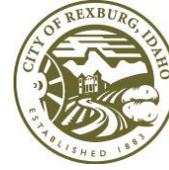


City Council Meeting

August 05, 2009



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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August 05, 2009

Mayor Shawn Larsen

Council Members:

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

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
Public Works Director Millar
Val Christensen – Building Official
Blair Kay – City Clerk

7:00 P.M. City Hall – Pledge to the Flag

Roll Call of Council Members:

Attending: Council President Mann; Council Member Stevens, Council Member Schwendiman; Council Member Woodland; Council Member Stout; and Mayor Larsen.

Excused: Council Member Erickson.

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

Presentations: Presentations:

Committee Liaison Assignments for 2009:

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

Council Member Mann reported Beautification Committee met today and they have been saving for a new sign on the east end of Main Street. The Museum Committee did not meet. Emergency Services went over the budget and they were happy with Council Member Mann's explanation of the budget.

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

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

Council Member Stevens reported the Mayor's Youth met today to discuss recruiting and plan the "Back to School" celebration for the youth on August 25 at 2:00 P.M. Mayor Larsen said the program starts at 6:00 P.M. The may encouraged all of the council members to attend.

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

Council Member Schwendiman had nothing to report.

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

Council Member Woodland had nothing to report.

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

Council Member Stout had nothing to report.

Public Hearings:

A. **7:30 P.M. Resolution 2009 – 10** adopting a new rate schedule for University Vicinity on-street parking fees.

Mayor Larsen explained the parking pass issue where you could obtain a parking pass. The new parking passes will go into effect on September 15th. He then explained the process for participating in a public hearing before opening the public hearing. He opened the public hearing for public testimony.

Philip Packer representing the University presented a letter. They want to be on record in support of the proposal for student parking. Particularly they support the fee resolution in regards to the parking plan. The rate is viewed as a program to mesh the on campus and off campus parking. The campus feels the city rates are set a little higher than the University parking rates. The campus fees are still under discussion. He said the University will set rates a bit lower than the street parking rates. He appreciated City Attorney Zollinger and Public Works Director Millar for cooperating with the process to put the parking program in place. He assured the City Council that the University is starting an awareness program to alert students to the changes in the city parking plan.

BRIGHAM YOUNG
UNIVERSITY
IDAHO

August 4, 2009

Dear Mayor and City Councilmen:

This letter is presented in connection with a public hearing conducted August 5, 2009, regarding Resolution 2009-10, "adopting a new rate schedule for University Vicinity on-street parking fees."

The primary message is that Brigham Young University-Idaho supports both the adoption of Bill 1028 and the proposed rate schedule which is being considered by the City Council. As adopted, the Bill provides a way to regulate student parking on City streets near the campus in an organized way, protects local neighborhoods from being overwhelmed by student parking and encourages students to "park and walk."

We believe the proposed rates for parking in the University Vicinity zone are a reasonable and necessary part of the application of Bill 1028. Charges for parking set at levels above those charged by the University will encourage more students to use University parking areas or to refrain from driving from class to class. At present, many of our lots are underused, and with the completion of construction projects on campus in the next year or two plan our ability to provide and administer additional parking will increase.

In cooperation with City officials, we have planned an approach to inform students about the changes for the fall semester 2009. Information regarding parking for students on campus and in the University Vicinity zone will be made available to students in timely way.

We appreciate very much the willingness of City officials to meet regularly with the University's Parking Management Council. As the approach to parking, including the University Vicinity zone, rolls out this fall there will no doubt be a need for further cooperation between the City and the University. Given the intent of both and the structure for communication currently in use, we believe any challenges can be beneficially resolved.

Very truly yours,



Philip A. Packer

pap/pc

Philip A. Packer University Counsel 2100 Kimball Building, Rexburg, ID 83469-1690
Phone (208) 496-1140 Fax (208) 496-3362 E-mail packerp@jwyi.edu

Julie Ferrin at 500 Edith Circle asked if the street parking permits included her apartments on College Avenue. Mayor Larsen explained their apartments have some parking permits. City Attorney Zollinger said their parking will be covered by the downtown residential parking permits. Parking in front of their business on their street will be regulated by time restrictions. He said that letters will be sent to the residents next week regarding the changes. Her apartment tenants will be regulated by the Downtown

Parking Permits for Residential. She asked about parking lots being maintained for snow removal, etc. Mayor Larsen explained the process of notifying the car owners a day before snow is removed so they can move their cars. She said parking lots fill up by 7:00 P.M.; thus limiting overnight parking opportunities in the parking lots. She asked for the rules to be mailed to the business owners. She said that she was in favor of the new parking regulations.

Mayor Larsen closed the public hearing for City Council deliberation.

Council Member Schwendiman asked if the fees are comparable to other cities. City Attorney Zollinger said the fees are about ½ the rate of other cities. The program will be monitored for the first year and modified as needed.

Mr. Packer said the University desires to have student's park in University parking lots. His desire is to help the students come into the University's parking lots. Council Member Mann said it was a good plan to support the University's parking plan. He feels it is a move in the right direction to keep the streets clear, and reduce traffic.

