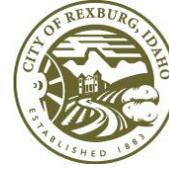


City Council Meeting

June 03, 2009



CITY OF
REXBURG
America's Family Community

12 North Center
Rexburg, ID 83440

blairk@rexburg.org
www.rexburg.org

Phone: 208.359.3020 x313
Fax: 208.359.3022

June 03, 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

5:00 P.M. WORK MEETING for 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:

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

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.

Mayor Larsen asked for input from the City Council concerning BILL 1024. He noted a letter had been sent to architectural firms over two months ago asking for input on the BILL.

Johnny Watson from JRW & Associates reviewed some of his concerns with the BILL:

1. People come to Rexburg for the quality of Life. Mr. Watson explained Zoning Ordinance 926 was created in a time of exceptional growth for the purpose of having responsible growth. He referred to a local business that is six years old which would not be built under Zoning Ordinance 926.
2. The City of Rexburg needs to step back from Zoning Ordinance 926 for a couple of months and develop another alternative zoning ordinance. He explained Zoning Ordinance 926 is much too cumbersome to administer. It is not cost effective to build a building under Zoning Ordinance 926.
3. Mr. Watson offered to help develop a new zoning ordinance full of pictures to show architects what type of building is good and what type of building is bad for the community. The current application process to build a building is too lengthy and costly.

Council Member Schwendiman explained commercial businesses will not locate in Rexburg because of the difficulty in obtaining a building permit; leaving Rexburg to be a bedroom community for Idaho Falls. Several things are working against a builder in Rexburg including project delays. He proposed moving the building design standards out of the zoning ordinance to improve efficiency.

The City Council discussed the proper approach to get good buildings constructed in Rexburg without the current problems caused by the cumbersome zoning ordinance. One approach would be to use a book of good and bad examples of building construction.

Council Member Stevens was concerned that the current process is too complicated. The permitting process needs to be streamlined to expedite the process. In the current code, it states on page 192 a 45 day window for site plan approval or disapproval:

6.11 Site Plan Review.

*The Planning and Zoning Commission shall review the application described in Section 6-9 above for any multi-family building or development with four or more units. **Within forty-five (45) days** after receipt of the application, the Commission shall approve or disapprove the application as being in compliance with the provisions of this Ordinance. If disapproved, the Commission shall enumerate the provisions of this Ordinance which have not been met by the application.*

Planning and Zoning Administer Leikness reviewed the code requirement to break up the building every forty feet:

Page 33

1. Building Form. *The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every forty (40) feet, and on each floor shall contain at least two of the following features:*

The City Council was concerned with the design standards being added to duplexes and the difficulty in working through the design standards to get a building permit. Council Member Stevens discussed the need to avoid changing the wording in the code from “Community Development Department” to “Planning and Zoning Administrator” for approval. He preferred having more people in the loop to approve a building project (i.e. Rexburg City Staff). The reasoning was to have a group approval process instead of just one person:

Page 28 example:

3.6.140. Project Plan Approval.

*All projects constructed within the LDR3 zone must submit, prior to beginning construction, a site plan for review and approval by **Rexburg’s Community Development Department**. All structures must comply with the current Building Code of the City of Rexburg, ID.*

The City Council suggested having a work meeting including the Planning and Zoning Commission chair person to go over the document page by page to clear up any ambiguity in the code. They continued their discussion of the code and personal (subjective) interpretations when applying the design standards to a project.

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

Roll Call of Council Members:

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

Public Comment: on issues not scheduled on the agenda (limit 3 minutes)

Presentations:

Committee Liaison Assignments for 2008:

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

Council Member Mann reported the Beautification Committee met to plan a new sign at the end of Main Street. The City Parks look great, as well as the flowers on Main Street. The Museum Committee and the Emergency Services Board have not met.

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

Council Member Erickson did not have anything to report outside the Planning and Zoning Agenda items on tonight’s agenda. Mayor Larsen reported on the county meeting with the Rexburg Redevelopment Agency on Urban Renewal. Rexburg Redevelopment Agency is entering into an

agreement with the county with first right of refusal to purchase the old Co-op property and to upgrade the lot with a Community Development block grant. Mayor Larsen said the Urban Renewal Agency will then turn the lot over to the city with some funds to improve the lot.

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

Council Member Stevens reported on the Airport Board meeting today at the new city hall building concerning a proposed runway extension project.

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

Council Member Schwendiman reported the Traffic and Safety Committee met last night considering a cell phone ordinance. They did not have a recommendation at this time.

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

Council Member Woodland reported the IBC did meet however, he missed the meeting. The Tabernacle Civic Center fund drive for windows is underway. They have produced a nice little brochure to help raise funds for the windows.

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

Council Member Stout reported on the Legacy Flight Museum meeting. Council Member Mann represented Council Member Stout at the meeting. The air show will begin at 9:00 A.M. on June 20th. The air show is free to the public. He indicated there was a proposal from the Trails of Madison County Committee by Joseph West.

Doug Stutz and Joseph West reported on the proposal to repaint the bike lanes on 2nd North and 5th West to National Standards. Council Member Stevens asked about chip sealing and the bike lane painting being coordinated with chip sealing. Mr. Stutz added additional lanes need stripped on 2nd East. Mayor Larsen said the state has agreed to do the fog lines on the designated streets. 1st North and 2nd West are being planned for bike lanes too.

