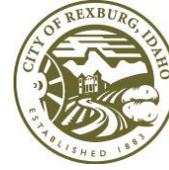


City Council Meeting

May 20, 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 20, 2009

Mayor Shawn Larsen

Council Members:

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

City Staff:

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

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

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)

Lynn Semour passed a letter out concerning public transportation including new buses for the Rexburg Area. Dave Ogden is chairman of the TRIPTA Board. They are looking for a \$32,000 (8% of total cost) match for a bus facility. They are funded with medicated revenue. Mayor Larsen asked if property could be used for the match. It could be used as a soft match. She gave an example of donated property in Idaho Falls used as a soft match. Mayor Larsen said there may be an opportunity for a donation of land for the project.

Cynthia McCurdy is the administrator for the Olive Tree which services eating disorders. She followed up concerning a previous discussion on April 1st. They have moved to 802 South 5th West due to negative support from neighbors from the previous location. The current location's neighbors have been phenomenal. What they are charging for service is minimal. It is \$90,000 for 3 month of care in Salt Lake for eating disorder treatment; The Olive Tree is only charging \$1,500 per month. Tanya Brown and others are willing to have a fund raiser to help support the treatment center. They moved into their new location on April 20th. The girls are on site 24 hours a day. The ribbon cutting is scheduled for the end of the month. Mayor Larsen thanked Ms. McCurdy for her presentation.

Presentations:

- A. Proposed Bambino Restaurant at 109 S. 2nd W. in Hemming PRO-Zone – Jon Gregory

Mayor Larsen introduced the item and asked Jon Gregory to present the information.

Jon Gregory from Blackfoot introduced the proposal on the overhead screen. It is located on the corner of 2nd West and 1st South. The restaurant will have a drive through feature. Council Member Stevens asked some questions about the drive through. It is the same drive through as currently exists at this location. Council Member Mann asked about the handicapped parking located on the project. Council Member Erickson reviewed the concerns of Planning and Zoning. Mr. Gregory said the storage sheds will be removed for the driveway off 2nd West. Mayor Larsen said it would be a great improvement to the location and lends itself to the intent of the PRO-Zone. Council Member Erickson was concerned with the narrow space for parking and the drive through on the east side of the building. Mayor Larsen asked for the minutes to reflect the changes for the parking and drive through per Planning and Zoning approval.

Committee Liaison Assignments for 2008:

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

Council Member Mann mentioned that the Beautification Committee is putting a new sign on the end of East Main Street. It will be built soon and put up this summer. Emergency Services has a new trailer to be used for emergencies' that is at the Fire Department. It is an amazing trailer that will be multi functional.

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

Council Member Erickson reported the Planning and Zoning Commission met on the 7th. The items they discussed are on this agenda. Randall Porter has retired from the Planning and Zoning Commission. He was recognized for his service. A new member is under consideration at the next meeting. The Urban Renewal (Rexburg Redevelopment Agency) met to discuss the Co-op property on the corner of 1st East and Main Street. A lease of the property was being considered to develop the property with parking etc. A storage shed and impound lot are currently located on the property. The Chamber of Commerce is moving into a business location on Main Street that may use the parking lot.

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

Council Member Stevens reported the MYAB has a proposal to be discussed later in the meeting.

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

Council Member Schwendiman reported the Parks & Recreation Committee met last Thursday. They suggested having the baseball fields at the high school community fields and locate the soccer fields at River side Park. They want to be involved with the development of River Side Park including Urban Renewal's planning of Riverside Park.

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

Council Member Woodland reported the Tabernacle Civic Center Committee met to work on grant funding for the Tabernacle window project.

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

Council Member Stout reported the Trails of Madison County Committee is busy working on the Great Spud Race. The Legacy Flight Museum Committee is working on the Air Show to be held June 20th at 10:00 A.M. There will be free admission to the air show. It is a cool air show. Council Member Stevens reviewed the police coverage of the air show. The Legacy Flight Museum Committee is meeting every Friday at 10:30 A.M. at the museum.

Public Hearings: NONE

New Business:

A-1. 1st North Safety Improvement Recommendation – Traffic & Safety Committee

Stephen Smith and Kevin Brady presented a proposal to improve the safety on 1st North in a slide presentation.

Kevin Brady teaches economics at the University. His academic research has centered on the analysis of cost benefits of projects that reduce the risk of death.

Stephen Smith reviewed information from the Traffic and Safety Committee meeting. Traffic Engineer Bill Baronowski provided information on a portion of 1st North needing some attention. This discussion started with a concerned citizen attending the Traffic and Safety meeting. The discussion centered on the area from the Junior High to Maverik. Bike lanes are included in the proposal. The current road design on 1st North is a four lane undivided highway.