Council Member Mann moved to pass **Resolution 2009 – 10** adopting a new rate schedule for University Vicinity on-street parking fees; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

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

B. 8:00 P.M. Budget Hearing and 1st Reading of Appropriation Ordinance 1031

Mayor Larsen explained the public hearing process. He referred to an article in the paper. He read a statement concerning budget reductions due to a loss in revenue referenced in the article in the paper. Mayor Larsen recognized Idaho State Senator Hill attending the meeting. The budget has a three reading process after formal reviews from Department Heads. Riverside Park monies come from Federal appropriations. This money was not raised from property tax. Legacy Flight Museum revenue and expenses are self funded. The city spends an annual amount (\$4,800) on the Legacy Flight Museum for insurance. Street maintenance and repairs was another area of common concern. He said city property taxes are at a seven year low on the taxing rate. Current needs for the city include a new water well and tank, waste water plant upgrades, and new water and sewer lines. He reported a \$47,000,000 budget proposal is under review. It is a matter of needs verses wants. The budget meets the revenue projections and the budget is balanced.

Mayor Larsen invited comments from the public.

Mike Ferguson at 2120 North 6000 West was concerned about money going to the flight museum; Council Member Stout said the monies come from the air show covering fuel and museum operation. Mr. Ferguson wanted to know the attendance at the last air show. Council Member Stout explained how many people showed up, and the Legacy Flight Museum funds are received from the air show. Mr. Ferguson did not think the expenditures were justified by the attendance at the museum. He asked if there was any consideration to close the flight museum. He does not think the Legacy Flight Museum is a revenue making business for the city. He mentioned the \$4,800 expense to fund the museum could be better spent.

Mayor Larsen said thousands of people attend the air show and the museum receives other donations. He also emphasized the fact that only \$4,800 is spent on the Legacy Flight Museum. He thinks the money received versus the \$4,800 spent on the museum is well worth the cost.

Mr. Ferguson thought the money could be better spent in the community. He doesn't think the time and resources spent on the air show and Legacy Flight Museum are justified. He thinks the poor financial situation of the country justify the closure of the Legacy Flight Museum. Mr. Ferguson thinks the funding should go somewhere else.

Mayor Larsen closed the public hearing.

Council Member Stout said anyone can attend the Legacy Flight Museum Committee meetings. Mr. Ferguson asked for a copy of the Legacy Flight Museum budget. Discussion on the donation of the \$800,000 for the Legacy Flight Museum (airplane) versus the annual \$4,800 expenditure for the Legacy Flight Museum.

City Attorney Zollinger explained the FAA won't allow business uses of the property at the airport. He explained other community uses for the Legacy Flight Museum building. Revenue from these uses also goes into the city funds; further justifying its existence. It is a contractual obligation with the city to maintain the building as a museum

Council Member Mann explained the reason for doing things on a value based analysis. He said the Legacy Flight Museum is an important entity to maintain. People turn off the road and go to the Museum and pay for the visit. This helps pay for the cost of maintenance as well. Mr. Ferguson said the way it is explained presents a problem, because the budget says that over \$200,000 is spent on the Legacy Flight Museum; however, the City Council claims only \$4,800 is spent on the museum.

Mayor Larsen explained the three readings before passage. He explains that the budget available is available at city hall, and that Richard Horner or some else can explain the budget.

Council Member Woodland moved to 1st read Appropriation Ordinance 1031; Council Member Stevens seconded the motion; Discussion: Council Member Stout asked if step raises were going to be included in the budget this year. He suggested having more discussion to remove this expenditure from the 2010 Budget. Mayor Larsen recommended making the adjustments through the reading process. He suggested a special meeting to address any budget reductions. Council Members Mann and Woodland concurred with Council Member Stout. Mayor Larsen proposed a special meeting on the 24th to discuss any budget reduction. Council Members Mann and Stout wanted an earlier meeting to allow the City Council time to review the budget. A work meeting on the 19th of August at 5:00 P.M. was planned. All voted aye; **the motion carried.**

C. 8:15 P.M. Resolution 2009 – 11 adopting a new rate schedule for water, sewer, and garbage fees.

Finance Officer Horner explained the water system will not have a fee increase. The sanitation fee on an average home will go up 48 cents. The larger increase is the wastewater fee to manage the upgrades to the wastewater treatment plant. The sanitation rate will go from \$36.90 to \$44.70 for an average home; up \$7.80. This is an average for a four person home using 10,000 gallons per month. Council Member Stevens said this fee increase is for plant enhancements to contain the smell; it is not for more capacity. Finance Officer Horner said 17% of the cost to fix the smell is covered by an existing bond which is not covered by the rate change. Council Member Stevens explained the impact fee increases will save some of the expense going to existing homeowners.

Mayor Larsen opened the public hearing for public comments.

Debra Smith at 216 Mohawk with property at South 5th West said her example of raising her rental rates to cover costs were not enough to cover this proposed increase. She pled for a lower rate to allow her renters to afford to live in her development. Her bill will go up by \$333 and be divided 44 ways for each of her tenants. She asked for consideration, because most of her tenants are young adults going to school. The increase would make it more difficult for them to live in Rexburg. Finance Officer Horner reviewed the need to increase the rate to pay for wastewater plant upgrades.

Mr. Ferguson said it is a poor time to raise anything. He suggested moving the expense increase to new business (impact fees). Bear World employees are taking a 20% reduction to stay in business. Expenses are going up and revenues are going down. We can't afford to pay more for more services. He suggested giving pay cuts to save some money. He feels like the citizens are being penalized with higher costs, when they hardly make enough money to make a living. He reiterated his view that new construction should foot the tax increases, not the existing citizens.

Steve Eaton at 596 Chad Drive lives near the sewer plant and he is aware of the smells and odor it puts out; however, he has trailers and he suggested getting the money another way. He believes that fixed income people can't make up the difference.

