City Council Agenda

October 17, 2007

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CITY OF REXBURG
America's Family Community

October 17, 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

6:00 P.M. – Work meeting with Joint Planners
(Cooper, Roberts, Simonsen Associates 700 North 200 West, SLC, UT)

Kathleen Hill and Mark Morris were introduced as employees from Simonsen and Associates who will also be working with the City of Rexburg, Madison County and Sugar City on their Comprehensive Plan.

Laura Hanson from Simonsen and Associates, said a survey was sent in the community newsletter due to the lack of community support at the meetings that were held in August. Mayor Larsen said about 55 surveys have come back. Hanson explained the target to be done in February with the Rexburg Comprehensive Plan has been pushed back to March.

Kathleen Hill gave a presentation on the overhead screen about the history of Rexburg. The Plat of Zion grid system was first designed by Joseph Smith in 1830. The City of Zion plan provided for connection and promoted community. Smith believed in and promoted the advantages of living in closely connected communities, rather than on isolated farms. These communities provided opportunities for education, cooperation, culture, worship, and most importantly connection.

Smith's plan had three sections of land in the center of the grid to be used for public buildings, churches, etc. Support at the center served the well-being of the people through providing physical, psychological, and sociological framework on the very basic levels of attachment and connection.

The plan includes for:

- 7 block by 7 block grid
- Lots alternated on facing sides, established privacy for residents
- Oversized lots provided for a self-sufficient lifestyle
- "*When this square is thus laid off and supplied, lay off another in the same way, and so fill up the world in these last days…*"

  -Joseph Smith

Hill said it makes sense to go back to our history to plan our future. There is power in connection. Rexburg has the opportunity to do it right and make sure we have the components to make our town livable. She said Rexburg can set the standard for the nation.

Great places have a few things in common:

- They create a quality of life that supports the new economy
- They attract people
- Community
- Affordable homes
- Recreational opportunities

- Ease in commuting
- Sustainability

Laura Hanson gave a presentation on different development patterns on the overhead screen. She gave pros and cons of a traditional style neighborhood and a more suburban neighborhood.
Fort Collins: Was on a grid system, but not the plat of Zion grid system. This city found there to be a correlation on changes in development and safety.
Logan City: Was a plat of Zion City. They have a standard 10 block grid which is what the plat of Zion grid system calls for. They have a Super Block, Block and Mini-Block. These different types of blocks allow for the block system to continue, but it allows for flexibility in the type of housing, etc.

Issues from Public:
- Traffic congestion
- Neighborhood preservation
- Life cycle housing & aging in place
- Parking near university
- Revitalizing Main Street
- Bringing students downtown
- Population growth
- Village/neighborhood center development
- Job opportunities to keep students in Rexburg
- Attract tourist traffic off Highway 20 to Yellowstone and Grand Teton
- Park and open space preservation, trails and recreation

Mark Morris said he did a street analysis of Rexburg noting physical constraints affect how the grid can be built. Sometimes you have to react to physical restraints while still having a nice development.

How this plan works with public issues and concerns:
- Traffic is more evenly dispersed across more roadways.
- Neighborhoods preserved with privacy and community connection.
- Being able to age in place, not being required to move because there are adequate services within walking distance, and various housing densities and styles.
- More walkable city means fewer parking issues and congestion around BYU-I.
- Main Street revitalized through public and private investment in local businesses, creation of attractive public gathering space, drawing students and tourists downtown.
- Organized development accommodates orderly population grown, and responsible public resource expenditures.
- Neighborhood and commercial services centers provide opportunities for entrepreneurship.
- Open space preserved on outskirts of city, park space opportunities in neighborhood service centers would be accessible to everyone.

Council Member Schwendiman asked what kind of businesses would survive in this type of development. Hanson said most businesses could be successful.

Council Member Mann asked if building on this Plat of Zion grid system applies to new growth or recreating existing growth. Hanson said it would be more with new development, and old development may change over time.

Mary Haley, a member of the Planning and Zoning Commission, said everyone needs to be on board if this is going to be how the development in built in Rexburg.

Dan Hanna, a member of the Planning and Zoning Commission, said Taylor Crossing in Idaho Falls is a great example of new development. He asked if it would be appropriate to work with Kartchner Homes on the Summerfield Subdivision with this kind of new development.

Mary Haley said the school district also needs to be involved.

Mayor Larsen said he feels Rexburg has a unique opportunity. The city has grown over the last few years and it is not going to end. This is an opportunity to plan correctly for our community.