Joseph West thanked the city staff for the bike lanes in place; he uses them every day. He is seeing more bikers every day. Council Member Stout asked for a map. It is on the web on “trailsofmadison.org”. There are some very nice trails along the Teton River. Local businesses next to the trail system have been contributing to the construction of the trails system.

Mayor Larsen thanked them for their efforts with the trails system and grant writing for funding.

Mr. West explained the plans to expand the trails system in the future. They are working to connect the 2nd East trail to the Sugar City Trail; Barney Dairy Road to Madison High School; and, they will work with the county on other areas like Poleline Road.

Mayor Larsen recognized BYU-I students participating in a five session training program (Rexburg 101) at the city for extra credit. They had a mock city council meeting tonight at city hall.

Mayor Larsen welcomed a Boy Scout to the meeting.

Public Hearings:

A. 8:00 P.M. – Community Safety Lighting Fee for street and neighborhood lighting - Staff
Resolution 2009-08 Community Safety Lighting Fee – John Millar

Public Works Director Millar indicated he looked for areas needing this lighting program throughout the community. The proposed fee is \$1.65 per unit for single family and multi-family units; non-residential buildings with less than 10,000 sq ft would be a \$3.30; larger non-residential buildings greater than 10,000 sq. ft would be \$6.60. The Community Safety Lighting Fee has expected revenue of \$1.3 million dollars for lighting projects throughout the community over nine years with a sunset clause to take effect.

Mayor Larsen opened the public hearing for public testimony:

Those in favor of the proposal: None

Mayor Larsen entered a letter from Reed Nielsen into the public record which stated he was in favor of the lighting ordinance.

Shawn Larsen

From: Nielsen, Reed [nielsenr@byui.edu]
Sent: Wednesday, June 03, 2009 8:35 AM
To: Shawn Larsen
Subject: third reading of lighting ordinance / lane changes on first north

Mayor Larsen,

Please accept this e-mail as my comments regarding the lighting ordinance scheduled for a third reading this evening at the city council meeting.

I am in favor of this ordinance. I believe there are areas within the developed parts of the city of Rexburg where lighting needs to be improved and it seems fair to me that all citizens should contribute to these improvements. A surcharge on lighting bills seems to be a reasonable way to go about implementing upgrades to the street lighting system. I also am strongly supportive of the council's action to include a sunset date with this ordinance. Once the critical needs of the city are met the charge should be discontinued.

On a separate matter, I believe the council should strongly consider taking action on the recommendation made by the traffic and safety committee regarding lane realignment along first north. This action should at least include a more in depth review of the problem, the true need for four lanes along a limited distance (4 blocks) of first north and other solutions besides those presented by the traffic and safety committee. For a street where the average speed is approximately 30% faster than that which is posted and the potential for vehicular / pedestrian accidents due to the proximity to residences, school and library, I would think that a modification that can be accommodated in the course of regular street maintenance (the scheduled re-stripping and street topping already planned and in the city budget) makes a great deal of sense. This does not require the allocation of additional funds rather it necessitates a change in priority of where current funds be spent.

In the presentation made last council meeting by members of the traffic and safety committee it was recommended that the number of lanes be reduced from 4 to 2. Based upon the information given, this change would have minimal affect on traffic because of traffic volume. It has also been proven in many locations in the United States (I do not believe we need to do in-depth studies in the city of Rexburg to substantiate what has already been done elsewhere.) that this type of lane reduction results in a reduction in vehicular speed and, as I recall, traffic accidents. From a personal perspective it seems reasonable to me as well that pedestrian cross walks (protected only by stop signs) across a four lane street is much more hazardous than crossings where only two lanes are being crossed. Arguments against this reduction in lanes because it will slow down the time it takes to get across town or make life more difficult for large truck traffic are beside the point and fail to take into account the real problems – that of speeding, the danger of the four way stop with a pedestrian crossing of a four lane road and bike and automobile conflicts.

Thanks for giving me the opportunity to provide this input.

Reed

Reed W. Nielsen PE

1

Those neutral to the proposal: None

Those in opposition to the proposal: None

The Public Hearing was closed to public input.

Mayor Larsen deferred to the City Council for deliberation:

Council Member Erickson reviewed the past discussions on the proposal and he indicated he would support the lighting program. He recommended passage of the BILL.

Council Member Erickson moved to approve **Resolution 2009-08 Community Safety Lighting Fee**; Council Member Stout seconded the motion; Discussion: Council Member Stevens reiterated the City Council's agreement to have a sunset clause after nine years. The design standards ordinance will take care of new lighting. This proposal is enough to bring the city up to the design standards in place now for commercial and residential applications. He wanted the people to be comfortable with the proposal which is to bring areas that are under lighted in the city up to the lighting standard; not a 50 year fee on the utility bill. Council Member Woodland and Council Member Schwendiman did not want a permanent tax. Mayor Larsen called for a vote; all voted aye. **The motion carried.**

New Business:

- A. **Rezone property at 208 East 3rd South** from Low Density Residential Two (LDR2) to Medium Density Residential One (MDR1) – Staff

Planning and Zoning Administrator Gary Leikness reviewed the Planning and Zoning Public Hearing and discussion on this proposal. It is an applicant request to change the zoning from single family (duplex possible) to MDR1 – (16 units per acre possible). The applicant is seeking a possible four-plex for this development. The property was approved for multi-family in a recent Comprehensive Plan change to allow this zone change request. The Planning Commission recommended denial to the Comprehensive Plan change and the City Council approved the Comprehensive Plan change. He reviewed the proposal on the overhead screen. Planning and Zoning could not recommend or deny the request due to a split vote of three in favor and three opposed to the rezone request.