Council Member Woodland mentioned the possibility of serious fines from EPA if the plant upgrade is not done. He says that everyone shares in the cost, including himself. He said the increase will hurt, but it won't hurt as much as a fine from the EPA. Mayor Larsen explained the enterprise funds (garbage, water and wastewater) are self funded. The cost of treating the waste is a dollar amount charged to the users. The cost of the service is what the city bills out. The garbage fees are based on the cost of the

service including county tipping fees, etc. Mr. Ferguson continued to discuss the option of finding other resources to pay for the upgrade. He asked for a temporary increase, such as raising sales tax to 6%. Finance Officer Horner explained the bond would be a 15 year bond. The sewer charge is based on winter usage not summer sprinkling. The wastewater billing is based on meter readings around Oct 15th and Apr 15th for a monthly average over the winter months billed at that rate for the next year. He tried to explain how the bond would work. Mr. Ferguson was mandated to do a sidewalk for \$8,400. He thought city estimates were higher. He said the estimate was three times what a private contractor quoted him. He wants to know if the city charges three times for all of their services. He suggested having fewer employees for a job done by city crews. He estimated city departments were over staffed. He thinks few city employees would cut costs. He thinks the city has too many employees.

Mayor Larsen noted the LID estimates for sidewalks are based on bids from outside contractors. Mr. Ferguson wanted the city to be tougher on city bids. He suggested the city throw out bids if they come in too high. This way the city itself does not have to go out and make estimates itself wasting man hours on each project.

Jerry Cooly from Continental Park Home's Association said his association was caught off guard with lighting fee. He asked if the increase is on each water meter. Finance Officer Horner said he would review their account; noting the fee is calculated by gallons of water used.

Mayor Larsen closed the public comment portion of the hearing.

Council Member Stout said the life of the bond could have a sunset. Council Member Woodland concurred. Finance Officer Horner said it could be put on the bond. The old bond will be paid off; however, in the end the bills still have to be paid. The wastewater rate will automatically go down at the end of the bond if the expenses allow it.

City Attorney Zollinger said the bond fee automatically sunsets. The fund can not build up a surplus as a result of the fees. Council Member Stout asked if costs could possibly go up over time. City Attorney Zollinger said the fee is evaluated every year and the rate is based on expenses. The law will not allow for a surplus to be built up by the fees. You can not bring in more in user fees than the approved expenses. Plant costs regulate the revenue fee. Mayor Larsen said EPA regulations may cause increases in costs if wastewater has to be treated to a higher level. City Attorney Zollinger said the bond sunset is mandated by state law. The wastewater fund has to balance every year. The City can not make any money off of user fees by law.

Council Member Stout was concerned the bond could expire and new expenses could be acquired to maintain the bond rate. Council Member Stevens explained the process to go over the budget to save money; however, the sewer system has to be maintained for public safety. City Attorney Zollinger said if the city falls below a certain standard, EPA will fine them until the system meets the EPA regulations. Rexburg has been fined in the past by EPA due to falling below allowed standards. He said the city must continue improvements to maintain an acceptable level required by the EPA. Otherwise, not upgrading the wastewater facilities would end up costing more in fines.

Council Member Mann said they are concerned with workforce housing (people on fixed income). Having good water in Rexburg is very important. He felt the city was being forced to improve the wastewater treatment plant. He did not think there was much of a choice in keeping the water clean. He didn't want to go back to the days where the city did not keep their water clean, and just dumped it on the ground.

Mike Ferguson asked for details on the planned improvements to the wastewater treatment plant. Council Member Woodland said the expense is for capital upgrades to the plant. Mr. Ferguson wanted to know why the city is spending \$425,000 on the upgrades as opposed to just taking a fine. The city has been behind on upgrades and that is why there is such a big price tag for the waste water plant. He sees no benefits from this upgrade.

Finance Officer Horner said the lion's share of the increase is to cover the capital expenditures required.

City Attorney Zollinger said the detailed budget is available at City Hall.

DJ Barney said fee increases are not popular. He was against user fees and impact fees increasing. He reviewed past new users that did not pay impact fees. An annexed parcel would not pay impact fees. He reviewed the increased costs to do business; also, being required to hook onto city sewer if they are annexed. He discussed user fees and impact fees. He was concerned with those not connected to sewer after they were annexed.

Council Member Stout moved to approve **Resolution 2009 – 11** adopting a new rate schedule for water, sewer, and garbage fees; Council Member Mann seconded the motion; Discussion: Council Member Stevens reviewed the process to do a partial increase based on the cost of doing a partial upgrade. He is not trying to postpone the upgrade, but he would like to see reports on how much a partial increase would cost the city versus doing the upgrade all at once. City Attorney Zollinger said this is needed to set the budget, and to wait for more reports would set the budget back from being set. Everything budgeted around impact fees has been approved by the City Council. This proposal is based on \$5,500,000 of plant improvements. Public Works Director Millar said the costs will not be known until the project is bid. Mayor Larsen explained the goal is to cover the cost of the planned improvements to the wastewater plant.

Council Member Stevens recommended a two step deal. Mayor Larsen asked if there was anyone who wanted to amend the motion;

Council Member Stout amended the motion to cut the wastewater proposal in half pending the engineering study; Council Member Mann seconded the amended motion; Council Member Woodland was concerned with delaying the project. Council Member Stevens did not want to walk away from the proposal; however, he did want to get solid numbers before approving an estimated cost.