Kevin Brady reviewed the left hand turn problems with seeing the far lane. A road diet from four lanes to two lanes with a turn lane is proposed. Example of a 52% reduction in crashes and an 18% reduction in speed in Vancouver, Washington. The presentation was from materials prepared by Bill Baranowski, P.E.

Mr. Baranowski is a City Traffic Engineer in West Jordan, Utah pop. 101,000. He was previously a Traffic Engineer in Salt Lake City, Utah and Ventura, Ca. The material presented concerned "Road Diet Guidelines."

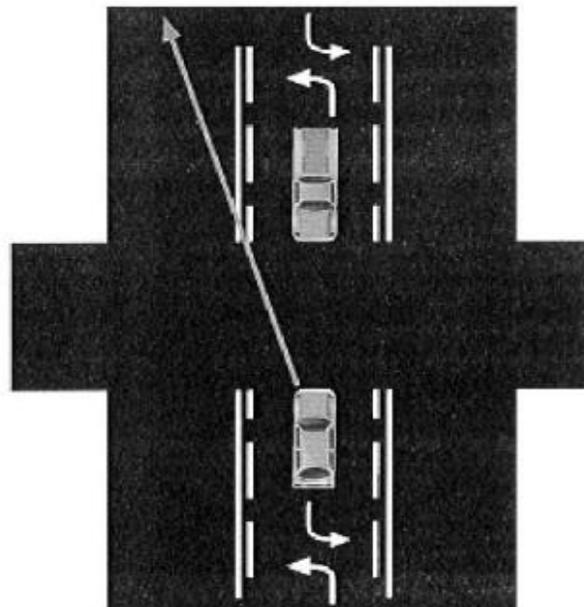
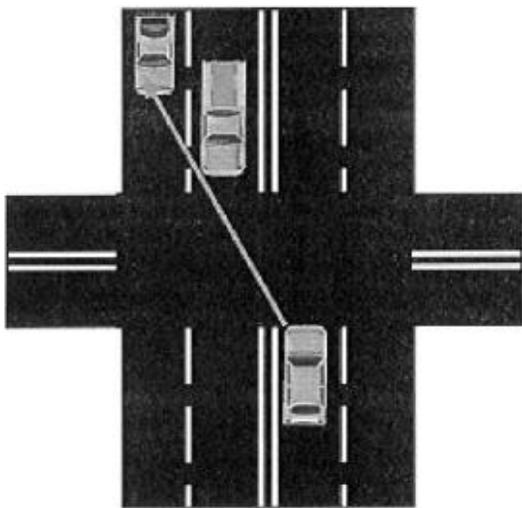
- Ideal candidate:
 - Four lane undivided roadway
 - 12,000 to 20,000 vehicles per day
- Other considerations:
 - Roads with safety issues
 - Transit corridors
 - Essential bicycle routes/links
 - Commercial reinvestment areas
 - Economic enterprise zones
 - Historic streets
 - Scenic roads
 - Entertainment districts
 - Main streets

Benefits

- Safety
- Improved Mobility
- Improved Emergency Access
- Accommodating the Elderly and Disabled
- Improved Health
- Air Quality

Improved Sight Distance for Left Turns

- Four lane – outside lane hidden by traffic
- Three lane – improved left turn sight lines



Before and After Examples Fourth Plain Boulevard, Vancouver, WA.

- 52% reduction in crashes
- 18% reduction in speed
- No traffic diversion



Before and After Examples
Baxter Street, Athens, GA.

- 20,000 ADT
- 53-60% reduction in crashes
- Reduction in speed
- 4% traffic diversion



Other examples in six cities implementing road diets to correct traffic problems and crashes were mentioned. There are positive effects to switch to a center turn lane road. The Traffic and Safety Committee was unanimous in the position to go to a diet street on 1st North with three lanes.

Council Member Mann asked about the 1st North and 1st East intersection.

Council Member Stevens asked if this street is a high crash street in the city.

Discussion: How will travel time be affected and citation counts. Public Works Director Millar converted this street to a four lane road about 11 years ago. Pedestrian accidents are the concern. Mayor Larsen mentioned a wheel chair accident and a bicycle accident on this street recently.

Council Member Mann asked if a motion is needed.

Council Member Schwendiman asked to take more time on pedestrian issues before the city changes the road. Council Member Woodland asked how long the pedestrian safety program has been in effect on this street. Discussion: Flags have been used on this street since the program began three or four years ago; Additional signage in the center of the street was added last month.

