

City Council Meeting

May 07, 2008



CITY OF
REXBURG
America's Family Community

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May 07, 2008

Mayor Shawn Larsen

Council Members:

Christopher Mann – Council President
Rex Erickson Randy Schwendiman
Bart Steven Richard Woodland
Adam Stout

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. City Hall – Pledge to the Flag

Roll Call of Council Members: all present

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

Presentations:

A. Proclamation 2008-04 “Women’s Heart Week” – Vanessa Cannon

Vanessa Cannon explained this is a nation wide campaign. She is a nurse at the hospital and has seen heart problems with women first hand. She proposed to have the city support the Women’s Heart Health Week.

Mayor Larsen asked her about participating in a walk this fall.

PROCLAMATION
No. 2008 – 04
Women's Heart Week

Whereas, the **City of Rexburg** celebrates the extraordinary progress in women's heart health and recognizes more needs to be done in **Rexburg** to safeguard women's health for generations to come.

Whereas, heart disease is the No. 1 killer of women and one in four American women dies of heart disease.

Whereas, most women do not know heart disease is a woman's problem and they do not take it seriously.

Whereas, the risk factors for heart disease are smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, diabetes, a family history of early heart disease, and age.

Whereas, women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors.

Whereas, keeping women healthy and promoting awareness of women's health issues, including heart health, is an important responsibility and depends on the actions of many organizations and groups in our community.

Whereas, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever.

Whereas, *The Heart Truth* campaign and its Red Dress symbol are building awareness of women's heart disease risk and empowering them to reduce their risk and prevent heart disease.

Therefore, **Rexburg** women need to take action to make heart health a priority for themselves and their families, become aware of their heart disease risk, and take action to control their risk.

Now, therefore, I **Shawn Larsen, Mayor of Rexburg** do hereby proclaim **May 11, 2008 to May 17, 2008** as *The Heart Truth* campaign week and encourage all citizens to work together to promote and improve the health of women and increase awareness and understanding of women and heart disease.

BE IT PROCLAIMED: IN WITNESS WHEREOF: I have hereunto set my hand and caused this Seal of the city of Rexburg to be affixed hereto this 7th day of May in the year Two Thousand and Eight.

ATTEST:

Shawn Larsen, Mayor

SEAL

Blair D. Kay, City Clerk

Mayor Larsen asked the City Council to ratify the proclamation.

Council Member Erickson moved to ratify Proclamation No. 2008 – 04. Council Member Woodland seconded the motion. All voted aye, none opposed. **The motion carried.**

B. City of Rexburg Wellness Program—April Howard (employee committee)

Deputy City Clerk April Howard representing the employee committee explained the proposed City of Rexburg Wellness Program. City employees are very concerned with the rising cost of healthcare. The employee committee has worked to develop a Wellness Program to motivate employees and spouses to be more physically fit, get regular wellness checkups and take control of their own healthcare. She explained what kind of return on investment and success other companies with a wellness program have seen. She also discussed the many health benefits of walking and regular exercise. Regular physical activity also helps increase employee morale, reduce health care costs, reduce accidents on the job, reduce sick days and increase productivity.

Deputy City Clerk Howard explained the proposed program to the City Council. There will be three trimesters per year. The general format and the prize requirements will remain the same for each trimester. All full-time City employees and spouses eligible for insurance benefits are eligible to participate with all other City employees and spouses being eligible to participate but are limited in eligibility for prizes.

The goal is to get each employee and spouse to take at least 6,000 steps per day for the first month and increase this goal each month of the trimester. Each week a participant reaches this goal, they will get a raffle ticket. At the end of each trimester a raffle drawing will be held. Each participant will receive a participation prize.

The employee committee requested a budget of \$50 per participant per trimester to implement this wellness program. They are anticipating at least 120 employees and spouses will participate per trimester, which will equal a total of \$18,000 per year.

The council members discussed the proposal. They thought \$18,000 was a large amount of money for a wellness program. Council Member Schwendiman said he thinks there needs to be a maximum amount allotted. He does not want to have 200 participants and then have to find more money than was originally approved. Deputy City Clerk Howard said this would be the maximum amount requested. If more want to participate the prizes and awards will simply be adjusted so all who wish to participate will have the opportunity.

Council Member Mann moved to appropriate up to \$15,000 maximum for the Employee Wellness Program. Council Member Stevens seconded the motion. All voted aye, none opposed.

The motion carried.

Committee Liaison Assignments for 2007:

A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*

Council Member Mann reported the Beautification Committee met this afternoon. They are planning to plant flowers in the island at Main St. and 2nd East on May 19, 2008 at 6:00 P.M. They are also planning on doing beautification awards this year. Christmas lights will be replaced on Main Street as well. Other projects such as beautifying road entrances or possibly starting an “*adopt a street*” program are being discussed. The Museum Committee met. The attendance numbers are up this month. Their new curator is doing a great job as well. Emergency Services met and went into executive session immediately to discuss some issues.