Mr. Ferguson said isn't it difficult to set the budget without a bid. The bids should be lower in cost due to the economy. He said that he has received bids that are lower today than they were a year ago. He sees no reason why the city can't get another bid which should be lower. Finance Officer Horner mentioned Post Falls spent \$10,000,000 on capacity upgrades; however, Rexburg is planning on lower costs for this upgrade. Council Member Stevens wanted to keep the costs down. All voted aye to cut the wastewater proposal in half in Resolution 2009 – 11 and approve Resolution 2009 – 11; **the motion carried.**

Items for Consideration:

- A. Bambino's Restaurant site plan** approval at new location with "drive through" – Jon Gregory
- B. Hemming ProZone** approve site plan on S. 2nd W. – Richie Webb

Mayor Larsen asks if Richie Webb could present both items A and B at the same time.

Richie Webb presented an update of the entire proposal for Bambino's and the Hemming Pro-Zone. He said they have been delayed over the past few months. He reviewed the site plan on the overhead screen. He said the original design to the building has changed a little bit since his last presentation to the City Council. The first building will be ready for tenant build-out next spring. They are starting to have some activity again on the project. They have secured a parking lot swap with the adjoining church. Student housing on the project is the second priority. He reviewed various plans he has for Pro-Zone project. Council Member Mann was concerned the project continues to move forward due to its central location near to Porter Park. He said many people go to Porter Park and will be watching the construction on the building. He is hoping for a nice finished project so people won't have to look at the construction site for much longer. Mr. Webb said they will move forward as soon as they can.

Council Member Stevens asked for some clarification from the developer on his intentions for this site plan. Mr. Webb explained the project has made some changes and this is an attempt to show the City Council what the developers are trying to accomplish. He said they plan on developing Bambino's, and then developing the rest of the complex. City staff will approve the final site plan at the staff level. City Council is being asked to approve the conceptual review of the site plan. Council Member Stevens said his notes claim the City Council is to approve the new site plans, and not just get a presentation. Mr. Webb said he understood his plans would be approved on the city staff level.

Mayor Larsen explained the site plan for Bambinos was approved; however, the developer is changing the location of Bambinos. He said that they were coming to give the City Council an update on Pro-Zone and the changes made to the original plan. The site has already been approved by the City Council

and now they are asking for a conceptual approval from the City Council. City Attorney Zollinger explained Bambino's got more staff attention because it was moving into an area that has already been projected as high growth. He said its move is into a more retail area. Mr. Webb said one change is the new Bambinos building. He said another change is Bambino's is now going to be a drive through. If they remove the storage buildings to allow more parking they can sign a lease with Jimmy John. He said this would result in more than enough parking spots as required by city code.

Council Member Stevens was encouraged with the new plan for the corner. He was concerned with the setbacks. Staff will be responsible for maintaining proper setbacks in the review process. Mr. Webb indicated the design is for street and pedestrian orientation. Council Member Mann is concerned with entrances to 2nd West. His biggest concern is the fact there is one-way entry in and out. He was concerned for the pedestrians. Council Member Stevens was concerned with the building being close to the sidewalk limiting the vision to the drivers entering 2nd West. City Attorney Zollinger mentioned the site triangle needing 40 feet of clear vision.

City Attorney Zollinger said they are not voting on approving this project because they already have approved it. He indicated the city staff will be responsible for the setbacks being in compliance. He said this meeting was to keep the City Council in the loop. Staff needs to be directed to have the site plan compliant with the Pro-Zone. They would like to start construction this fall.

Council Member Stevens reiterated his concerns with access for the drive through and pedestrian safety. He said cars going out of the drive through will be very close to the sidewalk and they will not have a good sight of vision for whether or not pedestrians will be on the sidewalk. Council Member Mann was also concerned with pedestrian safety. Further discussion of pedestrian safety ensued.

City Attorney Zollinger was asked if any action was needed. He said the way Bambino's stands now, all actions will be approved through the city staff. The city staff will provide more scrutiny for this project than City Council.

C. Conditional Use Permit (CUP) for Parkview Apartments for a six-plex at 142 South 3rd West:

Cory Sorensen (owner and onsite manager) at 154 South 3rd West reviewed his proposal to have a (CUP) Conditional Use Permit for a six-plex. He said that he started out here as a college student and has slowly acquired more and more property. He would be adding an additional 54 beds with this proposal. They are developing about 2 acres of property. He proposed a mid block crosswalk to Porter Park. The Mayor asks a question about the mid block crosswalk idea. Mr. Sorensen made mention of the fact there are so many residents who already walk across the street in front of his complex without going down to the crosswalks. He said this would facilitate greater safety for these residents. He said in Provo there are mid block crosswalks all over the place. He recommended eliminating driveways on 3rd West to improve pedestrian safety; thus adding additional parking spaces on 3rd West. The traffic accidents at this location are mainly caused by cars backing into other cars. He says his plan is actually improving the safety of this street.

Mayor Larsen asked about the conditions set forth in the Planning and Zoning hearing.

