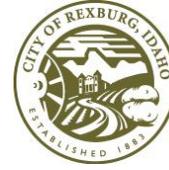


City Council Meeting

May 06, 2009



CITY OF
REXBURG
America's Family Community

12 North Center
Rexburg, ID 83440

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Phone: 208.359.3020 x313
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May 06, 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

9:00 A.M. Work Meeting to drive around the city to review projects.

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

The City Council met with some Department Heads at the following locations to review possible budget items to include in the 2010 Budget.

1. City Shop – John Millar
Items needing attention are perimeter fence.
2. Waste Water Treatment Plant– John Millar
 - a. Expansion Discussion
The expansion will be west of the current drying beds opposed to the east side due to a \$50,000 savings with piping.
3. Pioneer Road
 - a. Soccer Fields at Interchange
There is currently no master plan for the interchange; there will need to be one put in place at a future point.
4. Curtis Ferney Subdivision – John Millar
Bollards are in the works to be put on the pathways. There will be curb and gutter and ribbon curbing on the left side of McJohn's Lane. The property stakes appear to be closer to the road than the council or city was aware of, the road will be narrower than discussed.
5. Golf Course – Duffy McFarland
 - a. New nine addition
The new bridges are in the process of completion. Possible completion of new nine may be in August.
6. Porter Park – Greg McInnes and Max Egbert
 - a. New Shade Structures
There was discussion of recent improvements to Porter Park including Rexburg Pride Days, new windows in the carousel, and future tree removal and replacement. There are also plans for a possible 100 ft. flagpole and fence west of the Splash Park. Item needing attention is a handicap access on the southwest corner.
7. Project to see/discuss
 - a. Hemming Property
 - b. College Avenue
 - c. University Parking Plan
University or city stickers will be required on all vehicles. There will also be reverse diagonal parking to allow for bike lanes.
 - d. PEZ Zone Discussion
 - e. East side of 7th South
 - f. Founders Square

- g. Sky Meadows
 - h. Rexburg Heights
Items needing attention are the graffiti on the concrete area of the water tower, and blank signs on the fence surrounding the water tower.
 - i. Sunrise Drive
8. Urban Renewal Baseball Diamonds
There will be a need for more parking around the future baseball diamonds; the council discussed the possibility of working out an agreement with K-Mart to use space behind their building for parking. There was also discussion that that a road and parking need to be in place before construction of the ball fields.
 9. Co-op Property
 10. New City Hall – Val Christensen
 11. Police Department – Chief Archibald
 12. Main Street
 13. Budget Discussion – Richard Horner

The City Council concluded their tour with a budget discussion with Finance Officer Horner.

Attending: Council President Mann; Council Member Erickson; Council Member Stevens, Council Member Schwendiman; Council Member Woodland; Council Member Stout; and Mayor Larsen. Staff: Building Official Christensen, Planning and Zoning Administrator Leikness, City Attorney Zollinger.

4:30 P.M. Work Meeting on amending the city’s Development Code – Ordinance 926.

A. BILL 1021 for PEZ (Pedestrian Emphasis Zone) Parking Plan

Planning and Zoning Administrator Leikness reviewed the proposal to add the PEZ parking plan to the Planning and Zoning Ordinance. The parking plan would reduce the parking ratio to a lower ration for developments close to the University meeting the PEZ requirements. The “student housing” property owners provided favorable input concerning the reduced parking requirements. The conditions needed to take advantage of the PEZ “reduce parking” allowance were discussed. The housing market would be a driving force to move any development forward under the PEZ requirements. The PEZ proposal fits the Comprehensive Plan. BILL 1021 is up for a second reading tonight. There are two areas defined in the PEZ proposal with different parking ratios.

1. Area One – requires a .1 ratio for visitor parking; also, requires a minimum parking ratio down to zero “0”.
2. Area Two – requires a minimum .5 ratio for tenants and a .1 ratio for visitor parking for a total of a .6 ratio.

City Attorney Zollinger explained the student tenants will know if they have a parking stall under this plan. Council Member Erickson explained he would recommend having the BYU-I storage parking lot identified as discussed in the April 15th City Council meeting before moving forward with BILL 1021. BYU-I Attorney Richard Smith assured the City Council BYU-I would build the parking storage lot with the assistance of private developers. He indicated the University has had conversations with apartment owners and managers concerning the reduced parking plan which would stimulate the construction of additional student house close to the University. There were not any student developments asking for a zero “0” parking ratio; however, a ratio of .4 to .7 was workable for those apartment owners to expand their housing units in their own parking lots.

BYU-I Attorney Richard Smith asked to have language in BILL 1021 delineating what would trigger (assure) the applicant’s participation in the offsite parking plan. Council Member Woodland asked where the lot would be located. BYU-I Attorney Smith said the parking lot would be built on the University Zone.

Council Member Stevens didn't want to cause additional parking problems by passing the PEZ parking plan. City Attorney Zollinger indicated he would add language to the BILL to maintain a certain number of stalls through-out the year which would require snow to be removed from a parking lot instead of taking up parking stalls with snow storage. There is a 60 stall parking lot by the old Taylor's Chevrolet site on College Avenue leasing parking stalls. Council Member Schwendiman was concerned with the lack of adequate parking stalls under the PEZ proposal.