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

Council Member Erickson said the Golf Board has not met, but they are planning a walk around on the new 9-hole golf course the first week in June. Planning and Zoning met last week with a couple of items on tonight’s agenda. Council Member Erickson indicated the oversight team is meeting monthly with the Community Development Department. Mayor Larsen reported the Community Development Department has hired a new receptionist.

C. Council Member Bart Stevens *Airport Board · Romance Theatre Committee · MYAB · School Board*

Council Member Stevens reported the Police Department is doing a great job. He explained they received a huge compliment this past week as a criminal case in the area was solved. When the criminals were questioned, they said they wouldn't mess with Rexburg because of their police force. Mayor Larsen reported on a project for the MYAB that took place May 3, 2008 to put stickers on 571 storm drains reminding people not to put dangerous chemicals in the storm drains as these drains lead to the river or into the aquifer. These drains do not go to the waste treatment plant. There were about 50 youth who participated with about 50% of the drains being marked. Chuck Velman from the Water Department coordinated the event.

D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*

Council Member Schwendiman reported the Traffic and Safety Committee met last night. They discussed a few issues in the city. There are some areas that may need crosswalks enhanced as well as reduced speed limits. They are looking for additional locations for the enhanced crosswalk signals. Parks and Recreation has not met, however he reported Kristy Geisler applied for an \$8,000 grant for two sun shades at the spray park and got word this week that this has been awarded to Rexburg.

Mayor Larsen asked the City Council to ratify the name of Kerry Denney to serve on the Parks and Recreation Committee.

Council Member Mann moved to ratify Kerry Denney to the Parks and Recreation Committee. Council Member Stout seconded the motion. All voted aye, none opposed. **The motion carried.**

E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

Council Member Woodland reported the Arts Council has started their orchestra concerts. They will have a concert each Wednesday night at 7:30 P.M. during the summer. The Tabernacle Committee will be receiving a bid on the handicap ramp. The location of the ramp is still being discussed. The Tabernacle is a wonderful facility, however, it needs some care.

Mayor Larsen explained the Arts Council is being reorganized and will now have a representative from the Westwood Committee, the Tabernacle Committee and the Museum Committee. This will help the Arts in Rexburg be more efficient and work together. They will do fund raising activities and continue to seek other grants. Mayor Larsen asked the City Council to ratify Kriss Jacobson as the Chair for the Arts Council. He commended Margaret Arnold on her efforts as the Arts Council Chair.

Council Member Woodland moved to ratify Kriss Jacobson as the new Rexburg Arts Council Chair. Council Member Stevens seconded the motion. All voted aye, none opposed. **The motion carried.**

F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*

Council Member Stout reported the Legacy Flight Museum is working on the air show that will take place June 14, 2008. He asked Council Member Erickson if the golf course could be closed the night before the show to allow the pilots to practice for the show. Council Member Erickson understood the golf course would be closed that evening. He will follow up on the item. Council Member Stout said the Trails of Madison County will meet tomorrow.

Council Member Mann mentioned that he, along with Council Members Stout and Stevens, met with the county to discuss the addressing problems.

Public Hearings:

7:20 P.M. - PRO-Zone (Project Redevelopment Option) – Hemming Properties

Richie Webb at 133 South 2nd West representing Hemming Properties reviewed the proposal to develop their project under the umbrella of a PRO-Zone. The principals in the project are Richie Webb, Val Hemming, Lane Hemming, and Reginald Richie. They presented some new and improved PRO-Zone language they have developed to address the concerns of the Planning and Zoning Commission. The city staff recommended the PRO-Zone for this development; given the mixed use nature of the project. They have been busy working through the language of the PRO-Zone to incorporate the recommendations of the city staff. He reviewed the scope of the project on the overhead screen. Reginald Richie is the architect for the project. Planning and Zoning approved the language in the PRO-Zone with a unanimous vote. Since the Planning and Zoning approval, they have modified the PRO-Zone language to incorporate the recommendations of the Planning and Zoning Commission including the comments, suggestions, and recommendations of the city staff. Therefore, the copy of the PRO-Zone language before the City Council tonight is the recommended new and improved version. Mr. Webb pointed out some specific items in the PRO-Zone language highlighted in this project. He wanted to review the following items during the presentation.

- 1. Comprehensive Plan approval process for this development**
- 2. Boundaries for the PRO-Zone**

Mr. Webb noted adjoining property on 1st South including Breckenridge Apartments on 2nd South have been purchased by Hemming Properties since their application was filed with the city. They will file a future request to include these two properties in the Comprehensive Plan Amendment for this development.