Council Member Erickson said the city is not too far off this plan already.

Winston Dyer said we have developed strong commercial corridors in Rexburg. He is not sure it's practical to have businesses at the center of residential pockets of the community.

Morris explained it depends on the needs of the neighborhood and the scale. Wal-Mart may not be appropriate in the middle of a neighborhood, but a daycare might be acceptable.

Kathleen Hill explained this concept doesn't necessarily get rid of the commercial corridors. It provides more neighborly association, etc.

Council Member Schwendiman said he would like to look at changing the block size.

Richard Smith attorney for BYU-Idaho, said it is important to have a balance. You can't have all commercial nor can you have 100 blocks of residential with no services.

Council Member Benfield said a great example is Pioneer Road because there is lots of density but most businesses have failed.

Council Member Stevens said it is important to be careful not to dump commercial areas into residential areas. He also said it is important to be cautious with surveys because they don't always show what the majority of the community wants.

Mayor Larsen asked what the next step in the plan would be. Hanson said working on goals and objectives to drafting out the plan can come in the near future.

Mayor Larsen said the next meeting with the joint planners will be November 28 at 6 P.M. before the City Council Meeting at 7:00 P.M.

7:00 P.M. – <u>Pledge to the Flag</u>

<u>Roll Call of Council Members</u>: All Council Members were present**.**

Mayor Larsen welcomed the scouts to the meeting.

<u>Consent Calendar</u>: 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 October 03, 2007 meeting
B. Approve the City of Rexburg Bills

Council Member Erickson moved to approve the consent calendar. Council Member Benfield seconded the motion. Discussion: Council Member Schwendiman asked about the bill for software maintenance. Mayor Larsen explained it's an annual contract for the building permit software that ties the GIS system in with the building permit system. All voted aye, none opposed. **The motion carried**.

<u>Public Comment</u>: on issues not scheduled on the agenda (limit 3 minutes):

Mary Zollinger at 950 Green Haven, explained their company is remodeling and putting an addition on the Rexburg Medical Center. They asked for the building permit about six weeks ago for this addition and remodel job. She said the building permit process is very expensive and very difficult. The permits alone were about $32,000 for this remodel/addition job. The expansion is a $2.5 million dollar project. Other contractors have also expressed the difficult and expensive process of obtaining building permits.

Jim Hirrlinger at 1355 S 2nd East, said he is also concerned about the building permit process. It doesn't make sense to charge a company this much money for permits since redevelopment and growth is being discussed in Rexburg. These enormous fees can make or break any project. This affects businesses and makes them reconsider if they want to do business in Rexburg. He encouraged the City Council to look at these issues as they go forward with Rexburg's Comprehensive Plan. Mr. Hirrlinger also expressed his disagreement with impact fees. Costs are going through the roof. These costs are not being paid by the builder or the contractor, they are paid by the homeowner or end consumer which is making Rexburg an expensive place to live.

Council Member Erickson asked what additional infrastructure the city has to provide for this remodel/addition job on Rexburg Medical Center. Public Works Director John Millar said nothing additional is being added. Council Member Erickson asked what the impact fee was for if no additional infrastructure is needed. Public Works Director Millar said any business that increases in volume will increase in the number of visits per day, traffic per day, etc. All in all, as business expands, a cumulative effect is the increase of water, wastewater, more storm water capacity is required, etc. These impact fees provided for additional road capacity that will be needed with the expanded businesses. Impact fees include streets, fire, police, and transportation. The type of business defines which impact fees are assessed.

Council Member Schwendiman asked for a summary of what the $32,000 covered.

Jeff Zollinger at 950 Green Haven, said it is hard for him to see what all his money is going for because if the road is going to be repaired in front of his building it will probably be an LID, yet he has already paid all these impact fees. He feels there has got to be a better way to do business in Rexburg. He also said if he is paying this kind of money, they should get better service that what was received with customer requests for Permits. He wants better service as well.

Council Member Benfield thanked the Zollingers for coming forward. She said it is important to let people see where their money is going.

Council Member Erickson asked if a receipt is given showing where all the money is expended. He said all people want is to know where all their money is going. It is a courtesy that is owed to customers that pay these fees.

Public Works Director John Millar clarified only a small portion of this $32,000 was impact fees. Some are building permit fees, some are water and sewer fees, etc. He met with the Zollingers last Friday to go over a breakdown of the $32,000 in fees.

Council Member Young asked why it took so long to get the permits issued.

