

Customer Support Services

City Council Minutes

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CITY OF
REXBURG
America's Family Community

August 15, 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: Council Member Mann asked to be excused. All others were present.

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 August 01, 2007 meeting
- B. Approve the City of Rexburg Bills

Council Member Young moved to approve the Consent Calendar; Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

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

Mayor Larsen welcomed the boy scouts to the City Council meeting and asked them to introduce themselves.

Presentations:

- A. Introduce Rexburg Municipal Code – Jericho Cline, Ellen Tew**

Mayor Larsen introduced Jericho Cline and Ellen Tew to the City Council for the presentation. They gave a power point presentation showing examples of the Rexburg Municipal Code.

Jericho Cline explained the codification for this Municipal Code began about two years ago. It is a compilation of existing city ordinances. The code excludes non-regulatory ordinances. It is a living document so future ordinances can be added as the City Council approves new city code. The code allows individuals to search ordinances quickly and in one document. It will be available as a hard copy in City Hall or online.

Ellen Tew explained two different versions of the code. One version will be online and one version under construction as new code is approved. The web site will have a link to the Idaho State Statutes. An instruction manual has been created to help future interns keep the code updated as ordinances are adopted and amended. She explained the search tools online to find information in the Rexburg Municipal Code.

Jericho Cline explained the index will be updated until it is at least 10% of the document.

Council Member Young moved to suspend the rules for adoption of BILL 985. Council Member Benfield seconded the motion. Roll call vote:

Those voting aye

Randy Schwendiman
Farrell Young
Donna Benfield
Rex Erickson
Bart Stevens

Those voting nay

None

The motion carried.

Council Member Young moved to approve and adopt BILL 985, Rexburg Municipal Code and put it online; Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

B. Urban Renewal Agency presents recommendation for LP Property on 2nd North upon Riverside Park Committee's proposal

Mayor Larsen introduced the Urban Renewal Agency explaining the proposal on the Riverside Park Project. It has been an ongoing effort to seek funding for this project. Part of the funding is from Congressional Appropriations fund \$350,000 plus state support and Urban Renewal monies raised locally. This project will not cost tax payers any additional money.

Marilyn Fife from the Urban Renewal Agency introduced the project. The Urban Renewal Agency was started in 1990. There are nine members including: Glen Pond, Marilyn Fife, Kimber Ricks, Richard Horner, Jon Weber, Farrell Young, Joseph West, Brad Smith, and Mayor Larsen. Projects the Urban Renewal Agency has been involved with include: the 2nd East and North Highway project included a bridge and street light when Wal-Mart came to Rexburg; Trails along the river at the Nature Park are part of the project in the 2nd East Urban Renewal project. The Main Street project for Broulims was the second project including a street light on Main and 1st West. The third area is the Walgreen's project on East Main Street. The agency has formed a committee to find funding for a swimming pool. The committee has worked hard to come up with a plan that represents the best solution for a swimming pool in Rexburg. Ms. Fife explained the committee traveled to other cities in Utah to find solutions for Rexburg's swimming pool project. She referred to the spray park in Porter Park as a facility that draws people into Rexburg.

Neil Floyd explained the process for seeking a development with a swimming facility for Rexburg. The biggest challenges are the amount of land and money available. There is never enough money. The committee had to make some tough decisions to stay within the available funding from the Urban Renewal Agency. They did town hall meeting and surveys. Everyone who felt passionate enough provided input to the committee. The goal was to find middle ground the community would support. A problem with today's children is that they are more passive than previous generations. This proposal should help the youth get outdoors and participate in recreational activities at this facility. An indoor pool was the preference; however, an indoor pool would put a heavy burden on the community. Therefore an outdoor pool was recommended. Priority One was water recreation; Priority Two was an indoor recreation facility with soccer fields, basketball, softball, etc. Right now families are going outside the city for recreation activities. The committee will seek in-kind work, etc. to keep the costs down.