Council Member Erickson clarified the ownership of the property on the corner of 1st South and 1st West belonging to Hart Investments. Mr. Webb indicated Hemming Properties own all of the Properties on 1st South running between 1st West and 2nd West excluding Hart Investments. They are in discussions with the church to exchange property for the church parking lot on 1st South from the south side of the street to the north side of 1st South. D&L property on the corner of 2nd West and 2nd South is not part of the project; however, Hemming Properties are in ongoing discussions with them. The Real Estate Office adjoining D&L Cleaners in the same building is part of the Hemming Properties PRO-Zone proposal.

Mayor Larsen indicated the hearing tonight is to review for approval for the proposed PRO-Zone application for the Hemming project. City Attorney Zollinger agreed the PRO-Zone is an option available to developers for requesting specific features in a proposed development. Mr. Webb clarified their intention to develop the entire PRO-Zone area over time; however, Planning and Zoning has requested a plan to develop the PRO-Zone area in phases allowing the Planning Commission and the City Council to weigh in on the development as it develops. He reviewed the buildings and plans for development in three phases. The first phase of the project would be a building constructed along 2nd South containing retail on the first level and office space on the second and third levels. The second building would be constructed on the south side of 2nd South containing retail on the first level and loft type apartment units above the first level on the 2nd and 3rd levels. The third building in phase one will be a lodge, hotel and conference space. Future

development plans in the PRO-Zone will come before the governing bodies as they move beyond phase one.

Mr. Webb noted one building would have approximately 14,000 square feet of retail space and 20,000 square feet of office space on the 2nd and 3rd floors. The second building will have approximately 30,000 square feet of retail space on the first level and 24,000 square feet of living space (21 condo type units) on the 2nd and 3rd levels. The hotel lodge will be about 40,000 square feet comprised of available conference space (occupancy for 200 to 250 people) including 55 to 60 rooms.

Reginald Richie graduated from architectural school in 1966 and did his architectural work in Philadelphia. He indicated they have been working on this project for about two years. They plan to start construction in about a month. The architecture will be reminiscent of the architecture Rexburg formerly knew with the good old architecture of Ricks College. The shape of the older roofs, past efforts done, and materials used will be part of this project. The materials will be native materials to Idaho like Idaho travertine. The steep pitched, unpainted metal sloped roofs with dormer windows reminiscent of Ricks College will change into some very nice soft tones as they weather naturally. Their desire is to build adaptable “LEEDS or silver status” buildings that are reusable models. LEEDS is “Leadership in energy and environmental design” which is building buildings that are leading in energy and environmental design.

NOTE: From Wikipedia, the free encyclopedia

The move towards LEED and green building practices has been driven greatly by the tremendous benefits which are a direct result of implementing a green approach. Green buildings use key resources more efficiently when compared to conventional buildings which are simply built to code. LEED creates healthier work and living environments, contributes to higher productivity and improved employee health and comfort.

Mr. Richie indicated the type of construction for Hemming Properties would be “LEEDS” buildings that will last 100 years. They want these buildings to be a model to follow for Rexburg development. They are moving away from building designs that are torn down in 3-5 years because they are not flexible and sustainable, so they can’t be reused. The new buildings will be constructed of concrete and steel. They have worked very hard to keep the building’s shadows out of other buildings. Their development is planned with a lot of open space. They hope to keep the apple orchard in the back of the old Hemming property. They want open space for people to assemble for summer events. The rest of the property will be built in a flexible and sustainable way. Their buildings will be open and accessible with ground source heating where possible.

The first building to the south will have large open dormers allowing natural light with solar heat. On the third floor open balconies will allow natural ventilation with minimal air conditioning. In the winter time the building will capture the sun to assist in heating the building. The insulation standards are very high for a tight building. The indigenous trees will give shade in the summer and allow the sun to come in the windows in the winter. The 2nd South Street will be very lively retail street with 20 foot concourse in front of the buildings. The traffic will have reverse diagonal parking and the pedestrian traffic will have easy access to cross the street.

They hope the development will be an adjunct (appendage) to serve as a bridge from BYU-Idaho to Rexburg’s downtown Main Street. The parking will allow safe access to the building. When this building is completed they will start work on the hotel on the south side of 2nd South. In the long range by infilling, the women’s and men’s housing will be converted to high quality low density downtown residential housing. It will be designed for family housing, instead of student housing.

The development will be pedestrian friendly with ice free sidewalks heated by an underground thermal heat source.

Mr. Webb continued to explain the proposal by referring to the information packet.

Council Member Erickson reviewed the entire PRO-Zone area and asked if the plan was to seek approval for the entire area or just Phase 1. Mr. Webb explained Planning and Zoning recommended moving forward with the project in phases. The first phase consists of three buildings on both sides of 2nd South.

PRO-Zone area



Phase One

1. Retail and Office space – 14,000 square feet of retail space and 20,000 square feet of office space on the 2nd and 3rd floors. (Parking available behind the building and on the street excluding the hours needed for plowing snow)
2. The second building will have approximately 30,000 square feet of retail space on the first level and 24,000 square feet of living space (21 condo type units) on the 2nd and 3rd levels.
3. The hotel lodge will be about 40,000 square feet comprised of available conference space (occupancy for 200 to 250 people) including 55 to 60 rooms. (Parking below ground or parking structured above ground). They are committed to comply with the parking code ratios.

