

City Council Meeting

March 16, 2011



CITY OF
REXBURG
America's Family Community

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March 16, 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

Madison High School Basketball Ball Team led the Pledge of Allegiance.

Suzanne Briggs gave the opening prayer.

Roll Call of Council Members:

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

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

Presentations:

A. Proclamation 2011-01 Madison High School Basketball Team (State Champions)

Mayor Woodland presented a “Key to the City” to Coach Bill Hawkins and the Madison High School Basketball Team. City Clerk Blair Kay read the proclamation to the basketball team in recognition of their efforts to win the 2011 Idaho State Basketball Championship in their division.

MAYOR’S PROCLAMATION

No. 2011 – 01

Whereas, the City of Rexburg is pleased to specially honor and commend the Madison High School Basketball Team that, through their magnificent team effort, brings honor to the City of Rexburg and serves as exceptional ambassadors to this City; and

Whereas, the Madison High School Basketball Team is renowned for its perennial nature as a bastion of extraordinary sportsmanship and athletic ability in the State for competitive basketball; and

Whereas, the Madison High School Bobcats achieved a wonderful level of success during the 2010/2011 season, winning the Idaho State Basketball Championship in their 4A Division; and

Whereas, the Madison High School Basketball Team awed the crowds with their spectacular play, while duly impressing those spectators watching the games on the electronic media as they showcased their sportsmanship and basketball talents, which have been developed through hundreds of hours of practice; and

Whereas, the Madison High School Basketball Team’s State Championship would not have been possible without the supreme knowledge and astute leadership of Coach Bill Hawkins, who guided the Madison High School Basketball Team to its 5th of **Eight** State Championships; and

Whereas, the Madison High School Basketball Team epitomizes all that is good in today's student-athletes, as they have achieved a premier level of success in competition while exhibiting the highest degree of character in all aspects of life; and

Whereas, the perseverance, determination, work ethic, and talent of this group of young men not only made possible a championship season, but also surely bodes well for their success in every future enterprise; establishing an exceptional legacy by their individual and collective resolve, in their triumph as the 2011 Idaho State Basketball Champions in their 4A Division;

NOW, THEREFORE, I, RICHARD WOODLAND, MAYOR of the City of Rexburg, Idaho, and the REXBURG CITY COUNCIL, do hereby proclaim March 8th as “MADISON HIGH SCHOOL BASKETBALL TEAM STATE CHAMPIONS DAY” in the City of Rexburg, Idaho, and encourage all citizens to join me in this important observance.

ATTEST:

Richard Woodland, Mayor

Blair D. Kay, City Clerk

Council Member Erickson commended the team. They are great gentlemen and great athletes. They showed real spirit on behalf of the community and the high school.

Council Member Egbert also commended the team. He has followed high school basketball his whole life. One thing he noticed with this team was there was no quitting. They followed their coach’s system. They believed in each other. Even in newspaper interviews they were giving credit to each other; no one was selfish on or off the court. In every game everyone contributed. We notice those things. He hopes the lessons they have learned here will go on with them for the rest of their lives. He wished them the best. He also encouraged them to support the other teams in the school now that they have been recognized.

Council Member Sutherland said Madison is a great school. Students there excel academically, in sports, and in the arts. Most of the kids he has met and worked with have been some of the most honest and caring people he has every met. That is what carried them through is their unselfishness. Unselfishness is a gift and a blessing; to be able to think of the betterment of the team, not just yourself. The older he gets the more he realizes the young people have a lot to teach us.

Committee Liaison Assignments for 2011:

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

Council Member Stout reported the Trails Committee is hoping to have more people in attendance and more discussion in their meetings. If anyone is interested in participating please let him know. The committee works on trails systems and pathways, infrastructure, and grants.

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

Council Member Egbert reported Parks and Recreation had a committee meeting on fees for the Aquatic Facility. They will be addressing the fees at a future City Council meeting. They are excited at the progress being made at the facility. They look forward to having groups and families come. They are working on arranging special pricing for different groups and times. He was unable to attend the Flight Museum meeting. They are planning a fly over with T-6s on June 18, 2011 in memory of Danny Summers.

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 Emergency Services sponsored the Bar J performance last Saturday night. MYAB met today; they are working on the “Let’s Move” community program to promote fitness and health in Rexburg. They are sponsoring the Rexburg Film Festival in June. Council Member Benfield said the Fire Department pipers preformed at the Bar J performance. They did the city proud.

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

Council Member Benfield reported the Police Department Parking Attendant is retiring. She has been with our Police Department for a long time. The search for Grant Moedl is still under way.

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

Council Member Erickson did not have a report.

Public Hearings:

- A. 7:15 P.M. – **BILL 1062 Hand-Held Wireless Telephone Prohibited Use** (In Pedestrian zones): While operating a motor vehicle within the City of Rexburg's pedestrian zones as designated by the Rexburg City Zoning Ordinance, no person shall use a hand-held wireless telephone or cellular telephone for texting; **(In crosswalks):** No pedestrian, within a designated crosswalk, shall use a hand-held wireless telephone or cellular telephone for texting while crossing a public right-of-way; No pedestrian, within a designated crosswalk, shall use any electronic device designed to play music or any audible playback in conjunction with headphones, earbuds or any other earpieces. – Staff

Mayor Woodland presented the BILL 1062. He opened the public hearing.

Those in favor of BILL 1062:

Patrick Martin at 347 South 4th West (Apple Tree Apartments) is a student at BYU-Idaho. He was in favor of the BILL; except he did have concerns with the head phones portion. There is not any mention of non-crosswalk use to include jaywalkers. It was his one concern.

Jill Anderson at 419 Morgan Drive was concerned with texting while driving. She was concerned with street crossing outside of the crosswalks and the ability to enforce the ordinance. Dialing and texting have the same motion. She suggested no texting and talking due to the dangers of the practice. It is a great idea; it needs more work. The BILL needs more rules about inattentive driving.

Teresa Rogers at 24 South 1st West agrees with the texting portion. She crosses the street every one or two minutes. She does not want to have to pull out her earbuds at each corner. If you make it illegal to listen; why not add talking in the crosswalk too.

