

City Council Meeting

July 01, 2009



CITY OF
REXBURG
America's Family Community

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July 01, 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 A.M. City Hall – Pledge to the Flag

Roll Call of Council Members:

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

Mayor Larsen called for a roll call. Council Member Stout reported that he would be late. Council Member Woodland asked to be excused. All other Council Members reported present.

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

Presentations:

A. Madison Baseball Tournament report – Parks Director Greg McInnes

Parks Director Greg McInnes reported 43 teams with 473 players attracted 2,500 people each day. The city parks crews did 200 diamond preparations during the tournament. The crews worked from 6:30 A.M. to 9:00 P.M. There were no injuries reported and the fields were in excellent condition.

Mayor Larsen explained the tournament is put on by the Madison Baseball Association. The city donates the Rexburg Parks Department crews to maintain the fields during the tournament. They were preparing the fields in 10 minutes between games. Council Member Stevens said the normal condition is to have home town player help prepare the fields for the next game. Parks Director McInnes said it was a huge success all the way around. The **Madison Memorial Veterans Memorial** is moving forward. The dedication ceremony was planned for the 4th of July; however, sometime in the future the city will do a ribbon cutting. It will be a great addition to Smith Park.

Committee Liaison Assignments for 2008:

- A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*
- 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*
- D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*
- E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*
- F. Council Member Adam Stout *Legacy Flight Museum · Trails of Madison County*

Public Hearings: - NONE

Items for Consideration:

A. **Madison School District** – Requesting extension for Conditional Use Permit #07 00312
Madison Middle School Modular Classrooms – Russel Wilson, Director of Operations –
(deferred to July 15, 2009)

Mayor Larsen indicated the Madison School District was requesting an extension of use for two module trailers through the 2011 school year. Russel Wilson, from the Madison School District made a presentation on this topic.

Russel Wilson said the Madison Middle School is requesting an extension of a CUP for two modular units through the 2011 school year. The new high school is well under construction. The reason for this request is that the old high school needs to be renovated before the Madison Junior High can be moved into the old high school. Once the new high school is completed, the school district intends to move the 7th grade into the same building with the junior high. This year's 7th grade has an enrollment of 329 students. The enrollment is rising by 56 students at this time. Madison Middle School needs the extension to accommodate the growth.

Council Member Stevens moved to grant the extension based on the information provided in the Rexburg Planning and Zoning Report. Council Member Schwendiman seconded the motion; Discussion: Council Member Erickson asked if they would request an extension. Mr. Wilson indicated that the school district is looking to obtain one more modular unit. There are over 1,000 students at the Madison Middle School. Mayor Larsen indicated the additional modular unit was a separate issue which will be dealt with in the Rexburg Planning and Zoning Report. It did not need a separate vote of approval. All voted aye, **the motion carried.**

B. Community Baseball/soccer needs – Parks and Recreation Committee
There was no report for this item.

C. Equipment surplus list – Staff

Mayor Larsen explained that in moving the city offices some surplus equipment was discovered. He talked about a scanner for the GIS Department needing surplus. The scanner is broken and the cost of fixing it would be more expensive than purchasing a new scanner. The scanner has already been replaced.

Council Member Mann moved to approve the surplus list; Council Member Erickson seconded the motion carried; all voted aye, **the motion carried.**

D. Fireworks Stand at 490 North 2nd East at Albertsons – Phantom Fireworks

This fireworks stand was paid for in April; however, it was taken as a business license so the stand needs to be added to the list of approved firework stands. The stand is over by Albertson's. Mayor Larsen said there are more stands this year than in past years. The Rexburg/Madison Fire Department is keeping a close eye on all of the fireworks stands. City Clerk Blair Kay indicated that this approval brings the number of fireworks stands up to eight.

Distributor	Distributor Address	City/State/Zip	Location	Address (2)
TNT Fireworks	PO Box 836	Clackamas, OR 97015	Walmart Parking Lot	530 N. 2nd E.
TNT Fireworks	PO Box 836	Clackamas, OR 97015	Valley Wide Co-op	1175 West Main
TNT Fireworks	PO Box 836	Clackamas, OR 97015	Broulims Market	124 West Main
Winco Fireworks	367 Mountain View Drive	Preston, ID 83263	All Season Sports	150 West Main
Winco Fireworks	367 Mountain View Drive	Preston, ID 83263	Custom Auto	328 N. 2nd East
Cutlet Fireworks LLC	1619 Brookfield Ct.	Twin Falls, ID 83301	Kentucky Fried Chicken	568 N. 2nd E.
Family Fun Entertainment, LLC	115 Taft	Pocatello, ID 83201	Valley River Center	125 Valley River Dr
Big Bear of Utah, Inc. dba: Phantom Fireworks	124 W. Burton Avenue	Salt Lake City, Ut. 84115	Albertsons	490 N. 2nd E.