They initially asked for a reduction in the parking ratios for mixed use (general merchandise) buildings. The parking code for general merchandise buildings is four parking spaces per 1,000 square feet of floor space and they petitioned the City to reduce the general merchandise requirement to 2.5 parking stalls per 1,000 square feet of floor space. Mr. Webb indicated they have decided to honor all of the parking code requirements for the City. The parking requirement will be satisfied with “onsite parking” and “on street parking.”

City Parking Regulations:

1. *Single family dwellings (LDR) 2.0 spaces per unit*
2. *Multi-family dwellings (MDR) 2.0 spaces per unit*
3. *High Density Residential (HDR) & HDR2*
 - 1 bedroom 1.5 spaces per unit
 - 2 bedroom 2.0 spaces per unit
 - 3 bedroom 2.5 spaces per unit
4. *Student housing 1 space per student*
5. *Multi-family dwellings for the elderly 0.7 spaces per unit*
6. *Nursing homes 0.25 per bed*
7. *Motels and hotels (transient lodging) 1.00 per sleeping room*

Mayor Larsen asked how the winter parking regulations (November to March) would affect this proposal. They do not plan to use the streets in the evening, so the streets can be cleaned in the winter. They plan to contribute to the snow removal process with the City.

Council Member Stout asked if they are planning to preserve the student parking. Mr. Webb said “That is correct.” They plan to have parking behind the building on the south side of 2nd South.

Council Member Erickson was concerned with the on street parking near the University. Mr. Webb reiterated overnight parking would not be utilized on the street.

Council Member Stevens asked about hydraulic heat. Mr. Webb clarified they will have heated concrete on the sidewalks not on the streets.

Mr. Webb referred to Planning and Zoning’s detailed discussions of the conditions. The PRO-Zone application has been modified to comply with the Planning and Zoning Commissions recommendations. They intend to vary the buildings to meet the required design standards.

The following items were conditions for approval in the Planning and Zoning minutes from April 03, 2008.

1. *Building heights - residential buildings 40 feet maximum*
2. *Building heights - commercial/mixed use buildings 52 feet maximum*
3. *Buildings/ structures not to exceed a 30,000 square feet*
4. *Parking issues and parking garage access will be determined by City engineers*
5. *Short term and long term parking standards proposal submitted to planning staff and City Council*
6. *Delineate Phase 1 of the PRO Zone, as understood by the Commission, for presentation to the City Council*

Gary Leikness wished for clarification, for the record, asking the Commission if it was correct that they had approved only Phase 1 of the Hemming PRO Zone. **Chairman Stein** stated that was correct.

Reginald Richie indicated the first building is a thin box of 55 feet with architectural design. The building will be divided into thirds for pedestrian traffic. The building has a lot of liveliness and architectural design. All of the buildings will be constructed out of heavy structural steel columns. The windows are triple glazed in some cases and some windows will open. There will be balconies and some of the siding will be fir wood.

Council Member Woodland explored the breezeways between the building sections for pedestrian traffic.

Mayor Larsen asked about the apartments exiting onto 2nd West. PRO-Zone document item 19 page 7: Vehicles entering onto 2nd West from the development will be right turn exits.

Mayor Larsen thanked Mr. Webb and Mr. Richie for the presentation and working with the City staff.

Council Member Erickson asked Thaine Robinson representing the Planning and Zoning Commission for any comments. Thaine Robinson referred to the 72 to 74 conditions laid down by Planning and Zoning and Staff. Of those conditions, only three conditions were an issue.

1. **Roof heights** (Since the buildings were set back away from the street it would be similar to a Main Street appearance).
2. **Building size** (it is not one big box. It is several stores inside the building). The project is above and beyond the Planning and Zoning minimum standards. Only 95% of commercial buildings in Rexburg meet minimum standards.
3. **Architectural design** – Thaine complimented Hemming Properties for exceeding the planning standards.

Council Member Stevens asked if the PRO-Zone was requested for the entire project.

Reginald Richie said it was their understanding the entire PRO-Zone was up for consideration; however, they would come back to the Planning and Zoning Commission and City Council to get each phase approved within 48 months, otherwise, they would have to reapply.



Phase Two and Phase Three – The next two phases will contain the remaining buildings.

Mayor Larsen opened the public hearing.

Those in favor:

Reginald Richie, Richie Webb, Lane Hemming and Val Hemming (the applicants) are in favor of this proposal.

Ted Whyte at 369 Eagle Court spoke in favor of the proposal. It is hard to implant this design in the downtown setting next to BYU-Idaho. It is always nice to have a downtown base with parking. He referred to future developments in the downtown like the Junior High property. This will help invigorate the downtown.

