

City Council Meeting

August 17, 2011

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CITY OF
REXBURG
America's Family Community

August 17, 2011

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

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

Police Sergeant Hermosillo led the Pledge of Allegiance.

Mrs. Susan Farmer said the prayer.

Roll Call of Council Members:

Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Sutherland, and Mayor Woodland.

Council Member Egbert and Council Member Stout asked to be excused.

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

Committee Liaison Assignments for 2011:

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

Council Member Stout was excused.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

Council Member Egbert was excused.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee*

Council Member Sutherland did not have a report.

D. Council Member Christopher Mann *Emergency Services Board · School Board · MYAB*

Council President Mann reported his boards have not met; however, Emergency Services is planning a 911 Memorial on Sunday, September 11, 2011 at 6:00 P.M. in front of the Fire Station. It will be an annual event starting on this year's tenth anniversary of the 911 terrorist attacks. The Mayor's Youth Advisory Board (MYAB) will be at the "Celebrate Youth" event next Tuesday evening at Porter Park. They will be selling cotton candy for a fund raiser.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

Council Member Benfield reported Police Department Officer Douglas J. Boivie is going to be the Resource Officer at Madison High School this year. Patrol Officer Kent Chalmers will be the new Madison Junior High School Resource Officer. Officer Troy Dameron will be moved back into the Patrol Officer position. Officer Douglas J. Boivie and Officer Kent Chalmers have recently completed the Dare Training Program. Officer Kent Chalmers was named the Valedictorian at the Dare School.

“B” Parking Permits for the three hour downtown parking lots have been selling since the 1st of August. Only about ½ of the “B” Permits are still available to businesses requesting additional parking permits. The Parking Patrol Officers began issuing parking tickets yesterday. The tracker system (special needs locator) is still under construction; more donations are needed. The first event for special needs children was held on August 4th in the park. It was a wonderful event with 200 special needs children participating with their parents. The event allowed the children and parents to become familiar with the Police Officers in case they encounter a situation where an officer is needed.

The Parking Patrol Officers have started to contact home owners in the residential streets where residential parking permits are required. A parking officer met an elderly lady, who complained of noise at her home at night. She did not want to bother the police. It has alerted the Police Department to the needs of quite a few elderly residents in the community. The officers will make a folder (emergency kit to include their doctors, medication, etc.) for each elderly person to track their needs in case of an emergency.

Celebrate Youth will be held next Tuesday, August 23rd in Porter Park at 6:00 P.M.; the City Council is invited to attend and help celebrate the community’s youth. The Junior High Property along with the Archer Grade School have been declared surplus and those buildings will be put up for bidding with a minimum bid required. The old Junior High could be used as a temporary District Office. The proceeds from the sales will be used to build a new administration building at the new Madison High School. The minimum bids will be based on new appraisals for the properties.

Council Member Erickson indicated the price for the old Junior High property has gone up substantially from prior years estimates by two or three times.

Council Member Benfield asked about the paving project on 7th South in front of the Madison Middle School. Engineer Keith Davidson indicated the Middle School project will be paved next Tuesday. They can drive on the road next Wednesday. Engineer Keith Davidson said the delays were due to a leaking irrigation piping system under the street. This leak was discovered while the contractor was installing an infiltration system. The piped ditch was not sealed up correctly and it flooded the area. They waited for the irrigation season to end so the pipe could be emptied in order to complete the project. A section of the canal was moved over to allow for fiber optics owned by the school district.

The Arts Council is under the direction of Ronalee Flansburg. She is working hard every day putting in some hours for the Arts Council. Her position calls for 30 hours per month to direct the Arts Council. The Arts Council is going to start a Hispanic Folk Dance Team. Elvira Perez will be the contact for the Hispanic Folk Dance Team. Ronalee is doing a magazine article for the “Idaho Magazine” on the Romance Theatre.



“IDAHO magazine” <http://www.idahomagazine.com>: The article for the Idaho Magazine will feature the Romance Theatre’s progress in the restoration process. The Arts Council has a lot of events planned for Halloween. Scary movies; Omar Hansen will tell scary stories; they will do a “Dickens” fair in December with a Nut Cracker and a Christmas Carol. They will try to get other vendors involved in the Arts Council events too.

The Tabernacle Committee has not met; however, they will be meeting next month. The new flag pole will be installed after the pole is sand blasted and powder coated. The windows are in process to be bid for construction. The Idaho Heritage Foundation approved the first new window. They wanted the contact information for the window builder for other window projects in the state.

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

Council Member Erickson reviewed Anthony Merrill’s work on the first new window at the Rexburg Tabernacle. He did an excellent job. Planning and Zoning met after the last City Council meeting; however, they did not have an item to recommend on this agenda.

The Rexburg Redevelopment Agency met to discuss the new parking lot funding on 1st East parking lot across the street from City Hall. The bids have been increasing since the inception of the project. The project started out with an estimate of \$150,000 needed from the Rexburg Redevelopment Agency. The request continued to grow until the current request of \$300,000. The county is considering the funding sources for the project. They originally committed to \$275,000 for the parking lot project. The Redevelopment Agency’s attorney in Boise indicated the redevelopment funds must stay in the Redevelopment District. This would prohibit money leaving the redevelopment district to fund other projects in other areas of the county. The city will seek an agreement through the attorneys to use the west section of the parking lot for continued parking in the future to avoid the parking area being reallocated to a building project, etc. The same occupancy agreement has worked in Idaho Falls for a redevelopment project. The additional parking lot cost was attributed to a margin for error in the construction process after the first estimate was submitted.

The Golf Board met the first of the month and they received good news. August and September could add \$60,000 to \$85,000 surplus to the construction pay back fund. It was attributed to holding the expenses way down. He gave credit to Duffy McFarland for holding expenses down. The usage for the golf course is down from expectations due to flooding and bad weather. The back nine has been closed due to summer flooding from the Teton River. The Teton Lakes Golf Course is doing well. City Attorney Zollinger said the City Team finished 5th in a golf tournament last Saturday.

Trevor Farmer from Troop 216 was recognized for his scouting efforts and he was thanked by Mayor Woodland for coming to the meeting.

Public Hearings: - NONE

Items for Consideration:

A. [Airport Board Report](#) for the [Rexburg-Madison County Airport](#) – David Taylor

Discussion deferred.

B. Additional Parking Lot at Riverside Park “Rexburg Rapids” – Keith Davidson

Engineer Keith Davidson handed out a new map of the proposed parking lot addition to Rexburg Rapids. Parking has become an issue for the customers coming to Rexburg Rapids. The first proposal would be a 62 stall addition to the front of the facility. The next option would be 54 new stalls at the rear of the facility. The cost of the 62 stall proposal would cost \$100,000. A public hearing for a “Conditional Use Permit” would be required. Council Member Sutherland preferred installing the parking in the rear of the facility so the proposed quad field could have the rear parking lot for parking. Initially the area set aside for ball fields will be put into grass. He was concerned with taking away grass area in the front of the facility where children would have to cross the traffic entryway to get to the ball field area to the west.

Council Member Erickson was concerned the parking in the rear would be needed for soccer later in the year versus the pool parking needed during the summer. In his opinion, both parking lots are needed. He just wants the front parking lot done first for the pool in order to take care of the swimming facility season next year.

Discussion concerning the timing of adding additional parking and the location of the additional parking.

Council Member Benfield asked for a master plan for the whole area all mapped out. She asked for the estimated parking stalls for baseball, soccer and swimming. Johnny Watson may have a master plan for the whole area. City Attorney Zollinger indicated the original layout showed a parking lot in the rear. He indicated the city had a public hearing on the proposal that he could defend. He asked for a decision now to allow construction for additional parking this fall.

Council Member Benfield asked if the parking addition would add another \$100,000 to \$200,000 to the facility’s expenses.

Finance Officer Horner said the funding for parking could come from Urban Renewal fund or impact fees. Council Member Erickson was concerned with going to Urban Renewal for the funding if the city could purchase the parking without Urban Renewal funds. He reviewed the \$100,000 held in contingency for Rexburg Rapids. He wanted to see if the city could pay for the parking without using additional Urban Renewal funds. He recommended adding to the \$100,000 contingency every year to build up the reserve fund. Finance Officer Horner explained the contingency funds had to be reserved for Rexburg Rapids only; not to parking; not to ball fields. The water park would need more money in the long term for maintenance and upkeep.

Council Member Erickson still preferred the front parking lot. Council Member Mann said he would like to wait on the parking lot in the front and keep the area for recreation; for a shelter, playground equipment and other recreation.

Council Member Benfield reviewed the work done to the front area including a sprinkler system installed for a green area. The back area does not have sprinklers installed at this time. The north area has been used for a construction area to construct Rexburg Rapids. Engineer Davidson explained the area designed for the 54 parking stalls does not have any sprinklers installed. It is being prepared for a parking area. Council Member Sutherland reiterated his desire to keep the parking lot away from the front of the complex.

Public Works Director Millar was concerned with only one access to a large parking area in the rear. Council Member Benfield reiterated her desire to master plan the complex. She reviewed the back area as a place to start with parking with a gravel base and pave it later after the master plan is approved.

Discussion on the width of the 54 stall parking area. City Attorney Zollinger said the isle width is 26 feet in addition to 18 foot parking stalls on each side of the isle. The parking area is designed to be built to city code. He mentioned the lack of a turnaround area. The area next to the Railroad right-of-way does not have room for a road. The turnaround for parking lots was discussed along with access for fire trucks and maintenance trucks.

Council President Mann moved to table the parking lot proposal discussion for additional parking at Rexburg Rapids as discussed; Council Member Benfield seconded the motion; Discussion concerning the width of the 54 stalls in the back of the facility and the need for a turn-around. City Attorney Zollinger said paving the area in the spring before the facility opens would not be an option. Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

C. [Affordable Housing](#) Resolution 2011 – 10

Mr. Jerry Gunstream from Community Development CDI out of Caldwell, Idaho builds affordable housing because the need is so great. Idaho is their home base with 50 projects completed in the mountain west states.

They work with the Idaho Housing Finance Association in Idaho. IHFA gets federal dollars to distribute tax credits to projects on a competitive basis. They compete for those federal dollars.

“Community Development, Inc. (CDI) is a private nonprofit organization specializing in real estate and community development. CDI was established on July 17, 1994 by C. Fred Cornforth, whose involvement in the residential property market commenced in the early 1990's.

Successfully investing throughout the 1990s and into the new millennium, CDI has built up a large portfolio throughout the United States. CDI is currently active in the development of new single family subdivisions and multifamily housing for seniors and families alike. These activities are generally accomplished via a network of closely aligned subsidiary nonprofit organizations and syndicator relationships such as Citizens for Affordable Housing, Color Country Housing Inc., The Richman Group, Centerline and Alliant. All of CDI's efforts are directed at serving people with limited incomes and resources. CDI recognizes that a fulfilling life includes hope for the future. Accordingly, all of CDI's activities include supportive services and enrichment activities for the people being served.”

Mr. Gunstream reviewed the resolution he recommended to the city.



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Affordable Housing Resolution 2011 - 10

WHEREAS, the City of Rexburg has historically offered diverse housing that permitted families and senior citizens of varying income levels to live and participate in the community; and

WHEREAS, The City desires to promote healthy, stable, vibrant, and affordable neighborhoods throughout the City and specifically within the boundaries of all Qualified Census Tracts; and

WHEREAS, the city does not want to further burden neighborhoods and schools that may already have issues related to a concentration of poverty; and

WHEREAS, the city desires to establish regulations within the medium and high density zoning classifications that encourage the development of affordable housing units, while providing assurances to the City that these units will maintain a high degree of quality and will remain affordable over a reasonable duration of time; and

WHEREAS, these regulations are intended to encourage the development of affordable housing projects within the City where they are determined to be feasible and are consistent with the city's Comprehensive Plan; and

WHEREAS, developers of affordable housing projects are encouraged to maintain rental units for the long term; and

NOW THEREFORE, BE IT RESOLVED that the City of Rexburg, in an effort to expand affordable housing programs and developments within the appropriate city zoning classifications, supports the following statements:

1. Affordable housing means housing capable of being purchased or rented by a household with "very low," "low," or "moderate" income levels:
 - a. Very Low Income. A household that earns fifty percent or less of the median income of the county where they live, adjusted for family size.
 - b. Low Income. A household that earns eighty percent or less of the median income of the county where they live, adjusted for family size.
 - c. Moderate Income. A household that earns eighty-one percent to one hundred twenty percent of the median income of the county where they live, adjusted for family size.
 - d. In the event of any inconsistency or discrepancy between the income and affordability levels set forth herein, the levels set in state laws and regulations, the state provisions shall control.
2. In order to reduce costs associated with the development and construction of affordable housing, the City of Rexburg will consider modifications of development standards normally applied to housing within the city in an effort to facilitate and promote the development of affordable housing. These shall be extended upon issuance of the appropriate approvals for construction and/or design review. The approval of any changes to the established development standards shall depend on the quality, size, nature, and scope of the project being proposed. Incentives may be established to improve the project design and efficient use of the overall land area. It is also the intent of the City to facilitate affordable housing by encouraging developer involvement with the City's Redevelopment Agency and other public and private entities concerned with providing the city with an appropriate supply of affordable housing units.
3. To be eligible for the property development standards set forth below, the developer must propose a housing development containing at least 50% affordable units. No less than 25% of the total number of units in the project shall be available to households earning low or very low incomes.
4. Affordable housing units shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.
5. Affordable housing units shall remain available to persons and families with income levels as defined above, for a period of not less than fifteen years from the date of initial occupancy, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, or housing grant, loan or subsidy program. The period of affordability required hereunder shall run concurrently with any period of affordability required by any other agency; provided however, that the

affordability period shall not be less than as set forth in this section.

- 6. Prior to submitting an application for an affordable housing development, the applicant or prospective developer should hold consultations with the appropriate department within the city and other city staff as may be necessary, to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should include information on potential federal, state, and local affordable housing funding availability.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 17th DAY OF AUGUST, 2011.

RICHARD S. WOODLAND, MAYOR

ATTEST:

BLAIR KAY, CITY CLERK

Mr. Gunstream indicated they use federal dollars under Section 42 of the Internal Revenue Code. It is a very competitive process. They want to bring a project to Rexburg. He discussed seeking an Affordable Housing Overlay District. They will own the project from 30 to 40 years; mandated by the funding process from the federal government. They bring in support services to help the tenant’s needs in the project like job hunting, social services, etc. The resolution indicates Rexburg embraces affordable housing without seeking an Affordable Housing Overlay District. He reviewed the wording in the resolution indicating the requirements from the city’s perspective. It is a formal approach to have support for affordable housing. Council President Mann asked if Planning and Zoning had heard the proposal. They have reviewed the proposal by hearing the Affordable Housing Overlay District concept for affordable housing. The resolution has not gone to Planning and Zoning. Community Development Director Christensen indicated the resolution is the first step to show support without changing the city’s code.

Council Member Erickson moved to approve Resolution 2011 – 10 for affordable housing; Council Member Sutherland seconded the motion; Discussion: Council President Mann was concerned with modifying the city’s standards including design standards. **Mr. Gunstream** reviewed the reasoning for the wording to consider a variance from city standards. It still has to go through the Planning and Zoning review process. Council Member Benfield asked for a project to review. The closest one for Mr. Gunstream is a very successful development in Chubbuck, Idaho. Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

Staff Reports:

A. Public Works: – John Millar

Public Works Director Millar passed out a picture of the new slide to be constructed this fall at Rexburg Rapids. The slide design company “Garrett & Co., Inc.” in Utah will be back in Rexburg on September 21st to install a third slide design with less vertical drop in the slide which has caused some injuries to staff. They will cover any medical bills for people injured in the prior two slide designs. Johnny Watson will be the lead on the installation.

1. Paving 7th South and Pioneer Road will begin next week. Pioneer Road will be completed within two weeks.
2. Wastewater Treatment Plant upgrades will bid this fall with construction next spring.
3. Water Rights for 6 main wells combined into one water right was approved. The pump wells can pump 22 cfs in any combination. The leased University Well is coming on line. The pump is being renovated for that well.
4. Storage water will have 2,000,000 acre feet of water storage to start the winter.
5. Main Street left turn lane plans will go to the state next week for approval. Construction planned for this fall.

Council President Mann commended the Street Department personnel on the street painting projects. They try to have the school cross walks painted within two weeks of school starting. Council Member Sutherland said the parks look so good. It is remarkable. He thanked Parks Director Greg McInnes for his hard work on the city parks both large and small. Council Member Benfield reminded staff about the parking behind the old Madison Junior High that will be stripped for parking at the library and the tabernacle.

B. Finance Department: - Richard Horner

Finance Officer Horner passed out the budget report. The budget report for Rexburg Rapids is on track for the budgeted revenue even though the season started a month late. Major repairs and upgrades will be funded from the surplus.

Discussion of the Building Department permits and revenue trending down; however, the University is coming in to the city with another building permit. This building will help with the lagging revenue for the Building Department.

The “Treasurer’s Expenditure Report by Fund” shows the expenditures running below budget at 42% with 83% of the budget year completed.

Treasurer’s Expenditure Report

<u>Wages</u>	<u>Capital</u>	<u>Other</u>	<u>Total</u>	<u>Budget</u>	<u>Budget %</u>	<u>End Balance</u>
5,247,051	8,429,807	8,442,711	22,119,711	52,714,000	42%	34,155,965

**Rexburg Rapids
Budget Report**

2011		2011	2012
<u>Revenue Budget</u>	<u>Actual</u>	<u>Revenue Forecast</u>	<u>Budget</u>
402,900	348,188	404,300	408,100
2011		2011	2012
<u>Expense Budget</u>	<u>Actual</u>	<u>Expense Forecast</u>	<u>Budget</u>
402,900	174,040	291,700	408,100

Discussion on the revenue for 2011 containing about \$100,000 of reserve monies. Revenue from concessions at a 20% rate was budgeted for \$18,000. This budget was done before the service was contracted out to a vendor.

Council President Mann complimented Recreation Director Bob Yeatman and his staff for their excellent work making the startup year for Rexburg Rapids a success. Council Member Benfield and Council Member Sutherland agreed with Bob’s great work.

Discussion on the funding sources for Rexburg Rapids and the fall schedule for Rexburg Rapids to minimize costs before closing the pool for the season. The planned closure date for Rexburg Rapids is Labor Day.

Calendared Bills and Tabled Items:

- A. BILL Introduction:** – NONE
- 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 1070** Amending the 2011 Budget

Council President Mann moved to second read BILL 1070; Council Member Erickson seconded the motion; Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

- D. Third Reading:** Those items which have been second read.
 - 1. BILL 1072** Set tentative **Appropriation Budget 2012**

Council Member Erickson moved to third read and approve BILL 1072; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

The motion carried.

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Mayor's Report:

Mayor Woodland reviewed a proposal to increase the size of the computer server room. **IT Director Kelvin Giles** indicated a need to have more server room space to accommodate growth.

Council President Mann moved to approve addition to the server room with a cost report; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Erickson	
Council Member Benfield	
Council Member Sutherland	

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, Bills, etc:

- A. August 03, 2011 meeting
- B. Approve the City of Rexburg Bills

Council Member Sutherland moved to approve the Consent Calendar consisting of the minutes, and the city bills; Council President Mann seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Erickson
Council Member Benfield
Council Member Sutherland

Those voting nay

None

The motion carried.

Adjournment

Mayor Woodland, Mayor

Attest:

Blair D. Kay, City Clerk