Mayor Larsen said this was not a public hearing; however, he would take public comment. He invited the applicant to present their proposal.

Mrs. Nef thanked the City Council for their time and their consideration. She explained they would like the evidence weighed from all sides. She began to read a statement; however, Mayor Larsen recognized the issue needed further public input in a 2nd public hearing setting. City Attorney Zollinger recommended this request come back before the City Council in the public hearing format. Mayor Larsen directed the City Clerk to schedule a public hearing for this proposal on July 15th at the Westwood Theatre starting at 7:30 P.M. He asked the City Council not to discuss the merits of the proposal until testimony has been given at the public hearing on July 15th.

Break

- B. **1st North** (2nd East to 2nd West) Safety Improvement Recommendation from four lanes to “two through lanes” with a turn lane – Traffic & Safety Committee (Staff).

Council Member Mann said this proposal would take care of a lot of safety problems on 1st North. A lot of people walk to the library. It will help with safety on 1st North. It is a great thing to do.

Council Member Schwendiman was concerned the BILL was moving at a swift pace. He was opposed to removing traffic lanes for bike lanes. Council Member Erickson did not think it should be changed back to a two lane road. He referred to the visualization of having a bike lane added to both sides of 1st North. Any traffic going east turning to the new city hall on 1st East would have to cross a bike lane. He was concerned with the safety of bicyclist in a bike lane at the intersection of 1st North and 1st East.

Mayor Larsen explained the position of Traffic and Safety on this proposal. The Mayor reviewed safety lanes and the dash lines for traffic where traffic is allowed to cross a bike lane. The Traffic and Safety Committee did review the road diet from four lanes to two lanes and the intersection turn lanes. A gentleman who got hit on 1st North wanted a safer street. The City Council has a recommendation from the Trails of Madison County Committee to have 1st North narrowed allowing bike lanes as diagramed below:

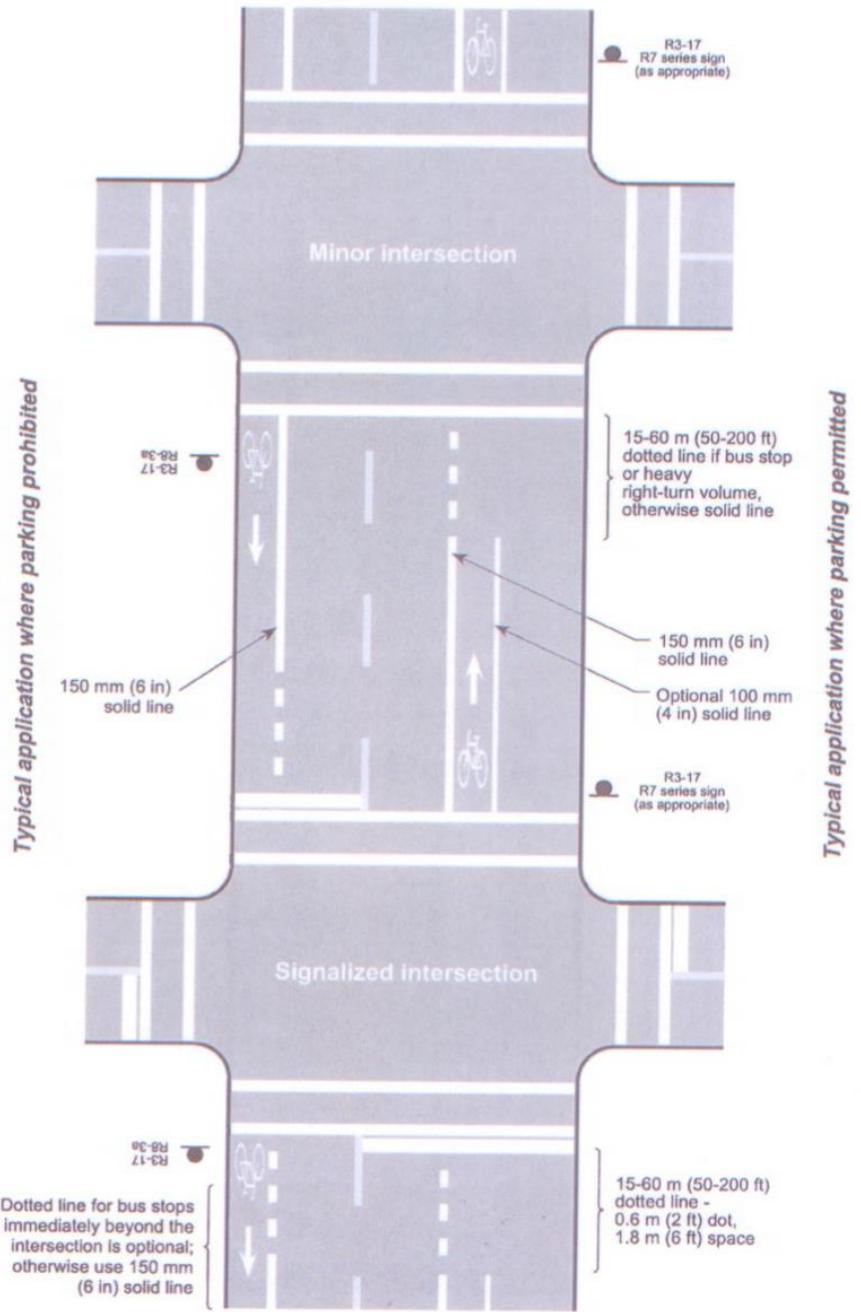


Figure 7. Typical pavement markings for bike lane on two-way street

Design
Bike Lanes

Keland Draney, chairman
Trails of Madison County
June 3, 2009

Honorable Mayor Shawn Larsen
City Council of Rexburg
Rexburg, ID 83440

Subject: Proposal for Painting of Bike Lanes in the City of Rexburg for 2009

Dear Mayor Larsen and Council Members,

The members of the Trails of Madison County would like to recommend to the City of Rexburg the following bike lanes be painted within the city limits during 2009.

Repaint existing bike lane striping in the following locations.

- S 2nd North from 5th West (by the Fair Grounds) to Madison Ave (by the High School) with the following modifications: Black out biker symbols facing wrong direction on south side of 2nd North near 2nd West and 3rd West intersections, then repaint symbols to indicate the correct direction of traffic.
- S 5th West from south edge of Nature Park path (approximately 240 North) to 7th South with the following modifications: Black out solid bike lanes for 56 feet on 5th West on both sides of the Main Street signalized intersection. Repaint with dotted line on the side of bike lanes closest to the center of the road (dotted line: two-foot dot, 6-foot space). Paint a biker symbol in the bike lanes immediately past the crosswalk after going through the intersection (see diagram at bottom of "Guide for the Development of Bicycle Facilities" p. 26 for a visual description).

We would like the city to consider striping bike lanes on the following new areas on both sides of the road.

- S 2nd East from N. Yellowstone Highway, by Horkley's, to Main Street. We understand this requires approval from the State and would ask that you continue to seek its approval.
- S 1st North from 2nd East to 2nd West.
- S. 2nd West from 1st North to 4th South.

We encourage the city to follow the guidelines found on pages 22-32 of "Guide for the Development of Bicycle Facilities," of which the City has a copy. If the City has any questions concerning the appropriate striping of bike lanes, we invite you to contact Trails Committee Member Doug Stutz at 496-2646.

The Trails Committee appreciates the continued support from city elected officials and employees.

Sincerely,

Keland Draney
Chairman

Mayor Larsen received a letter from Stephanie Tedford concerning the safety of 1st North. He indicted taking action on a road diet would present a safer situation for the public. The average speed on 1st North is 33 mph. The posted speed limit is 20 mph. There is a new library planned on this street. Council Member Erickson was still concerned with bicyclist's safety at the intersections. Mayor Larsen indicated striped bike lanes need to have better striping where a striped line represents a condition of sharing the road.



Traffic &
Safety Committee.

Memo

To: City of Rexburg
From: Stephanie Tedford
Date: 5/31/2009
Re: Intersection at North 1st West and West 1st North

To whom it may concern:

In April of 2009 my husband and I were crossing northbound on the cross walk at the intersection of N 1st W and W 1st N when we were almost struck by a car heading west on W 1st N. The car was far enough away that we felt safe to begin crossing, naively thinking that the car would see us and slow down. We, the pedestrians, had to stop in the middle of the crosswalk as we realized the car was not slowing down. I have always had a problem with this intersection, but this incident made me realize just how dangerous this intersection is to those in my neighborhood. I am writing to propose changing this intersection from a 2-way stop to a 4-way stop.

The incident I described above happened in broad daylight while my husband and I were walking back home from Broulim's grocery store. Broulims is located at N 1st W and W Main Street and my apartment is located at N 1st W and W 2nd N, so I must cross the crosswalk on W 1st N to get back home. Since this crosswalk is the shortest route home from Broulims it disturbs me that it is not safe for pedestrians to use. What is even more disturbing is that right across N 1st W from Broulims is Madison Junior High. I have observed students walking home after school and having to cross the intersection at N 1st W and W 1st N and they have as much trouble as I do crossing that crosswalk. The trouble is due to the following reasons: 1) There are no flashing

Joseph West said he looks at the driver to see if the driver sees him on his bike before he proceeds. He does not proceed in any intersection unless they see him. It is worse if you don't have the bike lanes.

Council Member Stevens asked about busses exiting on 1st West from the Junior High facility.

Council Member Stout referred to a pedestrian crossing at Center and 1st North where a pedestrian was nearly hit due to the driver focusing on other drivers instead of the pedestrian.

Council Member Stevens was concerned with going against a safety recommendation.

Council Member Woodland asked if there were flashing lights. City Attorney Zollinger explained there are crossing flags and a painted cross walk at the library crossing and the next block east has a pedestrian activated flashing light at the cross walk.

Council Member Mann move to approve the **1st North** (2nd East to 2nd West) Traffic and Safety improvement recommendation from four lanes to “two through lanes” with a center turn lane; Council Member Stout seconded the motion; Mayor Larsen called for a vote:

Those voting aye

Christopher Mann
Bart Stevens
Adam Stout

Those voting nay

Rex Erickson
Randy Schwendiman
Richard Woodland

Mayor Larsen exercised his option to break the tie vote by voting aye.