Dave Pincock a businessman in Rexburg spoke in favor of the project. He said it is a good mix of retail and housing and will enhance the downtown area for Rexburg. It makes a lot of sense to approve this project.

Clair Boyle representing the Economic Development Company explained development is hard to do. The Hemmings have gone above and beyond the expectations on this project. He asked the City Council to approve the project.

Christopher Cornelius at 421 East 3rd South spoke as a businessman. He said it has been refreshing to see this type of project in Rexburg. He is strongly in favor of the project.

Robert Fothier at 398 Eagle Summit works as the managing director of East Idaho Entrepreneur Center. He explained they are very impressed with this project. He highly recommends the project for approval. He is impressed with what it would do for Rexburg's downtown area.

Richard Smith speaking as a developer said he is very impressed and commended the Hemming family on their hard work. They have gone far beyond the Pro-zone designation on what is required and have set a high standard for future Pro-zone requests. It is a good project for Rexburg and encouraged the City Council to approve this project.

Those Neutral to the proposal: None
Those opposed to the proposal: None

Mayor Larsen closed the public hearing.

Council Member Erickson said the Planning Commission has spent countless hours on this PRO-Zone. He commended both the city staff and the Hemming family for a great job. He said this will work well for Rexburg.

Council Member Mann asked how much distance is between the first two buildings that will face each other in phase one. Mr. Richie explained they are a long way apart. The drawing depicts the shadow as of the 21st of December. The shadow does not come close to reaching the second building. There are hundreds of feet between the two buildings. Mr. Richie further explained he used to do architecture in Philadelphia which has narrow streets; however, the sloping roofs, etc. will allow the sun to come in to the area between the buildings. There will not be a tunnel effect on this road caused by the buildings.

Mayor Larsen asked if the building height is written into the development code as it has been presented tonight. Mr. Richie explained the development code shows the building heights allowed at four stories or 52 feet high.

Council Member Schwendiman asked if the right turn only onto 2nd West is written into the development code. It is not written as part of the development code. Mayor Larsen said this could

be part of the motion. Council Member Erickson asked if this is addressed with the zoning or if this is something to be addressed when the development agreement is done.

City Attorney Zollinger said he would feel very uncomfortable if other conditions were put into the motion for the zoning of this development. The zone is to establish what types of uses are going to be allowed. He suggested giving the direction to the building department to make sure when they are working on the development agreement for the approval of the buildings that it include the right turn only stipulation. He does not recommend making this part of the zoning approval.

Council Member Erickson moved to approve the entire PRO-Zone area with the understanding they would come back to the Planning and Zoning Commission and City Council to get each phase approved. It is also contingent upon compliance with conditions as outlined by Planning and Zoning. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

New Business:

A. Petition to review the conditions for annexation of Frandsen property

Travis Chapple a contractor in Rexburg is representing the Frandsen's. He explained this property was red tagged for building design deficiencies. The contractor before him turned in a design for a building permit which was approved, yet this contractor did not build the building correctly. They are now stuck with the problem of getting the building approved after it has been built. Mr. Chapple is proposing a design that does not meet design standards, but will make the building look much nicer than it currently does. He is before the council tonight on appeal to get this building design approved. Council Member Stevens reviewed the proposal. It has not been approved by the Design Review Committee.

Community Development Director Val Christensen explained the history of the project. The annexation minutes for this structure were reviewed. The county building design standards were not followed when this building was built. The request is to make changes to the building to mitigate the design deficiencies with the county when the building was constructed. The previous contractor basically built a box instead of the building that was approved. The county refused to go any further with their inspections because it did not meet the requirements, so the building has been in limbo ever since this time. The Frandsen's have met with the city multiple times wanting to move ahead on this project. Planning and Zoning will not budge on the original design because the original design was approved by the City Council. Community Development Director Christensen said nobody including himself or Planning and Zoning Administrator Leikness have the ability to step away from a council decision. The Frandsen's as well as Mr. Chapple were told if they want to do anything different with this building that what was proposed, they would have to bring it back before the council for the decision to be made.

Council Member Erickson explained the building was submitted and approved by the county; however, it was not constructed to the county's design standard. The city's design standards were not followed when the foundation was poured and the building was constructed as a box. The city has inherited this as a bad project when this area was annexed. The city has made a proposal that they couldn't quite meet, so now they are coming back to the city with a different proposal which is somewhere between the original proposal and the existing building. Council Member Erickson said he has been out to this building and it does not look good. This proposal before the council tonight would be a huge improvement. There are two options: 1) Make them tear the building apart and redesign or 2) Follow this proposal as presented to the council tonight.

Council Member Erickson said in all fairness to everybody this new proposal would work well. It doesn't make sense to have them tear the building down. Council Member Schwendiman and Council Member Stevens agreed.

Council Member Stevens indicated he was agreeable to this proposal due to the situation of a completed structure. Community Development Director Christensen explained the county inspector was told the building would provide extensions to the foundation; however, it did not happen.