John Watson from JRW & Associates presented the proposal for Riverside Park with a drawing showing the initial phase and future phases for the park. Picnic areas, rock climbing areas, etc. can be added to the drawing at a later date. Phase I would be an outdoor water facility with some landscaped areas, entrance to the park, and the swim park. Phase II the drawing showed ball fields, future indoor pool and recreational building, soccer fields, practice fields for infield practice and T-ball games along with softball diamonds. Phase I will include some parking and streets for access. Phase I could proceed to bidding next spring if approved.

Council Member Stevens asked about the Zollinger building. It will be the future building for the Recreation Department.

Finance Officer Horner said there is projected funding for Phase I. The project will cost \$4-\$8 million depending on how much funding is available. Upon City Council approval, bonds could be sold by April 2008 to start the construction project in the spring. Council Member Young asked about the projected funding. Finance Officer Horner explained it was a question of when the money would be available, based on growth in the development area and getting the paperwork done. It is not a city liability on the sale of bonds.

Neil Floyd said the banks will control the amount of the bond. The bond is based on the available revenue from the taxing district. The taxing district will expire in 2022. The funding from federal and state sources is not included in the proposed revenue if the funds have not been committed to the Urban Renewal Agency.

Council Member Erickson asked if the agency will come back to the City Council with some definite numbers before it comes back for final approval. Finance Officer Horner said they will have definite numbers before it is up for final approval. They are asking for City Council approval now just to move forward with the project so they can get bonding, etc.

Council Member Schwendiman asked if the county would participate in this project since county residences will benefit just as much. Finance Officer Horner said this is something that could happen, but it may take a few years.

Council Member Benfield asked if the estimate for the project could be tied down to a more definite number. Finance Officer Horner said it is like an actuary from a bank. They will give a number and then the banks will hold 10% in reserve.

Mayor Larsen explained the process.

Council Member Stevens asked when the Redevelopment Area was amended. The area was amended in 2005. K-Mart was excluded from the Redevelopment Area. The LP property was added to the 2nd East redevelopment area in 2005.

Council Member Benfield asked about facility maintenance costs. Neil Floyd explained future costs should be covered by usage fees from the facilities. He said the rate structure has not been finalized. The facility in Ogden, Utah will be the closest facility to the proposed Rexburg facility.

Council Member Stevens asked if Park Impact Fees could be used for this facility. Finance Officer Horner said impact fees could be used; however, it has not been included in the proposal. Most break even or make a little money.

Council Member Schwendiman asked about \$130,000 left on the old bond. It is to pay off the bridge on 2nd East. \$200,000 is owed on the property. Administrative fees of \$653,000 are for the underwriter and bond attorney. In the future the underwriter expense should be eliminated. Finance Officer Horner said meeting minutes are needed to manage the Redevelopment Areas.

Council Member Erickson likes the plan. CK Chan would be willing to grant an easement for the Northeast access. He wants to have the numbers on construction and maintenance refined before making a decision. Finance Officer Horner explained before judicial validation the City Council needs to approve the process to proceed.

Council Member Schwendiman asked if this proposal could be part of a recreational district. Yes, if the county can create a recreational district with voter approval. He wanted to go forward with a recreation district.

Council Member Benfield asked how deep the swimming pool would be. The pool is a zero entry pool going to 3 ½ feet at it's deepest. There will be a large toy in the middle of the pool and a lazy river going around. It will have a 30 foot tower with 2 slides coming off the tower. It will allow

swim lessons, water aerobics, etc. The only thing the pool will not accommodate is laps. A lap pool is a financial burden. Jack Bowman explained flat water does not make money.

Council Member Erickson moved to allow the Urban Renewal Agency to proceed with the project with the understanding that financial numbers will be needed before final approval; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Committee Liaison Assignments for 2007:

- A. Council Member Chris Mann *Parks & Recreation· Museum Committee· Romance Theatre Committee*
- B. Council Member Donna Benfield *Beautification Committee· Police Department*

Council Member Benfield reported that a Homeland Security grant is sending six officers from the Police Department to New Mexico to receive training. They will then come back to Rexburg and train all the other officers.

