

# City Council Meeting

August 06, 2008



CITY OF  
**REXBURG**  
America's Family Community

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August 06, 2008

Mayor Shawn Larsen

**Council Members:**

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

**City Staff:**

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

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

**Roll Call of Council Members:**

**Present:** Council Member 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)

**Kirby Forbush** presented comments concerning ribbon curbing on his new plat (Willowbrook Division 5). The preliminary plat (containing multiple divisions) was approved May 7, 2003 for Willowbrook Subdivision. Mr. Forbush reviewed the preliminary plat of 2003 on the overhead screen. He reviewed the two sewer lines and lift station on his property (Willowbrook Subdivision). The street design did not call for ribbon curbing on the pavement in 2003. He referred to agreements with the city to locate sewer lines and a lift station on his property. The only agreement put in writing was the fee schedule. He still has not given the city any easement for the lines and lift station in question. Mr. Forbush acknowledged the city has recently passed an ordinance requiring ribbon curbing on the pavement for his zone. He does not agree with the requirements being applied to his subdivision because his preliminary plat was approved five years ago. Mr. Forbush asked for his subdivision to be grandfathered in without the ribbon curbing the city is now requiring. Mr. Forbush said the city has already built the lift station; yet the city does not own the property. Mr. Forbush still owns the property and he stated he does not want anything in exchange for being grandfathered in without ribbon curbing.

**Council Member Erickson** asked what was different on this plat verses the earlier plats. Mr. Forbush explained the ribbon curbing is the difference. He said the zone is new and was designed for flat ground even though the zone has been used on the hill near the temple. He contended the preliminary plat was approved without the requirement for ribbon curbing.

**Mayor Larsen** asked Mr. Forbush to apply for a variance to the city code which requires ribbon curbing. There is a reason for the ribbon curbing requirement which was thoroughly discussed by the City Council when the code was implemented to protect and extend the life of the pavement. The variance process needs to be publicized for a public hearing. Mr. Forbush asked why the City Council could not grandfather the plat without the variance process. The past City Council cannot make decisions binding on future City Councils. Mayor Larsen stated the councils are different and the ordinances are also different for the current land use applications. Mr. Forbush reiterated Mayor Larsen's comments about how the councils are different. Mr. Forbush asked why Mayor Sutherland's signature is not binding upon the new mayor or council.

**Mayor Larsen** indicated the agreement on the easements is in place; however, current ordinances guide current development. Mr. Forbush is requesting a variance on a current ordinance for a development that has not been built yet. The city is not requiring ribbon curbing on the previously constructed divisions of Willowbrook Subdivision. It is the new development being built in the city.

**Mr. Forbush** explained the design for the subdivision was approved in 2003; so, why should it change. He acknowledged the existence of the new ordinance; however, he felt his subdivision should be grandfathered into the city without ribbon curbing. Mayor Larsen believed, Mr. Forbush could make that argument at a variance hearing before the Planning and Zoning Commission.

**Public Works Director Millar** will check on the easements for the lift station and the waste water lines in Willowbrook Subdivision.

**Benson Wallace** at 2085 Alan St. Apt. 2 in Idaho Falls is the head coach of the Madison Dragons Soccer Club. The club is mostly made up of BYU-I students. He requested to use of the Nature Park field by the skate park as their home field for scheduling soccer games. Mayor Larsen encouraged Mr. Wallace to contact the city's Recreation Department (Bob Yeatman) to coordinate the schedule. It is a field that does not get a lot of use. Mr. Wallace asked if the city would provide a full set of goals for the field. The goals cost from \$1,000 to \$2,000 per set. Mayor Larsen said the city may be willing to share some of the cost to purchase the goals. Their first (home) game is September 13<sup>th</sup> with St. George, Utah.

**Council Member Woodland** said the Chamber of Commerce may be able to lend some support. Johnny Watson from JRW and Associates said he may be able to find some structural steel for the project.

**Mike Mitchell** at 1070 Mc Jon Lane is representing the neighborhood on a proposal to change the location of two streets in the plat on the Ferney (Pine Brook Estates Plat) north of Teton Lakes Golf Course. The proposed changes to two streets on the plat would lend itself to lot changes in the future for four neighbors by allowing them to subdivide their lots (4.6 acres each). Council Member Erickson said the first step in the review would have the roads line up on the grid system. Mr. Mitchell made the comment these lots in the existing subdivision are not within city limits. Mayor Larsen recommended the discussion be taken to the planning meeting tomorrow night. Mr. Mitchell commented that Mayor Larsen had asked the Planning and Zoning Commission to include the people in the existing neighborhood in their planning meeting but the Planning and Zoning Commission never called. Council Member Schwendiman said city staff requested the current road alignment. Mr. Mitchell said the Planning and Zoning Administrator recommended the street alignment follow the property lines on these lots. Mayor Larsen felt it was a good concept to have the roads line up with the property lines.

**Presentations:**

**A. Fair Havens Estates** concept plan located at the corner of 4000 West and 1000 South in the county. The developer is seeking input from the city concerning a connection to water and sewer. - Schiess & Associates

**Kurt Rowland** from Schiess & Associates presented a proposal to take water and sewer to a subdivision at the corner of 4000 West and West 1000 South in the county. There are a 100 lots planned for the subdivision. The Impact area goes to 3000 West. Mayor Larsen explained the city policy to the developer concerning annexation when the property became contiguous to the city. Council Member Stevens wanted the city codes to apply, i.e. impact fees. There are three parks planned for the community. Council Member Mann was favorable to the proposal due to the number of septic systems possible. The developer said there are other options like a regional sewer system. They will have their own fire suppression system. Mayor Larsen said the challenge is for a subdivision to build outside the city and be outside the impact fee rules. The water and sewer user fees would be 30% higher outside the city. The development is 1.8 miles west of the new high school. Council Member Erickson said the policy would allow a development closer in to the city. City Attorney Zollinger indicated the Muir property is similar to this proposal which the city approved. The Muir property has not been developed yet. The roads are planned to line up with the grid system. Council Member Schwendiman mentioned a concern these homes would not contribute any property tax revenue to the city. They would have an advantage over building in the city. Mayor Larsen said the community is continuing to grow and additional septic systems and wells and road development on the grid system are a concern. He recommended considering the proposal to provide water and sewer services from the city.

**Council Member Woodland** moved to allow the city to go into discussions with the developers concerning the proposal; Council Member Stevens seconded the motion; Discussion: Council Member Mann wanted the county involved, Council Member Stout asked about city water capacity. Public Works Director Millar said the city could only provide culinary water to the

homes. Yard watering would have to come for local surface water. Council Member Stevens said the Impact Fees total \$1,751 per home. All voted aye, none opposed. **The motion carried.**

**Committee Liaison Assignments for 2007:**

- A. Council Member Chris Mann *Museum Committee · Beautification Committee · Emergency Services Board*
- B. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*
- C. Council Member Bart Stevens *Airport Board · Romance Theatre Committee · MYAB · School Board*
- D. Council Member Randy Schwendiman *Parks & Recreation · Traffic & Safety Committee*
- E. Council Member Richard Woodland *Rexburg Arts Council · IBC Committee · Tabernacle Civic Center*

1. Tabernacle ADA Access – Kristy Geisler

**Public Affairs Director Kristy Geisler** referred to a City Council tour in May, 2008 when the City Council visited the tabernacle. They discussed the need for ADA access. Kristy Geisler mentioned the statistic “0-20% of the population has disabilities.” Some of this community becomes less able as they age. The proposed location for an ADA ramp on the north side was determined to have too much ice during the winter which may cause problems for having the ramp. A supplier for an ADA stair lift on the north side entry to the building has been located. The Tabernacle Committee has moved money from other projects at the tabernacle to this proposal. She went over the expenses to complete this project. Public Affairs Director Kristy Geisler stated the project was short by \$9,006.00. This project includes more than just getting the lift. The other expenses are State of Idaho Inspections (\$850), Integrity Construction (\$1,850), and Squire Brick (\$250). The additional budget would come from contingency funds which at the present time would be \$9,609. The project will preserve the integrity of this building.

**Council Member Erickson** asked which stairs would be affected. It would be installed on the north entry stairs. Council Member Erickson was concerned with the north side entrance due to winter weather. Council Member Stevens added a comment. Council Member Stout asked about the stairs going down to the Museum. It does have a donated lift from BYU-I which does get some use. The lift can be secured with a lock.