Council Member Erickson was in favor of the proposal.

Council Member Mann requested following the city's motion in the annexation minutes.

Council Member Erickson referred to the Blair Heinz building to the north without design standards. Community Development Director Christensen indicated the city does not regulate design standards on agricultural buildings. He indicated the annexation was after the building was built. City Attorney Zollinger said the county could not enforce the city's design standards.

The City Council discussed the annexation process and the building's construction before the property was annexed. Some minutes were read to clarify the issue.

Council Member Erickson said the city inherited the problem. This proposal is a similar look to the original compromise with the design standards.

City Attorney Zollinger explained the contractor did not build to the plans submitted to the county. It is important to understand this problem would have gone the same way with the city. If the property had been annexed into the city at the time this originally began, the contractor would have made the same mistake. It was not the county's deficiency. He explained the owner committed to change the building to allow annexation; however, the roof structure would have to be torn out and a new steel roof structure would have to have been installed to allow for the build out of the design standards.

Council Member Erickson said the owner is making a good faith effort.

Council Member Erickson moved to approve the revised plan (*see next page*) and have the columns dressed up with rock and other material to make it look nice. Council Member Stevens seconded the motion. Discussion: Council Member Stevens reviewed the steel band to dress up the column to break up the column. He said this looks like a nice plan. Mayor Larsen asked if this needs to be sent back to the design review committee with a recommendation from the City Council. Council Member Stevens said he feels that this decision is up to the City Council. The design review committee will review this as the standard is now. Council Member Stout agreed it is better to approve this at the City Council level.

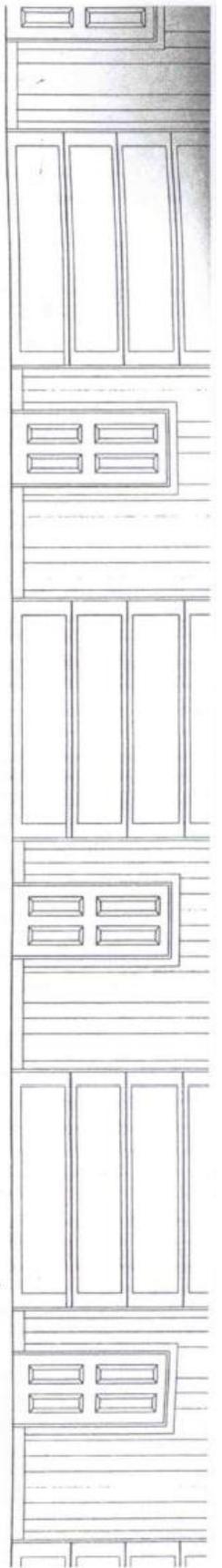
Those in favor:

Adam Stout
Randy Schwendiman
Bart Stevens
Rex Erickson
Richard Woodland

The motion carried.

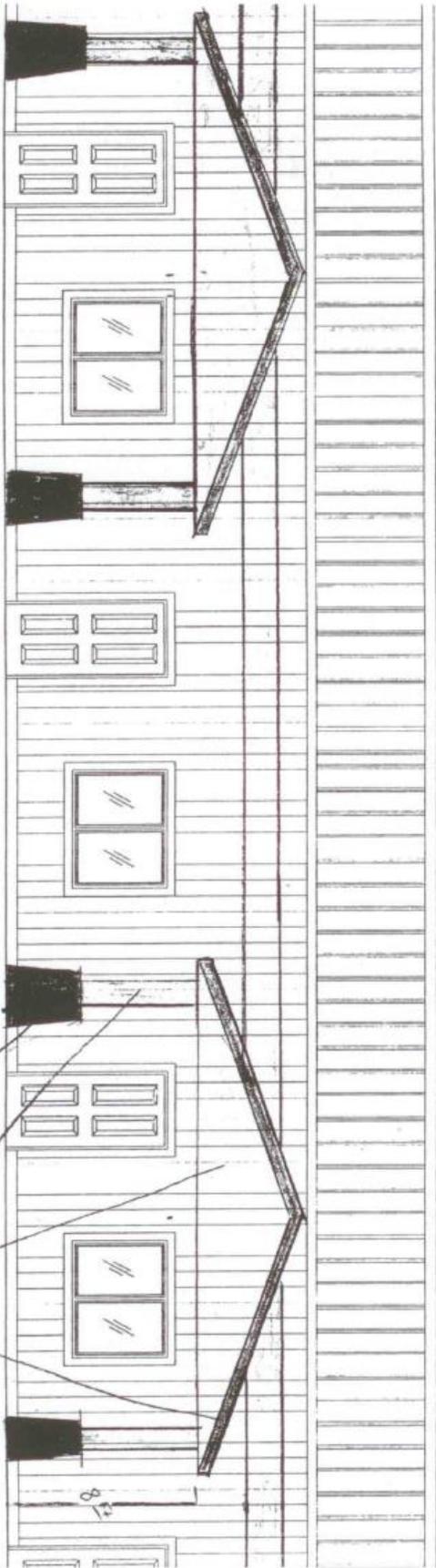
Those opposed:

Chris Mann



FRONT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

Star of Line
Stucco
Star of Line

8' 1/2"

B. Final Plat – Riverwoods Townhomes Division 3

Mike Arneson from HBH Consulting Engineers representing Riverwoods Townhomes requested approval. The final plat was approved a couple of weeks ago by Planning and Zoning. The only question from Planning and Zoning concerning the final plat was the size of the garage. They are 20 feet by 24 feet. The openings are standard 16 foot openings and the two car garages are 24 feet deep. The 11 parking stalls on the site plan are for guest parking.

