

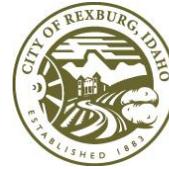
City Council Meeting

April 03, 2013

35 North 1st East
Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

April 03, 2013

Mayor Richard Woodland

Council Members:

Christopher Mann Jordan Busby
Donna Benfield Jerry Merrill
Bruce Sutherland Sally Smith

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

Mayor Woodland welcomed everyone to the meeting.

Roll Call of Council Members:

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

Council Member Busby asked to be excused.

Steven Weatherston from Boy Scout Troop 147 led the Pledge to the Flag. Troop 172 was also in attendance.

Roger Harris said the Prayer.

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

Presentations: - NONE

Committee Liaison Assignments for 2013:

A. Council Member Christopher Mann: Golf Board · Emergency Services Board · MYAB

Council President Mann reported the Golf Board met to review the condition of the course and the budget. There is still some snow in the sand traps. They have sold a lot of passes the last few days. He indicated there was one more request for a 50% fee reduction in greens fees for a golf tournament from Upper Valley Industries. Mayor Woodland asked Council President Mann to conduct the meeting for a few moments.

Council President Mann moved to approve a 50% fee reduction in greens fees for the Upper Valley golf tournament; Council Member Sutherland seconded the motion; Council President Mann asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith

Those voting nay

None

Council Member Sutherland
Council Member Merrill

The motion carried.

Council President Mann indicated the Golf Board reduced the Municipal Golf Course fees from \$10.75 to a fee of \$7.00 any time the golf course is open; children under 12 years old can golf free with a paying adult. Teton Lakes Golf Course is doing very well; however, the Municipal Golf Course is not doing as well. The old rate was similar between the two golf courses.

Council Member Benfield moved to approve the reduction in Municipal Golf Course fees from over \$10.75 to \$7.00 any time the golf course is open; Council Member Sutherland seconded the motion; Council President Mann asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

The New Golf Board President is **Merle Jeppesen**.

Mayor's Youth Advisory Board will be meeting next week to continue to work on Rexburg Day's which will take place on May 8th.

B. Council Member Jordan Busby: GIS Oversight · *Airport Board*

Council Member Busby was excused; however, he did report that the Airport Board did not meet.

C. Council Member Donna Benfield: *Trails of Madison County · IBC · Teton Flood Museum Committee · M.E.P.I.*

Council Member Benfield reported neither committee has met. She requested a stop May 01, 2013 on the drive around at the Madison Memorial Hospital. The hospital will be holding an open house for their new family maternity unit and entrance; it will be added to the itinerary.

D. Council Member Sally Smith: *Legacy Flight Museum · Rexburg Arts Council (Romance Theatre & Tabernacle Civic Center, Orchestra)*

Council Member Smith reported her committees have not met. The Centennial Celebration ticketing will be done by Madison County. The City of Rexburg has contributed a web site '<http://madisoncountycentennial.com/pages/calendar.php>' and the use of the Romance Theatre for some events. The Madison County Centennial Ball is at the University on the **April 18th, 2013: Centennial Ball** Location: *BYU-I Hart Main Gym*

- *A family Centennial Ball will be held in the BYU-I Hart main gym. Pioneer dance instruction will be provided beforehand throughout the county. Music and instruction will also be available online starting in January.*

SPRING EVENTS

KICK OFF

Unveiling of Pictorial History/Open House
February 18, 2013
1:00pm - 4:00pm, program at 1:30pm
Court House.

Centennial Dance
* April 18, 2013
A family Centennial Ball will be held in the BYU-I Hart main gym. Pioneer dance instruction will be provided beforehand throughout the county. Music and instruction will also be available online starting in January.

Upper Valley Women's Centennial Choir Concert
May 13, 7:30
Tabernacle.

Dedication of Centennial Park
June, TBA

Smith Park Gazebo Entertainment
June-August
(every Thursday except July 4, 11 and Aug. 15)
Jazz Combo
Wilcox Bluegrass
BYU-I Sound Alliance
Patriotic Band Concert
Cowboy Poetry and more

SUMMER EVENTS

Tabernacle Concerts
June thru August
Every Wednesday, 7:30pm at Tabernacle
Shannon Packer, violin
Jeff Vail, Bob Butler, Faye Davies
Nyck Vail and friends, Bluegrass
Henry's Fork Bagpipe Band
Doug Waring Big Band
James Miner, Piano
and more

"Deadwood Dick" at the Romance Theater
* June 21, 22, 24
Bring your family and be entertained by the melodrama
* June 27-28
Children's Musical Camp
"Aladdin Junior" musical

Independence Day Chamber Events
July 4, 2013
The Centennial Celebration is in connection with Whoopee Days and the Rexburg Chamber of Commerce Events

Madison County Fair
August 15, 16, 17
Wagon Train
Heritage Parade
Antique Farm Equipment
* **Music Explosion**
Sawyer Brown and Starship Country/Rock Concert
Fireworks (Aug. 17) with a gigantic fireworks display set to music

FALL EVENTS

Centennial Park
September
Join us for the unveiling of the Pioneer Memorial in Centennial Park next to the Courthouse.

Community Harvest
October 5, 2013
(weather permits. Check web site)
Bring your family and watch a team of horses pull a potato digger, then have fun picking them the way your grandparents did.

Closing Activity
November
History fair to celebrate the authorization of Madison as a county.

MADISON COUNTY
100 YEARS AND THE BEST
100 YEARS
OF COURAGE, FAITH, EDUCATION
1913 - 2013

*** Ticketed Event**

Visit our website for details
madisoncountycentennial.org

E. Council Member Jerry Merrill: *Beautification Committee · Parks & Recreation · Traffic & Safety · Urban Renewal Agency*

Council Member Merrill reported the Recreation Department is planning the summer activities. A marathon meeting will be held tomorrow. A lot is going on with Rexburg Rapids being prepared for use with cleaning, etc. The Urban Renewal Board has not met. The Traffic and Safety meeting was canceled. The Stop Sign at 1st South going into Madison Professional Park on Ash Avenue is a concern due to safety. He asked for a review of that intersection. Public Works Director Millar (*Street Department*) and the Police Department will take a look at it. A neighbor to the intersection offered to pay for the power to run a pedestrian stop light at the intersection.

F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police*

Council Member Sutherland reported the Planning and Zoning Commission met two weeks ago until 1:30 A. M. on an issue on tonight's agenda. They had some in-depth discussion on the topic which is noted in the Planning minutes. The Police Department is doing a great job. The public has expressed thanks for their service.

Mayor's Report:

Mayor Woodland reviewed plans for a community garden. He has received public requests for a public garden. There is a proposal to have a public garden at the Rexburg Rapids entry way off 2nd North. There are surveillance cameras and water on the lot for use to water the gardens. It will be an experiment this year. Scout Troops and food bank services may want to be involved. It may be an opportunity to provide some service to some people in the community.

Public Hearings: – NONE

Items for Consideration:

- A. Rezone – 137 North 3rd West** - Low Density Residential 2 (LDR2) to Medium Density Residential 2 (MDR2) (*Planning and Zoning recommended approval on March 21st, 2013*). *The property was previously approved in the same meeting for a twin home with conditions.*

Mayor Woodland reviewed the proposal.