BYU-I Attorney Richard Smith said Area One parking ratios could range from .1 to .7 under the new PEZ parking plan; however, the average could be a .4 ratio. Sixty percent of students currently bring cars to the University.

Planning and Zoning Administrator Leikness reiterated his desire to have a plan that would be driven by the market. The ratio would be driven by the parking plan that is workable for each development. This will encourage teardowns (money makers) if this ordinance is approved. Mayor Larsen said the goal was to encourage students without cars to live closer to the University. Attorney Richard Smith said the current problem is the lack of visitor parking in apartment complexes.

Council Member Woodland explained this concept of letting the market drive development did not work years ago, causing the current lack of parking around the University. Now we are going back to the same pickle. It will worsen the situation if we do this proposal.

Council Member Stout indicted the situation is better since the city has required student contracts to disclose if the student has parking available with their housing contract.

Planning and Zoning Administrator Leikness said there is lots of opportunity (vacant space) close to the University to bring more housing density. You have to open up opportunities for development near the campus.

Council Member Schwendiman asked if parking was working with the new contracts stating the availability of parking for each resident "or" is the economy causing fewer cars to be brought to campus? Students are fickle, you provide parking lots and they will bring cars. Attorney Smith said the proposal will encourage pedestrian traffic around the University.

Planning and Zoning Administrator Leikness explained the PEZ BILL limits changing the boundaries for Area One and Area Two for five years. Building Official Christensen said this proposal will create sustainability in the housing market causing less glut.

A general question was raised about the timing of the off-site parking lot being proposed by BYU-I. It was noted a possible .0 parking ratio would probable move immediately to take advantage of the PEZ proposal. There was some discussion on current parking being allowed in setbacks where the cars have to back over sidewalks. When a decision is made to use the PEZ parking ratios, the non-conforming parking will have to be removed and landscaping requirements will have to follow the ordinance.

City Attorney Zollinger said parking in landscape areas would have to be removed to take advantage of the PEZ parking ratios. Asphalt would have to be torn out where applicable to allow the required landscaping per ordinance.

Attorney Smith said the proposal to remove parking stalls off 2nd East and 2nd South would remove cars from the University area. No one is willing to take chances in this economy.

Ross Farmer said Carriage House may take advantage of the PEZ parking ratios to expand that development. They have 600 renters with parking contracts.

Attorney Smith referred to the parking problems in Provo which has been exacerbated due to their policy allowing students from Utah Valley University and the Hair Academy to use BYU housing if they go to LDS Institute. This has added to the parking problems at BYU. Council Member Mann said campus housing in Provo is allowed within six miles of BYU Provo.

B. 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.

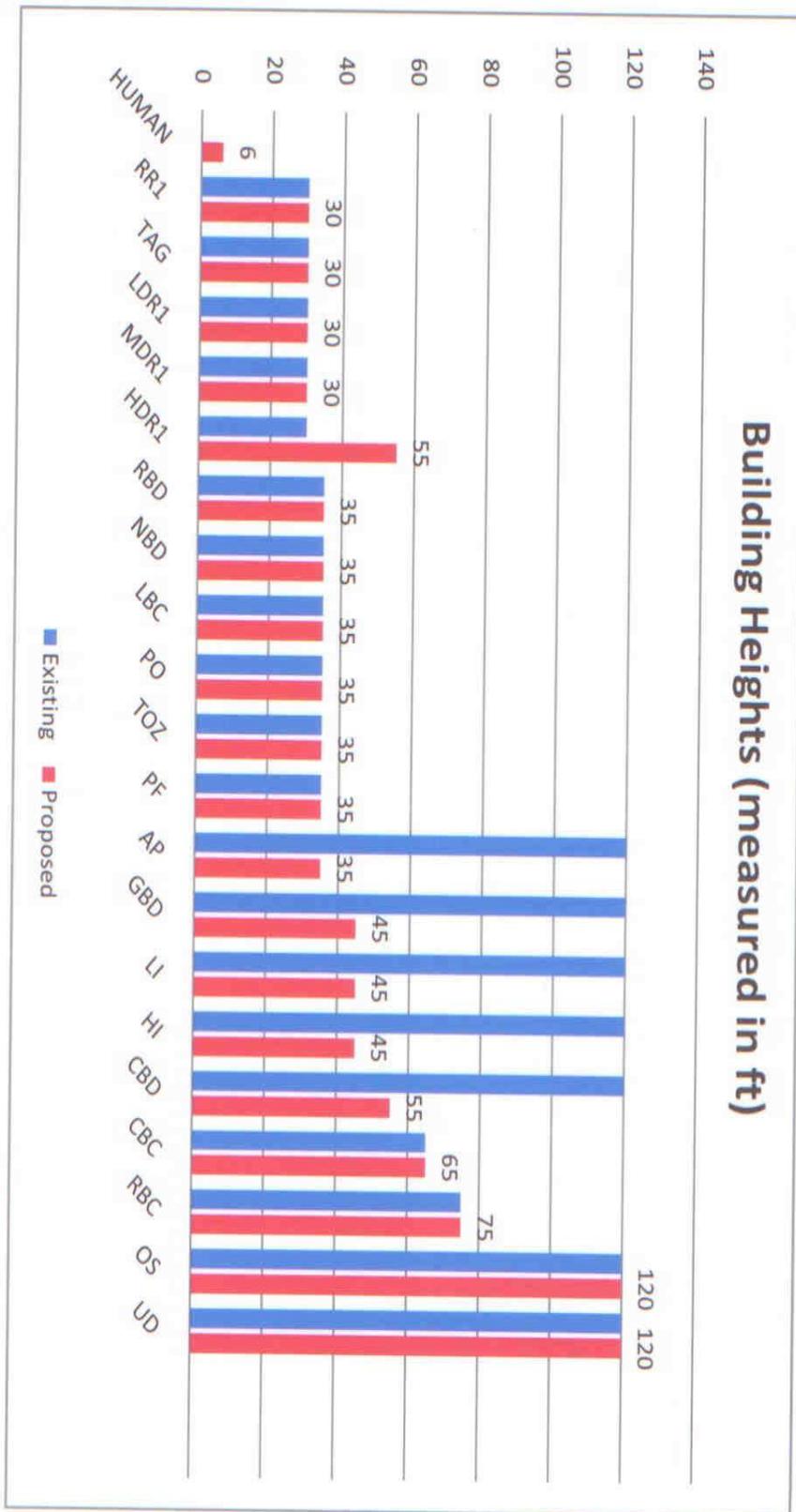
NOTE: To be discussed in a future work meeting.