***Park View Apts Amendment
Planning and Zoning Commission's Conditions of Approval
(July 16, 2009)***

1. *Approval is for 86 student dormitory and 1 "family" unit. Any increase from this number in the future shall require an amendment to this Conditional Use Permit.*
2. *Approval does not include property on South west corner, this will need to come under a separate permit.*
3. *Trash receptacles should be fully screened from the public right-of-way and should not be visible from adjacent residential property.*
4. *There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in itself is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.*
5. *As waste generation is increased, and to avoid overflow of trash receptacles, each unit shall have its own, full-sized, trash receptacle available for regular trash "pick-ups"*
6. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit. Landscape plan shall include evidence that an area of 30% or more of the individual lots is being observed.*
7. *Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance. Any proposed lighting would need to be submitted to the City for review and approval subject to the submittal and approval criteria found in the development code.*
8. *Required parking shall be located 20-feet behind the property line for property located along S 3rd West.*

9. *Areas of impervious surface that are not approved parking spaces and that are not used as a vehicle aisle shall be constructed, or restored to a landscaped area with trees and shrubs to; this will ensure proper screening of parking areas, and prevent unapproved parking from occurring.*
10. *Parking areas shall be adequately screened from the public right-of-way and adjacent residential properties. Screening must include the use of deciduous trees and evergreen trees to ensure non-seasonal screening. Deciduous trees shall be planted with a minimum size of 2-inch caliper DBH. Evergreen trees shall be 7-feet tall at planting. Shrubs shall include 5-gallon containers as a minimum.*
11. *Parking areas should have raised concrete curbing near landscaping areas to ensure that these areas remain well defined, which will prevent impromptu parking of vehicles.*
12. *Signage shall be designed in a monument style though the use of brick or decorative masonry base and wood material to compliment the surrounding neighborhood and suggest permanence which is consistent with an established neighborhood.*
13. *To encourage alternative travel options, which are likely to decrease vehicular trip generation, short term bicycle parking shall be provided. As a minimum, short-term parking shall be provided at a ratio of 1 space per 5 students. Parking areas shall be well defined and include bicycle racks and concrete pads.*
14. *Applicant shall provide all required vehicle and bicycle parking spaces and outside of the required front yard setback.*
15. *An approved building permit must be obtained prior to the issuance of a conditional use permit for the uses requested.*
16. *The conditional use shall be subject to a review by the Traffic Safety Committee to determine if any recommendations need to be adopted to increase vehicular and pedestrian traffic safety in cooperation with the developer and the City of Rexburg prior to the issuance of a building permit.*

Mr. Sorensen indicated the pedestrian traffic in his area crosses 3rd West mid block going into Porter Park or they cross at the intersection of 3rd West and 3rd South and enter the park on the grass because there is not a sidewalk on the park side of the street. He asked Jeff Lunt to explain how the traffic activity and the pedestrian activity have been working on 3rd West because Mr. Lunt has lived there for awhile.

Jeff Lunt at 166 South 3rd West said if buildings proposed in this request are built it will lower congestion. He did not feel there was a traffic problem; especially when the students are out of school. The splash park is the biggest draw in the neighborhood. Mr. Lunt recommended the proposal because congestion was not a problem. He remains living at Parkview to avoid traffic and congestion. Mr. Sorensen has no students in his parking lot during the summer break. He says the main traffic problems in the summer are from soccer games and the summer credit union party.

Mayor Larsen said there was a big event (Back to School Celebration) planned at Porter Park August 25th. Mr. Sorensen said they love the Porter Park walking path. They want to funnel pedestrian traffic onto the walking path instead of grass where there is not a sidewalk.

Council Member Stevens recommended the proposal be reviewed by Traffic and Safety; add the Planning and Zoning conditions, etc.

Council Member Mann asked if it was single students. Mr. Sorensen confirmed that this was for single students. Council Member Mann understood the University was moving towards having single student complexes closer to the University. He also doesn't feel that students will walk to school living so far away from it. Mr. Sorensen says that his average tenant is 24 years old, he attracts students who are done with dormitory style living. He says that some of the students have cars, but that he never has a parking problem. Council Member Mann thinks that this will create more traffic, as students won't want to walk to school.

City Attorney Zollinger indicated the request is for a six-plex verses a four-plex; therefore the decision should be directed to the request for a six-plex. He said that the proposal can't be denied based upon whether or not single students live in the residence, and therefore the City Council should focus on the six-plex.

Mayor Larsen reviewed the issue of the lack of a sidewalk entering Porter Park on the Southwest corner. There will be more people crossing the crosswalks on 2nd West.

Discussion on the site triangle requirements ensued.

Mayor Larsen indicated that there have been six accidents on 3rd West in the last two years. Council Member Stout was concerned with parking.

Council Member Stevens moved to approve the **Conditional Use Permit (CUP)** for Parkview Apartments for a six-plex at 142 South 3rd West conditioned on the Planning and Zoning conditions; especially to have a review by the Traffic and Safety Committee; Council Member Stout seconded the motion; all voted aye, **the motion carried.**

Mr. Sorensen can contact City Hall for the next Traffic and Safety meeting agenda.

D. 1st North Safety Improvement Recommendation – Adam Stout

Council Member Stout said there was an issue with the proposal to reduce the number of lanes on 1st North. He was concerned with traffic flow on the whole street. He thought the bike path would congest the flow of traffic. He is not sure the City Council made the right decision.

Council Member Mann said they did the right thing mentioning handicap residents using the street. He said public safety must be looked at first. He said numerous residents support the change. He saw a couple of residents early this day concerned about being hit. He feels the crosswalks need to be fixed, and public safety is the biggest issue.

Council Member Woodland read the remarks of Council Member Erickson:

“1st North discussion: After considering the City Council’s decision to change 1st North from four lanes to two lanes, I support leaving 1st North as it is currently configured as a four lane street. I do not support changing 1st North to a two lane street with bike lanes. I do not support bike lanes on 1st North.”

Council Member Schwendiman concurred with Council Member Erickson’s comments. Mayor Larsen said the decision was made after the recommendation of the Traffic and Safety Committee. Mayor Larsen was concerned because the City Council made a decision and the city crews are making preparations to carry that decision out. If the City Council changes their minds this quickly it would be counterproductive. If there is another accident on that roadway, it would put the City Council in a difficult situation. He recommended sending this issue back to the Traffic and Safety Committee to review and re-recommend the issue.