The motion carried.

C. Destruction of Records – Accounting/Finance Department

City Attorney Zollinger explained the records being destroyed are duplicate records from dig line, etc. The daily cash sheets and golf receipts have been reconciled and can be destroyed after the audit is complete.

Council Member Stout moved to approve the destruction of records list as approved by the City Attorney for the Accounting and Finance Department; Council Member Mann seconded the motion; all voted aye. **The motion carried.**

D. Requested improvements to City Hall at 35 North 1st East (sidewalk, security system, handicap lift for 2nd floor, youth center, and parking lot)

Security: Information Technology Director Steve Christenson explained the proposal to add a security system to the new city hall at 35 North 1st East. The proposal covers existing construction work and other possible expansion in the building. Due to the growth of the city it was recommended to secure the safety of City Hall because of confidential papers. There are a lot of people going in and out of the building so security cameras are necessary to provide documentation so that the police are able to respond more efficiently. A possible panic button could be installed or security camera feeds could be linked to the police department. Finance Officer Horner will provide the City Council with budget information explaining how the remodel funding will be covered.

Mayor Larsen explained the request is to cover sidewalk, security system, handicap lift for 2nd floor, youth center, and parking lot. Police Officer Erickson explained how security systems make businesses safer. He indicated City Hall needs to be as safe as possible. There will be two businesses in the building. One business could be there 24/7. City Hall needs to be secured given the open access to the building. Colin Bowler explained the security issues. Officer Erickson explained security issues and the planned location of the security cameras. Information Technology Director Steve Christenson said the low bid was about \$19,000. Officer Erickson explained the security includes the proposed youth center which will be monitored at the Police Department.

Sidewalk: **Public Works Director Millar** reviewed four areas needing attention.

1. Redo parking lot on north side of building.
2. Landscaping and lights similar to improvements behind police station.
3. Sidewalk on west side of building.
4. Sidewalk curb and gutter on the east side of building.

The concrete bids range from \$24,000 to \$34,000 including curb and gutter. There are two options:

- 1) If all the pavement and concrete work is contracted, it would cost \$136,000.
- 2) If our crews could do removal and grading in the parking lot, and concrete preparation for sidewalks, including finding someone to install lights; the concrete work and pave the parking lot would cost between \$75,000 and \$100,000 total.

Handicap lift: **Building Official Christensen** reviewed the proposed handicap lift for the 2nd story costing \$17,000; if the City Council decide to do a handicap lift now is the time to do it because the cost of the handicap lift would be \$15,000 versus later when the building is already constructed based on the cost of labor. The Americans Disability Act does not allow a single function on the 2nd floor so the city is willing to provide the same services upstairs that are provided downstairs. A handicap individual would need access to the second floor if his department was located upstairs.

Council Member Stevens explained the 2,500 square feet of floor space upstairs has some sprinkler pipe and other conduit plus fixtures needing to be raised at a cost of \$12,000 for sprinkler changes plus another \$8,000 for framing and stairway. Donations for the upstairs youth center room would be easier to obtain if the structural part of the project is complete. A finished plan needs to be presented to donors in order to request donations.

Council Member Mann asked for the cost of sheet rock. A donation of sheetrock may be available. The sheetrock would cost about \$8,100.

Finance Officer Horner explained the funding sheet passed out to the City Council. Discussion on the estimated numbers in the funding sheet. The funding sheet included the estimated cost to remodel the old city hall for the new buyer (Madison Memorial Hospital). The funding would come from the revolving loan fund. He recommended doing all of the remodeling at this time due to added cost by waiting. The total additions to the remodel the new city hall project are estimated to be about \$143,000.

Council Member Erickson moved to approve the requested improvements to City Hall at 35 North 1st East (sidewalk, security system, handicap lift for 2nd floor, youth center, and parking lot); Council Member Stevens seconded the motion. Discussion: Council Member Stout was concerned with taking more money out of the revolving loan fund. Public Works Director Millar indicated there are approved funds from the stimulus package for \$127,000 which will cover the roof repair expense and some monies for the tabernacle windows. Council Member Schwendiman asked if these items are inclusive to complete the building. Building Official Christensen said the only other item not included is the sign for city hall. Finance Officer Horner indicated the Rexburg Renewal Agency may be willing to help fund some landscaping improvements to the front of the building. Information Technology Director Steve Christenson said the audio and visual expense is not covered in the city council room. Building Official Christensen has some money from the remodel project for a sound system in the council room. City Attorney Zollinger said solo tubes for outside lighting would be a good item to add to the building. Council Member Mann shares Council Member Stout's concerns concerning the use of revolving loan funds. Public Works Director Millar explained landscaping in the front of the building is possible when the sidewalks are replaced.

Council Member Erickson said the horse was saddled when the city purchased the building for a new city hall; now, we have to ride the horse. It is going to cost some money to do the remodel as intended.

Mayor Larsen called for a vote:

Those voting aye

Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens
Richard Woodland

Those voting nay

Adam Stout

The motion carried.

Council Member Schwendiman wanted to consider the Solo tubes for natural lighting to save energy costs. Mayor Larsen noted the consensus of the City Council was to look at the Solo tubes for natural lighting.