John Tobiasson at 570 South 2nd West is also a BYU-Idaho student. He supports the ban on texting while driving. Drivers don't realize the danger; there are great benefits to restricting texting and driving. He did research on texting while walking and found that it is dangerous. People are less aware of what is going on around them. The most conclusive research he found pertaining to this BILL was regarding the use of headphones while walking. He found two helpful studies by Beckman University and Western Washington University.

WWU tested distractions in different situations with a unicycle clown riding around in the campus square, which is something that would obviously attract the students' attention if they were not distracted. They categorized the students they observed into one of four categories. The categories they started with included cell phone users, people walking in groups, walking alone, and listening to headphones. At the end of the study only two groups emerged, cell phone users and everyone else. Those on cell phones were distracted. Along with not seeing the clown, they were having trouble walking in a straight line and not tripping over things. Cell phone users only noticed the clown on the unicycle 25% of the time. People walking in groups, alone, and listening to headphones all seemed to show the same level of attention, noticing the clown 55% of the time. Headphone use doesn't seem to be a distraction, unlike cell phone use.

The Beckman Institute study was conducted differently with virtual reality lab and a modified treadmill. The treadmill presented participants with scenarios like crossing a street with traffic, etc. They tested them with cell phones, headphones, no distractions, etc. Cell phones were reported as a distraction to the pedestrians. There did not appear to be a significant distraction with headphone users. In his studies, he concluded that accidents involving headphone users are not necessarily linked to the headphones being a distraction, but rather that so many people use headphones while walking anyway.

Headphones themselves are not a factor in a majority of accidents. At the campus forum, a BYU-I student of photography indicated it would cause resentment; he encouraged an ad campaign. One example would be to use a “dangerous” example of what happens when texting while crossing the street. He is in favor of the ban on texting while driving; however, he wants a different tactic (ad campaign) to curb the use of cell phones while crossing the street.

Those Neutral to BILL 1062:

Andrew Henley 129 Princeton Court representing the BYU-I Student Representative Council presented results from a campus forum. I-clickers were used to tally votes on different questions.

1. Should the BILL as it stands become law? 88% yes on texting while driving. 67% voted in support of the BILL before the discussion was held. Some suggested an ad campaign; others said it would not help. Students gave a resounding no for headphone use being banned in crosswalks; 75% voted against the ban both before and after the discussion was held. Unlike texting, students wearing headphones can still look around. People jogging do not want to remove their head phones.
2. Should these rules be applied around just campus streets or for all of Rexburg? Everyone who voted thought it should apply to all of Rexburg.

Overall, students felt a ban on texting while driving is justified. Banning texting in the crosswalks has potential to be good, but it would be confusing if it is not executed properly. BYU-Idaho students aren't against a ban on crosswalk texting per se. Headphone restrictions would be overreaching, as displayed by 75% of the students voting against it. He thanked the City Council for the opportunity to speak on behalf of the students as a part of SRC.

Virginia Pratt at 632 Dell Drive asked if inattentive driving was not already on the books; she thought texting was like inattentive driving. She said jaywalking was a problem all around the University.

Beth Riley 129 Viking Drive was okay with some of the BILL and opposed to other parts of the BILL. It should include all of Rexburg, rather than just the PEZ zone.

Joseph Dummar at 38 Sundry Barton Trail Road was opposed to headphones being included in the BILL. Sound does not necessarily bring awareness.

Those opposed to BILL 1062:

Kelly McKamey 868 Widdison Lane was opposed to having an unnecessary law duplicating an inattentive driving law. This kind of BILL could easily morph into a no cell phone law, which would have to be enforced with our Police Department first because they are often seen talking on their phones while driving. There are no statistics to show this is needed in Rexburg. This is another example of government trying to pass a law to fix a problem that isn't there. If we do not have statistics to show that we need it, why make a law against it? City Council is not elected to be the city's “nannies.” They are not elected to restrict everything that could possibly cause harm. Enforcement is another problem. The Police Officers are already so busy, so it will be enforced haphazardly or intermittently. Then when this problem is realized the Police will want to hire another person to enforce it, just like with the parking. They can argue that the fines collected will pay for another officer, but that is rarely the case. He is not in favor of the BILL; there are no statistics to show a need.

Brent Esplin lives in the county, but has a business at 90 South 1st West. He is against the BILL. He was opposed to a “nanny” state. States that have passed the law have not reduced accidents; people are still getting in accidents as they try to hide the fact that they are texting while driving. The government is encouraging people to be more active and exercise. Most people he knows run and walk while listening to music on headphones. If we are going to make that illegal, then why not walking a dog, or walking with a child, or ban engaged couples from holding hands while they walk, because they are extremely distracted? Where does it stop? People need to be responsible and make their own decisions. He feels it is an unnecessary law.

Lynn Betts at 66 North 1st East agrees with the past two men. He gave an example of two girls hit in a crosswalk two months ago. They pushed the crosswalk button and, thinking they were good, stepped out in front of a car before they knew the car was going to stop. The oncoming car did not have enough time to stop and they were hit. They didn't use common sense. Common sense tells you not to text and drive as well, but people do it. Writing a law isn't going to change people's common sense. If a law is passed people will think they are going to be safe, but they are not going to be safe. That is why Benjamin Franklin said if you trade your freedom for safety, soon you have neither. This BILL also stinks of "rip off the BYU-Idaho students for every penny you can." It's the most horrible thing he has ever read and there is no way he thinks it should be passed. If they are going to pass it, it should include the whole city, not just focus on the students.

Kevin James, who lives at 1278 North 16 East in Sugar City, would like to put a kinder word toward the BILL. He thinks it was intended in a good way. People will do what they want to do. He feels a little torn between not wanting the BILL passed and feeling bad if people get hurt, and passing it and having one more thing for the Police to monitor. He wanted people to take more responsibility for their actions. The people need to get out of the mind set of doing anything they want to do. People need to stand up for their freedoms and liberties and not make every safety issue the responsibility of the government.

Eliza Browning at 697 Trejo referred to an article about a Harvard professor who shared his experience visiting a remote village. He was upset when it took him 11 seconds to dial a phone number on an old turn dial phone. The professor later realized how ridiculous it was that he got frustrated with how long it took to dial. We've become a society of "we want this now." This BILL is like putting a sandbag in a tsunami; the sandbag could be better used somewhere else. There are better things we could be doing with our time, with our Police Officers, and with our money. It is sad that people cannot put their phones down for a five minute drive. Creating a law will not make a difference. This law is knit-picky. Laws work because 75% of people or more will follow them. This law will degrade other laws that have a real purpose. She is against this BILL; it only compounds the problem.