**Council Member Mann** moved to approve the contingency request of \$10,000; Council Member Woodland seconded the motion; all voted aye, none opposed. **The motion carried.**

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

**Public Hearings:**

- A. 7:20 P.M. Comprehensive Plan 2020** and Comprehensive Plan Map – Staff  
**RESOLUTION 2008 – 16** (Adoption of Comprehensive Plan 2020 and Map)

**Mayor Larsen** said the process has been going on for 1 ½ years. He recommended delaying any action on the Comprehensive Plan until a work meeting can be held with the Planning and Zoning Commission. A future meeting would finalize this public hearing meeting.

**Council Member Erickson** asked to act on the changes before the new map is finalized. Mayor Larsen indicated another work meeting would allow for the City Council to have more discussion before acting on the Comprehensive Plan in a public hearing on the 3<sup>rd</sup> of September. There will only be one more public hearing at the City Council level.

**Laura Hansen** from Cooper, Roberts, Simonsen Associates of Salt Lake City gave a presentation on the Draft Comprehensive Plan. She provided a handout to the City Council which reviewed the Comprehensive Plan proposal as follows:

Issues to address on the Comprehensive Plan:

- Traffic congestion on limited collector/arterials
- Discourage strip commercial
- Neighborhood preservation
- Life cycle housing & aging in place
- Parking near university
- Revitalizing Main Street and downtown
- Bringing students downtown Population growth
- Traditional development patterns
- Job opportunities to keep students in Rexburg
- Attract tourist traffic off highway to Yellowstone and Grand Teton
- Park and open space preservation, trails and recreation

Residents of Rexburg have chosen to live here because they enjoy the current quality of life, aesthetics, recreational opportunities, mix of land uses, and patterns of development that the City provides. The primary vision of the Rexburg City Comprehensive Plan is to ensure that these qualities are maintained and preserved.

### Comprehensive Plan Contents

- 1) Introduction and Community Vision Statement
- 2) Population and History
- 3) Private Property Rights
- 4) Schools and Transport
- 5) Economic Development
- 6) Land Use and Agriculture
- 7) Natural Resources and Hazardous Areas
- 8) Transportation
- 9) Public Services, Facilities, and Utilities
- 10) Parks, Recreation, and Open Space
- 11) Housing
- 12) Special Areas or Sites
- 13) Community Design
- 14) Impact Area
- 15) Implementation & Need for Evaluation

### Economic Development

- Goal 1: Promote and support a diverse and sustainable economy.
- Goal 2: Work with Madison County to support development as an outdoor adventure recreation and tourism center.
- Goal 3: Identify and promote business/industrial park sites with good airport and highway access.
- Goal 4: Encourage entrepreneurship by increasing opportunities for business incubation.
- Goal 5: Downtown is the center and heart of Rexburg – an attractive and dynamic place for students, residents, shoppers, civic users, employment and business owners.
- Goal 6: Expand shopping and entertainment opportunities in Rexburg.
- Goal 7: Provide capital improvements, as needed by commerce and industry, through intergovernmental cooperation and public-private partnerships.
- Goal 8: Provide a well-educated, trained workforce and educational opportunities for all residents.

- Madison County can expect and **increase of over 8,000 jobs by the year 2020.**
- Rexburg can expect to capture **80-90%** of this growth.
- An **additional new 527 industrial acres** is needed to support county growth. The City will need to identify and zone for future development. 80% of county-wide employment growth will locate within the City.
- **Airport Expansion/Promotion** would provide a significant resource in developing the tourism and recreation industry in the area, as well as in attracting new businesses and industries to Madison County.
- The City will need to designate additional areas for **business park development** if it is to keep up with the future growth in demand.
- **Tourism and high technology manufacturing firms in the outdoor technology sectors**, such as boat manufacturers, fishing equipment, RV trailers, backpacks, is another opportunity.
- Additional **vocational educational opportunities** could help attract certain types of manufacturing jobs.
- There is opportunity for **Idaho National Labs “spinoff” businesses**, as patents are issued, and products are ready to be taken to market.

### Downtown Analysis

The Comprehensive Plan recommends a pedestrian-friendly concept for the downtown area that tie in the University via College Avenue.



### Land Use

- The Comprehensive Plan suggests preservation and support of existing neighborhoods. No changes in land uses in developed residential areas.
- As goods, services, and jobs move to the north of Rexburg, residents may wish to live closer to jobs and shopping and single-family homes may start to fill in north of the Teton River.
- Additional new development is likely to occur around BYU-I and the new Rexburg Temple, as well as on the west side of Highway 20, where a new high school is currently being planned.
- As new areas of the City's impact area are developed over time, residential neighborhoods should be planned to be self-sustaining, and to provide for the basic daily needs of a neighborhood.
- The City should work with the school districts and church organizations, to ensure that schools, churches, and parks are located in the areas that they serve.
- Housing density in new areas is located strategically around new future neighborhood centers, and located along collector roads.

Example:



### Regional Employment/Commercial and Industrial Centers

Rexburg should encourage the future development of commercial serving regional needs is located close to the Highway 20 interchanges where they can be easily accessed and capture a **regional market**. Strip commercial development with unlimited access to major highways and corridors will be discouraged. Spread commercial around the community to **reduce congestion** on limited arterials.

Commercial businesses to serve the needs of the **college student and resident** are encouraged near downtown. Appropriate locations for **light industrial and business park** developments have been located near the highway interchanges, railroad tracks and the Yellowstone Highway, as well as near the airport.

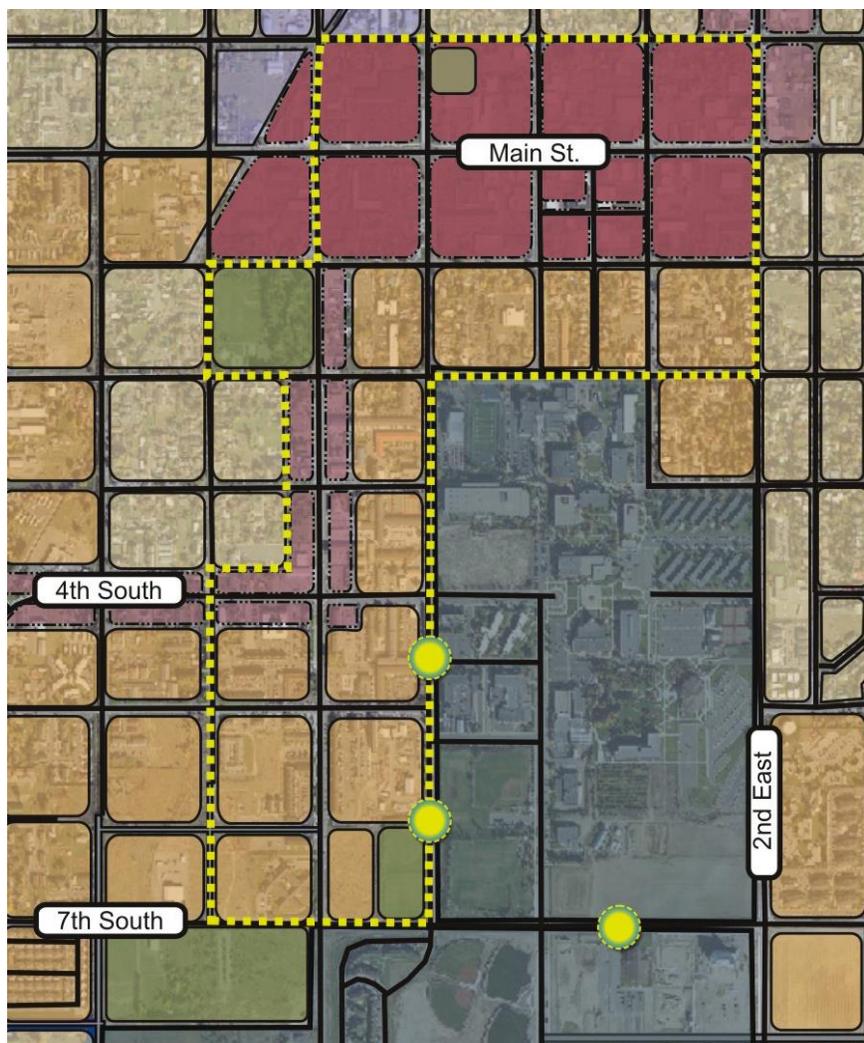
### Downtown Revitalization

It is the recommendation of this Comprehensive Plan that the City work towards and **implement the recommendations of the Downtown Blueprint plan**.

The City should encourage the organization of community leaders, business leaders, and interested citizens to **develop a downtown program** which sponsors special events, promotes retail and entertainment businesses, and assists new businesses interested in locating downtown.

**College Avenue/Downtown Area** is defined as an area of pedestrian emphasis and the City should work to make this area a safer, and more attractive and comfortable place to walk.

### Example Neighborhood Center



### Clustered Bench Development and Open Space Preservation

With growth, the vacant lands on the Rexburg Bench, along Pole Line Road, and near the Starlight and Park View Additions will likely experience new residential development. As these areas develop, The City should **encourage clustered development to preserve view corridors and open space**.

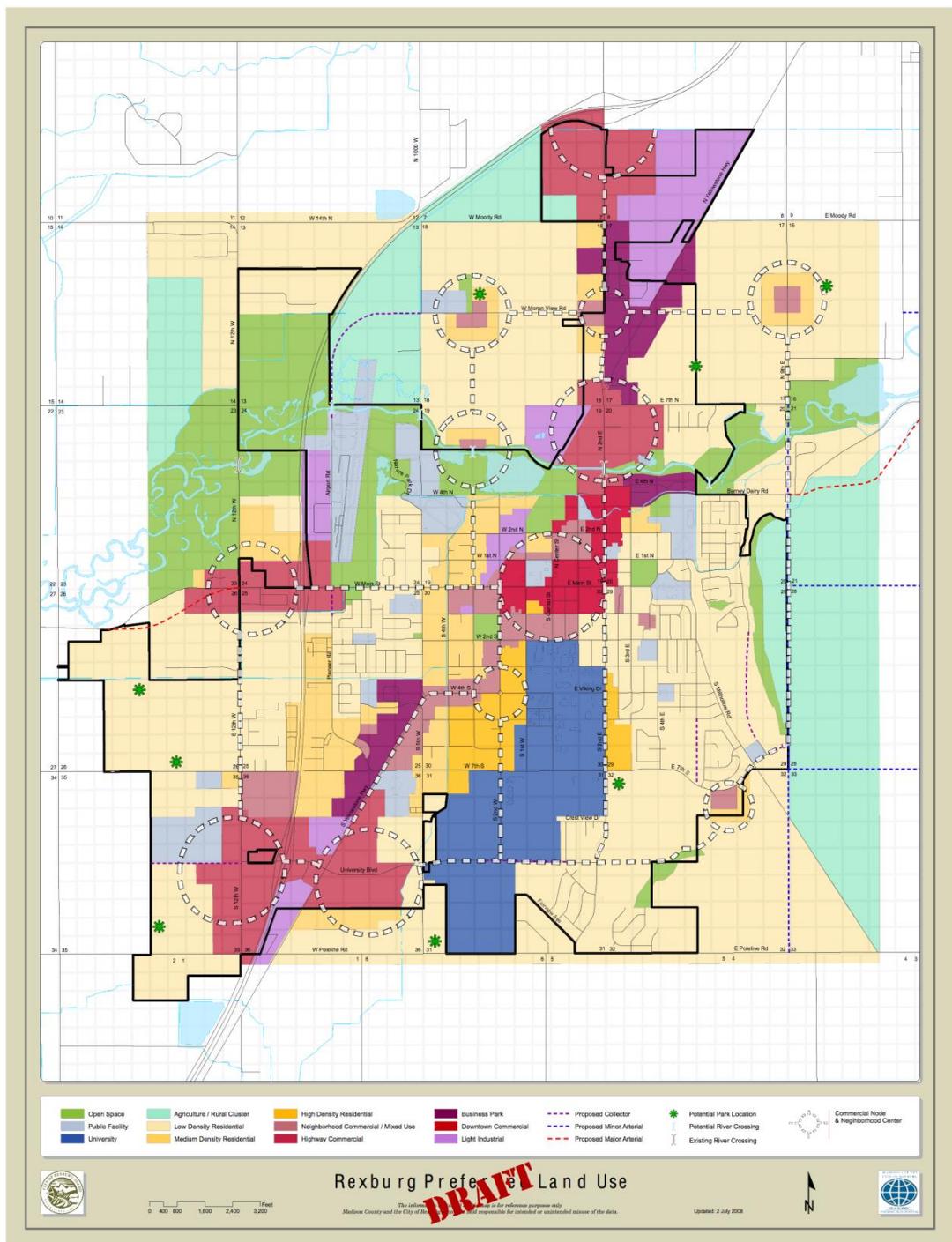
The concept of “clustering,” means locating homes in a proposed subdivision in closer proximity to one another to **minimize infrastructure expenditure and maximize preservation of open space**. Clustering does not mean higher density.

## Clustering



### Items to view on the proposed map:

**Relocated Industrial**  
**Neighborhood Centers**  
**Teton River Greenway**  
**Clustered Bench Development**  
**Residential North of River**  
**Residential on West Side of 200 E.**  
**City Block = 10 acres**



Land is a commodity. As with any commodity, its value depends on demand and supply. If there is too much commercial land, it has little value. The result tends to be scattered development pattern and businesses that do not perform well because there is no concentration of retail.

The downtown area should be developed in a way to encourage students to go to the downtown area for shopping, etc.

**Council Member Stevens** asked about building heights referenced in the document. **Laura Hansen** will review those pages where building heights are referenced for consistency.

**Mayor Larsen** opened the public hearing for public comment on the Comprehensive Plan.

**Richard Smith** commended the City Council and Laura Hansen for going forward with a work meeting. He addressed three concerns for some clarification:

1. **Policy on page 74:** Develop a sensitive lands overlay zone with accompanying regulations and requirements designed to protect natural resources from the potential adverse impacts of development. Natural hazards identified include:
  - A. Unsuitable or critical building soils
  - B. Sensitive slopes or slopes over 25%
  - C. Floodplain or flood areas
  - D. High vegetation/fire danger
  - E. Known geologic hazards

2. [Page 74 View Corridors](#): Rexburg is located in an area of unique visual quality, and preservation of key view corridors is a goal of the community. Primary views to be preserved and protected include those of the Rexburg Bench, the Teton Mountains, and the Snake River. The City should consider development regulations on building height, reflectivity, and location to ensure that key views are not obstructed or detracted from by development.

**Richard Smith** asked for clarification on item one and item two above and requested to address these in a specific way. He was unsure what the statement meant. Does this mean preserve undeveloped land, or some other meaning.

3. [Page 78 Slope analysis on hilly ground](#): *Steep Slopes* There are presently two locations within the City Limits that need to have slope analysis completed prior to any development. These include the Mill Hollow Canyon slopes and the area east of Second East between 7<sup>th</sup> South and Poleline Road. Subdivision development in these and other sloping areas will need to work closely with the Public Works Department to assure adequate storm water system development.

**Richard Smith** was concerned of the city was heading into an environmental assessment document before a development moves forward. He hoped that was not the case.

4. [Residential Design Standards on page 61](#): The Comprehensive Plan suggests no changes to the land uses of existing neighborhoods. The city should consider the development of residential design standards to ensure that new development in existing neighborhoods is compatible with the scale, size, and style of existing homes. The City should work to provide additional park space in areas that are current not well-served by parks, such as the southeast portion of the City. The City should also work with community groups and neighborhood associations to host neighborhood beautification projects and clean-up days.

**Richard Smith** encouraged the city to have a policy requiring protective covenants from developers in their respective developments that comply with the Comprehensive Plan instead of a general residential design standard requiring a specific look for specific part of the city.

5. [Policy: page 58 Discourage “leap-frogging”](#) and development in isolated areas. Options and tools may include developer incentives in areas more appropriate for development, or disincentives such as more stringent requirements and application review procedures for development in areas less appropriate for development.

**Richard Smith** referred to a decision tonight to start negotiations for a development 2 ½ miles west of the city. This decision empowered the developer to do leap-frogging which is contrary to the language in the draft Comprehensive Plan. Leap-frogging, if restricted would discourage development in a specific part of town which may be against the intentions of the City Council. If we head down this path, we need to take a good look at the provisions in the plan to make sure the plan is consistent with the desires of this City Council.

6. [Page 83 Wide Streets verses narrow streets Policy](#): Consider allowing modified street design elements, such as on street parking, street medians, **narrower streets**, etc. throughout the City to improve safety and decrease travel speeds. Efficient movement of transportation should not take precedence over the safety of users.

**Richard Smith** referred to a discussion in the recent past at City Council where the developer was required to construct wider streets. The city can't have it both ways. The Comprehensive Plan will be a powerful tool for development once it is adopted.

**Lewis Clements** at 125 East Moody Road commented on his annexation to protect the north entrance to Rexburg. He requested a commercial land use designation for his property as previously designated through the annexation process on the land use plan.

**Sally Smith** at 512 South Millhollow Road was concerned with the residential development on the entrances to the city. She requested a planned commercial land use designation for the entry corridors to bring people into Rexburg. She is favor of mixed use neighborhoods as with other cities; however, she does want a commercial corridor on North 2<sup>nd</sup> East.

**Ken Sakota** at 1235 North 2<sup>nd</sup> East asked what is reasonable and practical. He referred to the cities desire to maintain the 2<sup>nd</sup> East Commercial corridor; especially, by the stop light at Artco. He wanted to be planned for commercial in the land use plan. He was concerned with a commercial node close to his property. He was opposed to the proposed neighborhood business nodes located

so close to existing business centers. He was opposed to narrower streets due to snow in the winter. What is reasonable and prudent? He would like a commercial land use designation; the same as the Hegsted property.

**Terry Hendricks** at 340 North 12<sup>th</sup> West requested Neighborhood Commercial/Mixed use because the property is between Hwy 20 and 12<sup>th</sup> West. He was opposed to residential in the area surrounded by three busy roadways.

**Johnny Watson** at 1152 Bond Avenue appreciated Laura's concerted efforts on the Comprehensive Plan. He understands the hard work that has gone into the plan. Once the map is adopted; it is in concrete for six months. He wanted the city to be open minded with developers bring new ideas to the city. He thanked the City Council for continuing the discussion to the work meeting on August 20<sup>th</sup>.

**Doug Sakota** at 1245 North 2<sup>nd</sup> East read a statement concerning his desire to have his property planned for commercial land use. His family has been on the property for over 80 years. He was concerned an outside planner was making a decision on the future use of his property. "What are the rights of the property owners?" He asked for a voice in the plan as is stated in the plan. Mr. Sakota did not receive any requests for input into the plan from the city planner as proposed by the plan. "Communication is the main thing" and that is what baffles him. We haven't had the communication. He referred to previous decisions to have his property planned as commercial. Mr. Sakota referred to a letter from Russell Squires about forced annexation when the Squires property was annexed. In the discussions over the annexation of properties contested by Sugar City, the mayor wanted to preserve 2<sup>nd</sup> East property as a commercial corridor. He noted the old land use map does designate the 2<sup>nd</sup> East corridor as commercial. Mr. Sakota noted the issue here is the amount of traffic on 2<sup>nd</sup> East. The Sakota's would like control the amount of traffic on 2<sup>nd</sup> East too. Developers have recommended commercial development in the front along 2<sup>nd</sup> East with access to retail/commercial stores in the back of the development similar to Purrington Plaza on Center and Main Street. You access the plaza from the parking lot. The city should strive to not deviate from the plan. Once the plan is adopted, it is the bible. Mr. Sakota asked the city to "Give us back our commercial corridor". "Honor your commitment to the people and the citizens" that you wanted to keep 2<sup>nd</sup> East as a commercial corridor. He was concerned the money spent on the current Comprehensive Plan is being wasted because the plan is being changed by someone from outside the area. He asked for continuity from the old plan to the new plan. Again, as stated by his brother, they only want something that is reasonable and practical. He wanted to remind the Mayor and City Council of the city's commitment to keep a commercial corridor along 2<sup>nd</sup> East when those properties were annexed.

**Don Sparhawk** at 37 South 3<sup>rd</sup> East indicated the old land use map was developed over many years. He wanted to be cautious when changing the map. The current land use map has been used by current property owners when they purchased the property. He asked the City Council to be prudent and cautious before changing the Comprehensive Plan so dramatic at one time. "What's the hurry", go slowly and make slow changes. He asked if there was a way to do a better job of publishing the plan to the general public.

**David Peck** at 323 South 3<sup>rd</sup> East mentioned competing interests of developers and land owners. He was concerned with developers designing the city. He requested more checks and balances between the Planning and Zoning and City Council plus input from citizens for new developments. He requested to allow the citizenry to have more input on the development of the community besides the input from the profit motive of developers. He is in favor of the proposed goals of the Comprehensive Plan document. They don't want to see 2<sup>nd</sup> East become a street similar to 17<sup>th</sup> Street in Idaho Falls.

**Richie Webb** at 680 Wheatland Drive is one of the applicants. He wanted to share a couple of observations. He is representing three doctors (Dr. Doug Smith, Dr. Gary L. Lovell, and Dr. Robert C. Lofgran) requesting changes to the Comprehensive Plan. They are requesting to convert buildings they own into medical and professional office space. The application is based on the entire property between 2<sup>nd</sup> East and the Professional Plaza from Main Street to 1<sup>st</sup> South. The doctors only wanted to present the properties in this area they own for change on the Comprehensive Plan. In that block, there are three owner occupied residents. One of these homeowners is opposed to the development. Mr. Webb referenced a prior City Council discussion of the area concerning the option of a ProZone for the area. He is not opposed to the ProZone land use designation for this area. He has recently worked on a ProZone for another area in the city. The ProZone proposal would need to have a change to the Comprehensive Plan. They wanted to plant the idea of a Comprehensive Plan change to mixed use allowing for a later request to change the zoning to a ProZone. The ProZone seems to be a viable option. They have held a neighborhood meeting to

relate to the neighborhood the proposal. The feedback from the neighborhood meeting was concerns about the homes being taken out for the new development. They are sensitive to the issues presented by the neighborhood and they believe a ProZone would allow a development acceptable to the majority of the neighborhood.

**Pat Hinton** at 55 South 2<sup>nd</sup> East is surrounded by the Doctors. She requested a Residential Business District. She is not familiar with the ProZone. She believes there is room for the two groups to come together. She complimented Laura for the work and effort on the Comprehensive Plan and Map. By working together she felt there could be resolution to the differences. She wanted to preserve her neighborhood as stated in the proposed Comprehensive Plan. Is the neighborhood going to remain with the residential look or will look like the area further north on 2<sup>nd</sup> East. She discussed the possibility of a second hospital as noted in the Comprehensive Plan proposal. Rexburg is a family community with the new temple on the hill. She wanted the temple view preserved for people coming into Rexburg.

**Evan Nef** at 208 East 3<sup>rd</sup> South reviewed the proposal to change the land use designation for the old Porter. His plan is to use the property for dormitory housing. The current land use designation on the Comprehensive Plan is Low Density Residential. They are proposing to transition the property to dormitory housing. He passed out a handout concerning the property to the City Council. He did not think a single family residence was the best use for this property. The Porters moved from the home about the same time the Kensington Apartments located at 345 South 2<sup>nd</sup> East was constructed. The University purchased the property planning to turn it into an Alumni House. The University did not follow through with this idea. The University sold the home to a lady who was planning to do a bed and breakfast. This proposal was denied. The home has been neglected for the past two or three years. Evan Nef purchased the property to have a place to live and convert it into midlevel housing for students. Prior to purchasing the property, they met with nearby neighbors who did not have a concern with dormitory housing on the property. He felt the area had changed and become much busier leaving this home undesirable for single family use. Kensington Apartments are located where they can look into the back yard or the home. They live across the street from the dormitories on 2<sup>nd</sup> East which is one of two arterial streets in Rexburg. The current single family use is not appropriate for the area. The 2010 Comprehensive Plan and the proposed 2020 Comprehensive Plan calls for developing higher density housing next to the University. He referred to several planning document statements referring to the future growth of student housing around Ricks College or BYU-I.

**Evan Nef** referred to the testimonies given in the Planning and Zoning public hearing as noted below on July 17, 2008: The opposing argument referenced the protection of the neighborhood by local residents.

**Neutral:**

*Gary Thompson, 241 South 2<sup>nd</sup> East He stated he is neutral and that Evan Nef pointed out some good things. He feels traffic and proximity to the college needs to be looked at. The college will get bigger, and the traffic will not get any less. The city has parking problems. He is in a similar situation with the applicant and rents to families.*

*Myron Williams 158 S. 2<sup>nd</sup> E. They are trying to sell their home and understand the applicant's situation. Dormitory housing is on all but one side of their home; there is a lot of noise that carries over. It was not that way when they moved into their home. The potential buyers that look at their property are not families looking for an individual home but are those asking if students may live there.*

*David Pulsifer, 331 S. 3<sup>rd</sup> East, also representing the 3<sup>rd</sup> East Neighborhood Association. The home in this land use request is a gateway into the neighborhood, an anchor property. There is a lot of concern about maintaining this transition from the college and higher density into the beautiful neighborhood. At the same time they realize it is a problem property in terms of what was previously addressed. They are in favor of anything that can keep the general residential feel and look of the neighborhood – keep the beautiful trees and the wonderful yard. At the same time they recognize that it has to be a viable property. Mr. Pulsifer thinks a duplex might work; there is also a shortage of good family rentals. If the dormitory use would be done properly it might be an option. He thought the bed and breakfast was a positive idea. He clarified for **Winston Dyer** that the home in this proposal is not part of the 3<sup>rd</sup> East Neighborhood Association.*

**Opposed:**

*Brent Barker 231 E. 3<sup>rd</sup> S. They wish the Nefs were staying; they are a wonderful family. They empathize with the neighbors who spoke earlier about this proposal. He is concerned with the potential parking problem that would carry over into the street with the residence's visitors. He would rather see no parking on the street. Mr.*

*Barker said a duplex or a bed and breakfast might be something the Nef's could look at. He and his wife and other residents he has spoken with would like to preserve their neighborhood.*

*Corinne Barker 231 E. 3<sup>rd</sup> S. She is very much opposed to this proposal. She pointed out where she lives on the overhead screen; they have lived in their home for 24 years. There has been much growth and many changes. Many people walk through their property. Traffic is a constant problem and concern. It gets backed up on 2<sup>nd</sup> East at certain times of the day. Noise has increased. Their street is used by dump trucks to haul materials to the new developments up the hill. This area needs to be kept, knowing that small children do live in the area and that safety is a concern.*

*Mrs. Barker stated they love their home and do not want to move. They are dealing with the problems. The change requested would add more chaos. She also wondered how the proposal would affect their property as to whether it would increase or decrease its value.*

*Gayle Taylor, 275 Harvard. She has lived in her home for 47 years. She said the Comprehensive Plan presented tonight states residential areas will be preserved and protected. This proposal conflicts with that. She stated some of the older homes around the college are now neglected. She knows the Nef's are honorable, but she is against the requested change.*

*Mary Haley – 275 East 1<sup>st</sup> South She is opposed to this proposal. This property is a gateway to the neighborhood; she feels the change would be a detriment to the neighborhood. Neighborhoods need to be protected. A duplex is allowed in that home and would be a buffer to the neighborhood.*

*Karen Newman 141 E 2<sup>nd</sup> S. She is speaking for herself and her husband. Her husband's family has been there since 1952. She and her husband have lived there since about 1985. They are currently dealing with issues concerning the dormitory housing next to them. Their living situation was great as long as they had good owners next door. The Nef's are good owners, but if they were to sell, the neighbors would have no protection. She said that the greenery around her home has become a parking lot. During the winter, it is quieter, and parking is not allowed on the street. They are the only house in the area where they own and live in the home. Their privacy is not respected at all during the summer months. It is very noisy, and there are outdoor lighting and parking problems. The Newman's have to compete with the students for parking. Current construction is very noisy. She concurs with the Barkers and Mrs. Haley - protect the area; preserve the neighborhood. She opposes this change.*

*Carla Jimison, 255 Harvard. Her family moved to Rexburg about 5 years ago. She previously lived on 3<sup>rd</sup> South close to the Nef's and loved the neighbors and the neighborhood. She would like to see the neighborhood protected. Where she grew up in Michigan near a university, she saw many beautiful old homes gradually destroyed over time as the zoning changed. The home in this proposal is a buffer to the area. She suggested the applicant fence the property. There is a need for family housing; the neighborhood should be preserved.*

*Phyllis Bond, 215 E. 3<sup>rd</sup> S. All her arguments have been voiced. If the house use is changed, the neighbors will be the buffer. The residents fought against the bed and breakfast being on this property a few years ago, because of possible traffic increase. There is currently lots of traffic; she would hate to see something that would cause more.*

**Evan Nef** gave examples of apartments that have been built in this neighborhood. The area is full of a history of dormitory use. He wanted to follow the city rules.

1. There is a precedent of student dormitory housing around the University.
2. There is a precedent of student housing (dormitory) in homes around the neighborhood.
3. The counter argument is this property does not set precedence because of existing apartments in the neighborhood. Student Housing is a logical use for this property. He agreed the property is a gateway to a residential area; however, he is committed to maintaining the property as a residential property with a beautiful yard. They are asking for a ½ step in density from low density to MDR1 (dormitory housing). Today, the property looks much better than two or three years of neglect. They plan to continue cleaning up the property. He presented another property they own as an example of their commitment to a beautiful yard. The students have no reason to enter the residential area. The parking would enter the property off 2<sup>nd</sup> East to the back of the property. There will be a parking screen to the neighbors. The house is too big to financially work as a single family home.

**David Peck** is Vice President of the 3<sup>rd</sup> East Neighborhood Association at 323 South 3<sup>rd</sup> East for David Pulsipher, President of the 3<sup>rd</sup> East Neighborhood Association 17 strong. Twelve neighbors have responded concerning this proposal. At least one member of the Association is in this neighborhood. Mr. Peck asked Mrs. Nef how many students were planned to live in the home. Mrs. Nef said they are planning for a couple in one unit and six female students in the 2<sup>nd</sup> unit or a second option would be 12 students for the entire home. She said they have visited with immediate neighbors and those neighbors did not object to the proposal.

**David Peck** discussed previous discussions from the Neighborhood Association when they up zoned their neighborhood to avoid additional apartments in their neighborhood. They polled their Association and 12 responded no to MDR. Inadequate parking, safety and encroachment were their reasons. The home owners association was opposed to a bed and breakfast in the same home. Parking restrictions on 2<sup>nd</sup> East would impact the visitors coming to the residence. The added noise

and traffic (snow restrictions on parking) is a concern to the neighborhood association and it is why they oppose the change.

**Brent Barker** at 231 East 2<sup>nd</sup> South is living diagonally across the street from the Porter home. He stated 2<sup>nd</sup> East and 3<sup>rd</sup> South are already a parking lot; when school is in session the roads are full of student cars. Students park where it is easiest to park. The Barkers have problems getting out of their driveway because students park too close to their driveway. This change would accentuate the parking problem on 3<sup>rd</sup> East. Their neighborhood has become the parking lot for the University. This is not the time or place to make this change. This proposal would make our neighborhood denser. He wants to live in his home for the rest of his life. Evan Nef visited with the Barkers proposing a few female students (3) would live in a second unit in the home with the Nefs. Brent thought he may not have understood their proposal. There comes a time to make a statement to protect the neighborhoods with nice homes. The proposal has changed from two or three girls to dormitory housing allowing 12 students.

**Mayor Larsen** indicated Laramie, Wyoming has residential parking by permit. Homeowners receive their own sticker for themselves and visitors.

**Don Sparhawk** at 37 South 3<sup>rd</sup> East said the University of Utah may have similar policies as Laramie, Wyoming. He discussed the proposal for the Doctors to change the land designation from residential to mixed use from Main Street to 1<sup>st</sup> South between 2<sup>nd</sup> East and the Professional Plaza. Mr. Sparhawk referenced **Pat Hinton** at 55 South 2<sup>nd</sup> East, who lives there and loves her home. The original plan shown to the neighbors would have been a large office two or three story building just north of Pat Hinton's home. The proposal would not blend into the existing residential neighborhood. They would like to protect the area for residential use as was discussed earlier with the previous discussion on 3<sup>rd</sup> South. They commend the Planning and Zoning Commissioners who gave a recommendation to turn down the proposal. They are willing to work together for the preservation of the neighborhood considering some commercial development that is developed with a residential appearance. Mr. Sparhawk referenced a home converted to commercial use on East Main Street. It looks very attractive; however, Mr. Sparhawk would prefer residential use for this home too. Three years ago the City Council asked the doctors to work with the neighbors to come to some resolution of the proposal. He asked the City Council to turn down the request until the doctor's work with the neighbors to come up with a proper proposal.

**Corinne Barker** at 231 East 3<sup>rd</sup> South indicated traffic and parking is a problem. Snow is pushed to the side causing a one-way street on 3<sup>rd</sup> South. Large trucks are another problem. She is opposed to more traffic on the street. The traffic is backed past 2<sup>nd</sup> South and 2<sup>nd</sup> East going south as far as the temple. It is almost impossible to get out onto 2<sup>nd</sup> East. The housing, traffic, and "noises from the apartments in their back yard, plus trespassing across their yard are opposed by the Nefs." The Barkers are opposed to these same issues too". They are imposing on her lifestyle. They want a nice friendly neighborhood.

**Mrs. Robert Taylor** at 275 Harvard Avenue lived there for 47 years. She came to Rexburg in 1953 to go to Ricks College. She was impressed with the beautiful homes owned by the professors. She has had an apartment in her basement in the past to accommodate housing for Ricks College. She asked the City Council to preserve her home for single family housing for families in the future. Provo's little homes where she lived just down from the campus while attending BYU have deteriorated to a horrible condition. If it can happen in Provo, it will happen in Rexburg. She was happy to have the Nef's in the neighborhood.

**Phyllis Bond** at 215 East 3<sup>rd</sup> South wants the Nefs to stay and keep the home as single family. If you let one house change, then others will say why I can't have the same application.

**Ron Lindsay** at 70 South 2<sup>nd</sup> East has sensed a feeling of harmony with the City Council and the audience. The problem with the doctors is they bought the properties adjacent to the Professional Plaza. Times have changed and the residents are very concerned about the proposed change. He does not want his lifestyle changed due to Professional Plaza expansion proposals. His neighborhood is a residential community. He wanted the doctor's houses to remain single family residential. The problem is humans are aggressive and people will exploit the development of their properties. He called for a ten year moratorium for increased density development around this area. If not, this area will be exploited.

**Laurie Anderson** at 109 South Center Street has a very different point of view. She loves the facilities in Rexburg. She is surrounded by students. There is a feeling in the air because of the students. She understands the traffic problems; however, she is in favor of the property

development on 3<sup>rd</sup> South. They love Rexburg, it is a great community. It is a great community for everyone.

**Dr. Doug Smith** at 1009 Larch Drive recently annexed into the city. They have not tried to do anything underhanded or sneak behind the neighbor's backs. They want to build a new doctors office building near the hospital. It makes sense where it is because students can walk there. It makes sense because we have invested millions of dollars in a new hospital and Doctors should be able to get to the hospital quickly. Dr. Smith said if his wife needed an OB Doctor, he would want the doctor to get there quick. There are some places around the city close; however, they are not as close as the Professional Plaza. The City Council has a lot of tough decisions to make and there has been a lot of input tonight. He wants the decision to be made for the community (all of us) not just for the neighborhoods, doctors, etc. If it is not approved for future zone change discussions, it will not be on the table for another six months. Planning and Zoning denied the proposal; however, it is a request that needs to be discussed. This city needs an opportunity to do business. We do have a wonderful community; but it cannot be run by one neighborhood or a few people who band together with a big red flag. He requested an opportunity to talk about the proposal in future hearings by passing the proposal in the Comprehensive Plan. Professional Plaza is close to town and it is in an area that should be commercial (Mixed Use Zone or ProZone). The doctors are favorable with Mixed Use or ProZone for their properties. They should be allowed to negotiate; it is a great place for a professional office area. Pat Hinton is the only neighbor opposed to the proposal. Margie Birch is not opposed to the proposed project. He wants an opportunity to make friends with the neighborhood. They have tried to make their properties look nice.

**JoAnn Matt** at 208 East 3<sup>rd</sup> South noted change is hard; however you have to look at what is practical. She loves her neighbors; she is interested in keeping wonderful communities. Sometimes change is necessary when the dynamics of the community are changing. It is impractical to consider black or white; considering if we make a little change, then we are not protecting our family communities. To her, that was absolutely ridiculous. She understands the neighbors' concerns and she absolutely cares for them. In her case on 3<sup>rd</sup> South, she believes this is the perfect compromise to fix a problem that has needed to be fixed for awhile. It is still going to be a beautiful home in a beautiful neighborhood. She lives in the home on 3<sup>rd</sup> East with four small children and it is not a practical place to raise a family. She said she knew change it is hard; however, it does not set a precedent in encroaching the neighborhood. It is a practical use for the property.

**Mayor Larsen** closed the public testimony portion of the hearing. He mentioned letters have been submitted concerning the proposals to change the Comprehensive Plan and they will be entered into the record.



# REALTY QUEST

Rexburg City Council  
City of Rexburg  
12 North Center  
Rexburg, ID 83440

August 5, 2008

Dear Sirs:

I submit the following comments regarding the Preferred Land Use Map you will be considering for adoption on August 6, 2008.

Foremost, I compliment the City for its efforts to orderly plan growth which is surely coming to Rexburg. The current national economic conditions have merely allowed a short pause in the intense activity Rexburg has seen in the past decade; the hectic pace of growth will continue in this wonderful community.

My specific comments regarding the map concern the corridor from West Main to Teton Lakes and The Links golf courses along 12<sup>th</sup> West; I feel this area would be best designated as Neighborhood Commercial/Mixed Use rather than Low and Medium Density Residential. A commercial/mixed use designation would allow for light commercial to service the golf course patrons as well as the significant population in the Hibbard area. As a Realtor I encounter resistance from home buyers when a home is close to heavily traveled roads such as 12<sup>th</sup> West and especially US20. In large metropolitan areas people have fewer choices and become compelled to live on major thoroughfares, but in Rexburg we are fortunate to have more pleasing choices. I am concerned the area on 2<sup>nd</sup> East north of 7<sup>th</sup> North to US 20 has very similar concerns; that corridor frontage is a natural for Highway Commercial then MDR as a buffer into an LRD designation.

As the consultant has attempted to disperse traffic off of 2<sup>nd</sup> East they have drawn in 5 new river crossings; an 'ideal' plan but one that seems too expensive to even dream of accomplishing. If only one of those additional river crossings is likely to be affordable, how would that change the designations on this map?

Respectfully submitted,

Judy Hobbs, owner/broker  
Realty Quest  
117 West Main St  
Rexburg, ID 83440  
208.356.8787

117 West Main • Rexburg, ID 83440  
Telephone (208) 356-8787 • (Toll Free) 1-888-212-5700 • FAX (208) 356-8798

August 5, 2008

Dear City Council Members:

This letter is with regard to the public hearing to amend the comprehensive plan and the comprehensive plan map for the city of Rexburg to be held August 6, 2008. Specifically, we would like to address Area 1: (Located in the City of Rexburg) 336 W 3<sup>rd</sup> N which is the South 10 Rods of the West 3 Rods of Lot 1 Block 8 of the Original Rexburg Townsite in Madison County, State of Idaho. The proposal is to change this tract of land from "Moderate-High Density Residential" to "Industrial."

We are for cleaning up that lot. We understand that the use will be for a personal shop by the owner which will be built. Also, we understand that the owner will build items at his shop and sell them elsewhere. We are fine with that as well.

We do have a concern that if the owner is building items at his shop and selling them there, the increase of traffic at that corner could become unsafe. Already there are large trucks which take that corner as well as the whole of Third North Street faster than necessary. To add a great deal more traffic due to a business selling items from the shop would increase the possibility of accidents with other vehicles as well as with neighborhood children who are often on their way to the Nature Park.

We ask for your consideration with this land use change to keep in mind these differences with repercussions in having a shop to build items versus having a shop to build and sell items on site.

Thank you for your time and your considerations.