C. 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

Discussion: Take out covered bike parking from BILL 1026.

Planning and Zoning Administrator Leikness presented a bar graph on building heights. Planning and Zoning sees the need for higher buildings. The concept of having a stair stepped approach to higher buildings was reviewed; including having lower buildings adjacent to residential areas.

Building Official Christensen explained building costs go up dramatically when the build height is increased above four stories. Typically four story buildings are preferred for student housing because of the cost. Four story buildings can be built with wood construction.



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

Mayor Larsen welcomed the scouts to the meeting.

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) - NONE

Presentations:

A. Military “Freedom Team Salute Commendation” Award – Sergeant Henry Crumb to present the Freedom Team Salute Award to Byron Stommel and Bruce Challis.

Sergeant Henry Crumb read a short **Freedom Team Salute Commendation introduction**. The Secretary of the Army and the Army Chief of Staff launched the Freedom Team Salute in May 02, 2005. The program is designed to thank all generations for their Army service to this nation. Veterans eligible for the award are regular Army, Army Reserve, Army National Guard, Army Draftees, Army Air Core from the 2nd World War, Army Nurse Core and the Women’s Army Core. Today’s Army has combined these several branches into one Branch of the Army. Sergeant Crumb gathers Army Veterans’ names and submits them to the Army headquarters in Alexander, Virginia to produce the certificate. There have been 1.8 million awards issued. The recipient also receives a lapel pin.

Sergeant Henry Crumb presented two veterans with the **“Freedom Team Salute Commendation”** award.

- 1) **Sergeant Bruce Challis** served in Company A – 169 Light Infantry Brigade Americal Division (Feb 1968 to Feb 1970)
- 2) **PSC Byron Stommel** served in A-company 116 Combat Battalion out of Rigby. He is a past Bonneville County Sheriff.

Mayor Larsen thanked both veterans for their service to the country.

SSG Bruce R. Challis



Dear SSG Bruce R. Challis:

You have been submitted for a Freedom Team Salute Commendation by Henry Crumb for your service as a United States Army Veteran.

America has always called upon the Army to do the hard jobs, and its Soldiers have always answered the call. We are a free Nation, a Nation looked upon by millions of people around the world as the standard-bearer of freedoms – freedoms guaranteed by our outstanding Soldiers and by the Veterans who have served our great Country in the Regular Army, the Army National Guard and the Army Reserve.

We are an Army of tradition. Our greatest tradition is service to our Country, and in that service we ask our Soldiers to carry out tough missions all around the world. Today answering the Nation's call may take them into harm's way as we fight the Global War on Terrorism, a war that touches us all and one that we must win.

As today's Soldiers serve, the traditions and legacy passed on by Army Veterans in previous conflicts sustain them so they can do what must be done to protect our freedoms. Our Army would not be the best in the world without the service of its Veterans who continue to provide support and exhibit patriotism. You make a difference to today's Army and to our Country.

Please accept the enclosed Army lapel pin. It symbolizes the partnership between our Army, its Soldiers, their families and Veterans – a partnership as old as the Nation itself. As our partner, we hope that you will wear this pin with pride, as a statement of our shared commitment to support America's Soldiers.

We thank you for the honor of your past service with our Army and for your continued support of our Soldiers.

Sincerely, ,

A handwritten signature in cursive script that reads "George W. Casey, Jr.".

George W. Casey, Jr.
General, United States Army
Chief of Staff

A handwritten signature in cursive script that reads "Pete Geren".