Break

E. **Fireworks Stands** – The City Clerk presents the information on the Fireworks stands. There are five requests for firework stands which are Valley Co-op parking lot, Wal-Mart parking lot, Broulim's, All Season Sports parking lot, and Custom Auto. There are ordinance requirements to pass a motion of approval for the fireworks stands. An inspection by the Rexburg Fire Department must take place before the fire stand is approved. The City Council discussed the location of the All Seasons Sports parking lot. Concerns about where the firework stand will be located in the All Season Sports parking lot. The positioning of the fireworks stand will be where the business used to display their motorcycles.

Council Member Erickson moved to approve the fireworks stands applications; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

Staff Reports:

A. **Public Works:** – John Millar

1. Report on Projects with activity:
 - a. Storm Drain line connecting 7th South Storm Drain Line to a storm water retention pond on the hill partially funded by a stag grant. It is going through the grant process to be started in the next fiscal year.
 - b. Storm Drain outflow line behind Mother Hibbard's to the Teton River is being held up with easement issues. It will be delayed to next year's schedule. Deferral of projects (a & b) will free up \$275,000 of 2009 committed funds.

Public Works Director Millar explained the Economic Stimulus funding through LHTAC is available for cities the size of Rexburg. We can apply for grants up to \$450,000 for arterial road capital improvement projects. The project on 12th West may be a project for consideration for this funding. This street could be resurfaced similarly to the project on 2nd West last year. The pavement is ground up and used as a base for new asphalt pavement. Eventually, 12th West will need to be a five lane street. Mayor Larsen said 12th West was second on the priority list with the Madison County Transportation Plan after University Blvd. Two of the review questions on grant request are if the project is on the priority list for capital improvement projects and is the project a high priority on the list. He said twelve cities in Idaho are competing for this funding to be allocated by October. It doesn't take care of the 12th West project; however, it would help widen the road. The deadline is the 10th of June for the grant application. The City Council discussed the points given on the rating sheet.

Federal Stimulus Application through LHTAC – **EXPANDED ELIGIBILITY**

Item Seven (7) Project Rating Criteria.

- 1) *Pavement management.* Include some evidence of this pavement management or asset management program. If possible, show what the program suggests for the specific roadway.
- 2) *Capital Improvement Program.* Attach that part of the CIP which lists the proposed project.
- 3) *Unemployment Rate.* List the rate for your county from the attached spreadsheet.
- 4) *Poverty Rate.* List the Poverty Rate from the attached spreadsheet.
- 5) *Schedule.* Attach a project schedule.
- 6) *Average Daily Traffic (ADT)* List the ADT for this roadway and the date of the traffic count.

The City Council discussed the need to improve 12th West to accommodate heavier traffic including bike lanes from Main Street to University Blvd. Other streets reviewed for possible consideration were 7th South and Pioneer Road and 4th South. Council Member Mann suggested the Mayor and Staff review the streets that qualify for the funding and make a recommendation to the City Council. Public Works Director Millar indicated bids on projects are less this year.

- c. **Track hoe & trailer for \$50,000.** The lease cost for a track hoe would be about \$6,000 for the planned work. The City Council discussed the option of purchasing a track hoe versus leasing the track hoe. They requested more documentation on the amount of time a track hoe would be used on city projects.
- d. **Waste Water Project (Phase I Design).** Public Works Director Millar asked for approval to start negotiations with an engineering firm to develop user fees and be prepared to move quickly to install a bio-filter and belt press. He explained waste water capacity is running high. The bio-filter and belt press need to be constructed this year with the proposed solar drying beds being done next year. This would cut the waste water load down significantly. To get adequate capacity now, the Waste Water Department will have to start double shifting. He proposed to have a phasing and cost plan before the City Council in three weeks. The City Council suggested having an example that is in operation for their review before a decision is adopted. The plant capacity is bumping upwards of 3,000,000 gallons per day; if there is one problem in the plant, unwanted odor would develop. The proposed process would have substantial energy savings. Discussion on the financing options including the option for a judicial review as opposed to a public vote. Mayor Larsen indicated the proposed plan to upgrade the Waste Water Treatment Plant should move forward with a proposal for the total package including a phased in plan for the City Council to review at the next meeting.

- e. **Rexburg/Madison Airport Study proposal.** Two engineering proposals have been received and the city is waiting on a third proposal. The grant has already been awarded for the study.

Council Member Stout asked about Main Street speed limit. The state controls the speed limit on Hwy 33. The Idaho State Hwy Board makes speed limit decisions for state roads.