Public Works Director John Millar said this week it was a combination of things. He said the city can be more efficient in getting these permits out.

Presentations:

Committee Liaison Assignments for 2007:

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

Council Member Mann reported that the carpet at the museum has been laid. He also reported Upper Valley Idol is in process. There has been about $1500 donated this week for the event. The Parks and Recreation Committee has not met, they will meet Thursday October 25.

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

Council Member Benfield reported the Beautification Committee did not meet as planned. They are having a hard time getting a quorum. The Police Department is doing well.

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

No report.

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

No committees have met since last meeting. He will do a drive around with Chief Archibald tomorrow.

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

Council Member Young reported the Tabernacle Board met last night. The Handicap ramp is progressing slowly.

Mayor Larsen presented the name of Liz Jacobson to be the secretary of the Tabernacle Committee. He asked the City Council to ratify her to this committee.

Council Member Young moved to ratify Liz Jacobson as the secretary of the Tabernacle Committee. Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

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

No committees have met. He asked for a meeting with the school board. Mayor Larsen will ask either Jack Bowman or Amanda Saurey to put this meeting together.

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

Mayor Larsen reported the Legacy Flight Museum is now only open one day a week. Mayor's Youth Advisory Board will be helping with the Warren Miller film at the Westwood. They will also go with safety officers on Halloween to pass out safety bags at the elementary schools.

Public Hearings:

A. 7:20 P.M. Zone change request from Low Density Residential Two (LDR2) to Medium Density Residential Two (MDR2) at **710 South 5th West**. The Planning and Zoning Commission recommended denying the request due to adjacent single family housing in a public hearing September 20, 2007.

Planning and Zoning Administrator Gary Leikness reviewed the property requesting the rezone on the overhead screen. He explained the Planning Commission did hear this request and recommended denial of the request. The entire area is designated for high density residential. The area requesting change is the only area left as single family residential. The Planning and Zoning Commission felt it is not a good time to change the zoning. They also felt it may be healthy to have a mix of multi family and single family housing. Planning and Zoning Administrator Leikness explained the request is allowed in the comprehensive plan. He recommended to the City Council in his staff report to allow for MDR1 rather than MDR2.

Mayor Larsen opened the public hearing

Those in Favor:
Terry Madsen at 535 Maple Drive said the intent is to put in three duplexes in this area. He said MDR1 would be an adequate zone change as well. He would like to see this area rezoned.

Those neutral:
Mike Ricks at 901 S 5th West said the Planning and Zoning Commission made a recommendation based on the information that was provided at that time. The City Council now has additional information that the Planning and Zoning Commission was not privileged to have in their hearing when the decision was made.

Those opposed:
Jordon Busby at 752 S 5th West said he is worried that if this is allowed, it will continue to the point that their homes will be crowded out. Many neighbors feel this way. This is one of the last few island of homes left in this area. He has not seen a sight plan for this property, but he wants to make sure they have a nice neighborhood and a beautiful drive up to the Temple. He asked the rezone request be denied at this time.

Daren Call at 740 S 5th West said he has lived in this area for 25 years, and the past five years he feels his neighborhood has been taken apart piece by piece. He would like to have this area left the way it is

for the time being. He said there may be a time when it will be appropriate to rezone this area, but now is not the time.

Randall Foster at 728 S 5th West said he would like to see the sight plan for this project. He understands Rexburg's Comprehensive Plan will allow for this area to be rezoned. When the time comes and the neighborhood is ready for this type of rezone, they will be happy to support the request. He will be disappointed to see this rezone request go through at this time.

Mr. Madsen read the letter he wrote explaining this project. He explained the primary concerns for this rezone request included 1) unappealing box style housing, and 2) parking space. The letter addressed these issues: "*Approximately 12,379 sq. feet of land will be given to the city for boulevard, sidewalk, curb & gutter, the proposed 3 duplexes, re-routes of the culverts and cover of irrigation ditches. The development would include a "face lift" of the existing dwelling to match the proposed duplexes. Architecture will be similar to adjacent housing: vinyl siding, brick front face, architectural shingles & vinyl fencing. The proposal also includes fenced, private back yards with irrigated lawns, and a one car garage with an additional paved parking space per dwelling unit.*"

He apologized that this information was not available to the public or the Planning Commission. They did not have the information until after the decision was made. Mr. Madsen said they bought this as an investment property and they are not planning to sell out. He said he feels this development can be a great improvement to the community.