Public written Input:

Letter 1:

Letter to the Rexburg City Council

Brandon Kuhns
115 N 3rd W

I am writing this letter to share the following reasons why I am opposed to the re-zoning of the one parcel (or all parcels) of Hanna Properties. I have shared my opposition to the re-zoning of Hanna Properties both times it has come before the Planning and Zoning Committee (P&Z). I have been professional and respectful in all of my comments. I would like to discuss the following reasons why my wife and I are opposed to the re-zoning of Hanna Properties. I would ask that these comments are read with an open mind.

Please be respectful of the comments and feelings I share. This is not an easy thing for me or this neighborhood to continue to have to go through; battling with one property owner to another, especially when these owners are not members of our neighborhood. So I just ask for your respect, because I have not enjoyed the last year, and I do not enjoy writing this, however, I know it is my responsibility citizen of Rexburg and this neighborhood to do so.

1. **Population Density** – Over the past year there have been numerous proposals of zone changes and conditional use permits. The only one I have not seen pass is the Hanna Properties re-zone proposal a short time ago. This was passed by P&Z and turned down by City Council. Because of the continual re-zone, spot zone and conditional use permits passed, the population density will significantly increase very quickly. I have two girls, 3 and 1 year old. ANYTIME you increase the population density, you increase traffic. Because of being the neighbor directly to the south of Hanna Properties, I know that with an increased number of apartments, I will see and increased amount of traffic right in front of my house and across the sidewalk my kids use to walk and ride bikes.
2. **Re-zone One Parcel, Instead of all Four** – Dan Hanna was asked in the P&Z meeting by the commissioners as to why he was only trying to re-zone one parcel. He said that the legal counsel from Zollinger was to try to only re-zone the one parcel and maybe the neighborhood would feel less impacted. (It should be noted that Zollinger was not at this meeting and could not clarify, if clarification was needed.) In any event, my concern with this comment is that it appears as if the method used this time is to try and make it look like something is different, but in reality the end result is the same. Meaning; The plan before was get all of Hanna Properties re-zoned so a four-plex could be built. Now the plan is to re-zone one parcel, so a four-plex could be built.
3. **Home Value** – The members of our neighborhood continue to hear that if we would allow these projects to happen, then our property value will increase. I do not understand the merits of these comments. These comments have come from the City Attorney, the Mayor, the City Council and the P&Z. This is a fallacy that needs to stop. When my wife and I bought our house, I still remember the conversation I had with her in the front yard the day we decided to

make an offer. It was BECAUSE of the apartments that we were able to make a lower offer. We used the then Dean Ricks apartments as a reason to put a lower offer in.

Secondly, perhaps if a group of 4, 5 or 6 homes were to get together and sell all at once, find a buyer to buy all at once, then perhaps there might be a slight increase in property value, but I still doubt that. For example, if the 3 homes and myself got together and grouped our homes, got a re-zone and sold our homes all at once for a very conservative average of \$100,000 each, then the suggestion is that an acre of property in this neighborhood is worth at least \$400,000. But that is beside the point, because either way, we as a neighborhood are voicing our opinion that we would like this to stay as a residential neighborhood.

- 4. **A Neighborhood of Renters** – Somehow the idea has been portrayed that we are a community that is about status and separation. This could not be further from the truth. I enjoy my neighbors very much, including those that either rent a home or an apartment. In the P&Z meeting, an aerial April 2, 2013 Letter to the Rexburg City Council map was used to show the number of rental homes versus owner occupied homes. I find this an invalid argument stating that our neighborhood is a rental community. Why does it matter? If they are rental homes or not? They are HOMES, and that is what I would like to see stay in this neighborhood.
- 5. **Perspective** – In my comments at the last P&Z meeting, I made one request to the commission: that during deliberation, they would consider in their decision the number of changes that have taken place in this neighborhood and to this community in such a short time. During deliberation, it was not discussed once. I again, make the same request to you, the City Council, to please take into account the number of changes this neighborhood has been through, the stress that we have endured, and the unity that we have shown, and the rejection we have had to overcome for each of these proposals in such a short time period.

Conclusion

We as a community have spent countless hours, defending what we feel is not being protected, and that is our neighborhood. We have been responsible citizens. We are doing what I think you, as a City Council, would want us to do, and that is to **Get Involved**. We are voicing our opinion. We are feeling as if we are not being heard. These apartment complexes are transition homes, as has been stated in meetings past. They are generally great people, but because of the shortness of their stay, they do not get involved. How many renters have you seen at these meetings? I have not seen any. Our neighborhood is speaking. Please hear us.

We love this neighborhood. We love that we can afford to live in this neighborhood. We may not have the money to put in beautiful landscaping, or to repaint the outside of our house, or replace the front steps that are cracking, but we are doing the best we can. We are raising our family in a safe city, a safe neighborhood, a family neighborhood. Please don't take that safe feeling from us.

Sincerely,
Brandon & Danielle Kuhns

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Letter 2:

Dear Mr. Kay,
 We're writing this note to inform you that we are neutral as to
 Dan Hanna's request and want to go on record as being so. We live at
 319 Cul-de-sac, Rexburg, Id. 83440.
 Jean J. Barnes
 John P. Barnes

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Letter 3:

March 8, 2013

Rexburg Planning & Zoning Commission
Rexburg City Clerk & Rexburg City Council
Rexburg City Hall
35 North 1st East
Rexburg, Idaho 83440

RE: Hanna CUP and re-zoning of property at 137 N. 3rd West

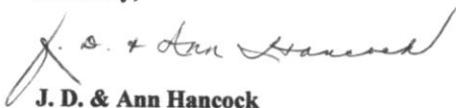
Since we will likely be in Arizona on March 21, 2013, we would like to express our support of the Conditional Use Permit to allow twin homes in a LDR2 Zone and a change of zoning from LDR2 to MDR2 of this parcel.

The reasons we are in favor of these changes are:

1. Since the Teton Dam Flood in June of 1976, our entire neighborhood has been in a state of flux and change. Prime single family subdivisions and residential lots have been developed in other areas of the city and county, which have made our area one of transition. It is simply not a desirable nor "prime" single family residential area of the city.
2. When Dean Ricks originally built the two 4-plexes, all the then neighbors knew that his plan was for another one or possibly two four-plexes to be built on this property.
3. It is important that the vacant areas on the interior of city blocks be put to constructive use and not left undeveloped or as equipment or disabled vehicle storage sites, which are a blight in many blocks in the city.
4. With the demand for married student housing from BYU-I in recent years, many neighborhoods have "changed" and been re-zoned to provide such housing. Attractive duplexes, four-plexes and apartment buildings have been built within two blocks of the Hanna property. These units have had a positive, not negative, influence on the character of the neighborhood.
5. Unfortunately many of the single family dwellings in the immediate area have been turned into rentals and the yards and exteriors of many of these homes (both owner-occupied and rentals) have not been kept up nor well maintained.

Over the past 35 years we have owned five lots within a half block of the Hanna property and still own the properties at 345 and 357 W. 1st North. For the foregoing reasons we urge the Planning and Zoning Commission's approval of the proposed changes .

Sincerely,



J. D. & Ann Hancock

Letter 4: Kevin McFadden

Dear City Council,

This is a letter to state our various concerns about Dan Hanna's proposed zone change of property located at 137 North 3^d West.

A similar proposal has been before the City Council (C.C.) recently. The difference being all 4 lots were in the request previously, and only L lot is currently being proposed for a zone change. This lot being in the middle of the other adjoining lots.