Council Member Stevens asked for more information from the Traffic and Safety Committee on how the recommendation was formulated. City Attorney Zollinger said a change now would put the City Council in the design phase instead of the legislative phase. He said the City Council should not change their minds now, because John is already carrying out the recommendations. He said they are getting seriously close to stepping out of their legislative duties into engineering duties. Traffic counts have not been updated.

Council Member Stout asked how Traffic and Safety came to the decision to go to two lanes with bike paths. City Attorney Zollinger explained the process.

Council Member Stevens asked if Bill Baranowski – (*Salt Lake City, Utah - licensed traffic engineer*) made a recommendation at the meeting. City Attorney Zollinger explained Mr. Baranowski was visited by phone for his recommendation. Public Works Director Millar gives analytical support and the traffic committee makes the recommendation to City Council. Public Works Director Millar’s analysis is that two lanes would be sufficient to handle the flow of traffic. He said their options are to send the decision back to the Traffic and Safety Committee for further review, or to just move forward with what they have passed.

Council Member Stout moved to decline the recommendation from Traffic and Safety and get more information; Council Member Woodland seconded the motion; Discussion: City Attorney Zollinger was troubled with the motion. He said the City Council has already formally acted on the Traffic and Safety recommendation by a formal vote. He was worried now because the formal decision was made to go to a two lane road and the city is working to carry out the original recommendation. The original proposal was already voted on and in the record books. Council Member Stout asked to revisit the recommendation to gather more information; he amended his motion to halt any action on 1st North and send the proposal for a two lane street back to Traffic and Safety for more clarifying information; Council Member Stevens was concerned with undoing the previous action. Council Member Stout stated the proposal would be put on hold. **Mayor Larsen** asked what information they are seeking from Traffic and Safety. He asked for direction. Council Member Woodland asked for more information too. Council Member Stevens was unclear what the motion indicates. City Attorney Zollinger said Public Works Director Millar will not start the process yet. The motion does not tell the Public Works Director to stop what he is now doing, only to put it on hold for now. Council Member Stevens asked if Traffic and Safety could present more information on the proposal.

Council Member Stout did not think the information from Traffic and Safety was applicable to 1st North. It has broader implications including traffic on Main Street. Council Member Stevens asked for more clarification from Traffic and Safety too.

Council Member Mann did not think the vote was rushed. The City Council had all the information in the packets at the meeting. Some on the City Council don’t want to undo what they did in the recent

meeting. Council Member Stout voted yea against his better judgment on the original vote. Public Works Director Millar said the question to Baranowski was general in nature. Mr. Baranowski did not take a specific look at the information; he just made a recommendation based on what he knew. He suggested having a more studied report to Traffic and Safety. Council Member Stout asked for the whole big picture to be reviewed including traffic and pedestrians.

Council Member Stout amended his motion to take no action on 1st North until Mr. Baranowski reviews all of the information and presents a proposal to Traffic and Safety for their review. Council Member Woodland said there seems to be some concern the City Council may have voted in error. City Attorney Zollinger said the vote was based on analytical analysis. To change the decision that Public Works Director Millar take no action until Mr. Baranowski reviews the information and makes an analysis may be a problem. City Attorney Zollinger said if someone gets hit on 1st North, while the City Council is deliberating, they may be responsible.

Those voting aye

Council Member Stout
Council Member Woodland
Council Member Schwendiman

Those voting nay

Council Member Stevens
Council Member Mann

The motion carried.

E. Audio Video Proposal/New City Council Chambers --- Steve Christenson

IT Manager Steve Christenson reported on a proposal to purchase audio equipment for the new building. Cost and configuration were his agenda. Option one is a projector in the middle of the room with video showing on the wall. Option two was to have two TVs in the end of the room behind the Dias. The TVs would have good clarity for the audience. He said the equipment would cost around \$30,000.

Mayor Larsen asked what would be included. He said that it would include 1) Projector 2) Screen 3) 11 microphones across the Dias, (one for each person) 4) LCD screens (17 inch) for the City Council members. Each council member would have to share the LCD screens. The Dias configuration was discussed. The Dias is set at an angle and raised. There were some concerns as to the placement of the LCD screens. There were also concerns about how far the drop down screen will drop. Another option for the audio visual is the kind Meridian, Idaho has implemented. The total cost would be around \$12,000 to \$15,000 for everything.

Council Member Woodland requested using the old microphone equipment to save money.

Council Member Schwendiman agreed and suggested using the old video equipment too. Council Member Stevens mentioned the conduit has been run to do new equipment at a later time. Steve Christensen said his purpose tonight was asking for direction as to what he should do. His proposals are only recommendations. There was more discussion on what the future audio visual set up would be like.

Staff Reports:

A. Public Works: – John Millar

1. **AQUA Engineering:** Wastewater Contract for Wastewater plant upgrade.

Public Works Director Millar explained the contract is essentially the same as presented three weeks ago. He recommended awarding phase one for \$420,000 for designing the system. Mayor Larsen explained the contract is the same as presented earlier. Council Member Woodland asked to look for more cost savings in the proposal. Public Works Director Millar said hourly pay would save some money. Council Member Stout asked to decide on the design before proceeding with the engineering design. Public Works Director Millar said the design phase is necessary to seek a judicial review. Council Member Schwendiman asked for more information. Public Works Director Millar indicated 1) screening and 2) bio filters are less than half the total. The wastewater plant is reaching capacity on the centrifuges. Council Member Stout asked for an hourly rate and the design of the gravity belt. He said that does not include the covered drying area. Council Member Stevens said the impact fees were increased to help with this proposal. He thinks it would be terrible to say we are going to go through with this proposal and then not do it.