Mayor Larsen closed the public hearing.

Council Member Mann said he owns a piece of property across the street from this property, though it has no financial effect so he can still be a part of this decision.

Council Member Erickson said he is confused with what kind of density is wanted. MDR2 allows for 24 units per acre and MDR1 allows for 16 units per acre. The proposal would be okay in either an MDR2 zone or an MDR1 zone. Planning and Zoning Administrator Gary Leikness explained MDR1 would allow a development of 4 family dwelling units as well as applying for conditional use permits for dormitory style housing, etc. He said density was a concern with Planning and Zoning. Council Member Erickson said nothing in the proposal tonight asks for MDR1. He said it is unusual for the City Council to send something back to planning and zoning, but it may be better to have them take another look into this proposal as an MDR1 request along with all the new information now available on this proposal. Planning and Zoning Administrator Leikness explained if a sight plan was presented, a zone change can be conditioned upon that particular development being built or it reverts back to the original zoning.

Council Member Schwendiman agreed with Council Member Erickson. He said the City Council is looking at a different proposal than what was presented to in the planning and zoning meeting.

Mayor Larsen asked if the City Council would like to send the proposal back to the Planning and Zoning Commission.

Council Member Stevens said in light of their meeting with the planners, the city doesn't have to all have the same zones. Different zoning in the same area can be healthy. The zoning around this area should not influence this decision.

Council Member Young moved to rezone this area from LDR2 to MDR1 realizing this is not what was proposed to planning and zoning and realizing this is less restrictive. No second. The motion died for lack of a second to the motion.

Council Member Erickson moved to send this request back to the planning and zoning commission with the proposal as an MDR1 instead of MDR2. No second. The motion died for lack of a second to motion.

Council Member Stevens asked if this zone change could be required to be tied to a sight plan in case the project in the sight plan is not done; therefore it would revert back to the original zoning. Planning and Zoning Administrator Leikness said this can be done; however the city would have to give a

reasonable amount of time (at least two or three years) for the project to be completed before it would revert back to the original zoning.

Council Member Mann moved to deny the request to rezone 710 South 5th West from LDR2 to MDR2. Council Member Schwendiman seconded the motion. Discussion: Council Member Benfield said this is still a neighborhood and it should remain a neighborhood.

Roll call vote:

Those voting aye	**Those voting nay**
Chris Mann	Farrell Young
Bart Stevens	
Rex Erickson	
Donna Benfield	
Randy Schwendiman	

The motion carried. The request to rezone is denied.

New Business:

Staff Reports:
Public Works report on Projects: John Millar

- South Arterial project started paving today. They will finish paving as soon as weather will allow. Once paved there is some clean up work. They are still hoping this will be open this fall.
- The alley parking lot is moving forward. All the underground work is complete. They are hoping to put concrete in next week. They are doing a good job.
- Wastewater Treatment plant is moving forward. It should be finished in about three weeks.
- Turn signal on Main Street and 2nd East is up and working.

Council Member Mann said Hidden Valley Park is hydro seeded and it looks very nice.

Council Member Benfield asked about a fence on the edge of Hidden Valley Park. She has gotten some complaints that this fence is in the way of the pathway for the park. The fence is on city property. City Attorney Zollinger said this fence does not affect the use of the park or the pathway. Asking the owner of the fence to move in a few feet will not accomplish anything. Public Works Director Millar said the city has an agreement on record that the fence can be moved at the city's request at any time. There is still adequate room for the pathway. City Attorney Zollinger said it is not useful to the city but it is useful to the fence owner. The fence owner knows this is city property and is aware that he can be requested to move it at any time.

Council Member Stevens said he thought this area of Hidden Valley Park was given to the city instead of paying impact fees. City Attorney Zollinger said Rexburg's Impact Fee Ordinance allows donations to offset impact fees.

City Attorney Zollinger showed the City Council where the pathway was in Hidden Valley Park on the overhead screen.

Council Member Benfield said she went and looked at this area. She suggested looking at the pathway and how it is used in the spring to determine if it is sufficient.

Council Member Stevens said he cannot see any reason to have the fence moved.

Council Member Mann said he is worried about the precedent that this will set. He wants to make sure the fence owner is well aware that the city council, or a future city council, can ask for this fence to be moved at any time. City Attorney Zollinger said there are three or four other agreements similar to this in the city right now.