- C. Council Member Rex Erickson *Airport Board· Planning & Zoning*
- D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*
- E. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*
- F. Council Member Bart Stevens *Trails of Madison County· IBC Committee· School Board*
- G. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

Public Hearings:

C. 8:00 P.M. – Utility Fee Increase (Resolution 2007-09)

Finance Officer Horner explained the past hearing was not published; however, it was published correctly for this public hearing.

Mayor Larsen opened the public hearing.

Those in favor of the utility increase – NONE

Those neutral to the proposed utility increase – NONE

Those opposed to the utility increase: NONE

A letter from Hazel Struhs was put on the record in opposition of increased utility fees.

Mayor Larsen closed the public hearing.

Council Member Erickson moved to approve Resolution 2007-09; Council Member Stevens seconded the motion; Discussion: Council Member Schwendiman asked about the tipping fees. Finance Officer Horner explained the tipping fees were estimated at \$500,000; however, the actual expense is closer to \$530,000-\$550,000.

All voted aye, none opposed. **The motion carried.**

New Business:

A. Planned Unit Development – Founder's Square located east of Sunrise Drive on 2nd East

Brent Coles reviewed the preliminary plat for Planned Unit Development Founder's Square on the overhead screen. He explained the development for Founder's Square contains 109 lots. Jon Carlson is the construction manger; Judy Hobbs has worked on the marketing side for salability. Other team members were present. Mr. Coles thanked the City Council and the Planning Department working with his team through the development of the PUD Ordinance. The vision of Founder's Square is a community vision friendly to the neighborhood. He compared a traditional neighborhood to the Founder's Square development. There will be a neighborhood plaza, tree lined streets, boulevard entryways, and a neighborhood park. It will consistent of a colonial theme. It is medium income development. There will be three trees for each home plus two more trees in the sidewalk planter strip for each home. There will be a total of about 600 trees on 36 acres. Landscaping will be required before occupancy.

Council Member Stevens asked about plans to develop the north half of Sunrise Drive. Public Works Director John Millar said Sunrise Drive will be an arterial road so the city will build the south half now. It will be a 37 foot road. The developer will be responsible for 22 feet of asphalt for the road when development begins on the north side of Sunrise Drive.

Council Member Benfield asked about run-off problems on this property. Public Works Director Millar explained the property owners have been asked to buy into a storm water storage area paid by the property owners as the properties develop. The storm water system will be on the north side of Sunrise and the east side of 2nd East. Storm water and sewage will come into a central pumping station for adjoining landowners.

Council Member Stevens verified the properties will have a 10 foot utility easement inside the property line. Properties on the entryway into the subdivision will have 15 foot setbacks and all others will have 10 foot setbacks.

Council Member Schwendiman reviewed the access into the area and the tree lined streets.

Council Member Stevens moved to approve preliminary plat Planned Unit Development for Founder's Square located east of Sunrise Drive on 2nd East; conditioned on the approval of city staff and changing some street names (Franklin Drive for example). Council Member Young seconded the motion. Discussion: Council Member Erickson reminded the City Council of the Planning and Zoning's conditions. Council Member Stevens added conditions of approval to his motion, Council Member Young concurred. Mayor Larsen explained this is the first PUD proposal. Planning and Zoning Administrator Gary Leikness was asked to explain the Planning and Zoning conditions of approval.