C.C. previously denied the zone change based on it being spot zoning. We ask that you would again do the same, based on the lot is in the center of the block. The following are the reasons we are opposed to the said change;

1. The potential of our property value decreasing. We keep being told that with a higher density zone our property value will increase. However we dispute these claims due to the fact that a current resident on the block was able to purchase a home for a lower price because the home for sale was located next to said apartments.
2. Our neighborhood keeps being compared to the neighborhoods adjoining the campus of BYU-1. We are told we will get a much above market value price for our homes, when approached by future developers. How can we compare apartments across the street from campus, that are single student housing, to the future building of married housing 6 blocks away from campus? Point in case the

Brunson home on 1't West barely received fair market value for their home, where a 5 story apartment complex is now being built. Our trust level in what we are being told is very low.

3. We are skeptical as to what Mr. Hanna's real plans are as each time we meet there is a new plan proposed. Initially he proposed another apartment building identical to the existing 2 building. Next it was a duplex, and then a 4 plex. His renderings for that latest proposal look nothing like the existing buildings. While we believe that not all homes in a neighborhood need to be identical, we do believe there should be cohesiveness within a complex. We are concerned that if this zone change is approved that plans will again change. What Mr. Hanna has spoken to us personally at our door was to get a duplex approved, stating nothing about a zone change.

However in the letter that accompanied him and was read after he left it did state his desire to change the zoning. Mr. Hanna keeps saying he is willing to speak with us neighbors, but based on his conduct at Planning and Zoning (P&Z) we do believe he isn't interested in our concerns. In the last P&Z meeting he stated, he would keep paying the 5780.00 and coming back to P&Z until he got what he wanted. Another home owner on the block who prefers to remain unidentified is willing to share the following statement, which again brings us to a trust issue with Mr. Hanna. "I have felt that many parts of this process have been deceitful. Mr. Hanna in his first presentation a few months ago, stated that he would just build a third building exactly like the ones already existing.

Then when that was rejected and he went around to the neighborhood and dropped off letters saying he was going to try to change the zone again, showed plans for a single story twin home. He made that comment over and over saying "This was always my plan, to build a single story home". He kept saying it over and over as if he was trying to convince us that this was always the plan. Then we said he was just trying to get a conditional use permit to build a twin home, when in fact his intent was to lock in the conditional use permit, then in the same night try to get a re-zone to do a four-plex. His goal was never to do just a twin home but rather a four plex. I thought in the first planning and zoning meeting a few months ago, I thought it was very disrespectful to the members of the this community when in his rebuttal to questioned the family values of those who stood opposition to his request...stating that those opposed must not think that people that live in apartments are families."

4. As a neighborhood we are a connected family. While we are open and receptive to new comers, we feel that approving this spot zone change, we are opening the gates to predatory developers. We as a neighborhood chose to live here because we like it how it is. While change is inevitable, we believe that development should not be expedited at the peril of a neighborhood. We are also talking about the financial wellbeing of the current home owners in this neighborhood. Within the last year, 3 separate properties within our neighborhood have come before city government for zone changes that would allow higher density and dramatically change the dynamics of our neighborhood. We do not believe this is a slow change that allows current home owners the adjustment time necessary to remain financially safe.

We have been told by city government that it is not the job of P&Z to protect the neighborhoods, but to direct the development of the city. With that being said, we would like to remind the city government that they are to direct the development in the direction the citizens of the city desire it . We are simply stating this is not the time for this kind of development in this neighborhood.

If City Council votes to approve said zone change we ask for the following conditions to be addressed and hopefully implemented.

- a. The condition that only a 4-plex is built and that there can be no future development on the said lot or the accompanying lots for the minimum of 10 years, no matter the owner of said properties. As a higher density would create additional traffic and expedite development that is not in the best interest of the current neighborhood.
- b. The other condition is for the safety of the children that will reside at said property. We would like to see the proposed play area at the entrance of the property moved, and that a play area be fenced like the one at Twin Pines Manor. We request this based on the fact that very seldom does one see children playing near the road at Twin Pines verses the roaming of the children currently at said property.

In closing we are satisfied with the approved Conditional Use Permit that was granted to Mr. Hanna for a duplex on the said lot, but not with a zone change. Thank you for your service to our community.

Respectfully,
Kevin and Candi McFadden

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Letter 5:

March 18, 2013

TO THE PLANNING AND ZONING COMMISSION OF REXBURG.

Dear Committee Members:

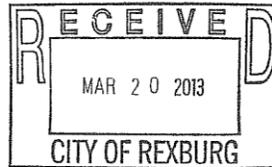
This is to let you know that I am not opposed to the Twin Home that Mr. Dan Hanna has proposed to build on his lot at 137 North 3rd West. The building as currently proposed is attractive and, as I understand, it would look the same and have the same dimensions above ground with or without additional living space in the basement.

I feel that Mr, Hanna should be able to utilize his property for his advantage and good and I do not feel that this building will detract from the appearance of the neighborhood.

I will not be able to attend the public hearing on Thursday, March 21 so I am providing you with this letter expressing my views in as much as I spoke against Mr. Hanna's earlier proposal.

Thank you,

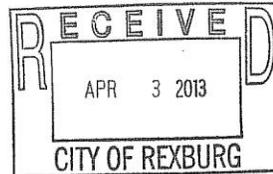
Keith Archibald
354 Cul-de-Sac
Rexburg, Idaho 83440



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Letter 6:

April 1, 2013

Council Members:



We sat here in this room just a few short months ago where Dan Hannah requested a zone change on the property at 137 North 3rd W, Rexburg. He was told "No!" Now we are back here again wasting everyone's time for another request for a zone change. When does "No!" not mean "No"? We brought over 60 signatures to this committee opposing this change. We are asking you to deny this zone change once again and stop wasting everyone's time. The structure that is being built does not fit in with the existing structures or the neighborhood.

We sat in a planning and zoning meeting just two weeks ago where they spent over 5 ½ hours discussing this project and as usual they passed it, but this time it was only by one vote. This one vote was by a person who changed his vote after an hour of persuasion by another member. He finally broke well after midnight. We do not feel that this is where this will end, Dan has already approached several home owners about buying their homes too.

In the last city council meeting Dan Hannah accused the neighbors of not considering his tenants as families. On Saturday, March 30th, the families in his complex held an Easter egg hunt on the patch of grass in the precise location where this structure is proposed to be built. There was a comment made that Dan Hannah had said, "There are a lot of apartments in this town with play areas, if you want a play area you can move to one of them." Why the sudden change in supporting families? Our neighborhood is all about family.

In the block that this property is on (3rd W, 1st N, 4th W and 2nd N) there are 27 single family homes where the owners are living in the home and only 3 that are being rented. We would like to keep our neighborhood that way.

It has been mentioned at several meetings that our neighborhood needs to change the composition plan, if we try, will that be denied too so these developers can continue to take over our neighborhood?

Thank you,

Karl and Kathy Hanosky
330 W 1st N
Rexburg, ID 83440

Letter 7:

4/3/2013

Roger & Krista Jephson

274 West 1st North Rexburg, ID 83440 To Those on the City Council:

We are writing in regards to the proposed zone change at 137 North 3rd West, also known as the Dean Ricks Apartments, which we are firmly opposed to. There are many reasons we are opposed to this zone change, but there are three main reasons we would like to address in this letter; neighborhood stability, property values and safety.