Pete Geren
Secretary of the Army



B. Proclamation 2009-03 “White Ribbon Against Pornography Month” – Craig Cobia

Craig Cobia introduced himself as a concerned citizen. He referred to a returning student's family situation. The student's husband, who is deceased, became addicted at age 13 to adult materials. After marriage and eight children he took his own life. It dramatically impacted their family unit. Last year they introduced a resolution to the Idaho State legislature against pornography. They are hosting a citizens group. They have dedicated a portion of their time to this effort. He introduced Tyson and Andrew from Sugar City. Tyson is on the Mayor's Youth Advisory Board. Tyson presented a bracelet used at the high school to remind the students to refrain from adult materials. They have made 900 to 1000 bracelets for students to wear.

Mr. Cobia reminded the group of the upcoming anti-pornography conference. Many great speakers are donating their time to speak. Some are nationally recognized.

Mayor Larsen read the proclamation. The Rexburg City Police are spending more and more time on children's safety issues.

**PROCLAMATION
No. 2009 – 03**

WHEREAS, pornography presents youth with a false and distorted image of human sexuality, devoid of love, commitment, and responsibility; and

WHEREAS, pornography leads both children and adults into destructive sexual addictions; and

WHEREAS, pornography contributes to the breakup of marriages; and

WHEREAS, much pornography features and promotes sexual violence and other irresponsible behavior in an era of increasing sexual violence and an epidemic of sexually transmitted diseases; and

WHEREAS, so-called "adult" pornography is commonly used by pedophiles to desensitize children and break down their resistance to sexual acts; and

WHEREAS, children molest other children in imitation of what they have seen in pornography; and

WHEREAS, there are Federal and State obscenity laws against hardcore pornography to protect public safety, public health, and public morality; and

WHEREAS, the United States Supreme Court has held that obscenity is not protected speech under the First Amendment, and has said that there is a right of the Nation and the State to "maintain a decent society"; and

WHEREAS, Americans throughout this great nation will be participating in various ways to support the enforcement of obscenity laws;

NOW, THEREFORE, I Mayor Shawn Larsen, by virtue of the authority vested in me as mayor of the City of Rexburg, do hereby proclaim MAY, 2009 as "WHITE WRISTBAND AGAINST PORNOGRAPHY MONTH".

ATTEST:

Shawn Larsen, Mayor

Blair D. Kay, City Clerk

Council Member Stevens moved to ratify Proclamation 2009-03 "White Ribbon Against Pornography Month"; Council Member Woodland seconded the motion; all voted aye.

The motion carried.

C. Chamber of Commerce moving to downtown area – Jamie Birch, Daryl Olsen, Ted Austin

Ted Austin presented information on the Chamber of Commerce moving to 127 East Main Street next door to Syringa Wireless. Also near the court house. He said the building owner (Mitch Neibaur) was adding handicap access restroom and a conference room which will be available for rental. He requested the following considerations from the city and the county:

1. Help to improve area in the rear of the building to allow visitor access. Relocate the county's impound lot and improve the parking lot.
2. Improve corner lot where old coop lot was located. Maybe some help or encouragement from the city for a Farmers market and Rexburg Unplugged at that site. Urban Renewal Money may be available to improve the lot.
3. Reserve two parking stalls in the front of the building for 20 minute parking.

Mayor Larsen said Glen Pond is meeting with the county to offer a proposal to the county to improve the coop lot with Urban Renewal funds. It is a great location for a gathering place down town. There is a wall for a downtown mural. City Attorney Zollinger was asked about the parking

plan downtown. Attorney Zollinger explained the police could not control the short term parking for those two stalls. Parking tickets given during a court hearing that exceeds the allotted time are not enforced due to the Judges discretion. He suggested asking the county to use two stalls in the county parking lot. Mr. Austin said they were asking to have the parking stalls signed without enforcement.

Council Member Mann said the more information given out is good. He supported signing the two parking stalls in front of the new Chamber Office. Mayor Larsen said the city will work with the Chamber to make it happen. He would love to see improvements to the parking lot. The city and county could apply together to get a public facilities block grant due in November. It is a significant amount of money to move the impound lot. The next step is to begin the CDBG funding grant.

Mr. Austin said they are concerned about public access this summer. There is a meeting next Monday at 10:30 A.M. with county commissioners to discuss the lot. Mayor Larsen will have a letter of recommendation available for Mr. Austin by Monday morning. The Chamber sign on 4th South needs to be moved when the Chamber of Commerce moves to Main Street. Mr. Austin appreciates the city's cooperation and he looks forward to having the Chamber of Commerce office downtown.

A. Targhee Regional Public Transportation Authority – Public transportation service provided in Rexburg and request a contribution to serve as local match for the Federal Transit Administration grants – Lynn Seymour

B. Rexburg Pride Day report by MYAB; plus ratify “Arbor Day Proclamation 2009-07”

Mayor Larsen said the “Pride Day” project included cleaning up tree rings in Porter Park; 100 t-shirts were given out; the driving emphasis of the event was to focus on the importance of trees.

“Arbor Day Proclamation 2009-07”

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Shawn D. Larsen, Mayor of the City of Rexburg, Idaho, do hereby proclaim:

April 24, 2009, as Arbor Day in the City of Rexburg, Idaho,

and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 20th day of March in the year 2009.