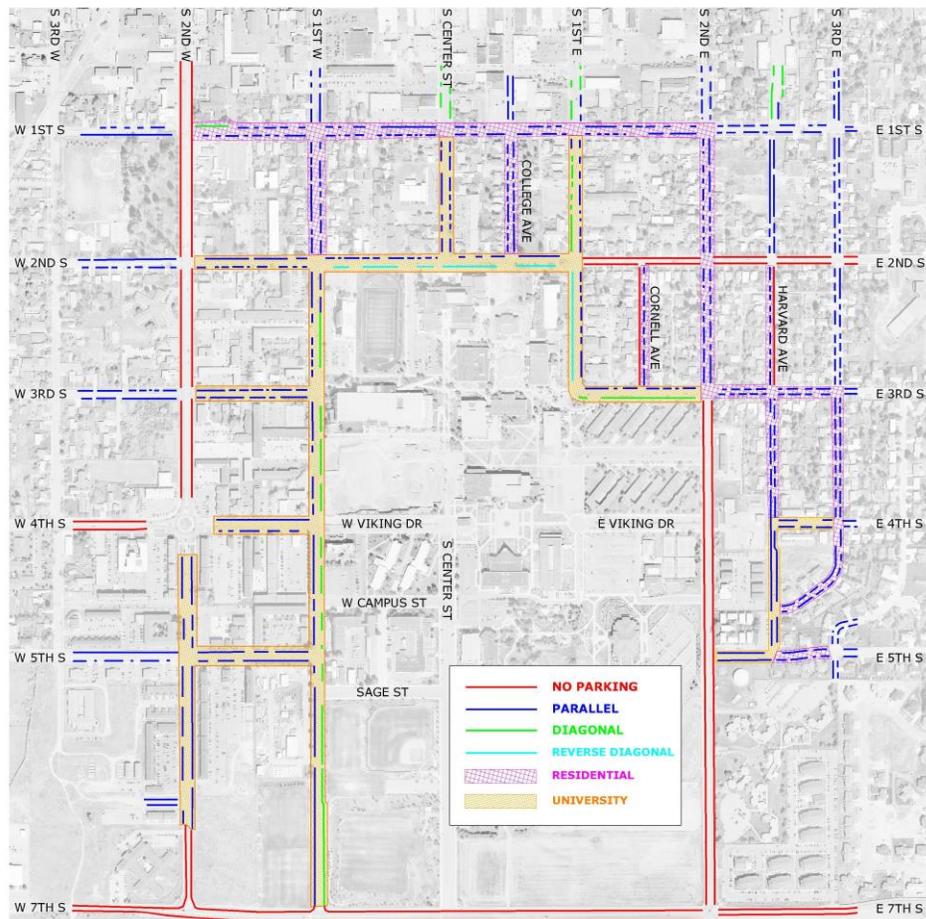
- f. LID 37 and 39 were rebid at a saving 40% from the last bid. Original bids were much higher. Council Member Stevens asked to make sure the sidewalk base is inspected. Engineer Keith Davidson provided some information on the bidding process. The city helps replace existing sidewalks by paying \$0.65 per square foot. Council Member Stevens suggested using the permitting process for sidewalk replacement to monitor compliance to sidewalk standards. The engineering estimate was \$118,000 for the sidewalk replacements; however, the approvable low bid for the project was \$65,360 from Depatco due to the 5% out of state add-on for Wyoming.

Council Member Stevens moved to accept Depatco’s bid as adjusted by state law; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

Calendared Bills and Tabled Items:

- A. **BILL Introductions** – NONE
- B. **First Reading:** Those items which are being introduced for first reading.
 - 1. **BILL 1028** – Residential University Parking Ordinance – Staff

City Attorney Zollinger explained the BILL will allow two permits per parcel on residential parcels near the University. Downtown residential parking was reviewed; businesses within these districts would be allowed to apply for two stalls. Discussion: Visitor parking, unique permit, parking rate, consistent with trimester schedule, motorcycle parking, University parking, parking ratio of one (1) to one (1) plus provide two parking permits for residential. Discussed the parking map under consideration where parking on streets around the University would be controlled by signage and parking permits.



Explained the 3 parking districts guidelines:

- 1) Campus Vicinity Residential District will allow two permits per parcel. After permits are issued an inventory will be taken and additional permits will be issued to those who meet specific criteria of the area.

2) University On-Street District includes all perimeter streets by permit only. If there is not any public visitor parking available within a certain distance the city will need to initiate time parking stalls in order to prevent a vast area of no visitor parking. The University indicated they intend to continue to have their visitor parking policy.

3) Downtown Residential Districts: The businesses within these districts will be allowed to apply for two stalls.

City Attorney Zollinger asked to have the BILL considered for first reading. Mayor Larsen asked about the BILL attachments and other issues including the map, parking symbols, rates, motorcycle parking, etc.

Council Member Erickson reviewed the parking on 2nd East going up to the Temple. The old map shows 2nd East from 3rd South to the 7th South by the Temple will be “no parking”. Council Member Stevens asked to have a public forum on this issue to involve the neighborhoods. They discussed having no parking on 2nd East from 1st South to 7th South. Council Member Schwendiman reviewed the parking permits allowed on the colored streets. Only yellow streets would have marketable parking permits for students. Purple streets would have two parking permits per parcel given to residential homes. Parking enforcement

Council Member Erickson moved to approve first reading of **BILL 1028** – Residential University Parking Ordinance; Council Member Schwendiman seconded the motion; Discussion: Council Member Mann wanted a public hearing before making a decision. City Attorney Zollinger said these neighborhoods have been involved in the process with earlier parking discussions. This policy will need to be in place before this semester ends to avoid a whole new group of University students. The University is asking to have this policy moved forward as soon as possible with a mid September implementation date. Mayor Larsen said a public forum will be scheduled and the neighbors will be notified. Public Works Director Millar said the city needs time to order signage, etc. City Attorney Zollinger said this proposal has been developed from public input from these neighborhoods. The parking restriction from 9:00 A.M. to 10:30 A.M. intended to restrict parking on College Avenue and Cornell Avenue were tried first before this proposal was prepared. There will be public input by a “Public Forum” for the 2nd reading on the 24th of June. Council Member Stout would like to see the attachments first; City Attorney Zollinger explained the attachments are the icon, sign, fees, etc.; University parking will be parking lot specific including the University’s interior streets.

Mayor Larsen called for a vote:

Those voting aye

Rex Erickson
Randy Schwendiman
Bart Stevens
Richard Woodland
Adam Stout

Those voting nay

Christopher Mann

The motion carried.

2. BILL 1027 – Amend Ordinance 908 Temporary Sign Sections – Staff deferred

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

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

1. BILL 1025 Community Safety Lighting Fee – Traffic & Safety Committee (John Millar)

Public Works Director Millar indicated he looked for areas needing this lighting program throughout the community. The proposed fee is \$1.65 for single family units plus \$1.65 for units in multi-family complexes; non-residential buildings with less than 10,000 sq ft would be a \$3.30; larger non-residential buildings greater than 10,000 sq. ft would be \$6.60. (*Discussion was held in the public hearing portion of this meeting for the **Resolution 2009-08 Community Safety Lighting Fee** in conjunction with the 3rd reading of this BILL.*)

Council Member Woodland moved to third read and adopt BILL 1025 Community Safety Lighting Fee; Council Member Erickson second the motion; all voted aye. **The motion carried.**

2. **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 – **(Deferred to June 24, 2009)**
3. **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 – **(Deferred to June 24, 2009)**

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

Old Business:

Mayor's Report:

Mayor Larsen indicated the next meeting for City Council will be held June 24th, at City Hall. In the event the building is under construction, the meeting will be held at the Westwood Tabernacle.

The budget work meeting will be held next week at 4:00 P.M. for City Council to review the 2010 Budget requests from city departments.

Mayor Larsen and Finance Officer Horner took some time to review the Contingency Fund balance contained within the General Fund. The City Council asked about the amount of the different fund balances remaining in the 2009 Budget. Finance Officer Horner explained the "Rainey Day" fund currently equals 25% of the General Fund and the Contingency Fund balance remaining for 2009 is about \$30,000. The City Council asked how the "Rainey Day" fund and the "Contingency" fund are tracked inside the General Fund.

Finance Officer Horner explained they are basically the same fund allocated to separate categories within the same fund. There were questions relating to how the "Rainey Day" fund was tracked and secured inside the General Fund balance. There was some concern the funds needed to be separated to ensure the integrity of the funds unless the funds were approved for transfer by the City Council. The City Council approves any transfers out of the Contingency Fund in excess of \$10,000. Finance Officer Horner gave an example of a car purchase coming out of the Contingency Fund for the initial purchase; however, the final payment for the car will be paid through the use of the car by city departments. Finance Officer Horner explained how the Contingency Fund started out at about \$200,000 for 2009. When the gas price fell, fuel monies and other belt tightening savings were taken out of department budgets and put into the Contingency Fund leaving a balance of \$400,000 in Contingency. When sales tax revenue dropped from the state sales tax, the city took the sales tax revenue short fall out of the \$400,000 Contingency Fund balance leaving about \$200,000. There was also \$150,000 put back into the "Rainey Day" fund from the 2009 Contingency Fund balance plus another \$50,000 was allocated to the animal shelter building fund out of the Contingency Fund.

Finance Officer Horner explained the Contingency Fund Balance is the resulting balance after total expenses (five and six tenths (5.6) million) are subtracted from total revenues (six (6) million) leaving \$400,000 in the Contingency Fund. Council Member Schwendiman reviewed the remaining \$200,000 in the Contingency Fund after the sales tax adjustment. He was concerned the City Council was not aware the Contingency Fund monies were contained within the General Fund balance. Mayor Larsen explained there is still 25% allocated in the General Fund for the "Rainey Day" fund. Council Member Schwendiman explained the 25% reserve is needed to pay city bills the last quarter of the year because city revenue is lower in the last quarter; otherwise, the city would have to borrow funds to pay those bills. He did not want the monies moved inside the General Fund between the "Rainey Day" fund and the Contingency Fund. He expected the Contingency Fund balance to remain separate from the "Rainey Day" Fund.

Mayor Larsen commended Finance Officer Horner for sheltering the \$150,000 by moving the funds out of the Contingency Fund to the "Rainey Day" fund so the funds would not be available to city departments to request for current expenses. The city departments have cut their budgets in the middle of the budget year to help maintain the city's reserve funds. The city is in good shape financially. Council Member Schwendiman indicated the City Council would prefer to have a Contingency Fund isolated where the funds could be saved and carried forward from year to year for special projects.

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. May 20, 2009 meeting
- B. Approve the City of Rexburg Bills

Council Member Erickson moved to approve the Consent Calendar; Council Member Stout seconded the motion; Discussion: All voted aye. **The motion carried.**

Council Member Woodland moved to go into Executive Session per State Statute 67- 2345(C) to acquire an interest in real property which is not owned by a public agency; Council Member Stout seconded the motion; Mayor Larsen asked for a roll call vote:

Mayor Larsen asked to go into Executive Session for land acquisition.

Those voting aye

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

Those voting nay

None

The motion carried.

Executive Session.

Executive Session ended.

Adjournment

Attest:

Shawn Larsen
Mayor

Blair D. Kay
City Clerk