Council Member Erickson indicated the proposal was approved by Planning and Zoning. The plan meets all of the requirements. The outside parking is open parking without a cover.

Mayor Larsen asked why some developments require covered parking. Community Development Director Val Christensen explained townhomes have their own garages; however, condominiums require covered parking.

Council Member Stout moved to approve the final plat for Riverwoods Townhomes Division 3; Council Member Woodland seconded the motion; all voted aye, none opposed.

The motion carried.

C. “Safer” Grant for the Fire Department to add three positions – Staff

Chief Dave Davis from Emergency Services explained they received a “Safer” grant which will to hire three additional personnel for five years. The APA requires one firefighter per 1,000 in the population. This grant will help get to this standard. He explained the cost breakdown of how this grant will work over the five years. The first year it is a 90/10 match for the city, the second year is 80/20, the fourth year is 20/80 with \$100,000 max grant. By the fifth year the city would cover the entire cost of the employees. Chief Davis explained the department has budgeted the three additional employees. Council Member Mann explained these three employees have already been pre-budgeted for 2009. The Ambulance District and the Fire District has approved the addition of the three employees. Mayor Larsen said the grant will save the city money. This grant saves tax payers money for a much needed service. He congratulated the department for a job well done.

Council Member Erickson reviewed the budget money proposed for 2008. Chief Larsen said the money was proposed for 2009 in the 2008 budget.

Council Member Mann asked how long they have to keep the employees. Chief Davis said they have to stay on for at least five years but it is recommended keeping them long term. Emergency Services hopes these three employees can start as soon as the new budget year begins in October.

Council Member Mann moved to accept the safer grant from the federal government to hire three additional employees. Council Member Schwendiman seconded the motion. All voted aye, none opposed. **The motion carried.**

Council Member Schwendiman stepped down from the dias due to a conflict of interest on the next issue.

D. Final Plat – Professional Plaza Modification Plat - Dan Dummar

Dan Dummar indicated the lots are privately owned with alleys. Dr. Doug Smith attempted to build into the alleyway; however, the alleys (used for parking) are jointly owned causing a problem financing the project outside Dr. Smith's property line. The purpose of the re-plat is to transfer the alleys from joint ownership to the adjoining property owners. Council Member Stevens asked about the sewer main in the alley. He understood there was a sewer main line in the alley.

City Attorney Zollinger indicated the requestor maintained the same exact footprint; however, the alleys were converted to a public easement for utilities. Council Member Stevens was concerned the building did not encroach into the sewer lines utility easement. City Attorney Zollinger understood there may be a water line under the building. Mr. Dummar said the building did not extend over a water line. He indicated the utilities were not going to be affected by this action. Public Works Director Millar reiterated the water and sewer lines are outside of the footprint of the building. City Attorney Zollinger indicated the petitioners understood if the utilities were not accessible, it would be at their cost to reroute the utility lines. Mr. Dummar mentioned they did not make any changes to the CCR's (Covenants, Conditions and Restrictions) with this proposal.

Council Member Erickson indicated this plat revision is a cleanup action for this commercial subdivision.

Council Member Stevens moved accept the Professional Plaza Modification Final Plat. Council Member Erickson seconded the motion; all voted aye, none opposed.

The motion carried.

Council Member Schwendiman joined the dias.

E. City code for flood trailers – John Millar

Public Works Director Millar explained the history. He stated he had been through the minutes of 1974 through about 1977 to gather information on the flood trailers that came to Rexburg following the flood. In 1974, the City enacted a trailer–mobile home park ordinance. Then, at the time of the flood, because of the destruction of many homes, the City allowed HUD (Housing and Urban Development) trailers to be brought in and put on individual people's lots. It was decided that as long as the original owner lived in that trailer, it could stay. It could not be sold or transferred. The idea was that they would live in the trailers while they rebuilt their homes. Shortly after, the issue was raised as to whether doublewides or pre-manufactured homes, which were not brought in by HUD, could be allowed to be left. Another ordinance was done in 1991 that stated if a person has a doublewide pre-manufactured home on a cinderblock permanent foundation, then it would be allowed. What brings this issue to light now is that there is a doublewide manufactured home for sale on 4th West that is not on a permanent foundation; the question was raised as to what must be done, because it does not agree with the ordinance. The current code states that a doublewide pre-manufactured home can be brought in and put on a concrete foundation if it is new. Public Works Director Millar asked the council how they want to handle this situation. He asked if the double wide would be allowed to stay if it is put on a permanent foundation. He said there are two options. Option 1: It is not in compliance with the ordinance because it is not new, and the double wide trailer will have to be moved. Option 2: Allow the few double wide pre-manufactured homes to stay

with a permanent foundation and become real property whether they are brand new or not. There are about four double wide pre-manufactured homes in the city on temporary foundations.