Mayor: Shawn Larsen

Council Member Erickson moved to approve Arbor Day Proclamation 2009-07; Council Member Mann seconded the motion, all voted aye. **The motion carried.**

Committee Liaison Assignments for 2008:

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

Council Member Mann reported an emergency vehicle is on order. The Beautification Committee meeting was canceled.

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

Council Member Erickson reported the Golf Board met last night; no decisions to report. The Planning and Zoning Commission items are on tonight's agenda. The Redevelopment Agency met to discuss the Madison County property on Main Street. The property is the old coop property. Planning and Zoning Administrator commented on the joint planning meeting held last week with cities and county planning commissions.

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

Council Member Stevens reported the MYAB is looking into the possibility of finishing the upstairs of the new city hall into a recreation room for youth at no cost to the city. This could help fill a void with teen recreation since the University facilities are no longer available to non BYU-I students.

Mayor Larsen said MYAB did May dance located at the Carousel raising \$311 in ticket sales which paid for the DJ's cost of \$300. The youth had a great time. They wore "Masquerade Masks" to get in free. Council Member Stevens said a gathering place for the youth is needed.

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

Council Member Schwendiman reported the Traffic and Safety Committee met concerning the 7th South and 2nd East problem. They have requested a study on four-way stop at the intersection. The University has been approached for funding to improve the intersection.

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

A renowned flutist performed the night of the Council meeting in the Tabernacle. Unfortunately the Council is unable to attend because the events are on normally on Wednesday nights. Council Member Woodland encourages the community to attend these events because they are of exceptional quality.

Council Member Woodland encourages those in attendance to check the marquee at the Westwood theatre for upcoming events at the Tabernacle.

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

Council Member Stout reported the Legacy Flight Museum air show will be held June 20th at 10 A. M.

Mayor Larsen said a foot bridge has been installed on the trail system at the Barney Dairy Road. It will be reported to the Trails Committee.

Public Hearings: - NONE

New Business:

A. Wastewater Treatment Plant – John Millar

Public Works Director Millar reported on City Council drive around this morning. A study on the Waste Water Treatment Plant was discussed. They looked at projected flows at the plant and they discussed how to bring back capacity flows the city had before the recent growth.

Scott Rogers from AQUA Engineering, Inc. out of Bountiful, Utah looked at all facets of the plant. The plant is in very good shape for the next 20 years requiring a flow of 5.4 million gallons per day. The city is hitting the biological load capacity. On paper the city is at biological capacity. Soon the city will exceed the biological capacity. Mr. Rogers suggested installing a bio-tower. The tower would be packed with media filters for a cost of about \$2,000,000. This upgrade would take care of the city's biological capacity for the next 20 years. No oxidation

treatment would be added. Some other slight upgrades would be required to the solids portion of the plant.

Mr. Rogers indicated one issue is getting rid of the bio-solids. Expanded shifts are required. A building and belt press is needed to get the waste solids out of the plant quicker. The waste is being applied to land in an agriculture application. They are studying the building cost for solar energy to dry the product. The process is coming from Europe. They recommend going to Ultra violet disinfection of the waste water in the long term. Scada telemetry is currently used to monitor the plant. The current system is becoming antiquated. The range of improvements needed will cost about \$8,000,000. The biggest need is the bio-tower. It will help in the solids and clarification process. There is some payback.

Council Member Schwendiman asked about similar plants using this new technology located in our altitude and latitude. Mr. Rogers said Justin Logan and Kevin Alcott may have some information on other plants. They explained there are two facilities using this new process. Two are located in the Oakland, California area and the other plant is in Road River, Oregon which has a similar climate. Most of the plants are located in Europe (Germany). Locations that have bio-towers include Idaho Falls and Jerome, Idaho. Springville, Utah has a 27 year old bio-tower. The construction of the tower would take 12 to 18 months.

Finance Officer Horner explained the city has one payment left of \$400,000 on the current bond which is due in February, 2010. Discussion on a revenue bond costing twice the current bond to do the entire plant up-grade of \$8,000,000 to \$10,000,000. The City Council reviewed the possibility of moving forward on the bio-tower improvement only.

BIOTOWER - OPTION					
Rexburg					
ITEM	DESCRIPTION	Quantity	Unit	Unit Cost	COST
1	Headworks Equipment	1	lump	\$ 250,000	\$ 250,000
2	Yard Piping	1	lump	\$ 100,000	\$ 100,000
3	Mechanical Piping	1	lump	\$ 100,000	\$ 100,000
4	Biotower Tank	1	lump	\$ 200,000	\$ 200,000
5	Installation	1	lump	\$ 75,000	\$ 75,000
6	Biotower Distributor	1	lump	\$ 120,000	\$ 120,000
7	Biotower Media and Grating	1	lump	\$ 800,000	\$ 800,000
8	Installation and concrete	1	lump	\$ 280,000	\$ 280,000
9	Biotower Lift Station and Splitter Box	1	lump	\$ 435,000	\$ 435,000
10	UV Dininfection Equipment	1	lump	\$ 300,000	\$ 300,000
11	Installation	1	lump	\$ 90,000	\$ 90,000
12	Beltpress	1	lump	\$ 300,000	\$ 300,000
13	Installation	1	lump	\$ 90,000	\$ 90,000
14	Beltpress Building	1	lump	\$ 150,000	\$ 150,000
15	Solar Drying Equipment	1	lump	\$ 3,700,000	\$ 3,700,000
16	Installation	1	lump	\$ 555,000	\$ 555,000
17	Site Work	1	lump	\$ 50,000	\$ 50,000
18	Electrical/Control	1	lump	\$ 1,139,000	\$ 1,139,000
Subtotal					\$ 8,734,000
Project Subtotal					\$ 8,734,000
10% Contingency					\$ 873,400
Construction Cost Subtotal					\$ 9,607,400
DWQ Administration					\$ 20,000
Legal and Bonding					\$ 20,000
Engineering Design					\$ 576,444
Construction Observation					\$ 480,370
O&M Manual Development					\$ 20,000
Services Subtotal					\$ 1,116,814
Total Probable Cost					\$ 10,724,214