We write with a unique perspective, having also been renters at the Dean Ricks Apartments. While living in this apartment complex from August 2006-July 2007, we came to love this neighborhood, we began to desire to settle more permanently in this area, full of great people. While living in this complex, and after an exhausting search of homes from the Rexburg area to the outskirts of Rigby and Menan, we finally settled on a home that fit not only our budget, but our desire for community – we had found a home directly across the street from our apartment. We chose this home, this neighborhood, this area, because we loved it! We wanted to live here – but now our neighborhood is slowly starting to shift from single family homes with people who care, to rentals and apartments.

A favorite tool used by developers is to pull out the Comprehensive Plan. This plan shows that from our neighborhood to 5th West is deemed “a buffer” to the residential neighborhoods to the west. If you continue to approve these changes, there is no longer a buffer to the more residential neighborhoods – just apartments. Please allow us to continue to be a buffer!

Another one of the favorite arguments that we have been hearing from developers over the past year has been that these developments would provide an increase in our property values. This statement is false – or has proven false in ours, and many of our neighbors cases. We, unfortunately, bought our home at the tail end of the housing boom. We paid what seemed like a fair price, at what we now know was an extremely high interest rate. In the past year we have become very interested in refinancing our home. After contacting each bank in town, working with two separate independent loan specialists, and contacting a mortgage company, we have received the same answer every time – our home that appraised for over \$150,000 (well over what we paid for it) in 2007, now won’t appraise for over \$120,000. What was the advice we were given by each company? “Do you have a real estate agent?”

Before we bought our home, it was a rental and in disrepair, we have since invested almost \$15,000 in updates, landscape, and improvements. We understand the housing crash and the subsequent fall in housing prices, but there is more to be said here. Since moving to our neighborhood, it has slowly turned from a place with single family homes where people want to live, to a place where rentals are the new norm.

There is also something to be said about the safety of adding another apartment complex to the area. As someone who lived in these apartments while raising two young children, we find ourselves very empathetic to those who may live in the proposed complex. Our neighborhood Roger & Krista Jephson has been described as a good location for apartments based on the proximity to the campus, and the university’s “walking campus” status. There are many good, even great things about our neighborhood – and we hope you can see that we love where we live – but some of our neighborhood’s shortfalls make this an area not suited for the “walking campus” ideal. In most cases the people who live in these apartments only have one car, and so while the husband is away at school, mom is left walking with the kids to the grocery store, library or park. While our neighborhood’s close proximity to all of these things makes it very desirable, our neighborhood has no consistent sidewalks, and getting to any of the commercial areas of Rexburg require crossing the railroad tracks. As a mom of four young children, I have personally tried to do this and it always ends up with me trying to help someone hurt on the railroad tracks while trying to keep the rest of the kids from continuing into the middle of those dangerous roads. We have had countless flat tires and close calls with fast cars.

Please consider our side, and that of our neighbors. This proposed change does not add to our neighborhood in any way, but it does continue to degrade the area we live. We chose this area with a purpose, we love our neighborhood, and we ask that you help us keep it that way.

Thank you,

Roger & Krista Jephson

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Presentation by Applicant:

Dan Hanna at 850 East 7th North reviewed his proposal on the overhead screen. Mr. Hanna, his wife and his sons purchased this property with a shop and two four-plexes. It is a family purchase with his children and their wives. In the first public hearing in January, they asked for a larger rezone to MDR2 on the entire property including the existing four-plexes, a vacant lot and a shop. They came to this conclusion based on City Staff input. The presentation was short due to a failure of the electronic media to show the proposal to the City Council. He was quite limited in the process to show his full proposal.

Mr. Hanna felt it was worth the cost to re-apply for a rezone with a better presentation. He is asking for a rezone tonight for the only vacant lot in the development to add another four-plex. Based on the existing four-plexes and the vacant lot adjacent to them, they came to the conclusion that another four-plex was originally planned for the development. He felt the neighborhood and the City would benefit.

Mr. Hanna continued to review the proposal on the overhead screen. He reviewed the Comprehensive Plan Map which indicates a Moderate to High Density vision for this area north of Main Street and West of 3rd West. They included the Comprehensive Plan Designations in their review of properties with the realtors. They felt there was a good chance of gaining approval to rezone to a higher density for this development. He reviewed the size of the development which would accommodate MDR2 at 20 units per acre. Also, the current usage with existing four-plexes is MDR2 non-conforming use. Therefore, the appropriate zone for this property would be MDR2. Fifteen units would be possible, if the entire development was rezoned to MDR2.

Mr. Hanna reiterated his plan and his purpose to only build one four-plex on the vacant lot. He indicated Planning and Zoning recommended approval of his single lot rezone proposal. There was a lot of neighborhood resistance to the proposal to rezone the entire property to MDR2; including a neighborhood petition with approximately 64 signatures. The petition was based on the fact that the vacant lot would not be big enough for a four-plex with required setbacks, landscaping, parking and snow removal.

Mr. Hanna continued to review the proposal on the overhead screen; showing the location of setbacks, landscaping, parking and snow removal. If a twin home was built on the same vacant lot, additional area would be needed for approval. However, a four-plex would fit on this same vacant lot without additional area for approval, if zoned MDR2. The current zoning is LDR2 which allows for a twin home with possible conditions.

Mr. Hanna reviewed the properties in the block where their development is located. He reviewed the site plan for the properties showing the current footprint plus the footprint for the proposed low profile four-plex. He preferred a low profile building verses a two story four-plex. Code requires a 24 foot alley way. The proposed four-plex fits perfectly into the vacant lot. There will be compliance with ADA requirements. His proposal is to have a half basement for the first floor to allow for a low profile building.

Mr. Hanna provided examples of rentals in the neighborhood.



Council President Mann reviewed the lower level requiring stairs down to the 1st level. Community Development requires ADA requirements for the first level for a four-plex built at ground level. He can't change the buildings that were built 40 years ago. The existing four-plexes are non-conforming to the current zone. They were built before the zone was applied to this location. Mr. Hanna indicated he did not want to have a new building as high as the existing four-plexes.

Council Member Merrill reviewed the current parking status. Mr. Hanna indicated he has more than the required parking; also, the parking will be modified to allow for green space and playground areas. The shop is used for personal use and for family projects.

Mr. Hanna continued to review his proposal to have a building that would look like a one story building. There is not a design standard requirement for a duplex; however, a four-plex has a lot of design standards. He indicated a twin home or duplex could be built with fewer amenities and would not be as nice.

Mr. Hanna reviewed the infill scoring sheet provided from the Staff to show the rating for an infill project. The objective is to have infill for this property and make the property better for the neighborhood. This proposal is asking for two more units over the approved CUP for a twin home. The discussion should be: How can I make this property better? Not be a burden, not be a hardship, and not be a hazard or safety hazard. He indicated he has a Conditional Use Permit for a Twin Home (duplex) from Planning and Zoning; would two more units adversely affect the neighborhood? Approving the rezone request will give the City more control over the structure's design and allow Mr. Hanna to build a four-plex.

Council Member Smith reviewed the possibility of using an MDR1 Zone. MDR1 allows 16 units per acre. This would not allow a four-plex; it would require a larger lot; only a three-plex could be built on the vacant lot with MDR1 Zoning. MDR2 Zoning would allow a four-plex.