General

1. The final master plan shall be provided which includes all required submittal standards and all conditions of approval.
2. All recommendations and requirements from the City Engineer shall be adhered to and incorporated in the submittal of the final master plan and other approvals necessary.
3. Language should be clear in the CC&Rs that no approval granted by the HOA or Architectural Committee shall violate City Code (e.g. accessory structures, building heights, fencing, location of building on lot, etc.).
4. The final CC&Rs shall be reviewed and approved by the City Attorney prior the recordation of a plat.
5. No variation from the LDR1 zone building height standard is granted. The language that suggests this in the CC&Rs shall be modified and submitted with the version submitted for review with the final master plan.
6. Requirement of the underlying zoning prevails where no specific requested variation has been considered and granted.
7. The City's clear vision area of 30-foot shall be observed. These areas shall be clear of all permanent and temporary obstructions. Driveways shall not be included in the clear vision areas as parked vehicle will constitute a temporary obstruction. Vegetation and fencing in these areas shall follow City standards.

Performance Standards

8. Natural Features- The development intends to incorporate the hillsides as undeveloped areas. Hillsides shall include a conservation easement that precludes any development of these areas, other than identified park areas. This easement shall be shown on the final master plan, and ultimately on the recorded plat.
9. Utilities- All new utilities must be placed underground.
10. Water Conservation- The final master plan shall show how, in sufficient detail how the proposal will incorporate low volume irrigation systems throughout the landscaped areas of the development.
11. Individual lot owners shall be required to incorporate low volume irrigation systems throughout their landscaped areas; this requirement shall be stated in the CC&Rs under Section 4.13.
12. Refuse Bins- Individual trash bins shall be screened from the public right-of-way on days of no trash service in the neighborhood.
13. Future trash receptacles intended for trash service pick-up and that are placed in the common areas such as proposed parks must be screened in a manner that is similar in material and character of the neighborhood. This shall be incorporated in the final CC&Rs.
14. Glare Reduction- The proposal must adhere to the City's lighting standards.

Common Open Space

15. Required Common Open Space- Each PUD must provide at least 10% of the gross area as open space and recreational area. The applicant is proposing collectively 2-acres. As the gross area is 36-acres, this requires the developer to incorporate 1.6 additional acres for open space/recreation area. This shall be incorporated in the final master plan application.
16. Maintenance- As the common areas are proposed to be private rather than public, the homeowners association shall be responsible for common space maintenance. Until such time as a homeowners association is established, the applicant or owner of record shall be responsible for all maintenance of common areas and all unsold lots.

17. Hardscape- In order to determine hardscape percentages the final landscape plan, submitted with the final master plan, shall provide detailed information on hardscape percentages.
18. Common Activity Areas- Playground equipment or pathways with benches and tables through natural or landscaped areas shall be shown on the final landscape plan to be submitted as part of the final master plan application.
19. Landscaping Per Unit- The landscaping language found in the PUD ordinance shall be included in the final CC&Rs.
20. Water Conservation- The final landscape plan shall identify drought tolerant species being used and where zones are located within the common space areas that can maximize water conservation by incorporating plants that have similar water usage demands.

Master Plan Approval Time Limitations

21. The preliminary master plan shall expire within two and a half years of approval if a final master plan has not been reviewed and approved by the City within that time.
22. A complete final master plan must be submitted within 1.5 years of approval of the preliminary master plan or the preliminary master plan will expire.

Brent Coles said these conditions are fine. Council Member Stevens amended the motion to include the conditions required by Planning and Zoning. Council Member Young concurred. The developer said the 20 foot setback for the front property should go to the foundation. The side yard is 5 foot and the architectural features should not extend 18 inches beyond the foundation. Council Member Erickson asked the developer to amend article 6 in the development application to include these changes. Planning and Zoning Administrator Leikness explained this is for the approval of a preliminary master plan and plat. All voted aye, none opposed. **The motion carried.**

B. Conditional Use Permit – 12th W & 7th S – Burton Elementary School

John Watson of JRW & Associates reviewed the proposal on the overhead screen. This Conditional Use Permit (CUP) is for the Burton Elementary School on 12th West and 7th South. They are doing a traffic study on the site before coming forward with the CUP request for the new high school. Keller and Associates along with Winston Dyer and John Millar will work on traffic plans. Currently, the property the school is on is zoned as TAG 1 which requires a CUP. The school district recommends having schools on at least 15 acres. Burton Elementary is on 13 acres.