Council Member Stevens reviewed the bid process. Mr. Rogers said his company has 20 to 25 plants on the drawing board at this time. Three or four companies are in the business to bid this type of plant upgrade. Toole, Utah is also looking into solar drying.

Council Member Schwendiman explored the idea of doing the project in phases. Mr. Rogers said it can be done in phases. Council Member Erickson and Council Member Mann want the project to be a finished project.

Public Works Director Millar said the construction costs and interest rates are down now making the project a better buy.

Discussion on the possible location of a new bio-tower. The tank would be 37 feet tall.

Mayor Larsen asked if the water could be discharged to the Nature Park. Public Works Director Millar explained the permitting process would preclude that possibility. The ditch could be used. The water level in the Nature Park ponds is less due to the change in the agricultural irrigation process in the area. It has caused the ground water to drop. The city's storm water system does drop into the Nature Park Ponds.

Mayor Larsen asked what next? Public Works Director Millar explained the options. Finance Officer Horner is working on the numbers with one option for funding being done with Impact Fees. There is an Impact Fee Committee working on a proposal to present to City Council. It is possible to have confirmation of the funding mechanism for a Waste Water Plant upgrade by judicial review. The fees would have to be raised to pay for the upgrade. The hook up capacity fee or the monthly usage fee could be used to pay for upgrade. Council Member Schwendiman suggested phasing in the upgrade.

Discussion on doing the bio-tower now at a maximum cost of \$2,000,000. Cold air can still complete the process because the air is still dry.

Break

B. **Destruction of Records** – Staff

A destruction of records list prepared by the City Clerk was presented to the City Council for approval. A similar list was given to the City Council on April 15, 2009. If approved, the records will be destroyed per their retention requirements.

Council Member Schwendiman moved to approve the destruction List; Council Member Mann seconded the motion; all voted aye. **The motion carried.**

Staff Reports:

A. **Public Works:** – John Millar

1. Report on Project

- a. Ora Green's home needs to be surplus. The home is located on a site planned for a street alignment project. The winning bid will be required to remove the home from the property at their cost.

Council Member Schwendiman moved to surplus the Ora Green home; Council Member Mann seconded the motion; Discussion: Concerning the cost to move the home or sell it; the Police Department and Fire Department will use the home for training before destruction if the home is not sold. All voted aye. **The motion carried.**

Council Member Stout asked about the demolishing costs? Is it worth more to the city for police and fire training than selling it? City Attorney Zollinger explained a low bid can be evaluated to see if training is worth more than the bid. Mayor Larsen said this project will not be delayed due to police or fire training. Officer Kunsaitis explained the police need a place to do 4 hours of training every two weeks.

- b. Pioneer Road realignment is being designed.
- c. Connection of 4th North to Barney Dairy Road is being bid.
- d. Walking bridges at the new nine hole golf course are being planned.
- e. Council Member Stevens reported on a possible land exchange proposal with the school district for assistance with new ball fields at the new high school. Finance Officer

- Horner suggested a 10 acre park by the ball fields should be planned for the future. Council Member Erickson asked if it is it best to trade or make separate deals. He recommended paying as you go by establish a price (value for value).
- f. Crack sealing on 2nd West in preparation for seal coating this summer.

Calendared Bills and Tabled Items:

- A. **BILL Introductions.** – NONE
- B. **First Reading:** Those items which are being introduced for first reading.
 1. **BILL 1025 Lighting Utility Ordinance** – Traffic & Safety Committee (John Millar)

Finance Officer Horner passed out fees proposed to support the proposed lighting utility ordinance. The fees could raise \$112,000 annually. Mayor Larsen said it is a lighting utility fee recommended by the Traffic and Safety Committee to add street lights. The small business fee under 25,000 square feet would be \$3.30; larger businesses over 25,000 square feet would be \$6.00; and residential \$1.65. Discussion concerning trailers, townhomes, etc. with shared utility bills having one bill or individual bills for each residence. The current street lighting expenses runs about \$45,000. The proposed changes to the lighting facilities would save a net of \$24,000 by transferring ownership of the lights from the utility company to the city. This would net about \$91,000 per year with one fee scenario or \$159,000 with another fee proposal. The Traffic and Safety Committee has prioritized areas to receive additional street lights;

- 1 – BYU-I off campus area -----20 street lights @ \$7,500 each \$150,000
- 2 – North 2nd East from Main to 2nd North
- 3 – South 2nd West in Porter Park area
- 4 – Main Street from 2nd East to 2nd West
- 5 – Upgrade 70 watt fixture on Main Street to Hwy 20
- 6 – Add additional street light in other areas as needed

Finance Officer Horner said those projects are estimated to cost about 1.2 million dollars. At the first proposed rate, these installations would take 13 years to complete. The installations could be completed in 7.7 years at the higher rate. Council Member Stout asked what the difference in cost was for a \$7,500 street light and a \$3,500 street light. The size of the pole is the cost difference.