Sincerely,



Rich and Tammy Geddes

August 5, 2008

To Mayor Larsen and Rexburg City Council,

My name is Russel Squires and I own property on the east side of 2<sup>nd</sup> East, just north of Artco. As a property owner, please consider "my property rights". I am writing to object the changing of my property from land designation of Commercial to a "Business Park" designation on the proposed "new" Comprehensive Plan and Map.

Previously, when Rexburg and Sugar City were fighting for control over the north 2<sup>nd</sup> East corridor coming from the north interchange into Rexburg, I was informed that Rexburg wanted to control and preserve this "commercial corridor". Rexburg forced annexed me even though I owned 20 acres of agriculture land but I was told that they would designate my frontage on 2<sup>nd</sup> East as "commercial". The current Comprehensive Plan and Map reflects my property as being "commercial". The "new" comprehensive Plan and Map designates my frontage as "Business Park". The best use designation of my 2<sup>nd</sup> East frontage is "commercial" and I would like my property to remain "commercial". I just want to remind officials of Rexburg of their promise to me and I hope that Rexburg is not trying to pull another fast one on me.

As a property owner, please consider "my property rights". I want my property to remain designated as "Highway Commercial".

Thank you,  
Russel Squires  
PO Box 460  
Turner OR 97392  
Phone 503-932-1677

**Mayor Larsen** clarified the question of a Residential Business District being allowed in a Low to Moderate Residential land use area; however, a ProZone would not be allowed in a Low to Moderate Residential land use area. The 2<sup>nd</sup> East (Professional Plaza) proposal for a ProZone would not be allowed without a Comprehensive Plan change to a different land use application. City Attorney Zollinger noted residential structures in a Residential Business District would be limited in their size similar to a residential housing structure compared to a structure in a mixed use (ProZone) land use application allowing a business/doctors office structure.

**Council Member Mann** asked for clarification on the next step in the public hearing process. Mayor Larsen explained the decision on the Comprehensive Plan should be delayed along with any action on the four requests for changes to the current version of the Comprehensive Plan Map until a work meeting can be scheduled with Cooper, Roberts, Simonsen Associates (possibly August 20<sup>th</sup>). If any portion of the Comprehensive Plan Map is approved tonight; the map would be frozen for six months to have any future changes to the map. Mayor Larsen reviewed four applications to change the Comprehensive Plan Map.

**Area 1:** (Located in the City of Rexburg) 336 W. 3<sup>rd</sup> N.

It is proposed that the following tract of land currently designated as "Moderate-High Density

Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Industrial”;

**Area 2:** (Located in the City of Rexburg) 208 E. 3<sup>rd</sup> S.

It is proposed that the following tract of land currently designated as “Low-Moderate Residential”

as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Moderate-High Residential Density”;

**Area 3:** (Located in the City of Rexburg) 130 W. 1<sup>st</sup> S. and 226 S. 1<sup>st</sup> W.

It is proposed that the following tract of land currently designated as “Commercial” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Mixed Use”;

**Area 4:** It is proposed that the following tract of land currently designated as “Low-Moderate Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Mixed-Use”; **Legacy Leasing:** 29 South 2<sup>nd</sup> East, 35 South 2<sup>nd</sup> East, 45 South 2<sup>nd</sup> East, 228 East Main, 219 East 1<sup>st</sup> South, and Located directly behind home at 219 East 1<sup>st</sup> South;

**Mayor Larsen** as Laura Hansen to review her notes on the issues to be discussed at the work meeting with City Council. *Note: The work meeting with Cooper, Roberts, Simonsen Associates is scheduled for Monday August 25<sup>th</sup> at 7:30 A.M. in the morning.*

**Laura Hansen** reviewed the issues she took note of from the meeting:

1. Office use near the hospital;
2. 2<sup>nd</sup> East Corridor;
3. Building heights;
4. Overlay Zone requirements;
5. Residential Design Standards – explore other options for the look of homes;
6. Leap Frogging – encourage or discourage;
7. Commercial Corridors – North 2<sup>nd</sup> East North Interchange and West main Street;
8. Balance private interest with community interests;
9. Consider the legitimacy and longevity of the plan;
10. Variety of tools to modify road standards – take out narrowing of streets;
11. Pocket parks with a neighborhood association paying to maintain the park;

**Council Member Stevens** moved to table the Comprehensive Plan and Map until a work meeting is scheduled; Council Member Woodland seconded the motion; Mayor thanked the public for the input; all voted aye, none opposed. **The motion carried.**

**Council Member Mann** was excused from the meeting.

#### **B. 8:00 P.M. Appropriation Budget approval for fiscal year 2009 – Staff**

**Finance Officer Horner** presented the Appropriation Budget for 2009. This budget has been published and reviewed in the last City Council meeting. The budget totals out at \$40,000,000. The statement of understanding has been added at the request of Council Member Stout.

#### **STATEMENT OF UNDERSTANDING**

1. \$36,300 was taken off of Transfers to Police Impact Fee Fund and added into Contingency in the General Fund.
2. Expenditures, including all capital items, will be managed so that short falls in total revenues are offset by cutbacks in expenditures in the General and Street Funds.
3. \$350,000 of street funding has been allocated to the Downtown Revitalization Fund in 2008, and in 2009 an additional \$350,000 will be allocated to be used for construction to make the downtown more pedestrian friendly.
4. Sewer Plant upgrade construction costs estimated at \$2,000,000.

**Council Member Erickson** asked if the budget could continue to increase by \$3,000,000 per year or is it just a proposal. He would like to see some savings planned in the budget. Finance Officer Horner explained the budget is partly based on expected project revenues. The expansion of the waste water plant was given as an example. The waste water fund increases as new hookups are entered into the system. Grants are another source of revenue to the fund. Mayor Larsen explained anticipated expenditures (i.e. waste water treatment plant expansion) must be in the budget with associated revenue. Discussion on the revenue anticipated for the waste water treatment plant expansion and the type of expansion anticipated. Finance Officer Horner explained the \$2,000,000 proposed in the budget for a sewer plant expansion is anticipated revenue expected to bring the fund balance to \$2,000,000 by the end of the 2009 budget year.

**Council Member Erickson** discussed options to take care of solid waste at the waste water treatment plant. Council Member Schwendiman questioned the cost difference of the dry powder product method versus a green house method being built over the drying beds to help dry the product. Public Works Director Millar explained the energy drying method (dry powder) would have high energy costs. The green house drying method would have similar costs to the current operation. **Council Member Woodland** asked if the product could be hauled before it was totally dry. Public Works Director Millar said it has to go through the process and the winter months do not allow the product to be tilled into the soil as required by federal regulations.

**Council Member Woodland** asked about the \$350,000 set aside for the downtown area when other streets need repaired. Council Member Erickson explained the \$350,000 would be set aside to do downtown redevelopment because City Council was under the understanding other street projects would be maintained with current budgets. He thought the \$350,000 set aside was like putting the money in the bank until the funding was sufficient to pay for the project. This would be better than spend funds before they were available. Council Member Stevens explained the downtown project was deferred a year so the street fund would not suffer the entire amount to be taken out of the street budget in one year by setting aside \$350,000 each year in 2008 and 2009. The IDAHO TRANSPORTATION DEPARTMENT (ITD) money was to be part of the downtown redevelopment project including two new street lights at the intersections of Center Street and Main Street plus 1<sup>st</sup> East and Main Street. Mayor Larsen explained the ITD money was an agreement with Tom Cole; however, he has moved to a new position, so the city will continue to pursue the street light funding with the new ITD. Mayor Larsen explained another funding source for the downtown project could be the Development Company working on a CDBG Grant from the Idaho Commerce Department.

**Council Member Woodland** would like to be prudent based on projected tax revenues. Other states are experiencing a downturn in revenues. Council Member Erickson confirmed the city is operating on the 2007 property tax levy. Finance Officer Horner explained the state gas tax revenue is slightly higher and the state sales tax revenue is slightly lower to be about the same in total.

**Mayor Larsen** opened the public hearing for the Appropriation Budget approval for fiscal year 2009. The ordinance is on the calendar for a first reading.

**Laurie Anderson** at 109 South Center Street said she is all for saving money.

**Council Member Stout** asked if the ordinance could be amended. Attorney Zollinger explained the amendments would be done at the final ordinance reading in the September meeting. The budget can be amended by opening up a future public hearing to amend the budget. Council Member Stevens appreciated Council Member Stouts suggestion to have a statement of understanding provided to clarify the budget process.

**Council Member Schwendiman** asked which departments have new employees in the budget.

**Mayor Larsen** explained three new employees have been added to the Emergency Services budget for 2009. Additional employees are budgeted for streets, water, waste water, and public works. These departments are self funded departments except for the streets department. Mayor Larsen explained these departments have an increased in work load requiring additional personnel. Finance Officer Horner indicated these new positions were reviewed when the Oversight Committee reviewed the proposed budgets for each department.

The levy rate and how it is applied each year was discussed. Finance Officer Horner said the levy rate can decline as the tax base value increases. The city's levy rate is less than the City of Idaho Falls. The property tax levy is based on the taxable property on the tax rolls. New construction is added to the tax rolls plus a possible 3% levy increase, thus increasing the tax rolls. Mayor Larsen explained the cost of living has risen faster than the maximum annual levy rate increase of 3%.

#### **C. 8:15 P.M. Utility fee increase Resolution 2008 – 15**

Council Member Stevens asked to review the base fee.

The City Council had a discussion concerning the price per home. It is NOT based on the size of the home. It is based on consumption. The rate is based on a typical family using 10,000 gallons average usage per month.

**Mayor Larsen** opened the public hearing  
Those in favor: None

Those neutral: None

Those opposed: None

**Mayor Larsen** closed the public hearing.

**Council Member Schwendiman** moved to approve the **Utility fee increase with Resolution 2008 – 15**; Council Member Erickson seconded the motion;

**Those voting aye**

Council Member Erickson

Council Member Schwendiman

Council Member Stevens

Council Member Stout

**Those voting nay**

Council Member Woodland

**The motion carried.**

**New Business:**

**A. Approve Beer and Wine Licenses** for October 1, 2008 to September 30, 2009

**Council Member Erickson** moved to approve the **Beer and Wine Licenses** as listed: Council Member Schwendiman seconded; Discussion: Council Member Stout asked why Joe's Filling Station was only \$100.00 for wine. City Clerk Kay indicated the license is \$200 per year for beer and wine. Last year Joe's Filling Station started selling wine so they only paid \$100.00 for a mid-year license. Wine. City Attorney Zollinger indicated the City Council is voting on license for each applicant. The fee has already been established by resolution. All voted aye, none opposed.

**The motion carried.**

**Staff Reports:**

**A. Public Works:** John Millar

1. Report on Projects completed or on the calendar for discussion/construction:
  - a. South Millhollow Road reconstruction is done to 7<sup>th</sup> South.  
The stop sign on Millhollow Road is there because 7<sup>th</sup> South is the main road plus the stop sign is a speed inhibitor. Public Works Director Millar explained several people have communicated by phone or email that the stop sign on Millhollow road is a good thing. **Council Member Erickson** asked to have a stop sign placed at the temple intersection on 2<sup>nd</sup> East using the same logic as the 7<sup>th</sup> South stop sign on Millhollow Road. He has had the opposite input from the public. City Attorney Zollinger explained Millhollow Road is no longer a main access to the dry farms whereas 7<sup>th</sup> South is planned for a main traffic arterial for the city. The widening of Millhollow Road was done to a narrower road width than is in the city code for street widths because it is a local neighborhood street.
  - b. East Main Street (3<sup>rd</sup> East to 4<sup>th</sup> East widening with a narrower island). Discussion on the design of the intersection to make the traffic flow smoothly through the intersection.
  - c. 7<sup>th</sup> South Reconstruction from 2<sup>nd</sup> West to 4<sup>th</sup> West down to the canal. The Church will do some of the project due to new church development on the street.
  - d. Cresthaven area drain line for two new developments is under construction.
  - e. Sound fence contract for Cresthaven (Sunrise Drive) has been awarded.
  - f. Water and sewer study. The city has applied for three new water wells.  
Adjudication process going to the courts this month. We are using 36% of the city's ground water pumping allocation rate because of the way the calculation is done. The city's water wells are approved to pump 19-20 cubic feet of water per second 24 hours a day seven days a week. Farmers are allowed an allocation by acre feet of water. If the city was allocated the same cubic foot water right by acre feet, the city could have additional wells. It is the discharge rate that restricts the city's water pumping capacity. A volume calculation would allow the city to pump at whatever rate (cubic feet of water per second) the city desired. This would spread the city's water right out over three new wells. The city will not drill all three wells next year; however, an additional well could be drilled at the elevated tank on the hill, another one out at the north well; and the third one at the new high school property west of town. The wells would be drilled below the upper levels of water close to 300 feet deep. This would avoid any chloroform problems.

- g. Island on Millhollow road is to be done in August.
- h. Rexburg to Sugar City waste water line growing beyond capacity.

**Calendared Bills and Tabled Items:**

**A. BILL Introductions:** - NONE

**B. First Reading:** Those items which are being introduced for first reading.

- 1. **BILL 1011** for Appropriation Budget Ordinance

**Council Member Stevens** moved to approve the first reading of BILL 1011 for the Appropriation Budget of 2009; Council Member Erickson seconded the motion:

**Those voting aye**

Council Member Erickson  
 Council Member Stevens  
 Council Member Stout

**Those voting nay**

Council Member Schwendiman  
 Council Member Woodland

**The motion carried.**

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

- 1. **BILL 1006** Hemming Pro Zone (multi-phased project)

**City Attorney Zollinger** read the exception for GLA and GFA in the ordinance to allocate parking on usable space excluding mechanical and common areas. *“Mixed use: Retail: 2.5 per 1,000 square feet of gross leasable area (GLA). GLA is defined as the sum of all floor area available for lease to retail tenants, including the exterior walls, minus space used for mechanical and elevator equipment, common areas, loading and parking. Office: 2.5 per 1,000 square feet of gross floor area (GFA). GFA is defined as the sum of all floor area available for lease to office tenants, including exterior walls, minus space used for mechanical and elevator equipment.”*

**Council Member Woodland** asked if there were any changes to the ProZone. City Attorney Zollinger explained the parking clause was changed as indicated above. He asked the City Council to waive the rules and approve this BILL tonight with a third reading. He explained the parking change would not require parking for the atrium in their larger buildings; however, parking would be required for the retail space around the atrium. This was always contemplated as we had the meetings on the Pro Zone. It is the first ProZone the city has adopted with gross leasable area (GLA) and gross floor space (GFA). It was never put into the ordinance. City Attorney Zollinger explained this Hemming ProZone for the Hemming property becomes a new zone. Every time a ProZone is added; it becomes an addendum to Ordinance 926. New ProZone applications would become new addendums to Ordinance 926.

**Council Member Erickson** moved to suspend the rules on BILL 1006; Council Member Schwendiman seconded;

**Those voting aye**

Council Member Erickson  
 Council Member Stevens  
 Council Member Stout  
 Council Member Schwendiman  
 Council Member Woodland

**Those voting nay**

None

**The motion carried.**

**Council Member Woodland** moved to third read and approve BILL 1006; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

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

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

**Old Business:**

**Mayor's Report:**

**A. Proclamation 2008-06 – International Dance & Music Festival Week**

**Council Member Schwendiman** moved to approve **Proclamation 2008-06 – International Dance & Music Festival Week**; Council Member Stout seconded the motion; all voted aye, none opposed.

**The motion carried.**

**Calendar:**

1. August 14 – Employee summer party at Porter Park 5:30 P.M..
2. August 19 – Celebrate Youth at Porter Park to kick off the upcoming school year.  
The city of Rexburg, Madison Community Council, Rexburg Police Department, Idaho Department of Health and Welfare, Madison/Fremont Children's Mental Health Council, Madison County Juvenile Probation, and Madison Memorial Hospital are co-sponsors of this event. There will be a raffle, free dinner, music and dancing. Raffle prizes include an Nintendo Wii with Wii Fit Game. (Madison School District was awarded a \$2.87 million Safe Schools/Healthy Students grant for a comprehensive, coordinated program to promote healthy childhood development, prevent violence and curtail alcohol and drug abuse.)

**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. July 16, 2008 meeting
- B. Approve the City of Rexburg Bills

**Council Member Stout** moved to approve the Consent Calendar. Council Member Woodland seconded the motion. All voted aye, none opposed. **The motion carried.**

**Adjournment**

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Shawn Larsen  
Mayor

Attest:

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Blair D. Kay  
City Clerk