Council Member Merrill indicated the neighbors were concerned the development would expand beyond the four-plex proposal by converting the shop into rental housing or something bigger going into the development. The neighbors are not so much opposed to a four-plex as they are worried about what might happen in the future with the development of the shop, etc. He asked Mr. Hanna if the shop would be converted to apartments. Mr. Hanna said the reason he is asking for a single parcel to be rezoned to MDR2 was to limit the development to a single parcel. The existing four-plexes would fit in MDR2; however, they are non-conforming to the current zoning. He said the shop is too valuable as a shop and it works perfectly for unit storage and personal use; therefore, he does not intend to convert the shop to apartments. The twin home (*duplex*) would require 10,000 square feet requiring two lots (vacant lot and the shop lot) to be combined; however, the MDR2 Zone would allow for a four-plex on a smaller lot.

Mr. Hanna is proposing to change the look of the front yard into green space and a sidewalk by taking out some pavement. He wants to be a good neighbor. The Planning and Zoning Conditions will provide more privacy for the development. The community housing apartments (*two existing four-plexes*) are full without any vacancies. He reviewed the elevation site plan to show the play areas. He also reviewed the view of a duplex versus the view of the proposed four-plex. The building fits perfectly on the lot without any special designing to make it fit.

Council Member Smith said the letters from the public were concerned with the small playground areas. Mr. Hanna reviewed four playground areas including a 30 foot by 50 foot area with a basketball area, sand box, and green area. Most of their four-plex renters have young children; in the past, the development was rented to young men. Mr. Hanna reviewed the interior and exterior layout of the proposed four-plex. The new building will comply with City code and ADA requirements.

Council Member Smith asked about the infill score of 30. She wanted the public to understand the Infill Policy and how it works. Community Development Director Christensen reviewed the scoring of the "Infill Area" in the City; indicating the highest score is over 50.

The following criterion was presented in a spreadsheet to evaluate properties for infill with the highest possible score below:

<i>Size of lot – highest score = 10</i>	<i>Walkability = 6.9</i>
<i>Proximity to neighborhood = 9</i>	<i>Access = 6.9</i>
<i>Vacant property = 8.3</i>	<i>Historical = 5.3</i>
<i>Infrastructure = 7</i>	

The size of this lot gave it a lower infill score. A ten acre lot would score a perfect 10 (*1point per acre*) for the size of lot component. A city block is ten acres. The infrastructure scoring was low due to the upgrades needed for the development. Community Development Director Christensen gave an example of infill scoring and development scoring properties for infill. The first item to score is the proximity to existing neighborhoods which started with two single family homes. The second walkability scoring item was the proximity to schools, hospitals, etc. This proposal scored a seven out of a possible ten for walkability. A third scoring would be historical value which would score lower. Street access provides another infill score. He continued to review the creation of the scoring model to evaluate properties for possible infill. Infill allows for the use of city services that are already established.

Reference Ordinance 1095:

Infill: Construction of a building on a piece of vacant ground that is substantially surrounded by improved properties. Vacant properties for this purpose are defined as those that have been vacant for over a substantial number of years or those that have had buildings or improvements removed and have been vacant for a substantial number of years.

Infill/Redevelopment Area: An area of the City that has been designated by the Rexburg City Council as a focus area for Infill and Redevelopment. Whenever possible, mixed use projects, apartments, multi-family projects, dormitories and other higher density residential developments should be constructed on vacant lots and underutilized properties within this focus area. Secondary consideration should be given to infill and redevelopment within the city limits before the use of viable agriculture ground.

Policy Statement

Densification through Infill and Redevelopment will save tax dollars by reducing the cost of Streets, Infrastructure, Police, Emergency Services, Sanitation and other vital services. The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights. The existing Comprehensive Plan Map is the primary document for planning future city growth and development.

It is in the best interest of all of the citizens of Rexburg to locate Higher Density Housing Projects near Campus and the City Core whenever possible. Besides the savings of tax dollars, there is also a positive health effect and other cost savings associated with being able to walk to campus, shopping, parks and other City amenities.

Identifying Infill/ Redevelopment projects near the City Core and making the necessary zone changes to encourage development not only will clean up vacant needed properties, but will also partially “level the playing field” for these projects versus the lower cost of finding cheaper agricultural ground on the periphery of the City. Infill and Redevelopment are also encouraged in other parts of the City of Rexburg besides the Focus Area.

Weighting

In order to facilitate the implementation of Infill and Redevelopment in the City core the City of Rexburg City Council, Planning and Zoning Commission and City Staff have identified the following items as important consideration of the process (weighted importance in parenthesis):

- *Protect Stable Non-Fragmented Single Family Neighborhoods (9 out of 10 Importance)*
- *Identify Vacant Lots and Underutilized Properties (8.3 out of 10 Importance):*
- *Location of Existing Utility Infrastructure (7 out of 10 Importance):*
- *Distance From Significant Locations and Amenities (6.9 out of 10 Importance):*
- *Street Access (6.9 out of 10 Importance):*
- *Historic Preservation (5.3 out of 10 Importance):*

Mr. Hanna asked for a discussion on Impact Fees. Community Development Director Christensen continued to discuss the need for impact fees to pay for the expansion of city services including parks, streets, police and fire. These fees are targeted to new construction.

Council Member Sutherland reviewed the creation of Impact Fees while he was the Mayor. The impact fees were established to help expand city services for new growth without taxing existing residents to expand city services. The quality of life would go down if the city services like parks were not expanded as new growth is experienced.

Mr. Hanna said he will have to pay impact fees on his proposed development. His building permit costs for impact fees will be about \$2,800. Parks would get about \$1,800 for the new building. New development does provide a positive impact for the community. A dollar spent in Rexburg is turns over in the community seven times. He indicated small investors can find financing for four-plexes. He will spend \$250,000 to build the four-plex with local resources.

Council Member Merrill said his biggest concern was how the neighbors will feel about the proposal; and will the look of the development as presented change if approved.

Community Development Director Christensen said a four-plex and higher density will require design standards. The design standards require a certain look or “*form*” without long walls, long rooflines, etc. The material can be specific to this development. Design Standards do not allow a metal roof.

Mr. Hanna plans to buffer the neighborhood with trees to improve the development’s appearance.

Council Member Benfield reviewed the possibility of other changes to the property after approval. Mr. Hanna said density restrictions do not allow any future changes to the plan. The vacant lot will only allow a four-plex in MDR2. He has accepted the Planning and Zoning Conditions for this development. There is adequate protection in Design Standard and City Code to control development.

Mr. Hanna reviewed the “concerns list” from the neighbors and Planning and Zoning with City Council. Snow storage concerns have been addressed. Council Member Benfield reviewed the concerns of the neighbors of the possibility for more growth or density in the development. He reviewed the conditions for the development by Planning and Zoning with the zone change request. He reiterated his process to come to the City for permission for a duplex before asking for a second request to rezone the lot to allow for a four-plex. The neighborhood originally preferred to leave the lot undeveloped. The tax obligation on the lot is \$450.00. He is requesting to develop the lot to allow a return on his investment. He continued to review the concerns list:

ZONE CHANGE: LDR-2 TO MDR-2

STATEMENTS OF OPPOSITION:

- FENCE NEEDED ALONG SOUTH PERMITER OF PROPERTY
- HIGHER DENSITY
- CONCERN FOR CHILD SAFETY
- DECREASED PROPERTY VALUES
- COMMENTS CONCERNING UNDER-DEVELOPED PROPERTIES

P&Z COMMISSIONERS COMMENTS

CONCERNS:

- LEGAL TO CONDITION ZONE CHANGES?
- SPOT ZONING
- ZONING ONLY ONE PARCEL NOT ALL 4 PARCELS
- TOO SMALL TO SPOT ZONE
- NOT WORTH THE (POLITICAL) COST TO SPOT ZONE
- EXISTING NON-CONFORMING USE OF PROPERTY