• Resolution for Water Rights for the City as property is developed. Public Works Director John Millar handed a proposal out to the City Council for their review. It will be discussed with the City Council at a later date once they have a more a concrete resolution that will work well for the city. Public Works Director John Millar said the goal is to get the information to Realtors, development companies, etc. so they know property has to come with water rights.

Mayor Larsen asked for this discussion to be on the agenda for next council meeting. City Attorney Zollinger said this needs to be put on the agenda as a conversation rather than a resolution. They are still in the process of gathering information to get a resolution together.

• Sand shed for the shop was requested for last year. It was a budgeted item for last year that did not happen, though it is needed. Two bids came in. He asked if the City Council would approve this to be built this year. The bids that were received came in within budget.

Council Member Stevens moved to approve the low bid to Double E Construction for $79,905 for the sand shed. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

Council Member Benfield asked about the overruns on the budget for University Blvd. Public Works Director John Millar has not heard any further information. They are in discussions with LTAC to get some additional funding. They are also working with BYU-Idaho in hopes they will help with these overruns as well.

Council Member Benfield asked about the standing water problem at 3rd East and 2nd South. Public Works Director Millar will look into this. Council Member Benfield also asked about the flashing lights by the Snow building. Public Works Director Millar said the south side is not working. He has called an electrician to work on this problem.

B. <u>Rexburg Utility Assistance Program (RUPA)</u>: Matt Nielson

Deputy Finance Office Matt Nielson presented the proposal to the City Council for the Rexburg Utility Assistance Program. This program would assist resident utility customers in the payment of delinquent amounts on their utility bills. Many residents have contacted City Hall asking if any type of utility assistance program was available. Other cities, as well as Madison County, have already implemented some assistance programs. Funds for the program would come from donations from other City of Rexburg utility customers. Customers would have an option on-line or on their payment stubs to check $2, $5, $10, $15, or $20 that would be added to their bill and donated to the program. If adopted, Madison County has agreed to administer the program at a cost of 7% of all approved application amounts. The 7% fee would be paid by the city utility departments, not by the donations to the fund. Deputy Finance Officer Nielson also explained when checks are sent to collections, if it is actually collected, the City already loses 50% of what is collected. These programs have been beneficial in other cities such as Idaho Falls. The City of Rexburg wrote off about $5,000 last year in uncollected utility fees.

Requirements for customers to be eligible to use this program:

- Must be a City of Rexburg residential customer with a utility bill account number in their name, and only for a single family unit.
- Can only receive assistance from the program once every 12 months.
- Assistance can only be received for a maximum of two month's delinquent amount, and the customer must have received a delinquent notice.
- Must complete the application and be approved by Madison county Indigent Services.

Those wanting to be accepted for this program, they would have to go to Madison County and approval would happen at that level.

Council Member Erickson asked if the funds would be just for city residents. Deputy Finance Officer Nielson said it will only go towards city residents needing assistance.

Council Member Young asked why a third party was needed to administer these funds. Deputy Finance Officer Nielson explained a third party helps the process to be as fair as possible without subjectivity.

Mayor Larsen suggested if someone is having a hard time paying utility bills for a time, they may also be having a hard time buying food etc. Charlotte Haderlie, who works with the indigent fund, knows who may be trying to abuse the program and who could really benefit from the assistance.

Council Member Erickson said this program really won't cost the city anything.

Council Member Schwendiman said he likes having a third party because it is harder to take advantage.

Deputy Finance Officer Nielson explained financial proof is required to be filled out in order to qualify for the program.

Mayor Larsen commended Deputy Finance Officer Nielson on his efforts to get this type of program in place.

Council Member Stevens asked what happens if someone qualifies, but there is not money in the fund. Deputy Finance Officer Nielson said a clause could be put in somewhere that says it is only available if funds are available.

Deputy Finance Officer Nielson said this may take a few months to get in place. He will come back to the city council with a resolution.

Calendared Bills and Tabled Items:

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

Mayor's Report:

Calendar:
October 25: Ribbon Cutting for new ECIPDA building at 1 P.M
November 7: City Council Meeting at 7 P.M. (Council Member Erickson will not be at this meeting)
November 14: Orchestra Concert at 7:30 P.M.
November 13-17: National League of Cities in New Orleans
November 28: City Council Meeting at 7 P.M (changed from November 21)
November 28: Work Meeting with Planners at 6 P.M
November 30: Street Lighting
November 30: Fall Idaho League of Cities Conference

Adjournment

_____
Shawn Larsen
Mayor

Attest:

_____
April Howard
Deputy City Clerk