fence the entire length of the subdivision and an exception has been made and approved.

Mayor Larsen asked if the City Council is comfortable with a continuous fence.

Council Member Schwendiman wanted clarification on the plan for both sides of the street. Mayor Larsen explained the County Transportation Plan calls for a five lane road. City Attorney Zollinger said it would take cooperation with property owners on the north side of Sunrise Drive to build a buffer fence.

Planning and Zoning Administrator Leikness said the road could be master planned through the residential area. Council Member Schwendiman recommended consistent planning for a buffer fence. Public Works Director Millar said the fence would be at the back of a sidewalk on the property line on the north side of Sunrise Drive.

City Attorney Zollinger said asking the developer if they were going to make a uniform fence or berm wasn't good enough. It has to be put in the approval process to require this of the developer.

Mayor Larsen asked the developer, Mr. Stevens, about plans for a uniform fence to the planned major arterial going through Sunrise Drive. Mr. Stevens was not opposed to installing a uniform continuous fence along his development on Sunrise Drive. City Attorney Zollinger said the City Council could dictate function; however, they could not address aesthetics.

City Attorney Zollinger said that the market has to dictate some of these issues, because right now questions are being asked that we don't have answers to. The responsibility of the City Council is to approve a plat, not to make decisions on design standards. The City Council can put restrictions in the plat approvals. The City Council could approve this as a conditional plat approval with additional designations that have plat restrictions on them. He reminded the City Council language for this type of conditional plat approval has already been written. Mayor Larsen said this language does not include a master plan for major arterials.

Richard Smith said there will be a lot of options along a major arterial. He recommended City Attorney Zollinger's first proposal of approving a conditional plat.

Council Member Young moved to approve the Final Plat for Valley View Division 6, Phase 3 with City Attorney Zollinger's suggested restrictions notated on the final plat. The restrictions on the final plat would state:

1. No primary access to the major arterial from adjoining lots;
2. Lots are adjacent to a major arterial;
3. Lots will comply with arterial design standards at the time building permits are requested.

Council Member Mann seconded the motion; Discussion: the developers/builders in the room agreed this is a reasonable request. **City Attorney Zollinger** explained Planning and Zoning Administrator Gary Leikness will design a few different options that will qualify under the restrictions given. Some applicants may want a stone wall; others may want a vinyl wall, or a berm with a rod iron fence. All the options will be acceptable to Planning and Zoning and then the developer will make an election on which option to choose to make the fences uniform around the area. Mr. Stevens said this is a really good idea because this will give a range in prices for how much lots will cost as well. Mayor Larsen called for a vote: All voted aye; none opposed. **The motion carried.**

E. Final Plat – Valley View Townhomes, Phase 1

Winston Dyer of the Dyer Group representing DSC Investments reviewed Valley View Townhomes, Phase 1 on the overhead screen. It is a 2.9 acre piece consisting of 7 lots. The lots will be developed as single family twin homes like the Eaglewood twin home development.

The northern most lot will become a common area for the neighborhood. There is a private drive on the front of the home facing east which will access 2nd East. He reviewed water, cable, and other utility locations. The city has fenced off part of the property in the water tower area. It is too small a lot to be approved for development. It is the intent of the developer is to give this to the city since it is already being used there for the water tower. The road will be completed by adjoining property owners, the city and DSC Investments. They expect 12 cars per hour during peak times with 18 possible students for the schools. It is consistent with the Comprehensive Plan for residential use in the area and recommended by Planning and Zoning. The preliminary plat was approved by Planning and Zoning and by the City Council. The final plat has been approved by Planning and Zoning and now needs to be approved by City Council. Mayor Larsen asked if lot one would be landscaped and maintained. Winston said available areas would be landscaped. Mayor Larsen asked for the fencing and appearance of the lots with the back of the homes facing 2nd East. It would look much like Millhollow Road going up into Harvest Heights. There will not be a direct access onto 2nd East for these lots. They will install a pipe to handle overflow water from the water tower. The buildings will be built to match other buildings in the neighborhood. They will not have to cut into the street to put in water or sewer. Mayor Larsen called for a uniform fence on 2nd East. There are two major water lines on the property that will have a dedicated easement so the city can continue to access it as needed. The road has good visibility to access 2nd East. The street will be a 24 foot private drive functioning as a one way street. The city will not maintain this street as it is a private drive and not a public street. It will be maintained by a homeowners association.

Council Member Young moved to approve the Final Plat – Valley View Townhomes, Phase 1; Council Member Schwendiman seconded the motion; Council Member Young amended his motion to include a uniform fence along 2nd East; Council Member Schwendiman concurred with a second to the amendment; all voted aye, none opposed.
The motion carried.

Report on Projects:

Public Works Director John Millar explained they opened bids for a new restroom in Smith Park. The bid came in over the estimated budget. They estimated \$74,000 for the restrooms. The bids ranged from \$82,600 to \$104,000. The total cost would be \$90,000 leaving \$31,000 over budget. They have worked with Finance Officer Horner as well as Parks Recreation and Arts Director Jack Bowman on how they could fund this project. They have \$25,000 in the 2007 budget to modify the automatic sprinklers in Smith Park; they would like to propose deferring the sprinkler project to 2008 to pay for the cost difference of the restrooms. They have about \$10,000 budgeted for new trees that can help cover for this project as well. \$5,000 could come from the trees budget.

Council Member Young asked if the restrooms at Smith Park are identical to the new rest rooms at Porter Park.

Public Works Director John Millar explained the look will be almost identical; however, Porter Park has a large pump room on the back of the building that would not be included at Smith Park. The restroom portion would be identical. The restrooms at Porter Park cost \$114,000. The restrooms at Smith Park will go in the same place as the old one that has now been removed. The lighting has been budgeted for Porter Park.

Council Member Mann moved to approve the bid with Harold Harris Construction using additional money budgeted for trees and the sprinkler system budget to cover the overage. Council Member Benfield seconded the motion; all voted aye, none opposed.

The motion carried.

Public Works Director Millar said they have not received the final number on the South Arterial bid. In recent discussion they were told it will come in about \$650,000 over the engineers estimate. Mayor Larsen will be meeting with LTAC (Local Highway Technical Assistance Council) to find out what the city's position will need to be on this project. They will have more information once the LTAC meeting takes place.

Council Member Benfield asked Public Works Director Millar for a commitment on Lynn Archibald's project of the war memorial in Smith Park. The city will do some excavation of the site. The county has committed to bring in the gravel. A lot of material has been donated. The city's commitment will be minimal. It will probably not be completely finished by the 4th of July; however it should be substantially underway by that time. Council Member Benfield was concerned with heavy trucks causing damage on residential roads. She asked if the city could look into it.

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

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

1. **BILL 981** - Creation of LID 37

Reference discussion on this item: See Public Hearing testimony on pages 4-8.

1. **Council Member Mann** moved to approve LID37; Council Member Young seconded the motion with the understanding that adjustments must be made. Council Member Mann agreed the adjustments need to be made. Council Member Stevens wanted to know if LID 37 could be extended for the larger properties on 5th West so it is not such a burden. Finance Officer Horner said there is a way to extend the entire LID, however interest will accrue. He will check to see how long LID 37 can be extended. City Attorney Zollinger suggested looking at giving a discount for corner lots or half lots since the benefits for these types of lots are minimal. This would mean the city would have to pick up some of the cost if approved. The city should not run into these issues as much in the future because developers are now required to finish their projects. He also reminded the City Council they could approve this LID as a first reading only tonight, then the City Engineer will have to make necessary adjustments to the LID and bring it back to the City Council at a future meeting. Council Member Schwendiman made a substitute motion to approve BILL 981 for the creation of LID 37, as a first reading, and have it brought back to the City Council in two weeks. Council Members Mann and Council Member Young clarified they did not make a motion to suspend the rules, so the original motion was to approve the LID as first read. Mayor Larsen asked for a vote to approve LID 37 as first read and have it brought back to City Council in two weeks. All voted aye; none opposed. **The motion carries.**

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

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

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

Old Business:

A. Legacy Flight Museum Board Proposal

Terry Bagley representing John Bagley gave an annual report on the Legacy Flight Museum. The first year's expenses were covered by the city and county. The first year was very successful. This year, the air show is on Father's Day and it will be free. The biggest problem they will have at the air show this year is finding enough places to park cars. They were able to get 10-\$5000 contributions to pay for the air show. Part of this money will also go to acquiring more assets for the museum. The museum currently owns one airplane. Danny Summers has 1/2 of the displays. They have acquired \$150,000 worth of assets in the past year. They would like to get more airplanes for the museum. Some of these assets will be sold for cash to acquire more airplanes that have historical value. John Bagley is looking for a T6 for the museum. These are the most inexpensive airplane you can get that has historical value. The museum would also like to pursue access to their own checking account. It is impossible to buy or trade an airplane with a purchase order or buy an airplane

on a non-business day. They are asking for a second museum account to purchase or sell big assets.

Mayor Larsen concurred there is a need to set up a second account, given the financial controls in place. Council Member Schwendiman reviewed the purpose of the account is to be the fund raising account for the Legacy Flight Museum. Mr. Bagley explained the museum does not have a paid staff. They get volunteers to man the museum. The one plane that the museum has is a boredom fighter which is a world war one plane replica worth \$15,000 to \$20,000. It does not necessarily have the historical value of other planes such as a T6. The donor has not prohibited the museum from trading or selling this plane to get something that they would prefer. The boredom fighter could hang in the museum. Council Member Schwendiman was concerned with the museum financing expensive planes. Mr. Bagley said the expenses for a plane would be covered by donations. Finance Officer Horner said the planes are covered by city insurance if they are not flying. The city insures the museum and the contents in the museum.

Council Member Stevens appreciates their efforts to increase city assets without costing the city any expenses to buy and sell airplanes.

Council Member Young wanted the first museum account to be covered by the second museum account if operating expenses were not covered by the first account.

Council Member Benfield clarified that at least three of the five board members must approve purchases for the museum over \$3,000.

The Legacy Flight Museum Board proposed the following resolution:

**Resolution
Of the Board of Directors of the
Legacy Flight Museum**

In order to facilitate the accumulation of assets for the Legacy Flight Museum in behalf of the City and County, in a manner that is conducive to the same, the Board of Directors of the Legacy Flight Museum requests that the City Council of the City of Rexburg authorize the following:

- 1) That a separate City checking account be set up for the purchase of museum assets.
- 2) That only funds raised by the museum board shall be deposited in the account.
- 3) That two signatures be required on each check written on that account.
- 4) That all purchases over \$2,000 must be pre-approved by a majority of the Board of Directors of the museum.
- 5) That copies of the check register and invoices be turned over to the City Finance Officer and the Board of Directors at least monthly, and are always made available upon request by the same.
- 6) That this checking account be audited as are all others owned by the City.
- 7) That this account may be terminated at the will of the City Council.
- 8) That the following individuals be allowed to sign on the account:
 - a. Chief Financial Officer of the City of Rexburg
 - b. Mayor of the City of Rexburg
 - c. John Bagley
 - d. Terry Bagley
 - e. Dave Beck

Approved by the Board of Directors this 22nd of February, 2007

City Approval

County Approval

Council Member Stevens move to approve the resolution of the board; Council Member Mann seconded the motion; Discussion: The county needs to approve the resolution. All voted aye, none opposed. **The motion carried.**

Mayor's Report:

Finance Officer Richard Horner explained that a police grant for four officers was shut down and the expense should have moved into the budget. The budget did not show the new budget expense for the four officers. The City Council discussed financial buffers with Finance Officer Horner.

Council Member Benfield called for independent audits on departments to catch budget problems.

Council Member Stevens moved to go into executive session Pursuant to State Statute 67-2345 due to contract or litigation; Council Member Benfield seconded the motion. Mayor Larsen called for a roll call vote:

Those voting aye

Farrell Young
Randy Schwendiman
Donna Benfield
Bart Stevens
Christopher Mann

Those voting nay

None

The motion carried.

Executive Session:
Executive Session ended.

Adjournment

Mayor Shawn Larsen

Attest:

Blair D. Kay, City Clerk