Mayor Woodland closed the public hearing.

Discussion:

Council Member Stout referred to discussion from the Traffic and Safety Committee. They wanted to amend section one and include all hand-held wireless devices while driving. The committee also wanted to remove the entire second section about pedestrians.

Council President Mann indicated the City Council was elected to protect the citizens. They are not trying to create a "nanny" state; this is local government trying to solve a local problem. There are not a lot of communities like ours that have a pedestrian university in the middle of town. 20,000 students walk back and forth while about 8,000 cars drive around on surrounding streets. He referred to the thousands of the students coming to Rexburg and parents who expect that their children will be safe. He used the snowball ordinance as an example. It is not meant to enforce in every situation, but it is there are a protection. This will probably save lives in the long run. People should put down their phones when driving in pedestrian areas. If we can't fix stupid, maybe we need laws for them.

Council Member Benfield asked to use this meeting for an information meeting and wait for another meeting to have a "First Reading." She wants the changes made before moving forward.

Council Member Stout said the changes could be made tonight. He has a few changes he would like to make as well.

Council Member Erickson said the Traffic and Safety Committee recommendations need to be taken into consideration. There are laws in place to cover inattentive driving if the driving patterns are not reasonable. He was not sure the BILL needed to be acted upon. Three years ago the City Council turned this BILL down; the State looked into a similar law and decided against it as well. We have laws in place to take care of inattentive driving. Enforcement would be very, very tough. It leaves discretion to the Police as to what exactly the drivers and pedestrians are doing. He is not sure we need

the law; however, he recommended doing a first reading tonight. There can be more discussion on changes at the second reading and they can evaluate then if it worth continuing.

Council Member Sutherland had some concerns. He is not in favor of texting while driving, but there is a lot to be said about personal responsibility. It reminds him of the jaywalking issues that came up years ago. After much discussion the City Council set a jaywalking law in place. Since then the jaywalking law has been identified by the public as unenforceable. If the BILL is put in place, how can it be enforced? He is hesitant about the BILL.

Council Member Stout referred to texting verses inattentive driving. Under inattentive driving laws, nothing can be enforced until Police observe a problem.

City Attorney Zollinger explained driving while reading is not illegal; however, driving while reading and driving erratically is illegal. A police officer can stop a driver while texting under this BILL. Texting in and of itself is enforceable. Every state that has passed this law also has an inattentive driving law on their books. Texting laws are supplementary to inattentive driving laws.

Council Member Stout asked why we do not include reading, putting on make-up, and other distractions in the BILL. City Attorney Zollinger replied that would be getting into the very issues some of the public comments mentioned. There is a limit defining what stupid behavior represents. There is an innumerable list of things people attempt to do while driving that create the possibility of dangerous driving circumstances. Texting is on the forefront because people are texting constantly.

Council Member Erickson agreed with Council Member Sutherland on the crosswalk and jaywalking discussion a few years ago. We don't police jaywalking. We need to call attention to texting while driving as a very poor habit. Every time we are out in public we are subject to something reckless someone else could do. If we do continue with this BILL, we need to consider taking out the pedestrian section like the Traffic and Safety Committee recommended. If we do pass the texting while driving portion it should be enforced city-wide. Just because we do not want pedestrians to text does not mean we should pass the law. It would be very difficult to enforce anyway.

Council Member Egbert thanked the people who gave input. He proposed to take out the pedestrian part entirely and make it city-wide for the first reading.

Council Member Stout did not want to take out the pedestrian part of the BILL. He has been in an accident and hit a pedestrian and it is not just the pedestrian that is affected. It is a safety issue for multiple people. There is a safety provided to drivers by including pedestrians as well. He is more hesitant to keep the headphone part in the BILL, but he agrees with the texting portion for pedestrians.

Discussion on the Traffic and Safety Meeting recommendations.

Mayor Woodland referred to the seatbelt law and the baby seat law; these laws have saved a lot of lives. He is against the government being in a lot of things; however, sometimes a few words can raise awareness of people's responsibilities. He referred to the BILL making people more aware. We have a jaywalking ordinance; the safest pedestrian is the jaywalker because he is looking out for cops. This BILL is not meant to control people's lives. It may be one of those things that are not actively enforced, but it will cause the public to think. The outcome will be a more responsible pedestrian and a more responsible driver. If it makes us more aware and more careful, then it is worth it.

Council Member Erickson said the seatbelt law was a state or federal law. The city put this BILL off until knowing what the state decided on the subject; the state decided against it.

Mayor Woodland said we are not like other cities in Idaho; we have a university in our city and pedestrians are more at risk. Pedestrians need to be more aware in a university city.

Council Member Erickson asked if an ad campaign may do more good.

Mayor Woodland said we have a share the road campaign. We made the jaywalkers safer; maybe we can make the people who text safer.

Council Member Stout said he deals with a lot of teenagers in his work. One issue that came up with the Spice Ordinance was it helps youth fallback on something. They can say no and use the excuse that it is illegal in a peer pressure situation. A 16-year-old girl said the only reason she does not smoke is because she does not want it on her record. An advantage is passing the BILL is the youth will know it is illegal.

Council Member Benfield said making texting illegal may cause more accidents because people try to hide their phones while they text and drive.

Council Member Stout said anytime something is made illegal, it instantly starts to show up in statistics because it is now being tracked. Therefore, it takes a long time to figure out whether the regulation caused a spike in dangerous behavior or whether an increase appears simply due to the fact that occurrences are now being counted.

Council Member Benfield said the public comments were split 50/50. It makes this decision difficult.

Council Member Egbert pointed out the Student Representative Council's respondents understood texting while driving is a problem. The headphone portion is what they did not agree with in this BILL. He thinks most people agree with taking out the earbud portion.

Council President Mann asked if earbuds could legally be worn while driving. Yes. He was concerned with texting while in a crosswalk.

Council Member Erickson moved to first read; dies for lack of second.

Discussion on changes to the wording of the BILL.

Council Member Stout moved to first read **BILL 1062 (Hand-Held Wireless Telephone Prohibited Use)** with changes as follows: The language should indicate it covers all streets and pedestrian street crossings within the city limits of Rexburg; the language should add "any electronic device" and remove the second point of the pedestrian section, which includes headphones, etc. Council Member Egbert seconded the motion; Discussion: City Attorney Zollinger read the amended BILL: ***Drivers:*** *While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting.* ***Pedestrians:*** *No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.*

Mayor Woodland asked for a vote:

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

The motion carried.

- B. 7:20 P.M. – BILL 1064 Amending Development Code 1026** to provide a "Developer Option" to change the parking ratio's by ordinance for multiple family and dormitory housing to have a ratio of eighty per cent (80%) regular size parking spaces (9 foot by 16 foot) and twenty per cent (20%) longer size spaces (9 foot by 20 foot); all visitor parking spaces in multiple family housing and dormitory housing will be the longer space size (9 foot by 20 foot).
– Staff

Community Development Director Christensen reviewed Planning and Zoning’s recommendation to change the parking ratios for new developments under the “Developer Option” concerning the size of parking spaces in multiple family and dormitory housing developments. He referred to a pie chart showing the results of a parking lot survey of the size of vehicles. The recommendation is conservative because many large vehicles can still fit into medium-sized stalls.

The ordinance states 60% of parking should be 9x20 feet; 40% is allowed to be compact at 8x16 feet. Planning and Zoning recommended 20% large parking stalls, understanding that many SUVs can still fit into smaller slots, and 80% medium parking stalls (9x16 feet). Width of vehicles is a bigger problem than length of the vehicles. True compact cars are a little bit narrower, but some are just as wide as mid-size cars. That is why Planning & Zoning decided to recommend 9x16 feet instead of 8x16 feet. This change is not for commercial parking lots. This proposal could save about 5% of pavement in a parking lot. It is a good option for housing units. It gives developers two choices.

Council President Mann said it is a good idea to give developers two options.

Mayor Woodland opened the public hearing.

Those in favor of the proposal: - NONE

Those neutral to the proposal:

Virginia Pratt asked for clarification. Community Development Director Christensen explained it was an option. Mrs. Pratt said the bulk of her tenants drive smaller cars, but no one pays attention to which spots they park in.

Those Opposed to the proposal: - NONE

Mayor Woodland closed the public hearing.

Council President Mann moved to amend BILL 1064 before first reading which would amend the Development Code 1026 by adding a “Developer Option” to change the parking ratio’s by ordinance for apartment complexes: 80% of required parking may be 9’x16’ spaces and 20% 9’x20’ spaces. (See the Pedestrian Emphasis Zone (PEZ) for additional 9’x20’ visitor parking requirements. 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 Benfield	
Council Member Erickson	
Council Member Sutherland	
Council Member Egbert	
Council Member Stout	

The motion carried.

- C. 8:00 P.M. – [Resolution 2011 – 03 Intent to create Local Improvement District \(LID41\)](#)**
for the purpose of constructing and installing certain public improvements; describing the boundaries of the proposed improvement district and the property proposed to be assessed for the costs of the improvements – Staff

Engineer Keith Davidson reviewed the properties on the overhead screen. The Barney Dairy Road section was reviewed first. Ray Walker had a portion of the property in his name deeded to the Lee Family, so Ray Walker needs to be removed from the list. Mrs. Lee prefers to wait until development on her property. Discussion on the property owners’ input.

Council Member Stout asked if the curb and gutter was a condition of upgrading the cell tower property. City Attorney Zollinger explained the owner was non-responsive on fulfilling the upgrading conditions required for a conditional use permit issued for the property additions. The lessee of the

cell tower property dressed up the corner he leases, but he does not have property rights for the whole property. Discussion on the curb, gutter, and asphalt additions to the property. They discussed reviewing the costs on Barney Dairy Road. City Attorney Zollinger explained the city policy is to charge each property owner to tie into existing pavement up to half the width of the road. Line nine of the handout needs to be reviewed to only cover the cost of pavement to tie into the existing road; instead of pavement for half the street.

Mayor Woodland opened the public hearing:

Those in favor of the proposal: - NONE

Those Neutral to the proposal: - NONE

Those Opposed to the proposal: - NONE

Mayor Woodland closed the public hearing.

Mayor Woodland asked the Council to consider the resolution.

City Attorney Zollinger asked for clarification on the cell tower property. Public Works Director Millar explained the pavement portion of the LID assessment is for the tie in pavement which is only a few feet wide (3') instead of half a street. The street construction policy requires the developer to provide pavement for half the street up to 19.5 feet. Staff will review the footage needed for tie in pavement to clarify the estimated cost for the cell tower property.

Council Member Stout explained Pioneer Road had special circumstances due to prior approvals of the city. Council Member Stout and Council Member Benfield asked to stay with the policy and review exceptions on a case by case basis. They agreed to stay with the street construction policy.

Mayor Woodland called for a motion to approve Resolution 2011-03.

Council Member Egbert moved to approve Resolution 2011 – 03 for the creation of LID 41. Council Member Stout seconded the motion;

RESOLUTION NO. 2011-03

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF REXBURG, IDAHO, TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 41 FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING CERTAIN PUBLIC IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF THE PROPOSED IMPROVEMENT DISTRICT AND THE PROPERTY PROPOSED TO BE ASSESSED FOR THE COSTS OF THE IMPROVEMENTS; GENERALLY DESCRIBING THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED AND THE ESTIMATED COSTS AND EXPENSES OF THE IMPROVEMENTS; STATING THE PORTION OF THE TOTAL COST WHICH WILL BE PAID FROM A LEVY OF ASSESSMENTS ON PROPERTY BENEFITTED BY THE IMPROVEMENTS AND THE PORTION PAYABLE FROM OTHER SOURCES; STATING THE METHOD OF DETERMINING ASSESSMENTS; FIXING THE TIME WITHIN WHICH AND THE PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER SUCH PROTESTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.

[BILL 1065 creating Local Improvement District \(LID41\)](#) for the purpose of constructing and installing certain public improvements; describing the boundaries of the proposed improvement district and the property proposed to be assessed for the costs of the improvements.

Council Member Sutherland moved to 1st read BILL 1065 for the creation of LID 41 with the amendment to line nine of the handout for the cell tower property; 1) The \$30,000 will be adjusted; the pavement portion will be adjusted to the amount to tie into the existing pavement. 2) Ray Walker’s property was deeded to the Lee Family Trust and the City of Rexburg. Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

<p><u>Those voting aye</u> Council President Mann Council Member Benfield Council Member Erickson Council Member Sutherland Council Member Egbert Council Member Stout</p>	<p><u>Those voting nay</u> None</p>
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The motion carried.

Break:

Items for Consideration:

- A. Set public hearing for new fees** and any existing fee change proposals - Staff
1. Riverside Park Aquatic Facility Fees
 2. Swimming Lesson Fees
 3. Building Fees – Community Development Director Christensen indicated the building fees would not need to be changed.

Finance Officer Horner reviewed the proposed recreation fee increases and the new recreation fees for the Riverside Park Aquatic facility. Mayor Woodland indicated the fees proposed for the Aquatic Park have been well thought out and Staff has been in long discussions to set the fees and with much deliberation. Mayor Woodland asked the City Council to accept the fee recommendations of the Staff and Fee Committee which included some City Council members. These fees are where they need to be set; however, they can be changed with discussion.

<u>Dept.</u>	<u>Category</u>	<u>Type</u>	<u>Current Fee</u>	<u>Proposed Fees</u>	<u>% Change</u>
Aquatic Center	Admit Evening Group - Non Exclusive	000-019 People per person		\$ 4.50	
Aquatic Center	Admit Evening Group - Non Exclusive	020-049 People per person		\$ 4.25	
Aquatic Center	Admit Evening Group - Non Exclusive	050-099 People per person		\$ 4.00	
Aquatic Center	Admit Evening Group - Non Exclusive	100-199 People per person		\$ 3.50	
Aquatic Center	Admit Evening Group - Non Exclusive	200-299 People per person		\$ 2.75	
Aquatic Center	Admit Evening Group - Non Exclusive	300 Plus People per person		\$ 2.25	
Aquatic Center	Admit Evening Group - Exclusive	Exclusive Aquatic Center Rental		\$ 875.00	
Aquatic Center	Admit Non-Resident Daytime	Diapered (Includes a swim Diaper, must also have a swim liner or purchase one)		\$ 2.50	
Aquatic Center	Admit Non-Resident Daytime	Fitness Single Entry		\$ 2.25	
Aquatic Center	Admit Non-Resident Daytime	Height Less than 48" Tall		\$ 4.25	
Aquatic Center	Admit Non-Resident Daytime	Height More than 48" Tall		\$ 5.50	
Aquatic Center	Admit Non-Resident Daytime	Non-Swimmer		\$ 3.25	

Aquatic Center	Admit Non-Resident Daytime	Seniors (60 years+)		\$ 4.50
Aquatic Center	Admit Non-Resident Daytime Slide	Slide Pass per person		\$ 1.75
Aquatic Center	Admit Non-Resident Evening	Diapered (Includes a swim Diaper, must also have a swim liner or purchase one)		\$ 2.25
Aquatic Center	Admit Non-Resident Evening	Height Less than 48" Tall		\$ 3.50
Aquatic Center	Admit Non-Resident Evening	Height More than 48" Tall		\$ 5.00
Aquatic Center	Admit Non-Resident Evening	Non-Swimmer		\$ 3.25
Aquatic Center	Admit Non-Resident Evening	Seniors (60 years+)		\$ 3.50
Aquatic Center	Admit Resident Daytime	Diapered (Includes a swim Diaper, must also have a swim liner or purchase one)		\$ 2.25
Aquatic Center	Admit Resident Daytime	Fitness Single Entry		\$ 2.00
Aquatic Center	Admit Resident Daytime	Height Less than 48" Tall		\$ 3.75
Aquatic Center	Admit Resident Daytime	Height More than 48" Tall		\$ 5.00
Aquatic Center	Admit Resident Daytime	Non-Swimmer		\$ 2.75
Aquatic Center	Admit Resident Daytime	Seniors (60 years+)		\$ 4.00
Aquatic Center	Admit Resident Daytime Slide	Slide Pass per person		\$ 1.50
Aquatic Center	Admit Resident Evening	Diapered (Includes a swim Diaper, must also have a swim liner or purchase one)		\$ 2.00
Aquatic Center	Admit Resident Evening	Height Less than 48" Tall		\$ 3.00
Aquatic Center	Admit Resident Evening	Height More than 48" Tall		\$ 4.50
Aquatic Center	Admit Resident Evening	Non-Swimmer		\$ 2.75
Aquatic Center	Admit Resident Evening	Seniors (60 years+)		\$ 3.00
Aquatic Center	Inventory For Sale	Swim Diapers		\$ 1.50
Aquatic Center	Inventory For Sale	Swim Liners (Reusable)		\$ 2.50
Aquatic Center	Lessons Non-Resident	Swim Lessons 30 minutes		\$ 46.00
Aquatic Center	Lessons Non-Resident	Swim Lessons 40 minutes		\$ 55.00
Aquatic Center	Lessons Resident	Swim Lessons 30 minutes		\$ 41.00
Aquatic Center	Lessons Resident	Swim Lessons 40 minutes		\$ 50.00
Aquatic Center	Punch Pass Admit -Non-Resident	10 Punch Pass -With Slide		\$ 64.50
Aquatic Center	Punch Pass Admit -Non-Resident	25 Punch Pass -With Slide		\$ 153.00
Aquatic Center	Punch Pass Admit -Resident	10 Punch Pass -With Slide		\$ 58.50
Aquatic Center	Punch Pass Admit -Resident	25 Punch Pass -With Slide		\$ 139.00
Aquatic Center	Punch Pass Fitness -Non-Resident	20 Punch Pass Fitness (6-8 am entry)		\$ 40.00
Aquatic Center	Punch Pass Fitness -Resident	20 Punch Pass Fitness (6-8 am entry)		\$ 36.00
Aquatic Center	Rental	Lock Rental (50 cent deposit		\$ 1.00

Center		included)			
Aquatic Center	Rental	Party Room (1.5 Hours)		\$ 30.00	
Aquatic Center	Rental	Party Room each Additional Hour		\$ 20.00	
Aquatic Center	Rental	Shelter Rental (2 Hours)		\$ 40.00	
Aquatic Center	Rental	Shelter Rental each Additional Hour		\$ 20.00	
Recreation	Fall Rec Program	Cyclo-Cross: Adult 1 day Race	\$ 15.00	\$ 20.00	33.33%
Recreation	Fall Rec Program	Cyclo-Cross: Adult Series	\$ 35.00	\$ 45.00	28.57%
Recreation	Fall Rec Program	Cyclo-Cross: Cubez 1 day (Youth)	\$ 5.00	\$ 10.00	100.00%
Recreation	Fall Rec Program	Cyclo-Cross: Cubez Series (Youth)	\$ 12.00	\$ 20.00	66.67%
Recreation	Fall Rec Programs	Ballroom Youth -- Beginning & Intermediate	\$ 36.00	\$ 42.00	16.67%
Recreation	Fall Rec Programs	Ballroom-adult	\$ 35.00	\$ 47.00	34.29%
Recreation	Fall Rec Programs	Calligraphy	\$ 31.00	\$ 31.00	0.00%
Recreation	Fall Rec Programs	Clogging -- each additional family member	\$ 46.00	\$ 48.00	4.35%
Recreation	Fall Rec Programs	Clogging -- First family member	\$ 71.00	\$ 74.00	4.23%
Recreation	Fall Rec Programs	Fencing -- Beginners & Intermediate	\$ 41.00	\$ 41.00	0.00%
Recreation	Fall Rec Programs	Girls Basketball (Grades 2-8)	\$ 24.00	\$ 33.00	37.50%
Recreation	Fall Rec Programs	Girls Basketball Camp (Grades 2-8)	\$ 8.00	\$ 10.50	31.25%
Recreation	Fall Rec Programs	Gymnastics (2-5 years old)	\$ 56.00	\$ 58.00	3.57%
Recreation	Fall Rec Programs	Horseback Riding		\$ 252.00	0.00%
Recreation	Fall Rec Programs	Non-Resident fee for all programs, additional	\$ 5.00	\$ 5.00	0.00%
Recreation	Fall Rec Programs	Registration Late Fee	\$ 5.00	\$ 6.00	20.00%
Recreation	Fall Rec Programs	Rock Climbing (Grades 4-12)	\$ 24.00	\$ 27.00	12.50%
Recreation	Fall Rec Programs	Soccer (Grades K-3)	\$ 20.00	\$ 21.00	5.00%
Recreation	Fall Rec Programs	Swimming Lessons	\$ 41.00	\$ 41.00	0.00%
Recreation	Fall Rec Programs	Tae-Kwon-Do	\$ 46.00	\$ 70.00	52.17%
Recreation	Fall Rec Programs	Yoga	\$ 31.00	\$ 50.00	61.29%
Recreation	Fall Rec Programs	Yoga -- each additional family member	\$ 36.00	\$ 50.00	38.89%
Recreation	Rush Triathlon	Olympic Distance, individual	\$ 55.00	\$ 60.00	9.09%
Recreation	Rush Triathlon	Olympic Distance, team	\$ 105.00	\$ 120.00	14.29%
Recreation	Rush Triathlon	Pre-race dinner, extra meal(s)	\$ 6.00	\$ 6.25	4.17%
Recreation	Rush Triathlon	Sprint Distance, individual	\$ 40.00	\$ 45.00	12.50%
Recreation	Rush Triathlon	Sprint Distance, team	\$ 90.00	\$ 105.00	16.67%
Recreation	Summer Rec Programs	3-on-3 Basketball Tournament	\$ 31.00	\$ 31.00	0.00%
Recreation	Summer Rec Programs	Archery	\$	\$ 31.00	0.00%

			31.00		
Recreation	Summer Rec Programs	Art Classes	\$ 41.00	\$ 41.00	0.00%
Recreation	Summer Rec Programs	Ballroom - Adult (Beginners & Intermediate)	\$ 31.00	\$ 47.00	51.61%
Recreation	Summer Rec Programs	Ballroom- Youth (Beginners & Intermediate)	\$ 31.00	\$ 42.00	35.48%
Recreation	Summer Rec Programs	Bowling	\$ 41.00	\$ 41.00	0.00%
Recreation	Summer Rec Programs	Digital Photography	\$ 51.00	\$ 52.00	1.96%
Recreation	Summer Rec Programs	Golf - Adult	\$ 46.00	\$ 50.00	8.70%
Recreation	Summer Rec Programs	Golf - Youth (Ages 11-18)	\$ 36.00	\$ 38.00	5.56%
Recreation	Summer Rec Programs	Gymnastics (Ages 3-7)	\$ 86.00	\$ 88.00	2.33%
Recreation	Summer Rec Programs	Horseback Riding		\$ 252.00	0.00%
Recreation	Summer Rec Programs	Liberty 5k Fun Run (Includes t-shirt)	\$ 20.00	\$ 20.00	0.00%
Recreation	Summer Rec Programs	Men's Softball (Team)	\$ 725.00	\$ 760.00	4.83%
Recreation	Summer Rec Programs	Non-Resident fee for all programs, additional	\$ 5.00	\$ 5.00	0.00%
Recreation	Summer Rec Programs	Registration Late Fee	\$ 5.00	\$ 6.00	20.00%
Recreation	Summer Rec Programs	Rock Climbing	\$ 25.00	\$ 27.00	8.00%
Recreation	Summer Rec Programs	Soccer	\$ 25.00	\$ 26.00	4.00%
Recreation	Summer Rec Programs	Soccer Camp	\$ 21.00	\$ 22.00	4.76%
Recreation	Summer Rec Programs	T-Ball (Grades K-3)	\$ 16.00	\$ 17.00	6.25%
Recreation	Summer Rec Programs	T-Ball Camp	\$ 6.00	\$ 7.00	16.67%
Recreation	Summer Rec Programs	Tennis - Adults	\$ 20.00	\$ 21.00	5.00%
Recreation	Summer Rec Programs	Tennis - Spring (Grades 1-8)	\$ 16.00	\$ 17.00	6.25%
Recreation	Summer Rec Programs	Tennis - Summer (Grades 1-8)	\$ 21.00	\$ 22.00	4.76%
Recreation	Summer Rec Programs	Tennis (Varsity Athletes)	\$ 41.00	\$ 43.00	4.88%
Recreation	Summer Rec Programs	Theatre Camp	\$ 19.00	\$ 20.00	5.26%
Recreation	Summer Rec Programs	Yoga	\$ 41.00	\$ 50.00	21.95%
Recreation	Summer Rec Programs	Yoga -- each additional family member	\$ 31.00	\$ 50.00	61.29%
Recreation	Team Sports	Recreation Shirt	\$ 15.00	\$ 16.00	6.67%
Recreation	Teton Dam Marathon	10k / 5k	\$ 30.00	\$ 31.00	3.33%
Recreation	Teton Dam Marathon	Booth Space fee	\$ 25.00	\$ 26.00	4.00%
Recreation	Teton Dam Marathon	Booth Space w/ electricity	\$ 35.00	\$ 36.00	2.86%
Recreation	Teton Dam Marathon	Dinner -- paid at door	\$ 8.00	\$ 8.25	3.13%
Recreation	Teton Dam Marathon	Dinner -- pre-paid	\$ 6.00	\$ 6.25	4.17%
Recreation	Teton Dam Marathon	Family Fun Run	\$ 3.00	\$ 3.00	0.00%
Recreation	Teton Dam Marathon	Family Fun Run T-Shirt	\$	\$ 9.00	0.00%

			9.00		
Recreation	Teton Dam Marathon	Full Marathon	\$ 50.00	\$ 52.00	4.00%
Recreation	Teton Dam Marathon	Half Marathon	\$ 45.00	\$ 47.00	4.44%
Recreation	Teton Dam Marathon	Team Relay -- each member fee	\$ 40.00	\$ 41.00	2.50%
Recreation	Winter Rec Programs	Art Classes	\$ 40.00	\$ 41.00	2.50%
Recreation	Winter Rec Programs	Ballroom Dance - Adult	\$ 31.00	\$ 47.00	51.61%
Recreation	Winter Rec Programs	Ballroom Dance - Youth	\$ 32.00	\$ 42.00	31.25%
Recreation	Winter Rec Programs	Boys Basketball	\$ 25.00	\$ 32.50	30.00%
Recreation	Winter Rec Programs	Boys Basketball Camp	\$ 8.00	\$ 10.50	31.25%
Recreation	Winter Rec Programs	Clogging -- each additional family member	\$ 46.00	\$ 48.00	4.35%
Recreation	Winter Rec Programs	Clogging -- First family member	\$ 71.00	\$ 74.00	4.23%
Recreation	Winter Rec Programs	Cross Country Skiing -own equip.	\$ -	\$ -	0.00%
Recreation	Winter Rec Programs	Cross County Ski Rental per person	\$ 8.00	\$ 8.00	0.00%
Recreation	Winter Rec Programs	Digital Photography	\$ 51.00	\$ 52.00	1.96%
Recreation	Winter Rec Programs	Fencing -- Beginners & Intermediate	\$ 41.00	\$ 41.00	0.00%
Recreation	Winter Rec Programs	Girls Club Volleyball	\$ 61.00	\$ 61.00	0.00%
Recreation	Winter Rec Programs	Guitar Lesson	\$ 51.00	\$ 100.00	96.08%
Recreation	Winter Rec Programs	Gymnastics	\$ 51.00	\$ 53.00	3.92%
Recreation	Winter Rec Programs	Horseback Riding		\$ 252.00	0.00%
Recreation	Winter Rec Programs	Ice Skating Admission	\$ 1.00	\$ 2.00	100.00%
Recreation	Winter Rec Programs	Ice Skating Classes (K-12)	\$ 21.00	\$ 25.00	19.05%
Recreation	Winter Rec Programs	Ice Skating Skate Rental	\$ 2.00	\$ 1.00	-50.00%
Recreation	Winter Rec Programs	Non-Resident fee for all programs, additional	\$ 5.00	\$ 5.00	0.00%
Recreation	Winter Rec Programs	Registration Late Fee	\$ 5.00	\$ 6.00	20.00%
Recreation	Winter Rec Programs	Rock Climbing	\$ 25.00	\$ 27.00	8.00%
Recreation	Winter Rec Programs	Swimming Lessons	\$ 41.00	\$ 41.00	0.00%
Recreation	Winter Rec Programs	Tae Kwon Do	\$ 46.00	\$ 70.00	52.17%
Recreation	Winter Rec Programs	Yoga	\$ 31.00	\$ 50.00	61.29%
Recreation	Winter Rec Programs	Yoga -- each additional family member	\$ 36.00	\$ 50.00	38.89%

Mayor Woodland asked for City Council input before setting the public hearing to take public input on the proposed fees.

Council Member Egbert moved to set the public hearing to review the fee changes including the new Riverside Park Aquatic pool fees at 7:30 P.M. on April 6, 2011; Council Member Benfield seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

Those voting aye

Those voting nay

Council President Mann	None
Council Member Benfield	
Council Member Erickson	
Council Member Sutherland	
Council Member Egbert	
Council Member Stout	

The motion carried.

Recreation Director Bob Yeatman asked the City Council to consider reviewing additional recreation fees. Other recreation program rates include fees for school facilities to cover additional charges at \$25.00 per hour. Council Member Egbert amended his original motion concerning the new Rexburg Riverside Aquatic Facility fees to include all Recreation fees proposed to be changed including city programs held at Madison County schools; Council Member Benfield seconded the amendment to the motion; Council Member Benfield seconded the amended motion. **Mayor Woodland** asked for a vote:

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

The motion carried.

Staff Reports:

A. Economic Development: – **Scott Johnson** did not have a report.

B. Public Works: – John Millar

1. POOL report from Johnny Watson. He indicated the average opening for Teton Lakes is March 17th; so, that gives you an idea of the upcoming schedule. The leisure and lap pool panels are being set. The footings for the splash down are poured. Moisture is a problem right now. The sight work is behind 6-7 days due to weather. The building is 18 days ahead of schedule. Drains are to be installed as soon as the snow melts from the pools and lazy river. The zero entry and lap pool is under construction. A memorial weekend opening is planned. The roofing is complete.

Council Member Benfield asked about the marquee for the Romance Theatre, when it would be delivered. City Attorney Zollinger said that it should be in by the end of the month of March, and that advertising for the pool could be displayed on it. Council Member Benfield would like to use the marquee on the Romance Theatre to advertise the pool opening.

2. Design and grant application for parking lot on North 1st East in process. The parking lot 160 stalls. City is doing the engineering for an Economic Block Grant; the County is putting in \$200,000 toward the project. The City is not putting up any money for the project; the City is only responsible for the engineering. Lighting to tie to Main Street.
3. Well adjudication in process for campus well on the hill. It pumps 1,100 to 1,200 gals a minimum. This will bridge us for 1 more year. The city is looking for the drilling of three new wells.
4. LID 41 in process.
5. Bidding more equipment for the upgrade to the Wastewater Treatment Plant.
6. Pressure sewer line under development on 5th West.
7. Council President Mann asked about street repairs being planned. There are repairs needed on Maple and 4th West. Council Member Erickson asked about road seal around the hospital, and recommended that the county take care of road sealing since their work seems to stick, in contrast to the city's efforts which seem to chip off extremely fast. HK Contractors is the construction company responsible for chip sealing that has failed. They will be contacted by the city about the failure of their work to last.

C. Finance Department: - **Richard Horner**

Finance Officer Horner provided a monthly "Budget Expenditure Report;" At the end of February, (42% of the fiscal year), the expensed budget for Rexburg was 19%. The "Budget Summary Report" for operating expenses was 34% expensed.

<u>Wages</u>	<u>Capital</u>	<u>Other</u>	<u>Total 19%</u>	<u>Budget</u>	<u>End Balance</u>
\$2,570,785	\$3,715,181	\$3,777,281	\$10,063,247	\$51,989,000	\$44,580,800

<u>Operation Budget</u>	<u>Actual</u>	<u>Percent</u>	<u>Forecast</u>
\$20,462,200	\$6,988,811	34%	\$19,865,050

<u>Non-Operating Funds Budget</u>	<u>Actual</u>	<u>Percent</u>	<u>Forecast</u>
\$31,526,800	\$3,065,306	10%	\$24,467,800

<u>Total Expenses All Funds Budget</u>	<u>Actual</u>	<u>Percent</u>	<u>Forecast</u>
\$51,989,000	\$10,054,117	19%	44,332,850

<u>Revenue For Department Budgets</u>	<u>Actual</u>	<u>Percent</u>	<u>Forecast</u>
\$22,495,000	\$7,006,793	31%	\$22,451,200

<u>Total Revenue All Funds Budget</u>	<u>Actual</u>	<u>Percent</u>	<u>Forecast</u>
\$51,989,000	\$19,352,719	37%	\$54,561,100

Council President Mann moved to accept the monthly financial report by fund and the Budget Summary Report; 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 Benfield	
Council Member Erickson	
Council Member Sutherland	
Council Member Egbert	
Council Member Stout	

The motion carried.

Calendared Bills and Tabled Items:

- A. "LAND USE ACTION" – BILLS RECOMMENDED/APPROVED IN A LAND USE-NONE PUBLIC HEARING PROCEDURE: – NONE**
- B. BILL Introduction: – NONE**
- C. First Reading:** Those items which are being introduced for first reading.
 - 1. BILL 1062 Hand-Held Wireless Telephone Prohibited Use (In Pedestrian zones):** **Drivers:** While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting. **Pedestrians:** No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.

BILL 1062 was amended and first read as amended in the public hearing section of the meeting.

“Council Member Erickson moved to approve Bill 1062; Council Member Stout 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 Benfield	
Council Member Erickson	
Council Member Sutherland	
Council Member Egbert	
Council Member Stout	

The motion carried.

2. **BILL 1064 Amending Development Code 1026** to provide a “Developer Option” to change the parking ratio’s by ordinance for multiple family and dormitory housing to have a ratio of eighty per cent (80%) regular size parking spaces (9 foot by 16 foot) and twenty per cent (20%) longer size spaces (9 foot by 20 foot); all visitor parking spaces in multiple family housing and dormitory housing will be the longer space size (9 foot by 20 foot).

Council Member Erickson moved to suspend the rules for BILL 1064; Council Member Egbert seconded the motion; **Mayor Woodland** asked for a roll call vote:

Those voting aye

Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert

Those voting nay

Council President Mann
Council Member Stout

The motion carried.

Council Member Erickson moved to approve BILL 1064 amending the Development Code 1026 by adding a “Developer Option” to change the parking ratio’s by ordinance for apartment complexes: 80% of required parking may be 9’x16’ spaces and 20% 9’x20’ spaces. (See the Pedestrian Emphasis Zone (PEZ) for additional 9’x20’ visitor parking requirements;) Council Member Sutherland seconded the motion;

Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.

3. **BILL 1065 creating Local Improvement District (LID41)** for the purpose of constructing and installing certain public improvements; describing the boundaries of the proposed improvement district and the property proposed to be assessed for the costs of the improvements.

Reviewed and passed during the public hearing portion of the meeting: “**Council Member Sutherland** moved to 1st read BILL 1065 for the creation of LID 41 with the amendment to line nine of the handout for the cell tower property; 1) The \$30,000 will be adjusted; the pavement portion will be adjusted to the amount to tie into the existing pavement. 2) Ray Walker’s property was deeded to the Lee Family Trust and the City of Rexburg. Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Erickson
Council Member Sutherland
Council Member Egbert
Council Member Stout

Those voting nay

None

The motion carried.”

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

E. 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:
- NONE

Mayor's Report: New Marque at the Romance Theatre was discussed.

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. March 02, 2011 meeting

B. Approve the City of Rexburg Bills

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

Those voting aye

Council President Mann

Council Member Benfield

Council Member Erickson

Council Member Sutherland

Council Member Egbert

Council Member Stout

Those voting nay

None

The motion carried.

Council Member Stout asked for an update on a contract issue discussed in executive session. Economic Director Scott Johnson indicated there was no additional information to report.

Adjournment

Richard Woodland, Mayor

Attest:

Blair D. Kay, City Clerk