Public Works Director Millar recommended all single wide trailers not in compliance with Ordinance 584 be required to move to a mobile home park or be moved out of the city.

City Attorney Zollinger explained the code is in place and the Planning Commission is asking to bring the noncompliant trailers into compliance. The federal code did not require permanent foundation when they were allowed to become real property. The council discussed the cost to install a permanent foundation. Council Member Stevens asked to make it a condition of sale similar to the sidewalk ordinance.

Public Works Director Millar explained the 4th West property for sale will comply if the city will allow an older double wide to be installed on a permanent foundation. Council Member Woodland clarified that this would just allow older double wide pre-manufactured homes to be put on permanent foundations. Council Member Schwendiman reviewed who would be notified. Public Works Director Millar said they all need to be notified outside of approved trailer parks.

Community Development Director Christensen explained a person will want to buy a double wide and put it on a permanent foundation to turn it into real property.

City Attorney Zollinger explained the request is for the City Council to allow four or five double wide pre-manufactured homes to go onto permanent foundations. The single wide homes would be disallowed if not in a trailer park. There may be seven to ten single wide homes. The Compliance Officer could contact the single wide home owners to explain the ordinance.

Community Development Director Christensen explained when an original owner dies the trailer would have no value. City Attorney Zollinger explained mobile homes parks may not allow single wide trailers. He asked for a one year window or owner occupied status to resolve single wide issues.

The City Council agreed to have staff take a “non-bulling” approach to resolve the trailer issues.

Staff Reports:

Public Works: John Millar
Report on Projects

Public Works Director Millar explained 4th North is now paved. A piece of road by the Municipal Golf Course is set to be paved Friday as well as the ride share parking lot will be paved. He said with the drive-around work meeting, most street issues and projects were discussed.

Council Member Mann asked if the residents on Sunrise Drive who will be affected by the construction have been contacted. Public Works Director Millar said this project has begun, but he will verify that they are all aware of the project.

Council Member Stout asked about a hole in the Oakbrook subdivision. He asked if this could be looked at and put some kind of cover over the hole. He is worried about children getting hurt in this area. Public Works Director Millar will look into this and get something around this hole to make it safer until a permanent fix can be made.

Calendared Bills and Tabled Items:

A. BILL Introductions:

1. **BILL 1007** is a Franchise Agreement with Fall River Electric – Staff

Mayor Larsen reviewed the newly annexed properties utilizing Fall River Electric. Other City residents are receiving electric service from Rocky Mountain Power with a Franchise Agreement.

Council Member Schwendiman moved to waive the rules for BILL 1007. Council Member Woodland seconded the motion. Roll call vote:

Those in favor:

Adam Stout
Randy Schwendiman
Bart Stevens
Chris Mann
Rex Erickson
Richard Woodland

Those opposed:

NONE

The motion carried.

Council Member Schwendiman moved to accept BILL 1007 as third read and adopted. Council Member Woodland seconded the motion. All voted aye, none opposed. **The motion carried.**

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:

- A. ITD Grant for Eastern Idaho Railroad “pedestrian crossing and crossing signal” at Yellowstone Branch milepost 24.31 in Madison County – John Millar

Public Works Director Millar explained the plan to install a pedestrian crossing and crosswalk signal at University Blvd and South Yellowstone Highway. The grant will pay \$114,000 towards the total cost of about \$118,000. The city will contribute only about \$4,000 towards the new signal.

- B. Approval to purchase a Bio-solids truck – John Millar

Public Works Director Millar explained this is a budget change request for a second larger bio-solids truck which would allow the bio-solids to be moved more efficiently to the disposal site. This was a budgeted item in last year’s budget. He is asking for these funds to be moved from last year’s

budget to this year's wastewater budget to purchase the truck. They are looking at a bio-solids truck that is about eight years old that has about 150,000 miles on it for sale at \$67,000.

Council Member Stevens moved to approve the budget adjustment request for \$67,000. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

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 April 16, 2008 meeting
- B. Approve the City of Rexburg Bills

Council Member Schwendiman abstained from voting due to his absence at the last meeting.

Council Member Mann moved to approve the consent calendar. Council Member Stevens seconded the motion. All voted aye, none opposed. **The motion carried.**

Adjournment

Shawn Larsen
Mayor

Attest:

Blair D. Kay
City Clerk