Council Member Erickson was not aware of the need to narrow the road for bike lanes. He thought bike lanes could be added to the four lane road. The new pedestrian safety features have helped the safety concerns on this street.

Council Member Schwendiman was concerned with causing the traffic to move to other streets or to stay on Hwy 20, thus bypassing Rexburg.

Council Member Stevens asked to have time to review the proposal. Council Member Erickson said this street has been designed to divert traffic off of Main Street.

Council Member Mann mentioned the Junior High and Library are destinations for pedestrians crossing this street. City Attorney Zollinger said it is not a good street for pedestrians. 1st North and 1st East intersection is a problem for traffic crossings.

Mayor Larsen reviewed the reasoning for the road diet proposal. Pedestrian safety is moving this proposal.

Council Member Stout asked if 11.5 foot wide lanes are comfortable for trucks. Public Works Director Millar said yes.

Discussion on waiting two weeks before taking action.

Break

A. **Final Plat** for Pioneer Pointe Condominiums on West 7th South – Schiess & Associates

Kurt Roland from Schiess & Associates reviewed the Final Plat for Pioneer Pointe Condominiums on West 7th South on the overhead screen. He explained the changes requested by Planning and Zoning including changes to the curved radius driveway for the Fire Department and staggered buildings on the south had been completed. Buildings three (3) and four (4) were moved three feet south. Council Member Stout asked about the commons area. It will be a lowered area (two to three feet) for storm water. The storm water storage area will be used as a park with sprinklers, basketball court and playground equipment. Council Member Erickson asked about the height of the buildings. Mr. Roland explained the roof is less than 30 feet. They are about 28 feet high. Council Member Stevens reviewed the roof height being controlled by the width of the road. It is a Fire Department issue. The internal road caused a problem with the Fire Department. Council Member Stout reviewed the asphalt path being used for the movement of snow from the parking areas to the snow storage area.

Council Member Erickson moved to approve the Final Plat for Pioneer Pointe Condominiums on West 7th South pursuant to staff analysis and meeting all of the conditions requested by Planning and Zoning; Council Member Stevens seconded the motion. Discussion: Council Member Woodland asked about the payment for power facilities to Mrs. Beck. Mr. Roland said Mrs. Beck and the developer are working that out. Council Member Erickson said it was included in the preliminary plat approval. Mayor Larsen said it was included in the Planning and Zoning discussion too. Public Works Director Millar said the curb and gutter line on the access should be straight; not a radius. Mayor Larsen said that issue was covered in the conditions. All voted aye. **The motion carried.**

B. Conditional Use Permit for a Mosquito Abatement Facility at 530 Airport Road – Madison County

Johnny Watson at 1152 Bond Avenue reviewed the proposed facility on Airport road. The area is owned by the county in the airport zone. A CUP is needed to have public facilities in an airport zone. It is a 60 x 100 industrial wood clad steel sided building to be used for mosquito abatement and weed control. It complies with the proposed extension of Airport Road on the Comprehensive Plan over the Teton River in the future. There is an eight inch water line in the area. The facility has two rest rooms. Chemical storage is limited by the IBC. The mosquito regulations are becoming stricter. The county believes this is a good location for the facility.

Council Member Erickson asked if county transfer station will hook on to the waste water line too. Mr. Watson said the county will discuss utility connections with the city's Public Works Department. Council Member Stevens asked if the county would help pay for road improvements when the road is brought up to city standards. Mr. Watson thought the county would help improve the road at the proper time. In the Planning and Zoning meeting, Ted Hill asked why the county was not improving the road at this time. Mr. Watson indicated his conversations with the county indicated they were aware of their responsibility to provide an improved road to the facility at some point in time in the future. Council Member Stevens wanted the minutes or the motion to reflect the county's responsibility to improve the road for clarification in the future when different elected officials were at the city or the county.

Council Member Woodland asked if the facility had a chemical spill, is there a containment area for spills on site. Mr. Watson indicated there is a loading station inside the shop where the chemical is loaded into the truck inside a concrete vault to capture any spills. The process for containing spills was discussed; plus the storage of the chemicals on site is regulated by the IBC requiring certain separations.

Council Member Stevens moved to approve the Conditional Use Permit for a Mosquito Abatement Facility at 530 Airport Road with the conditions recommended by Planning and Zoning plus the county or their developer will stand the cost of road improvements when the road goes through; Council Member Schwendiman seconded the motion; all voted aye. **The motion carried.**

C. Conditional Use Permit for up to 30 Units per acre at 431 and 445 West 4th South – Jared Sommer

Jared Sommer at 3614 North 3000 West presented the proposal on the overhead screen. He addressed the access to 4th South which was a concern of the Fire Department. The Fire Department requires a break-away traffic restrictor at the entry to 4th South. The Fire Department requires a 26 foot isle width for Fire Trucks to access onto 4th South. Mr. Sommer said they are fine with that condition. He reviewed Condition No. 7 which talks about residential screening. The screening area is a four foot space. It would be difficult to have seven foot trees or five gallon shrubbery in this four foot wide screening area because the growth would ebb (encroach) into the neighbors property or the applicants parking lot. The anticipation is to have a fence installed for screening instead of seven foot trees. A fence would be better for screening with such a narrow space.

The second condition Mr. Sommer was concerned about was No. 13. *“This conditional use permit shall expire in one year if a building permit has not been applied for.”* The one year sunset clause is a concern. They need to come up with a use for the front part of the property to make the development work in its entirety.

Mayor Larsen asked Planning and Zoning Administrator Leikness if condition no. seven would be satisfied with a fence. Planning and Zoning Administrator Leikness indicated Ordinance 926 requires a four foot screening area of landscaping or a fence. The screening area requiring seven foot trees is for street screening not residential screening.

Council Member Stevens referred to the reason the sunset clause is applicable in this case. The concern was this proposal is varying from the recently passed Comprehensive Plan.

Discussion on the sunset clause. The Intent of the Comprehensive Plan was explained by City Attorney Zollinger. He said the intent is to show some tangible evidence of progress, financing, etc; language in the building code would be comparable, which states the project must be continually progressing to maintain the building permit.

Council Member Stout asked if the property could be split and sold separately. City Attorney Zollinger indicated the property could be split and sold separately; however, neither parcel gains anything from being a stand-alone parcel other than for ease of financing. The CUP, if approved would be tied to the land if the land is ever sold. Council Member Mann expressed appreciation to the applicant for developing the frontage part of the property on 4th South in this proposal. It is the south entry way into Rexburg.

Council Member Stout asked Mr. Sommer if he was satisfied with the conditions for the proposal after clarification of condition seven and the explanation of “moving forward” on condition thirteen. Mr. Sommer was satisfied with all of the conditions.

Council Member Stout moved to approve the Conditional Use Permit for up to 30 Units per acre at 431 and 445 West 4th South with the 13 conditions including the clarification of condition seven (7) regarding public right-of-way and condition thirteen (13) changing the language stating “signs of progress”; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

D. Amended Preliminary Plat for Pioneer Village on Pioneer Road and Hand Cart Lane – Schiess & Associates

Kurt Roland representing Schiess & Associates at 859 South Yellowstone Hwy Suite 2503 reviewed the 1st Amended Plat of Pioneer Village. The amendment is to separate the buildings into separate lots for sale. The new building was moved to the west to accommodate an existing 12” storm drain line. There is a drive through to an adjoining lot. Council Member Stevens reviewed the size of the condo style business spaces at 2,500 each.

Council Member Schwendiman asked when they sell, does that require an association? City Attorney Zollinger answered yes. They need to have a proper owner’s organization that manages the common area. An “Association Agreement” needs to be part of the filing of this plat.

Council Member Erickson referenced the south east corner of the development as a possible access to adjoining property for future development. There is a question about the access to an entrance. City Attorney Zollinger indicated the adjoining property is currently using the railroad’s crossing. Solutions are being discussed for a right-of-way accessing from the west. This development’s required landscaping does not affect the access to adjoining property. Mr. Roland indicated there has been a road master planned through the development accessing the adjoining property to the east and north.

Council Member Erickson moved to approve the amended Preliminary Plat for Pioneer Village on Pioneer Road and Hand Cart Lane with notations 1 & 2 on Preliminary Plat for Pioneer Village; Council Member Stevens seconded with the stipulation that they are approving the updated plat as discussed; not the plat they currently have in the file; Discussion: The new plat will be on file; Mayor Larsen called for a vote: all voted aye. **The motion carried.**

E. Energy Efficiency and Conservation “Block Grant” Project Approval – city staff

Mayor Larsen indicated since Rexburg is one of the 10 largest cities in Idaho, Rexburg deals directly with the Department of Energy. Public Works Director Millar explained the application to receive a \$123,200 Energy Block Grant through the economic stimulus package. The city is applying for \$80,000 to insulate the roof and roof repair at the new city hall building on 1st East. \$40,000 to \$45,000 of the application would be used for windows at the Tabernacle.

Council Member Woodland asked if there are any strings attached. Mayor Larsen said the approval process under federal guidelines must be followed. If there is an approvable project there are no strings or matching funds required. It is a new block grant program with funding coming from the economic stimulus package. It may be an annualized grant program. Public Works Director Millar said federal guidelines include “Davis-Bacon” wage rates.

Council Member Mann moved to apply for the U.S. Department of Energy Block Grant for “Energy Efficiency projects in Idaho;” Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

F. Recreation room at the new city hall building – MYAB

Council Member Stevens explained the potential Rexburg Youth Center at the new city hall in the upstairs portion of the new city hall building. MYAB is concerned with the lack of a place for students to go for activities. The studies at the school are being done in groups. The study groups are being done in people’s homes from 6:00 P.M. to 10:00 P.M. It is uncomfortable for students to impose on parents for a place to do these study groups. The students want a place to go and study, etc.

He asked for comments or permission from the City Council to move forward with volunteer work forces for part of the construction including electrical work, drywall, trim package, finish work, painting, light fixtures, floor covering, ping pong tables, etc. The HVAC system would be a cost. The idea is to get donated labor and material to add value to the building. The students want to call it the Rexburg Youth Center. It is a 2,500 square feet area coming in off the back doors of city hall upstairs.

Council Member Erickson asked how the facility would be supervised. Council Member Stevens said volunteer supervision and police oversight would be required. The students would like to form a city committee like the MYAB to manage the use of the facility. Council Member Erickson requested adult supervision to oversee the use of the facility. Council Member Stevens said students need to feel safe at this facility. A lot of projects are required at school without a place to do the school work.

Council Member Erickson and Council Member Schwendiman were concerned with the lack of adult supervision. Parents should be included in the supervision process. They asked to have the total plan in place before construction. Mayor Larsen said he will check with other communities to see how their youth centers are monitored.

Council Member Stevens will work to develop a plan to present to the City Council. The students have documented how many more students Rexburg have now with fewer facilities to use since BYU-I changed their facility use programs. He explained the upgrades to the building would be easier and cleaner now while the building is under construction. Mayor Larsen explained there are building improvements to be done to the building now that may benefit this part of the building. Building Official Christensen explained the old HVAC mechanical system is still in place for this area of the building including a supply and return system.

Council Member Stout asked if volunteer labor is possible for this building or should the jobs be bid. City Attorney Zollinger said this would be a standalone project separate from the remodel project. Council Member Stevens referred to the Ricks Center at Madison High School as an example of a project done with volunteers including donations of steel, concrete, labor, plumbing, electrical, etc. costing \$250,000 of donated labor and material.

Council Member Mann and Council Member Schwendiman recommended moving forward with donated labor and material. The City Council wanted the construction of the room to move forward with donated labor and material with Council Member Stevens being in charge. Council Member Stevens said the current

room has framed walls and exterior windows already in place. Some of the expense to finish the room is going to happen anyway with the remodel of the building. Mayor Larsen said a motion is not needed; however, the City Council should be in agreement with the request. Council Member Erickson made a recommendation to have Council Member Stevens in charge of seeking donations of labor and materials to finish the Rexburg Youth Center at the new city hall. The donation effort could start at 8:00 A.M. in the morning. The City Council was in agreement with the recommendation.

Staff Reports:

A. **Public Works:**

Public Works Director Millar bid opening connection road to Barney Dairy Road.

Bids:

- Zollinger Construction \$29,924.00
- Knife River \$31,638.00
- DePatco \$32,341.00
- Jerome Bowen Construction \$32,871.04
- TMC Contractors \$37,331.00
- HK Construction \$37,708.00
- Eagle Rock Construction \$42,260.00
- 3H Construction \$45,096.00
- Larry Chapple Construction \$54,793.00
- K-4 Construction \$61,340.00

Council Member Erickson moved to award to Zollinger Construction; Council Member Schwendiman seconded the motion; all voted aye. **The motion carried.**

- a. LID 37-39 sidewalks out to bid
- b. Barney Gary Pedestrian Bridge is complete, but still need to put signs up
- c. Riverside Park 50% graded
- d. Pioneer Road signal 60% engineering complete.
- e. House had only one bidder. Police and fire will use house for training.
- f. Chip seal coat has been put on hold
- g. Crack sealing for the year is completed
- h. \$151,000 crack sealing and seal coating runway and taxi way 5% match
- i. Sugar City pressure line being designed.
- j. Upgrade lift station on 7th South
- k. Detention pond on 7th South
- l. User rates and connection fees under discussion
- m. Parking lot on north side of the new city hall
- n. County parking lot at the old co-op.
- o. State funding for bike path by Horkleys
- p. East Parkway match of \$14,000 split \$7,100 with county

Council Member Schwendiman moved to approve the \$7,100; Council Member Woodland seconded the motion; all voted aye. **The motion carried.**

- q. North Hill water line.
- r. Kip Orme quit. The position was awarded to Chuck Velman after it was advertised.
- s. Millhollow to Shoshone (1/2 Block) needs work.
- t. Sewer situation at Cresthaven, Council Member Woodland said roots got in the line.
- u. 2nd West and 3rd South safety signal with full stop – pedestrian activated.

Council Member Mann said the Starlight Addition needs some street work.

Public Works Director Millar discussed land surveying in monuments where needed on city streets.

B. **Finance Department:** – Richard Horner

1. Monthly Budget Report

Finance Officer Horner reviewed the budget report for the last seven months.

Council Member Erickson reviewed the budget year being 58% percent complete. The revenue is coming in as expected. Expenditures have been cut back to meet expected revenues. Construction funds are about \$12 million. The funds for some projects are setting in the capital reserve fund.

Council Member Schwendiman asked for more information on the revenue budget showing sub-total amounts in each category before the grand-total. Finance Officer Horner indicated he would add sub-totals to the report; plus matching operating revenue with associated expenses.

Council Member Mann moved to accept the budget report; Council Member Schwendiman seconded the motion; all voted aye. **The motion carried.**

Calendared Bills and Tabled Items:

A. **BILL Introductions.**

1. BILL 1028 – Residential University Parking Ordinance

City Attorney Zollinger reviewed the proposed parking ordinance. The bill is to provide for safe, efficient and orderly management of parking on public streets in the vicinity of the BYU-Idaho campus. There are apartment complexes that have an agreement with the City for the use of public parking lots. There is anticipation that each of them, once registered, would receive a downtown residential permit for over night parking, with the ability of the City to contact them via e-mail or cell phone to have the cars moved should the City need access to the lot. Regulations will be enforced by the Police Department. Parking hours would be 8am-5pm Monday through Friday with the exception of the city downtown lots which would be 10am to 10pm Monday through Saturday.

Regarding on street parking, it is anticipated that two permits would be given for each property within the residential districts and University parking permits for on street parking would be sold for a four month period mirroring the University's semester system. Parking permits would cost anywhere from \$25 to \$40. It is proposed that they start selling permits at a 1 to 1 ratio then count every spot filled every school day. If a 1 to 1 ratio leaves 50% of the spaces empty, they then can increase that number through resolution to increase the number of permits sold. The goal is to push some of them into University parking lots to free up some of the parking spaces for those who are running errands as opposed to attending classes. Weekly passes may be available.

Attorney Richard Smith offered a study by a Colorado firm, when they developed the parking zone for the University. They did a survey as to how many parking places were taken during various times of the day based on classes and based on students. BYU-Idaho can share that information with the City in case they think the one to one ratio is too restrictive.

Council Member Stevens was concerned with the idea of selling a pass without actually providing a spot. Finding a space around campus that is convenient is difficult without pushing parking into the residential areas. Parking in neighborhoods would be restricted. There is parking on the South side of campus, with a 600 stall parking lot being used for staging while the auditorium is being built. Those parking spaces will free up and be used up when that lot opens. University parking will be lot specific.

The City permits will be sold by the Police Department or by their designee. It is agreed that the University can sell the permits and forward the money to the City. With this proposal, 2nd East from 3rd South all the way to the Temple will be "no parking" on either side of the street. And from 2nd South to Main Street would be residential passes only with parallel parking. Parking in these areas without permits would receive tickets.

The City Council discussed reversed diagonal parking. Some Council Members are against it; however, it has been successful in Utah Valley, and they are currently expanding their system. This bill will be discussed more at the next meeting.

2. BILL 1027 – Amend Ordinance 908 Temporary Sign Sections

Planning and Zoning Administrator Leikness presented the proposed changes to the sign ordinance. It has been a 1 ½ year process with the Planning and Zoning Commission. There is a new section two (2) which deals with intent, the rest is strictly the banner and temporary sign ordinance. The two types of signs they don't want to impose too much on is real estate signs and election signs. The City Council discussed consistency of real estate signs and other banners. Temporary signs, not including real estate and political signs must get a no cost permit for review.

Mayor Larsen asked the City Council to look at the bill for the next meeting. The ordinance is currently in place, but it needs some work. City Attorney Zollinger said that in two weeks when the City Council sees this bill again, there will be options for them to consider about banners and balloons.

Council Member Erickson moved to extend moratorium on temp signs; Council Member Stout seconded the motion; all voted aye. **The motion carried.**

B. **First Reading:** Those items which are being introduced for first reading. – NONE

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

1. **BILL 1025 Community Safety Lighting Ordinance** – Traffic & Safety Committee (Public Works Director Millar)

Attorney Stephen Zollinger reviewed the BILL which was discussed on May 20th.

Council Member Schwendiman asked if part of the BILL would sunset. City Attorney Zollinger did not add the sunset clause; however it can be added at any time by reducing the fee annually. Council Member Schwendiman would like a nine year sunset clause allowing future City Councils' to decide if they would like to keep it. Council Member Stout agreed to initiate a sunset clause. Council Member Stevens said that it makes sense because it would bring neighborhoods up to current standards allowing the fee to sunset.

Attorney Stephen Zollinger indicated he will add a nine year sunset clause. The City Council indicated they were in agreement with adding the sunset clause.

Council Member Stout mentioned that the \$1.65 needs to be specified per door (Dwelling unit, town homes, trailer parks, etc.)

Council Member Mann moved to second read BILL 1025 Community Safety Lighting Ordinance, adding the sunset clause for nine years; Council Member Stout seconded the motion; Discussion: Council Member Stout asked to have the motion include \$1.65 per door (Dwelling unit, town homes, trailer parks, etc.); 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

Discussion on a work meeting from 5:00 P.M. to 7:00 P.M. on June 3rd for the review of BILL 1024.

Council Member Stevens moved to second read BILL 1024; Council Member Erickson seconded the motion; All voted aye. **The motion carried.**

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

Planning and Zoning Administrator Leikness added substantive items to the spreadsheet. Medical clinics' parking standards moved from five units to four units.

Council Member Erickson moved to second read bill 1026; Council Member Stout seconded the motion; Discussion: Planning and Zoning Administrator Leikness showed some new items on the spreadsheet including windmills, rear parking in HDR Zones. Industrial Design Standards could be

applied to the Airport Zone as a minimum. This will be discussed more at the work meeting on June 3rd; All voted aye. **The motion carried.**

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

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

Planning and Zoning Administrator Leikness reviewed BILL 1021 for PEZ (Pedestrian Emphasis Zone) Parking Plan on overhead screen. It does not hinge on any other entities decision. Council Member Erickson was ready to have the BILL's third reading and passage.

Council Member Stevens reviewed many people's concerns with their residential housing units being affected by the University's announcement to change their student housing policy in regard to single family homes being rented to students.

Council Member Erickson indicated the University is moving forward with the new housing program.

Council Member Stout asked why 10 units is the threshold. Planning and Zoning Administrator Leikness said the discussion started with 20 units which were later downsized to the 10 unit threshold; however the door is still open to go under 10 units if an applicant convinces the Planning and Zoning Commission and City Council that the intent of the PEZ area is being met. The applicant will have to do this through the conditional use permit (CUP) process. Area One does have redevelopment opportunities. The new plan encourages gathering small parcels into larger parcels. The bandaged home could be changed to a larger development; thus, avoiding duplexes and triplexes. The number came down from 20 based on discussions with the University and the Planning and Zoning Commission.

Planning and Zoning Administrator Leikness said the PEZ BILL is for parking reductions only.

Attorney Richard Smith representing the University explained the four plex development moved to 10 units with a CUP for smaller units down to a duplex possible. The process has changed for all complexes with no more blanket approvals; the complexes will have annual reviews for compliance. No new converted single housing will be approved. Single family homes that sell may be able to continue if they meet the approved conditions for the PEZ Zone.

The new legal owner should apply for the exception before the sale of the house. There is a concern that the price of the home will go down if the new owner is not able to rent out the space to students; however, in reality the land value will go up on single family dormitory developments because of the lessened parking requirement. Offsite parking will be made available and the cost will be borne by the University and the developers. The student living model fits with larger developments. The University and the Community share a deep concern for student safety. Most units designed for single family living are not designed for dormitory style living.

BRIGHAM YOUNG
UNIVERSITY
IDAHO

May 19, 2009

Dear Mayor and Councilmen:

As discussed in past City Council meetings, BYU-Idaho is supportive of the newly proposed Rexburg City Ordinance No. 1021, more commonly referred to as the Pedestrian Emphasis Zone Ordinance (PEZ Ordinance). It is the University's belief that passage of the ordinance in combination with other steps which the University is implementing will provide a better atmosphere for student living and will encourage the pedestrian nature of our campus. We recognize that the reduction of required parking at student housing complexes located near campus will pose certain challenges which must be addressed.

As mentioned in the May 6, 2009, council meeting, the University is supportive of the construction of a parking facility which will meet the needs of students living in housing constructed by developers who take advantage of the PEZ Ordinance. We feel that such a facility will aid the implementation of the PEZ ordinance and serve BYU-Idaho students well.

The University is prepared to participate in the construction of such a parking facility. Our participation is subject to the working out final details with the City and it is contemplated that it will be consistent with the following guidelines discussed in previous meetings:

- The University will provide a suitable location for the parking facility. The site would be located in an area which the University determines to be close enough to campus to allow meaningful parking for students yet distant enough to encourage students to walk to and from campus rather than retrieve a motor vehicle from the facility and drive to campus.
- The location of the facility would be subject to periodic change depending upon the future needs of the University.
- The City would not require that the parking area be asphalt paved. Gravel or road base would be allowed so long as it is constructed with a solid base and has proper drainage.
- Costs of construction would be borne by the University and developers.
- Security, lighting and safety of the facility would be the responsibility of the University. However, city police would assist in patrolling the facility.

Philip A. Packer University Counsel 210D Kimball Building, Rexburg, ID 83460-1690
Phone (208) 406-1140 Fax (208) 406-3262 E-mail ppacker@byui.edu

- The City will more strictly enforce regulation of on-street parking in neighborhoods near campus.
- Student understanding of parking is important for the success of this concept. The City and University will closely monitor whether student housing owners are complying with the requirement that rental agreements disclose to students whether a parking space at the apartment complex is provided to the student. The City will strictly enforce ordinances requiring such disclosure.
- The size of the parking facility and the number of parking spaces allotted to specific apartment complexes would be determined by the University and individual developers. The City will not be involved in such determination. However, we recognize that the City expects good faith on the part of the University and developers in providing a realistic level of off-site parking for students who live near campus yet still bring automobiles to Rexburg.
- The University will continue to inform its students regarding parking conditions near campus and will coordinate with the City in efforts to assure that students are aware of on-street seasonal parking restrictions.

We look forward to working with you and city staff in the design and construction of this facility as well as other steps which we mutually determine will ease traffic upon our city streets and provide safe pedestrian conditions for our students.

Sincerely,



Philip A. Packer

Brigham Young University - Idaho

Policy Statement Regarding Converted Homes

- Future applications to convert single-family residential homes to single student housing will not be approved.
- Currently approved single-family residential homes remain in the approved housing list based on compliance with housing standards and policy.
- Expansion of current single-family residential homes to accommodate additional students will not be approved.
- When currently approved single family residential homes change ownership, the approved status will be removed and will not be reinstated. Any exception to this policy will require application by the new owners, recommendation by the Project Concept Committee, and approval by the President's Executive Group.

May 19, 2009

Council Member Woodland asked for the location of the offsite parking lot. Attorney Richard Smith indicated there is not a definite location yet; however, it will be close to the married family housing on University property. One possible location is South of 7th South between University and Center Street. The thought is that it is safer for students to migrate through housing complexes as opposed to crossing streets multiple times.

Council Member Stout reviewed point three. Planning and Zoning Administrator Leikness said the intention is to get meaningful development not to convert homes.

Council Member Erickson moved to third read **BILL 1021 for PEZ** (Pedestrian Emphasis Zone) Parking Plan as written; Council Member Schwendiman seconded the motion; Council Member Woodland wants to know the location of the parking lot; Mayor Larsen called for a vote:

Those voting aye

Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens
Adam Stout

Those voting nay

Richard Woodland

The motion carried.

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:

Calendar:

Work meeting June 03, 2009 at 5:00 P.M.

Citizen's Community Bank fundraiser for the Veteran's Memorial Friday May 29th.

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 06, 2009 meeting
B. Approve the City of Rexburg Bills

Discussion on the bills with Delta Dental. The Delta Dental bill should be a Blue Cross billing; Public Works Director Millar said the John Deere "field rake" is for ball diamonds. Finance Officer Horner asked for a pool car for out of town travel. The city could buy one car to save mileage expense money. The Mayor would have priority to use the pool car. Discussion on buying a pool car and the saving possible from using a pool car verses paying mileage.

Council Member Schwendiman moved to buy a used pool car; Council Member Stout seconded the motion; all vote aye. **The motion carried.**

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

Adjournment

Attest:

Shawn Larsen
Mayor

Blair D. Kay
City Clerk