Council Member Woodland supported the total package to save money in the future. Ultimately, it has to be done; it may as well save money up front and do it all now. Council Member Stevens said it was a good time for saving money on interest. Public Works Director Millar said state financing can

be favorable to save interest expense. Public Works Director Millar explained the interest that would be charged by the state. Mayor Larsen said it is an enterprise fund supported by the rates. The funding will be there through the enterprise fund, and through the raising of the impact fees. The city is reacting to the citizen's complaints of the smell. Council Member Woodland said the system they looked at in California could haul the waste out in a day. Public Works Director Millar said it is a good time to do the total package because it will be done some time in the future anyway. He believes we should do the whole package now, as it will save money in the long run. Finance Officer Horner said the design time line would take a year to finish. The contract is the first element. The time line will be established.

Council Member Woodland moved to accept the contract as it stands with a maximum amount of \$420,000 paid on an hourly basis instead of accepting the \$420,000 proposal. Council Member Mann seconded the motion; all voted aye, **the motion carried.**

2. 12th West project is in planning.
3. Pioneer Road and Main Street house has been demolished and removed.
4. Concrete work is done at the new city hall.
5. Paving contract awarded to Zollinger Construction with the work planned for next week.
6. Bids for chip sealing 1st North were \$159,100 by HK and \$159,340 by TMC. The engineers estimate was \$158,100. Staff recommended HK at \$159,100. There will be a special meeting with Traffic and Safety to review the proposal to change 1st North from a four lane street to a two lane street.

Council Member Woodland moved to accept the low bid of \$159,100 from HK; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

7. Hawk signal on 2nd West and 3rd South has a low bidder (Wheeler Electric) for \$84,000 plus.

Council Member Mann moved to ratify the bid awarding the Hawk signal contract to Wheeler Electric; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

Council Member Schwendiman was excused and left the meeting.

Calendared Bills and Tabled Items:

A. BILL Introductions: None

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

1. **BILL 1030 Amend** Ordinance 523 (winter overnight parking restrictions) – Staff

City Attorney Zollinger explained the reason for the date change is a staff recommendation to amend the winter parking closure for plowing snow to December 15th as opposed to November 1st. He said there are not that many storms between November 1st and December 15th. He indicated it would give students coming back to the University the time to realize they can't park their cars on the street. The University will assist in pushing snow around the University if an unexpected snow storm comes before December 15th.

Council Member Stevens moved to first read BILL 1030 to Amend Ordinance 523 (winter overnight parking restrictions); Council Member Mann seconded the motion; all voted aye. **The motion carried.**

2. **BILL 1027** – Amend Ordinance 908 Temporary Sign Sections – Staff (Deferred)
3. **BILL 1031** – Appropriation Ordinance for 2010 Budget – Finance Officer Horner

***“Council Member Woodland** moved to 1st read Appropriation Ordinance 1031; Council Member Stevens seconded the motion; Discussion: Council Member Stout asked if step raises were going to be included in the budget this year. He suggested having more discussion to remove this expenditure from the 2010 Budget. Mayor Larsen recommended making the adjustments through the reading process. He suggested a special meeting to address any budget reductions. Council Members Mann and Woodland concurred with Council Member Stout. Mayor Larsen proposed a special meeting on the 24th to discuss any budget reduction. Council Members Mann and Stout wanted earlier meeting to allow the City Council time to review the budget. A work meeting on the 19th of August at 5:00 P.M. was planned. All voted aye; **the motion carried.**”*

4. **BILL 1032** – Mayor’s salary January 01, 2010

Mayor Larsen explained election timing and code. He stated that the election is 75 days away.

Council Member Mann read Council Member Erickson’s letter concerning the Mayor’s cost of living increase. “The Mayor’s position is a full time position and should be compensated with the appropriate “cost of living” adjustment. I support the salary adjustment for the Mayor’s position.” Council Member Erickson said in his letter he opposed a salary increase for the City Council as they are only part time positions.

Council Member Mann said it has been two years since this position was reviewed. Last year employees got 4.3 cost of living increase and a zero cost of living this year. He said the mayor’s pay should be increased to meet the cost of living. The city is reviewing the step raises for staff. He asked to give the mayor a 4.3 % raise as was given to city employees last year. The mayoral position can only be given the opportunity for a raise every two years; whereas the staff may get the opportunity every year. He also does not support giving the City Council a raise. Council Member Stevens supported the cost of living raise for the mayoral position. Council Member Mann said it is the fair thing to do. Council Member Woodland explained it is an awkward time to give the mayor a raise.

Council Member Mann motioned to give the mayor a 4.3% raise just like the employees from last year. City Attorney Zollinger informed him that that is not a proper motion. The City Council must motion to move BILL 1032 forward tonight, or to suspend the rules.

Council Member Mann moved to suspend the rules for BILL 1032; Council Member Stevens seconded the motion; roll call vote:

Those voting aye

Council Member Stevens
Council Member Mann

Those voting nay

Council Member Woodland
Council Member Stout

Mayor Larsen voted nay to break the tie.

The motion failed.