Discussion: Council Member Erickson likes the proposal to add 100 lights city wide on schedule one. How will the city determine where those lights would be installed first? He said \$350,000 for neighborhood lighting is the biggest expenses in the proposal. City Attorney Zollinger explained newer subdivisions have street lighting installed to the current standards; however, Crest Haven Subdivision is a subdivision that does not meet the city’s lighting standard. Council Member Stevens asked for each neighborhood to pay for their own subdivision’s lighting. Some of the newer subdivisions have paid for their lighting. Would a lighting LID penalize the subdivisions who paid for current lighting standards? Council Member Erickson requested the police determine where the need is greatest to install the 100 new street lights. City Attorney Zollinger explained the fee would be similar to the sewer fee. The purpose of the fee is to maintain the city-wide lighting system as a whole bringing the city lighting up to a minimal standard. Council Member Mann gave an example of lighting being provided for the safety of the whole community. He was willing to pay a little to maintain a safe community. City Attorney Zollinger said the BILL is not written in a manner that would lend itself to an LID. It is written as a general public safety ordinance to raise the level of lighting throughout the community as quickly as possible; not on a neighborhood by neighborhood basis.

City Attorney Zollinger explained a townhouse should be billed differently than a business. The consensus of the City Council seemed to favor billing all residential units by the number of doors or units.

Discussion concerning the newer subdivisions paying additional fees to add street lighting to older subdivisions. City Attorney Zollinger explained there is not a utility expansion impact fee to help add city street lights. He gave an example of two newer subdivisions adding new lighting which is about a third of the city’s total utility lighting. The electrical bill for those new lights is being paid by all of the city residents. The utility billings are spread across the board to pay the electrical billings for the city’s lighting utility. The end goal is to provide the same level of lighting safety for all of the city residents.

Discussion on paying impact fees for capacity in the sewer system. After capacity is purchased there is still a usage fee for using the sewer system. The utility lighting plan is similar. The lighting utility billing is spread over all of the city residents. Public Works Director Millar explained the plan to add lighting to dark areas

of the city first. City Attorney Zollinger explained the police could provide areas to the Traffic Safety Committee for evaluation for additional lighting. **Council Member Schwendiman** said the Traffic and Safety Committee has a priority around the University due to high pedestrian traffic. The University has new pedestrian lighting on 2nd East.

Mayor Larsen gave an example of neighborhoods in Salt Lake City being able to upgrade their lighting to decorative lighting by paying a cost difference. He explained Rexburg neighborhoods could upgrade to decorative lighting with an upgrade fee. Council Member Schwendiman wanted the project to end some day except for the maintenance fee. City Attorney Zollinger said the City Council can change the number of lights in an area as needed or modify the fee as needed in the future. Finance Officer Horner indicated by adding apartments and trailers to the residential count, the fee could be lowered from \$1.65 per dwelling unit.

Discussion on using trip generators to determine small businesses verses large businesses.

Council Member Mann said the wording on the billing should say it is a "lighting safety fee".

Council Member Stevens requested new numbers from the Finance Department before further consideration of the proposal. City Attorney Zollinger said a public hearing is required to pass a resolution approving the new fees for the lighting utility BILL 1025.

Council Member Erickson moved to consider BILL 1025 "Lighting Utility Ordinance" first read; Council Member Woodland seconded the motion; Discussion on having a public hearing for establishing the fee by resolution on the third reading on June 03, 2009. 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 – Staff
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 – Staff

Discussion on having more discussion on items contained in BILL 1024 and BILL 1026. City Attorney Zollinger explained BILL 1026 can't be broken up because all of the proposed changes are delineated in one spread sheet. He recommended keeping the BILL's moving forward with a first reading. Negotiating changes can be done before the final reading.

Council Member Woodland moved to first read **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 and **BILL 1026 Amending Ordinance 926** by increasing building height, reduce parking requirements for Medical Clinics, and other substantive and non-substantive items; Council Member Schwendiman seconded the motion; Discussion: Planning and Zoning Administrator Leikness discussed the spread sheet showing proposed building heights; City Attorney Zollinger said BILL 1021 and BILL 1026 need to be done at the same time to free up development. Council Member Stevens wanted more discussion on building heights. All voted aye. **The motion carried.**

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

1. **BILL 1021 for PEZ** (Pedestrian Emphasis Zone) Parking Plan

City Attorney Zollinger provided the City Council with an amended parking plan as discussed in the work meeting. The changes to BILL 1021 include visitor parking rules. The finished product must be 10 units or more to participate in the reduced parking ratios. A visitor parking ratio of .1 requires a 100 bed complex to have 10 visitor parking stalls under this proposal.