Council Member Erickson moved to approve the fireworks stand request; Council Member Schwendiman seconded the motion; all voted aye, **the motion carried.**

Staff Reports:

B. Public Works: – John Millard

1. Report on Project

Mayor Larsen indicated this report was reviewed extensively last week and he moved on to the next item of business.

C. Plat recording discussion – Staff

Mayor Larsen asked for a quick report from the City Attorney Zollinger.

Council Member Stevens declared a conflict and he stepped down from the Dias.

City Attorney Zollinger reported some plats are not recorded even though they were approved. He indicated the GIS Department has no problem with this one year extension. The minute you record the plat, taxes are applicable on the land. The tax liability is not payable in a down economy. There are four plats waiting for the economy to turn around. They are asking for a blanket 12 month extension to record the plats. The code calls for a re-application after six months if the plats are not recorded with the county. **Planning and Zoning Administrator Leikness** recommended allowing a one year extension for the existing plat's while new applications would not get the extension.

Council Member Erickson was concerned with allowing an extension to the recording process. Phase Four of Valley View Estates has not recorded the lot distribution; Willow Brook Subdivision Phase Four has additional standards applied under the code; however, nothing has been down in phase four at this time. Willow Brook Phase Three is not yet completed, so phase four has not been started.

Planning and Zoning Administrator Leikness said if the economy were to recovery in the next twelve months, re-processing the plat for Willow Brook Subdivision Phase Four would be a waste of time as the same plat would be presented. Another plat in the same situation as Willow Brook Phase Four is Kartchner's new subdivision for phase one. All three plats would be given the 12 month blanket extension. Council Member Erickson said there may be a reason to grant the extension.

Council Member Mann was concerned an extension to some applicants may be unfair to others who have recorded their plats. He was concerned that in the future other plats will want to request the same blanket extension.

City Attorney Zollinger said these measures were designed to keep the developments moving, and not to hinder them with renewing the plat record. These plats meet all of the city's current standards. The motion is to grant a twelve month extension to all the plats' currently complying with city standards, but have not been recorded by the county. If the standards change for plat's during the next twelve months, the plats would be required to make the necessary changes.

Council Member Schwendiman moved to grant a twelve month extension to all pending final plats approved by the city; however, they have not been recorded by the county with the condition the plats would have to go through the city approval process again if city standards change prior to recording the plats with the county. They would be required to come back to the city and revisit those changes in their subdivisions; Council Member Mann seconded the motion; all voted aye; **the motion carried.**

Council Member Stout joined the meeting.

Calendared Bills and Tabled Items:

D. BILL Introductions – NONE

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

1. **BILL 1027** – Amend Ordinance 908 Temporary Sign Sections – Staff

City Attorney Zollinger reviewed the BILL. The temp sign paragraph was modified addressing concerns discussed by the City Council in a previous meeting. He said that a definition has been added for what constitutes a banner, flag, and pennant. The modified BILL allows for purely decorative flags, banners, and pennants to be displayed; however, the modified BILL would place restrictions on informational banners, flags, and pennants. He mentioned Boise modified their sign ordinance to address some special sign districts. He asked the City Council to consider some of the modifications added to the Boise sign ordinance (chapter 11) allowing for special sign districts. He referred to a 60% rule where owners could petition for a special district. As written today it does address the pennants and flags. It begins to address the City Council's concerns. He asked the City Council to be open to changes in the bill that might happen between the 2nd and 3rd readings.

Mayor Larsen indicated there are new banners being displayed in Rexburg; City Attorney Zollinger said there is a proliferation of free standing banners coming into the city. They could be added to the sign code as a structural sign, or these signs could be regulated as temporary signs. They would be restricted for a 30 day event. Council Member Schwendiman asked if there was urgency to changing the ordinance.

City Attorney Zollinger said the changes have evolved over the past 18 months. He said 18 months ago there was an unacceptable amount of signs and 18 months ago the City Council asked the City Attorney to look into fixing this problem. He feels like the Boise regulations would be an effective way of handling the sign problem in Rexburg.