5. **BILL 1033** – City Council salary January 01, 2010

City Council Woodland moved to remove from future consideration BILL 1033 to increase City Council pay; Council Member Stout seconded the motion carried. Discussion: Council Members Stevens was opposed to a cost of living increase for the City Council. All voted aye to remove BILL 1033 from consideration. **The motion carried.**

Mayor Larsen appreciated the effort given by the City Council to step up and do all of the extra work. We are all citizens of this community. He complimented them on their effort.

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

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

1. **BILL 1024 Amending Ordinance 926** by modifying Architectural Design Standards in Industrial Zones; modifying Architectural Design Standards; and modifications to the Architectural Design standards review process – Staff (Deferred)
2. **BILL 1026 Amending Ordinance 926** by increasing building height, remove Pro-Zone, reduce parking requirements for Medical Clinics, and other substantive and non-substantive items – Staff (Deferred)

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table:

Mayor’s Report:

Proclamation No. 2009 – 07 International Dance & Music Festival Days (August 1 to August 8)

Mayor Larsen read the proclamation:

PROCLAMATION

No. 2009 - 07

A Proclamation of the Mayor and approved by the City Council of Rexburg, Idaho, proclaiming August 1st, to August 08th, 2009 as INTERNATIONAL DANCE & MUSIC FESTIVAL WEEK for the City of Rexburg.

WHEREAS, the City of Rexburg has been given the privileged of hosting several performances of the International Dance & Music Festival; and

WHEREAS, it is a great honor to have the participants of this event share with us the talents and traditions of their communities and countries and show that our cultures are more similar than they are different; and

WHEREAS, this is also a wonderful opportunity to help promote the benefits of performing arts and to bring together citizens from all walks of life, to share in the enrichment of our growing multi-cultural communities, it's diversity, and to enjoy the universal language of music and dance; and

WHEREAS, the City of Rexburg extends a warm welcome to the dance teams and express our appreciation to those involved in planning and promoting this event. We wish you all the best of luck for a successful tour.

NOW THEREFORE, I, Shawn Larsen, Mayor of the City of Rexburg, do hereby proclaim August 1st, to August 8th, 2009 to be

INTERNATIONAL DANCE & MUSIC FESTIVAL DAYS

in Rexburg and encourage all citizens to attend one of the performances and help welcome the festival participants to our great city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of our City to be affixed this 28th day of July, in the year two thousand and nine.

APPROVED:

ATTEST:

Shawn Larsen
MAYOR

Blair D. Kay
CITY CLERK

The dance festival had a great street festival event on Monday after the opening ceremony Saturday evening. The Mayor's Reception will be this Friday.

Council Member Mann moved to ratify **Proclamation No. 2009 – 07** for the International Dance & Music Festival Days (August 1 to August 8); Council Member Woodland seconded the motion. All voted aye, **the motion carried.**

B. Constituent Request: Citizen complaint concerning booting policy —Randi Beeton

Mayor Larsen read the complaint of Randi Beeton concerning booting and opened up the discussion for City Council input. The City Council discussed the booting issue.

Council Member Stout visited with the complainant for a couple of hours over the size of the signs and adding additional signs throughout the parking lot. He did not think it was a good solution to the issue.

Council Member Mann thought the manager should approve the boot; however, fire and ambulance need access to the property. The law is the law and it must be complied. Stevens said the complainant was directed to talk to the city to change the law. He said that all the residents told her to go complain and talk to the city as though the city were responsible. He asked to avoid blaming the city for a private

property boot. Mayor Larsen explained the private property matter. They have the right to monitor their property.

Council Member Stevens said everyone Ms. Beeton came in contact with blamed the city for the towing and booting issue. The city should look at the sign visibility and manager making decisions on site in this issue. Ms. Beeton asked who regulated this policy. City Attorney Zollinger said the Traffic and Safety Committee has brought forth three proposals to the city in regards to this matter and they have all been rejected.

The Traffic and Safety Committee doesn't feel like this issue should fall onto their shoulders and the City Council should take responsibility. The booter explains to people being booted that the City of Rexburg regulates the booting policy and that he is consistent with the city ordinance. City Attorney Zollinger explained to people who have been booted that someone else made the decision to boot them, but the booter is consistent with city ordinances. He said the reason why booting is such a problem is because the city doesn't properly enforce its minimum number of parking permits at businesses and apartments. In apartments they are required to have one parking spot per bed, but in many cases that number is at 0.4 beds per parking spot. This contradiction forces the residents and their friends to park in places they are not suppose to be parking. In addition, sometimes the signs are hidden behind objects. Apartments should be required to balance the increase of parking with the increase of residents coming into the city. A request was made to bring the sign ordinance forward next time to change the size of sign, etc.

City Attorney Zollinger said that the best answer is that property owners should go out and face the music. They should be held responsible for these problems. He said the apartment owners are technically required to be awake until all of their tenants are in, and therefore they should know and warn there tenants if they are parking in an area where they are not suppose to be parking. The owners should also be required to provide a proper amount of parking spaces for their residents.

The City Council was instructed to talk about it again. This issue comes up every year and the City Council needs to finally take care of this issue. City Attorney Zollinger asked City Clerk Blair Kay to make sure it was clearly reflected that he was asked to talk about this issue once again.

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.

Minutes:

- A. July 15, 2009 meeting
- B. July 21, 2009 Joint meeting with the county
- C. Approve the City of Rexburg Bills

Council Member Mann moved to approve the consent calendar and pay the bills; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

Mayor Larsen asked the City Council to ratify David Taylor for an appointment to Airport Board. Council Member Mann moved to ratify David Taylor to the Airport Board; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

Adjournment

Attest:

Shawn Larsen
Mayor

Blair D. Kay
City Clerk