Attorney Richard Smith reviewed the request to have a commitment letter from the University on an offsite parking lot structure. It will be forthcoming in the next couple of weeks. The University would maintain ownership of the offsite parking lot. Issues include the developers cost to participate in the PEZ offsite parking plan. The City Council and University needs to decide what size is meaningful to meet the needs (not too big and not too small). He will craft a letter approved by the University for City Council's review and approval. Council Member Erickson asked if an offsite parking lot could be built as needed. Attorney Smith said yes.

Council Member Schwendiman is fairly comfortable with the proposal; however, the city will not be responsible for future parking issues due to the policy. Attorney Smith said it will not be the city's problem.

Council Member Stevens reviewed the issue of different owners with different needs. City Attorney Zollinger explained some parking needs to be available for the cars that need car storage. The storage facility will not be a facility that will allow cars to come and go whenever they want. The storage facility could be used for weekend storage, if someone wanted to leave their car and go on a trip. Council Member Schwendiman said the issue is between the apartment owners and the University. Attorney Smith said the University can work with offsite housing complexes to help solve their parking needs in order to help them participate in the PEZ parking plan. He wanted some assurance the city would not turn the parking lot into a difficult process to manage. Council Member Erickson said the city would not be involved in the parking lot. City Attorney Zollinger said due to it being a storage facility it would not have to be paved. Attorney Smith said the storage facility would need to be a safe and secure place to store a car. Council Member Schwendiman indicated if the apartment complex sells more parking spaces than they have allocated in their parking area or reserved in the University's storage lot, the University can deny their apartment complex for University housing. Attorney Smith said if the city is on board with that concept, the University is 100% in agreement.

Council Member Erickson moved to approve the second reading of BILL 1021 for PEZ (Pedestrian Emphasis Zone) Parking Plan as written today 5-06-09; Council Member Schwendiman seconded the motion; Discussion: Council Member Stout asked for clarification on the Area One and Area Two delineation. Planning and Zoning Administrator Leikness explained Area One was for one block around campus. The question arose: What do we do with areas outside area one. City Attorney Zollinger explained 2nd West was chosen as a boundary between Area One and Area Two because it is a wide street and the city did not want to create as deep of a pedestrian zone because Area Two in on the wrong side of 2nd West. Area Two was created through the Planning and Zoning Commission because of vacant lots and it is a location where rapid development is possible. Planning and Zoning Administrator Leikness indicated Area Two does fall within the walking zones for campus and it does warrant possible reductions in parking ratios. Mayor Larsen called for a vote. All voted aye. **The motion carried.**

Attorney Richard Smith requested the City Council to maintain the same building height code for the University as is currently in place. Both Council Member Schwendiman and Council Member Erickson agreed to leave the University's building height code unchanged. The consensus of the City Council was to leave the University Zone building heights the same as they currently exist.

D. **Third Reading:** Those items which have been second read. – NONE

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

A. **BILL 1014 Amending Ordinance 911** for "Towing and Parking Enforcement"

Old Business:

Mayor's Report:

A. Approval of appointment of members of the Impact Fee/Utility Capacity Fee Committee. Duane Adamson-BYUI, Howard Egan-Artco, Julie Ferrin-Ferrin Square, Jill Jolley-local volunteer, Troy Kartchner-Kartchner Homes, John Watson-JRW, Ted Whyte-Century 21.

Discussion: This group is a recommending committee to the City Council. Council Member Erickson asked to have Council Member Stevens as a liaison to the Impact Fee/Utility Capacity Fee Committee.

Council Member Woodland moved to approve Duane Adamson-BYUI, Howard Egan-Artco, Julie Ferrin-Ferrin Square, Jill Jolley-local volunteer, Troy Kartchner-Kartchner Homes, John Watson-JRW, Ted Whyte-Century 21, as members of the Impact Fee/Utility Fee Committee; plus Council Member Stevens as a liaison to the Impact Fee/Utility Capacity Fee Committee; Council Member Erickson seconded the motion; all voted aye. **The motion carried.**

Consent Calendar: The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

Minutes:

- A. April 15, 2009 meeting
- B. Approve the City of Rexburg Bills

Discussion on bills including tools purchased for 18 tool kits at the shop to be stored in lockable lockers; maintenance of generators; main breaker needed to replace water pump breaker; bid advertisements for the Water Department position; battery for airport; etc.

Discussion on graffiti showing up more and more around town. "No trespassing" signs needed. Public Works employees remove the graffiti.

Discussion on stop sign on 3rd West and 4th South plus one on 2nd East. Need no u-turns on 2nd East. Main Street and 2nd East heading south needs lanes and turn lanes painted. Cross walk reflectors were recognized as an improvement to the cross walk signs. A University and Residential parking zone map was passed out for the next meeting.

Council Member Schwendiman moved to approve the Consent Calendar; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

Adjournment

Attest:

Shawn Larsen
Mayor

Blair D. Kay
City Clerk