Mayor Larsen said there was a Temporary Sign Committee. Business owners and staff were on the committee. Some of these ideas came out of that committee. He suggested keeping it on the first reading calendar for next meeting. City Attorney Zollinger wants the City Council to look at the changes and come prepared to discuss the changes during the next meeting. He said the members of the City Council can look at (Chapter 11) of Boise's ordinance that address's signs. The federal law says cities cannot regulate political campaign signs. The federal government argues that political campaign signs are a form of free speech.

Council Member Erickson would like to be less restrictive on temporary signs. He thought the sign ordinance was too restrictive. He recommended the compliance officer investigate problems signs.

Mayor Larsen said the goal of the Temporary Sign Committee was not to get rid of all the signs, but to update the sign ordinance and to simplify it for business owners and the public to understand.

Council Member Erickson has not had a citizen complain about the temporary signs. It has been the Planning and Zoning Commission members. He said the only person he has ever heard complain about the signs is the Planning and Zoning Commission. He thought the BILL was over kill. He wanted to have the complaints for signs recorded for six months. Then the city could invite those individuals who complained to a City Council meeting. City Attorney Zollinger explained the public input was obtained from businesses and others on signs. He agrees there may be overkill; however there have been complaints about all of the banners around the city. Particularly there was a complaint with the pizza sign that was flapping around. Council Member Erickson said the Planning and Zoning Commission is responsible for monitoring city codes. City Attorney Zollinger said the City Council should not be surprised that most of the complaints come from city committees because they are charged with being extremely sensitive to the concerns of the citizens of Rexburg. The committees are charged with making sure city code like the sign ordinance is obeyed. That is why there are so many complaints from the Planning and Zoning Commission.

What is the general public's consensus on temporary soft type signs. The BILL will remain on the first reading calendar.

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

G. 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
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
3. **BILL 1028** – Residential University Parking Ordinance – Staff

The City Council skipped the third readings for BILL 1024 and BILL 1026 until the committee's currently meeting to review the bills has completed their review.

Virginia Pratt requested no parking on 1st West on the west side and the north side of 2nd South with the addition of a bicycle path. Two tenants were ran over by cars coming and going. It is unsafe to bike behind cars. This proposal would create a safe zone for students during the winter months on a busy section of the street. City Attorney Zollinger said parking on the street configurations is not part of this ordinance. The number of spaces on the University Parking permit

zone is about 999 stalls. He previously thought the number of affected stalls would only be around 350-400 stalls; however, he still feels like the city should move forward with this Bill.

Council Member Stevens mentioned parking passes would be encouraging to people coming into town seeking parking at the University. Council Member Erickson said a business taking care of yards (lawn care) needs two parking stalls to park. City Attorney Zollinger answered with two responses: 1 – How can the lawn care business find two stalls together to park a pickup and a trailer between 8:00 A.M. and 5:00 P.M.

2) – The lawn care business should be buying a \$35.00 permit for a year.

Mayor Larsen said the lawn care business could borrow the homeowner's parking pass.

City Attorney Zollinger said the code allows discretionary passes for \$35.00 per year. Boise allows for a vendors a pass to transact business. This pass would allow the owner to park in any of the parking districts. Two parking passes will be provided per parcel inside the University District.

Mayor Larsen says there are two goals for this ordinance:

- 1) – To reduce the congestion around the University, and
- 2) – To protect the residential neighborhoods around the University.

Council Member Erickson moved to third read and approve **BILL 1028** – Residential University Parking Ordinance; Council Member Stout seconded the motion; Discussion: remove parking north side on 3rd south, from 2nd East to Harvard. There are only three parcels facing onto the road on this side of the street. The apartment building was also changed into University Parking. All voted aye; **the motion carried.**

City Attorney Zollinger said that the University is asking for a lower parking permit price for University parking lots to help move cars onto University parking lots. They want this until construction is done on the University projects at which time the city may raise the price. University parking enforcement will allocate the passes on a first come first serve basis. The city will also have them available. The Police Department will also be selling parking passes. City Attorney Zollinger explained the University's parking plan. The University will also be advertising the city's parking pass. Piano passes for people going to the University to take lessons will be available at University Parking and on the city web site. There will be a resolution for approval on the 15th of July to adopt the parking pass fees.

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

Mayor's Report:

The Mayor said that the next meeting will be at the Westwood Theatre. This is the last meeting in this building at 12 North Center.

Virginia Pratt offered clarification on her letter. She wants a larger bicycle path because she has seen two students get ran over. Mayor Larsen said they are looking at putting in a bicycle path on one of those streets.

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. June 24, 2009 meeting
- B. Approve the City of Rexburg Bills

No action taken to approve the consent calendar.

Adjournment

Attest:

Shawn Larsen
Mayor

Blair D. Kay
City Clerk