FAVORABLE OBSERVATIONS:

- GROWING THE COMMUNITY OUTWARD FROM THE CENTER
- DESIGN STANDARDS APPLY TO 4-PLEX - NOT DUPLEX
- 4-PLEX HAS MINIMAL IMPACT TO NEIGHBORHOOD
- 4-PLEX ALLOWS FOR OVERALL BETTER DEVELOPMENT
- PERFECT SCENARIO FOR TRANSITION AS PER COMP PLAN
- DECREASED ASPHALT INCREASED LANDSCAPE
- INCREASED PRIVACY

STAFF REVIEW

- WHAT DOES COMPREHENSIVE LAND USE MAP SUGGEST?
- NEED TO FOLLOW COMP PLAN OR AMEND

- COMPREHENSIVE LAND USE MAP HAS BEEN DEVELOPED OVER TIME WITH MULTIPLE OPPORTUNITIES FOR PUBLIC COMMENT AND AMENDMENT
- PEOPLE WHO ARE NOT OPPOSED DO NOT ATTEND PUBLIC HEARINGS
- IS THE COMPREHENSIVE LAND USE MAP WRONG?

CLARIFICATION OF TERMINOLOGY

UNDERDEVELOPED PROPERTIES:

Properties that are generally associated with re-development or urban infill as part of a growth management plan. It focuses on the reuse and repositioning of obsolete or under-utilized buildings and sites. This is development that focuses on vacant or under-utilized property or between existing buildings.

PROPERTY DEVALUATION:

GRAND FATHERED or GRANDFATHER CLAUSE:

This is a situation in which an old rule continues to apply to some existing situation or structure while a new rule will apply to all future situations or structures. Example: The Dean Ricks Apartments were constructed prior to enactment of Zoning Ordinances, prior to ADA requirements, prior to Design Standards and prior to the Development Code. Changes in the material use of such buildings would require compliance with current development standards.

NONCONFORMING USE:

Structures or buildings that were placed in use prior to the creation of zoning ordinances. Example: The Dean Ricks' Apartments were constructed prior to most of the existing homes in the neighborhood being built and prior to the establishment of zones or comp plans.

SPOT ZONING:

This is the application of zoning to a specific parcel of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zone restrictions. The rezoning may be for the benefit of a particular owner, and at odds with pre-existing adjacent property owners. Example: Rezoning one of the Hanna Property parcels to a commercial use or a light industrial use or mixed use which would be in conflict with the Comprehensive Plan Use Map.

COMPREHENSIVE PLAN USE MAP:

A planning tool for growth.

Council Member Smith asked if a zone change proposal could be conditioned.

Discussion on the conditions applied by Planning and Zoning. Mr. Hanna reviewed the concept of spot zoning from Wikipedia. He is only asking for a zone change on one parcel to build a four-plex one story high.

Spot zoning is the application of zoning to a specific parcel of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zoning restrictions.

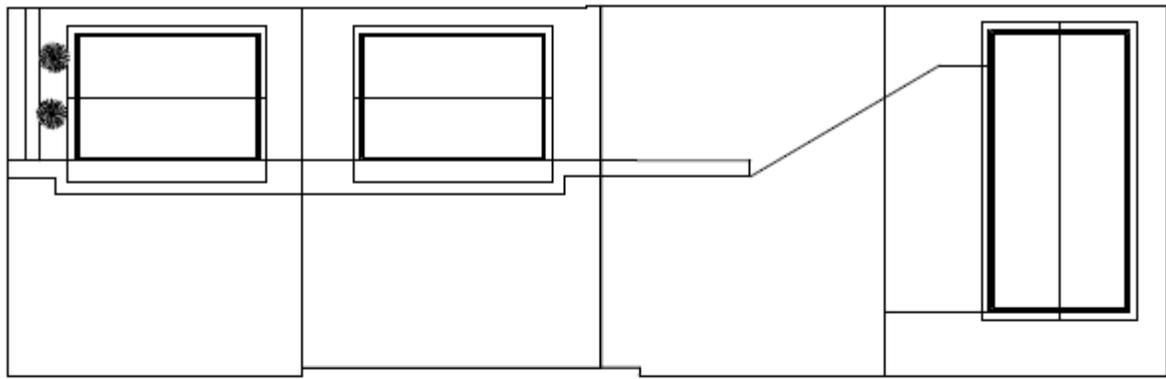
Council Member Merrill did not think the proposal was a spot zone; however, he would like to see a building constructed as proposed.

Discussion and review of the Planning and Zoning conditions on the twin home Conditional Use Permit approved by Planning and Zoning on March 21, 2013.

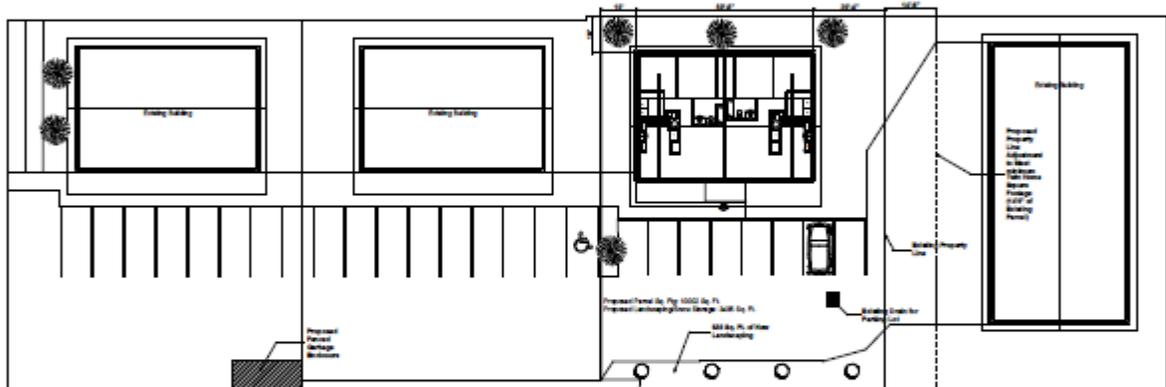
Conditions for CUP – Dan Hanna

1. Provide a 6 foot high privacy fence along the north side of the property.
2. Remove all asphalt (except a 24' wide driveway) from the front yard and landscape for parking buffer.
3. Extend sidewalk across driveway.
4. The west two lots will be combined.
5. There shall be an easement for access to the back lot across the easterly properties.
6. There shall be a 6 foot fence along the south side of the west combined lot.
7. There shall be landscaping on the north side of the parking lot as proposed in the site plan.