Council Member Young asked if it is required to have schools on at least 15 acres. John Watson explained this is just recommended, the school district is okay with the 13 acres Burton Elementary is currently on.

Council Member Erickson asked if on 12th West and 7th South the school could culvert all the way to the end of the property for pedestrian safety. Children will be walking from the east and north to the school. A fence around the ditch will be a trash catcher. JRW concurred with the need to culvert all the ditches around the school area. The Planning and Zoning conditions are agreeable to the owner.

Council Member Erickson moved to approve the Conditional Use Permit for Burton Elementary with the conditions outlined by city staff and with the condition a culver ditch is put in all the way down from 12th West to proposed school site. Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

C. Conditional Use Permit – 575 W 7th S – Madison Middle School Modular Classrooms

Nick Holmes presented the Conditional Use Permit (CUP) requested for a modular classroom at Madison Middle School. This would be a temporary situation to be placed next to the building for approximately two years.

Planning and Zoning Administrator Leikness said the Planning Commission recommended approval of this CUP at a different location. The Planning Commission wanted the structure out of the public right of way. The lawn area was not anticipated in the Planning and Zoning conditions. Council Members Erickson said this is the best place to put the modular classroom where it is close to the building, restrooms, etc. Council Member Stevens agreed this was a good location for the modular classroom.

Winston Dyer said Planning and Zoning would support the location on the grass.

Council Member Young asked if there would be a two year stipulation on the motion.

Council Member Erickson moved to approve the Conditional Use Permit for modular classrooms at Madison Middle School with a two year stipulation; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

D. Approve FAA Grant for Rexburg-Madison County Airport – AIP#3-16-0031-008

Public Works Director John Millar reviewed the proposal for the city to accept the grant money of \$600,000 for the city and county. He asked the City Council to give the Mayor authorization to execute the grant.

Council Member Benfield moved to approve the FAA Grant for Rexburg-Madison County Airport; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

Mayor Larsen explained the plan to extend Pioneer Road onto Main Street in a straight line. One of the properties has a life estate. A new road will be constructed to straighten out Pioneer Road after the life estate has expired.

E. Set date for Public Hearing to amend the 2007 Budget – Staff

Finance Officer Richard Horner explained the need to amend the 2007 Budget to add new revenues and expenditures before the 2007 Appropriation Budget can be closed out. The appropriation ordinance for the City of Rexburg, Idaho, for the fiscal year commencing October 1, 2006, and ending September 30, 2007, be and the same is hereby amended as follows:

PROPOSED ADDITIONAL EXPENDITURES	
RECREATION FUND SMALL PROGRAMS	16,000
BUSINESS PARK DEBT PAYMENTS	140,000
POLICE IMPACT FUND TRANSFER TO SHELTER	140,000
POLICE ANIMAL CONTROL SHELTER FUND	80,000
JOINT FIRE EQUIPMENT PURCHASES	15,000
RIVERSIDE PARK DEVELOPMENT	6,000
STREET REPAIR FUND CONTRACTS	1,000,000
STREET NEW CONSTR. & CONTRIBUTED CAP	1,200,000
MAYOR'S YOUTH COMMITTEE FUND	7,000
AIRPORT FUND LAND PURCHASES	660,000
GOLF COURSE TRANSFER TO CONST. FUND	30,000
GOLF COURSE CONSTRUCTION	300,000
SEWER PLANT CONSTRUCTION	1,000,000
LID 37 CONSTRUCTION	20,000
LID 38 CONSTRUCTION	400,000
TOTAL EXPENDITURES	\$5,014,000

ESTIMATED ADDITIONAL REVENUES	
RECREATION FUND SMALL PROGRAMS	16,000
BUSINESS PARK LAND SALES	60,000
REVOLVING LOAN FUND TRANSFER	80,000
GENERAL FUND LOAN TO POLICE IMPACT FEE	220,000
JOINT FIRE EQUIPMENT FUND CARRYOVER	15,000
EPA GRANT	6,000
STREET FUND TRANSFERS	1,200,000
STREET CONTRIBUTED CAPITAL	1,000,000
MAYOR'S YOUTH COMMITTEE FUNDRAISERS	7,000
FAA GRANT	660,000
GOLF COURSE FEES	30,000
GENERAL FUND LOAN TO GOLF COURSE	300,000
SEWER HOOKUP FEE CARRYOVER	1,000,000
LID 37 ASSESSMENTS	20,000
LID 38 ASSESSMENTS & CDBG GRANT	400,000
TOTAL REVENUES	\$5,014,000

Council Member Schwendiman discussed the proposed changes in the 2007 Budget with

Finance Officer Horner.

Council Member Benfield moved to set public hearing date to amend 2007 Budget to 5th of September, 2007 at 8:00 P.M.; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Staff Reports:

A. Public Works report on Projects: John Millar

- 2nd West reconstruction is on schedule to be complete the 2nd week in September
- Storm sewer project on 7th South is done
- Teton River diversion repair complete
- Waste Water Treatment Plant is 70% complete and going well
- Seal coating project is almost done
- LID 36- (Sunrise Drive, 4th North and 3rd East) is going to bid in 10 days
- Alley parking lot project is out to bid
- City Hall air-conditioning contract has been awarded--it will cost approximately \$37,000
- South Arterial is going well and will be paved this fall
- Lighting in Porter Park on schedule to be done in 2-3 weeks
- Water running over 7th South from ball fields will be fixed
- Road by Veterans Memorial will be done next week

Council Member Erickson asked if the hospital would participate in fixing the problem on 4th East by Smith Park. The hospital will probably not participate in this. This needs to be taken care of next year. Council Member Erickson also asked what agreement the city had with the hospital on landscaping on Morgan and Reed. It is to be done this year. The hospital will meet the schedule.

B. Financial Officer Report: Richard Horner

1. Monthly Budget summaries

Finance Officer Richard Horner explained the budget is falling in line. This budget summary includes 10 months of the fiscal year ending July 31, 2007.

Council Member Benfield moved to approve the monthly budget summary; Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

Calendared Bills and Tabled Items:

A. BILL Introductions: - NONE

1. **BILL 993 Amend Appropriation Budget for Fiscal Year 2007**

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

1. **BILL 985 Ordinance Codification**

Council Member Young moved to suspend the rules for adoption of BILL 985. Council Member Benfield seconded the motion. Roll call vote:

Those voting aye

Randy Schwendiman
Farrell Young
Donna Benfield
Rex Erickson
Bart Stevens

Those voting nay

None

The motion carried.

Council Member Young moved to approve and adopt BILL 985, Rexburg Municipal Code and put it online; Council Member Benfield seconded the motion. All voted aye, none opposed. **The motion carried.**

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

1. **BILL 992 – Annual Appropriations Budget for 2008**

Finance Officer Horner explained no changes have been made except the estimated construction revenue was \$9,700 less however, the balance carry over covered the difference, so there is really no changes to the appropriations budget for 2008.

Council Member Young moved to consider BILL 992 second read; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

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: - NONE

Mayor's Report: - NONE

Executive Session:

Council Member Erickson moved to go into executive session pursuant to State Statute 67-2345 on contract negotiations. Council Member Stevens seconded the motion. Roll call vote:

Those voting aye

Farrell Young
Donna Benfield
Bart Stevens
Rex Erickson
Randy Schwendiman

Those voting nay

None

Executive Session

Executive Session ended

Adjournment

Mayor Shawn Larsen

Attest:

Blair D. Kay, City Clerk