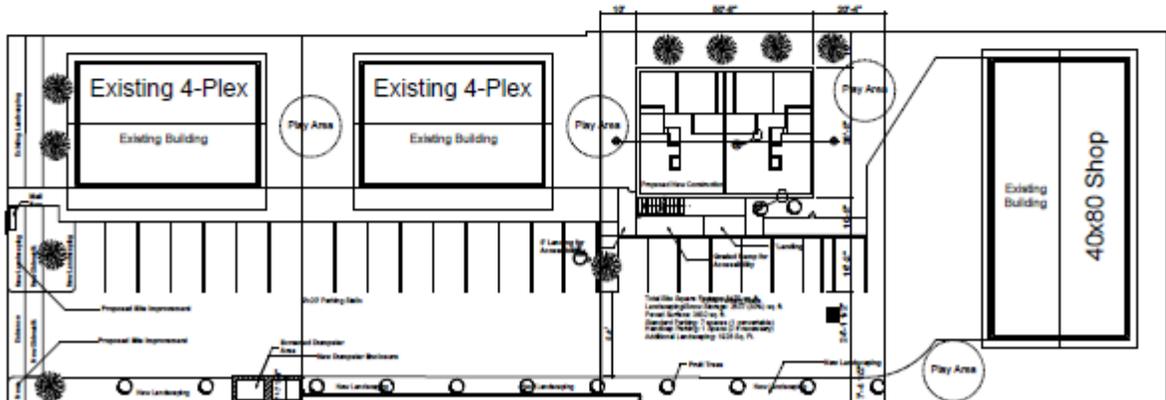
Council Member Sutherland indicated there was a lot of discussion on the subject and he was prepared to make a motion on the rezone.



EXISTING SITE PLAN



PROPOSED TWIN HOME SITE PLAN



PROPOSED FOUR-PLEX SITE PLAN

Council Member Sutherland moved to approve the rezone at 137 North 3rd West from Low Density Residential 2 (LDR2) to Medium Density Residential 2 (MDR2) with conditions recommended by the twin home CUP in Planning and Zoning without combined lots; Council Member Merrill seconded the motion; Discussion: **Planning and Zoning Conditions** recommended for the Twin Home CUP without combining the west two lots as a condition for the rezone proposal:

1. Provide a 6 foot high privacy fence along the north side of the property.
2. Remove all asphalt (except a 24' wide driveway) from the front yard and landscape for parking buffer.
3. Extend sidewalk across driveway.
4. There shall be an easement for access to the back lot across the easterly properties.
5. There shall be a 6 foot fence along the south side of the west combined lot.
6. There shall be landscaping on the north side of the parking lot as proposed in the site plan.

Mayor Woodland asked for a vote:

Those voting aye

Council Member Merrill
 Council Member Benfield
 Council Member Smith

Those voting nay

Council President Mann

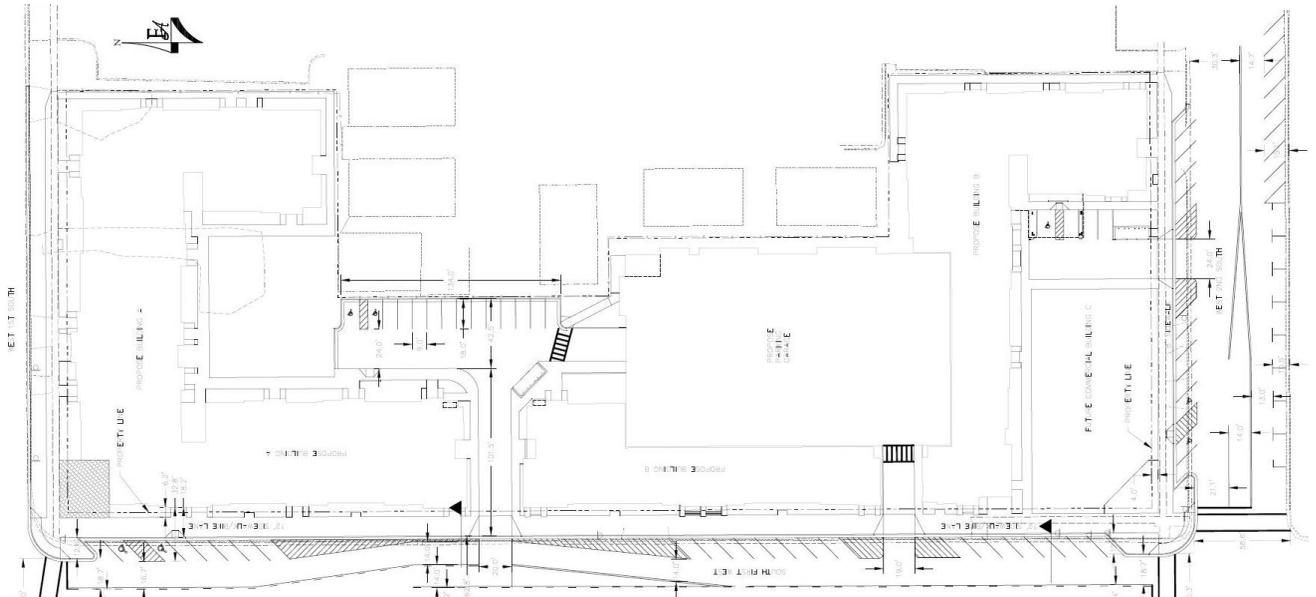
Council Member Sutherland

The motion carried.

Staff Reports:

Public Works: – John Millar

A. On Street Parking proposal on the east side of 1st West between 1st and 2nd South – Tru North Development.



Public Works Director Millar reviewed a parking proposal in the PEZ Overlay for MU2 Zone. The development has a commercial component that requires on street parking. The proposed layout has diagonal parking on a portion of First West with a parking entry into the developments interior parking garage. The East side of the street would have a 12 foot sidewalk against the curb to allow bike traffic. Council Member Merrill asked if the parking issue was resolved with student parking in a commercial project.

Council President Mann said he has had many complaints concerning this corner due to a congested four-way stop with many pedestrians. This development will add another 1,000 students to the area. Discussion on having a pedestrian controlled light at this intersection.

Engineering Staff: Mr. Millar asked to make a current part time position full time in the Engineering Department.

Council Member Benfield moved to approve a current part time position full time in the Engineering Department; Council Member Merrill seconded the motion; Discussion: Council President asked to put it in the 2014 Budget discussion. Finance Officer Horner said the Department is funded by capital projects; not the General Fund. Mayor Woodland asked for a vote:

Those voting aye

- Council President Mann
- Council Member Benfield
- Council Member Smith
- Council Member Sutherland
- Council Member Merrill

Those voting nay

None

The motion carried.

Public Works Director Millar reviewed city projects.

1. Fifth West project is under construction.
2. 2nd East lighting will be completed in a couple of weeks.

Finance Department – Richard Horner

1. Review Budget Calendar

Finance Officer Horner reviewed the 2014 Budget Calendar. Department Head meetings are planned for May 13th to May 17th; the calendar dates will be adjusted; The City Council Budget review and Drive-around on May 1st will be starting at 9:00 A.M; June 12th will be a City Council Budget work meeting at 5:00 P.M.

CITY OF REXBURG

3/28/2013

**2013 BUDGET PREPARATION CALENDAR
FOR 2014 FISCAL YEAR BUDGET**

April 3	Wed.	7:00 PM	Regular Council Meeting Review Budget Calendar Set Public Hearing date (by motion) for Budget (July 17, 2013) Review City Council Drive-around date Review Employee Cost of Living Adjustment (per Jan. CPI in Mar. rpt.) Set Mayor & Council Salaries on odd years
April 12	Fri.	5:00 PM	Capital Requests Due In
April 19	Fri.		Budget screen & printouts available for year-to-date expenditures vs. budget as of March 31 (1st 6 months) and forecast of year end totals
May 1	Wed.	10:00 AM	City Council Budget Review and Drive-around through 6 pm

May 20-24	by appt.		Departmental Meetings by appointment including Councilman, Mayor, Financial Officer, Department Head & Foreman
May 29	Wed.	9:00 AM	Dept. Head review of General Fund budget supported by the General Fund to review and recommend capital requests to council and balance the General Fund budget
June 12 or 26	Wed.	5:00 PM	Council Budget Work Meetings (agenda: budget only) Special Budget Review Meeting for Council
July 1st Week			Meet with Sugar & Teton on sewer rates
July 3	Wed.	7:00 PM	Regular Council Meeting Set Tentative Budget Add Utility Rate Increases to Public Hearing Advertisements
July 17	Wed.	7:00 PM 8:00 PM	Regular Council Meeting Public Hearing on Budget & Utility Rate Increases 1st Reading of Appropriation Ordinance Approve Utility Rate Increases, if any
August 7	Wed.	7:00 PM	Regular Council Meeting 2nd Reading of Appropriation Ordinance
August 21	Wed.	7:00 PM	Regular Council Meeting 2nd or 3rd Reading of Appropriation Ordinance
Sept 4	Wed.	7:00 PM	Regular Council Meeting 3rd Reading & Adoption of Appropriation Ordinance

MEMO TO ALL DEPARTMENT HEADS:

Please review this calendar closely and write in the dates that apply to you and your supervisors.

Discussion:

2. Set Tentative Cost of Living (COLA)

Discussion: The City Council was agreeable to tentatively put the 2% COLA in the 2014 Budget.

3. Set Budget Hearing Date

Council Member Benfield moved to set the Public Hearing Date for the 2014 Budget for July 17, 2013; 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 Smith	
Council Member Sutherland	
Council Member Merrill	

The motion carried.

Calendared Bills and Tabled Items:

A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:

- Ordinance 1103** to Rezone 577 South 5th West from Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1) – **approved by City Council March 20th, 2013.**

Discussion:

Council Member Sutherland moved to suspend the rules for Ordinance 1103; Council Member Merrill seconded the motion; Mayor Woodland asked for a roll call vote:

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

The motion carried.

Council Member Sutherland moved to third read and approve **Ordinance 1103** to Rezone 577 South 5th West from Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1); Council Member Smith 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 Smith	
Council Member Sutherland	
Council Member Merrill	

The motion carried.

B. BILL Introduction: – NONE

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

- BILL 1102** Salary adjustment in 2014 for Mayor and City Council

Cost of Living Raises
 COLA Effective October 1 of each year
 Mayor & Council Wages Effective January 1 of even years

COLA Employee Oct 1	COLA	Effective	Council Actual Monthly	Council Salary Calculated	Mayor calculated Monthly Salary	Mayor Actual Monthly Salary	Increase	Mayor's Calculated Annual Salary
2013	2.0%	1/1/2014	??	\$ 600	\$ 5,633	??	4.958% (2012 & 2013 compounded)	\$ 67,592
2012	2.9%					\$ 4,912		
2011	1.6%	1/1/2012	\$ 400	\$ 550	\$ 5,367	\$ 4,912	4.750% (2010 & 2011 compounded)	\$ 64,400
2010	3.1%					\$ 4,912		
2009	0.0%	1/1/2010	\$ 400	\$ 500	\$ 5,123	\$ 4,912	4.300% (2008 & 2009 compounded)	\$ 61,479
2008	4.3%					\$ 4,912		
2007	2.1%	1/1/2008	\$ 400	\$ 450	\$ 4,912	\$ 4,912	6.184% (2006 & 2007 compounded)	\$ 58,945
2006	4.0%					\$ 4,626		
2005	3.0%	1/1/2006	\$ 350	\$ 400	\$ 4,626	\$ 4,626	31.197% (25% + 2004 & 2005 compounded)	
2004	1.9%					\$ 3,526		
2003	2.6%	1/1/2004	\$ 350	\$ 350	\$ 3,526	\$ 3,526		
2002	1.1%							
2001	3.8%	1/1/2002	\$ 300	\$ 300	\$ 1,700		(Citizens committee made recommendations this year)	
2000	3.2%							
1999	2.0%	1/1/2000	\$ 250	\$ 250	\$ 1,700			

The Mayor's actual annual salary of \$58,944 has not changed since 1-1-2008.
 The proposed salary increase to \$67,592 only includes the COLAs since 1-1-2008.

The City Council annual salary of \$4,800 has not changed since 1-1-2008.
 The proposed salary increase to \$7,200 is what the citizens committee recommended for increases.

Discussion:

SECTION 1. MAYOR'S SALARY.

The salaries of the Mayor and City Council of the City of Rexburg shall be as follows:

2.01.100 The Mayor shall receive an annual salary in the sum of Sixty Seven Thousand Five Hundred Ninety Two Dollars (\$67,592), and shall be paid Five Thousand Six Hundred Thirty Three dollars (\$5,633) monthly;

SECTION 2. CITY COUNCIL SALARIES.

The salaries of the members of the Rexburg City Council shall be as follows:

2.02.160 Each member of the City Council shall receive an annual salary in the sum of Seventy Two Hundred dollars (\$7,200), and shall be paid Six Hundred Dollars (\$600.00) monthly.

Council President Mann was concerned with having the appropriate salary for Rexburg. He was concerned with the proposal; he asked for a lower increase for one year. Council Member Sutherland said that has been the same discussion since he was Mayor over 10 years ago. Council Member Smith asked for a comparative amount for discussion. Idaho Falls makes a \$1,000 per month for City Council. Council Member Merrill said the City Council position takes more time than he expected. Council Member Benfield said years ago, it was retired people; now people are working along with the City Council position. The City Council asked for more comparatives.

Council Member Smith moved to first read BILL 1102 for Salary adjustments in 2014 for the Mayor and City Council; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

- Council President Mann
- Council Member Benfield
- Council Member Smith
- Council Member Sutherland
- Council Member Merrill

Those voting nay

None

The motion carried.

D. Second Reading: Those items which have been first read:

1. **BILL 1101** AMENDING ORD 1094 Stopping, Standing, Parking

Discussion:

“SECTION III” of Ordinance 1094 shall be amended to read as follows:

(A) Every vehicle at all times while being driven, stopped or parked upon the streets or alleys or publicly managed parking lots of the City of Rexburg, shall (1) be registered in the name of the owner thereof in accordance with the laws of the State of Idaho, unless such vehicle is not required by the laws of Idaho to be registered; (2) display in proper location and position, valid registration plates for the state from which the same are issued; (3) not constitute an obstruction to the free flow of traffic in accordance with the designed intent of the streets or alleys or publicly managed parking lots of the City of Rexburg; (4) not constitute a nuisance, defined for purposes of this Ordinance as any vehicle having four (4) or more unresolved violations of any provisions of this Ordinance or Parking Ordinance 1094.

(B) Any vehicle in violation of any of the above cited requirements of this Section, may be towed from the streets or alleys or publicly managed parking lots of the City of Rexburg at the owner’s expense, and held until all unresolved violations pertaining to the nuisance vehicle have been fully resolved.

Council President Mann moved to second read BILL 1101 AMENDING ORD 1094 for Stopping, Standing, and Parking; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

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

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.

- A. Minutes from March 20, 2013 meeting
- B. Approve the City of Rexburg Bills
- C. Spring Yard Clean-up dates from April 8th to May 20th - Staff

Discussion:

Council Member Sutherland moved to approve the Consent Calendar and pay the bills; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Break... 9:05 P.M.

Council Member Merrill moved to go into Executive Session per Idaho State Statute 67:2345 (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property

which is not owned by a public agency; Council Member Benfield seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Executive Session: 9:15 P.M.

Executive Session ended. 9:30 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk