

City Council Meeting

November 05, 2014

35 North 1st East
Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

November 05, 2014

Mayor Richard Woodland

Council Members:

President Sally Smith Jordan Busby

Donna Benfield Jerry Merrill

Christopher Mann Brad Wolfe

City Staff:

Stephen Zollinger – City Attorney

Matt Nielson – Finance Officer

John Millar – Public Works Director

Val Christensen – Community Development Director

Scott Johnson – Economic Development Director

Blair Kay – City Clerk

Attending: Mayor Woodland, Council President Smith, Council Member Mann, Council Member Busby, Council Member Merrill and Council Member Wolf. Council Member Benfield asked to be excused.

5:30 P.M City Hall – Flood Task Force

Mayor Woodland thanked everyone for participating on the Flood Task Force. He asked Public Works Director Millar to review the mitigation plan and the costs involved to mitigate some of the modifications to the storm water system in Rexburg. Everything to date has come in under budget.

The alarm and light on the pump station is in the process of being upgraded. Cammie Muir and her neighbors will plan on having the inflatable plugs within easy access in case of emergency but they need assurance that the alarm will go off and warn them when there is an emergency. She said that the drain near the pump station is very slow. This will be looked into.

The new ditch site in Hidden Valley has been surveyed. The engineers will be looking at the grades and seeing what needs to be done for best drainage. Todd Smith has noticed a lot of work that has been done, however, he hasn't seen much done right around his house. The picture of the cement wall with the hole was questioned. City Engineer Davidson said that a valve will be going in there. It should be placed next week.

Two retention basins are being put in at Hidden Valley. Mr. Smith is concerned about the work being done before winter weather sets in. Council President Smith asked if there will be better control of dumping waste into the ditch. Cammie Muir asked if they could haul off the debris that is cleaned out of the ditch instead of leaving it piled up.

All the lines in the Henderson Subdivision have been cleaned. Mr. Millar thought maybe a pump station in that area would be good. Mr. Boggetti is concerned about the drainage problem in Henderson subdivision. He is grateful for the work that has been done. He would like to see a definite date for the work in that area. Council Member Mann wants to be sure that we are having new developers put in adequate storm drain systems. Public Works Director Millar assured that they are. The new Maverik is aware that they are responsible for retaining all water from their sight as is the new Super Walmart.

There was discussion about developers making sure adequate drainage is installed, however, homeowners often landscape in a way that causes run off into neighboring homes and this can't be controlled by the developer or the city. There are regulations but most homeowners are not aware of them. Perhaps a brochure or article in the newspaper would be helpful to remind homeowners how to landscape to avoid flooding basements.

The Task Force will meet again on February 4th, 2015 at 5:30 P.M... Email updates will be sent out in December to let everyone know what has been completed.

**Estimated Costs for Flood Mitigation Plan – Short Term Projects –
11/5/2014**

Area	Project	Estimated Cost	Estimated Completion Date	Notes
Ricks-Palmer Subdivision	Raise Electrical Equipment and add a 2' high barrel. Add a high water alarm light to notify residents	\$ 2,500	Completed	All completed, except alarm light
	Install Manhole Pans Where Needed	\$ 2,000	11/30/2014	Not arrived yet-Ordered
	Homeowners to Install Backflow Devices			
	Scheduled Maintenance on Ditch and Keep Record of Conditions		Ongoing	Spray, Cut and Burn, Flush Periodically. Inspect monthly
	Check and Fix Access Door Gaskets on Lift Station Access		Completed	
Hidden Valley Subdivision	Acquire Land Where Ditch is Located	\$ -	Completed	Completed. Got an easement across the Berntsen Property
	Construct Detention Basin @ 7th South	\$ 15,000	11/30/2014	Under Construction now with a verbal agreement with Property Owner
	Scheduled Maintenance on Ditch and Keep Record of Conditions		Ongoing	Spray, Cut, and Burn as needed
	Fix Wall at Leishman's	\$ 5,000	Completed	Extended Wall around curve. Modified the catch basin.
	Change Berm and Culvert at North Hill Road	\$ 5,000	Completed	Streets Crew performed work. Lowered Dike, added Catch Basin, added additional line under the road
	Survey Ditch	\$ 1,500	Completed	

**Estimated Costs for Flood Mitigation Plan – Short Term Projects –
11/5/2014**

Area	Project	Estimated Cost	Estimated Completion Date	Notes
5th S. 2nd E.	Modify Existing Storm Water Detention Basin in Eagle Wood	\$ 10,000	6/30/2015	Topo done. Will do in the winter once the ground freezes and resod in Spring
	Homeowners to raise window wells and landscaping			
	Relocate Shed at Kusch Residence		Completed	
	Construct retaining wall along North Property Line for Aspen Village. (Use Concrete Lego Block) Have property owner fix their existing storm drain system that is failing	\$ 10,000	5/30/2015	Still working with managing partner. They want to inspect the site personally prior to giving us permission to make any changes with them.
4th W. 6th S.	Infiltrator	\$ 6,000	Completed	Completed by our crews
	Check all Existing Up-Stream Detention Basins for Functionality		5/30/2015	In the process of compiling all records
	Construct Additional Pumping Capacity at 7th South at "The Gates" Storage Detention Basin	\$ 110,000	05/30/15	Under Design
BYU-I University	Review of All Catch and Storm Basins		10/20/2014	Under Discussion with University
Henderson Addition	Evaluate Storm Water Needs in Henderson Addition		Further Evaluation Needed	Tv'd the line. Line is clear. Flow capacity is limited by line size.
General	Purchase Additional Portable Pumps for Handling WW/Storm Water	\$ 37,000	11/30/2014	Small Portable Pump Purchased. Seeking to award bid on large pump from council tonight
		\$ 204,000		

*To: City of Rexburg Mayor, City Council Members, Staff and Flood Task Force Members From: Jack Boggetti, 757 Yost St., Rexburg
Subject: Flooding in Henderson Subdivision*

First, I want to thank all who are involved in the process of developing a plan to address the flooding in our community. The meteorologists tell us that the weather pattern we're in is likely to continue and so will the flooding. I commend you all for your efforts.

However, I was very disappointed at the Flood Task Force Meeting on September 3, 2014 when I found that there was still nothing in the written plan being developed by the city to address the flooding in the Henderson Subdivision.

I spoke with John Millar after that meeting and he said that maybe the city could install some French drain type facilities along the side of the road. But after I went home and looked at the pictures I had from the flooding event on July 15, 2014 which showed the extent of the flooding in our neighborhood it seemed to me that a few French drains would not solve the problem.

The day after the 9/3/14 meeting I sent the Mayor and City Council members an email with some of those photos attached. What those photos didn't show was our backyard. We have a half basement with stairs leading down into it. Our basement contains a fully finished family room, bedroom/office, bathroom, laundry room and storage room. I watched throughout the evening as the flood water in our backyard moved to within about 15 feet of our stairway. I was grateful when some pump trucks arrived later that night to pump out the flood water in the street because I believe if they had not arrived that our basement would have been flooded. Next summer I will have sand bags ready, but that's just a short term solution. We need an adequate storm drain system in our neighborhood.

As I understand it, the drains that serve our neighborhood run north to Main Street where they meet the main line which goes west to the river. It looks to me as though that Main Street line is filling up from the flood water coming off the hill and the downtown area and so there's no place for the water from our neighborhood to go except back up onto the streets.

At a previous Flood Task Force meeting John Millar praised the effectiveness of the detention pond at the corner of Mariah and Pinchoven that protects the neighborhood to our south. He also said he would like to see the city develop more detention ponds.

I believe the city owns an undeveloped piece of property at the corner of Pioneer and Lodgpole which is north of our subdivision, but south of the Main Street drain line. Maybe that property should be developed into a detention pond to protect our neighborhood.

Thank you again for your efforts to resolve this very difficult issue. I look forward to continuing to work with you on it.

Pictures of ditch improvements on the east side of Hidden Valley Subdivision and the concrete wall by the Lieshman's property turning the ditch water west towards the interior street in the Hidden Valley Subdivision.



Work Meeting adjourned at 6:23 pm

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

Logan and Porter Ballard from Boy Scout Troop 156 led the pledge.
Terry Butikofer said the prayer.

Roll Call of Council Members:

Attending: Council President Smith, Council Member Mann, Council Member Busby, Council Member Merrill, Council Member Wolfe and Mayor Woodland.

Council Member Benfield asked to be excused.

Public Comment on non-controversial issues: not scheduled on the agenda (limit 3 minutes):

Darren Helm of Guardian Booting reported that he is not getting cooperation from the city. It has actually been worse. He is having problems with the city police. Council Member Busby asked when the last meeting with the apartment owners was. He said it was a couple months ago. He said that they are trying to pin point the complaints. He said that complaints coming into city hall are not getting documented. Mayor Woodland reported that all complaints are getting recorded. The police reports will show booting complaints.

Presentations: NONE

Committee Liaison Assignments for 2014:

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

Council Member Mann reported that the Fire Department is completely gutted on the main floor to prepare for the remodel. Mayor's Youth met today and had pictures taken in their new shirts. They are making plans for Shop with a Cop and Santa at the Carousel. They usually help to raise around \$5,000 for Shop with a Cop. Golf Board has not met.

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

Council Member Busby reported that GIS has not met. The Airport Board met today. On November 19th at 11:00 there will be a kick off meeting for the master plan for the airport and its future. Council Member Busby presented a Certificate of Recognition to Mitchell Smith of troop 472 for his Eagle Scout project to repair the fence line at the north end of the airport. He had a crew go in and clear weeds and add a six foot fence with barb wire. They added corner braces. It took a full day and the next night. Council Member Busby presented the certificate to him and thanked him. It is a big accomplishment to earn the Eagle Scout Rank.

Council Member Busby also added that Traffic and Safety is working on new street lights.

C. Council Member Donna Benfield: *Police · Trails of Madison County · IBC · Teton Flood Museum Committee*

Council Member Benfield asked to be excused. Mayor Woodland acknowledged that the Police Department is doing fine and that Halloween went smoothly.

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

Council President Smith reported the Legacy Flight Museum did not meet. The museum will only be open on Saturdays for the winter. They will plan the Fly-In for Father's Day weekend after Christmas. The museum is always looking for donations of money or items. Someone donated an old pickup that the museum was able to sell and make some money. The arts council will meet next week. There are a lot of upcoming events. The community is very involved in the Messiah coming up in December. MEPI met on Monday and heard the report from Economic Developer Scott Johnson who, along with Daniel Torres and Mayor Woodland, attended a conference in Fort Worth,

Texas, where they received some good information. They were surprised to see their story board that they created was shown at the conference. Turkey choir will be performing on Thanksgiving

E. Council Member Jerry Merrill: *School Board · Parks & Recreation · Urban Renewal Agency*

Council Member Merrill commented that every one of the Madison High School fall sports teams qualified for state this year. He reported on a project for the Madison High School Key Club. Charley Jensen, vice president of the Key Club, reported on the Eliminate Project. It concerns the maternal and neonatal tetanus prevention project. Their goal was to raise \$1,000. They trick-or-treated for Unicef. They ended up raising \$1,512 which will save 840 lives. *“Maternal and neonatal tetanus is a terrible tragedy. But it’s easily preventable. The Global Campaign for Children is our chance to change the world. With the Eliminate Project: Kiwanis eliminating maternal and neonatal tetanus, we aim to eliminate MNT from the face of the Earth”*

An introduction to
The Eliminate Project

This is our chance to change the world.
The Eliminate Project: Campaign Office
Kiwanis International Foundation
3636 Woodview Trace, Indianapolis, IN 46268 USA
+1-317-217-6213 +1-317-471-8323 (fax)
campaign@TheEliminateProject.org
Find resources and give securely online at
www.TheEliminateProject.org.

EVERY MEMBER, EVERY CLUB

Kiwanis and UNICEF have the power to protect the connection between mother and child. But we need the commitment of the worldwide Kiwanis family. Get involved. Spread the word. Make a gift. For you and your club, this is a chance to save or protect millions of precious lives.

THERE IS A SOLUTION

Maternal and neonatal tetanus is a terrible tragedy. But it’s easily preventable. The Global Campaign for Children is our chance to change the world. With the Eliminate Project: Kiwanis eliminating maternal and neonatal tetanus, we aim to eliminate MNT from the face of the Earth. This requires vaccines, syringes, safe transport and storage, education of communities, training of health workers and more. Just three vaccine Doses—costing roughly US\$1.80—can protect a woman and her future babies. Now we need to reach them, often in places that are remote, impoverished and invisible to the world.

PROUD PARTNERS

The Eliminate Project is the Kiwanis family’s biggest campaign for children yet. But it’s not our first. And we’re not alone. In 1994, Kiwanis and UNICEF joined forces for a worldwide service project to virtually eliminate iodine deficiency disorder, the world’s leading cause of preventable mental disability. Together, Kiwanis family members raised nearly US\$105 million. Those funds are at work today in more than 103 countries, saving the world billions of IQ points and improving the lives of millions of children who are born free of IDD each year. Kiwanis and UNICEF have done it before. Together, we’re doing it again.

MNT: WHY AND HOW

Clostridium tetani figures are accurate as of June 2012 and are subject to change. Elimination is achieved when there is less than one case of neonatal tetanus per 1,000 live births in every district of the country. June 2012 GIEP-212-9 English Cross section of clostridium tetani © UNICEF/NYHQ2004-1216/Ami Vitale

THE FACTS

- 1 baby dies every **9** minutes from tetanus
- **160** babies die each day from tetanus
- MNT has been eliminated in more than **20** countries since 2000
- **3** doses of tetanus vaccine = immunity from tetanus
- Woman + vaccine = protected baby
- US **\$1.80** protects 1 woman and her future babies
- The Eliminate Project saves or protects **millions** of moms & babies
- Elimination = **<1** case of MNT per 1,000 live births

Council Member Merrill asked City Council to ratify the Mayor’s Proclamation for Key Club Week from November 3rd to November 7th, 2014, in support of their work with “The Eliminate Project”. Mayor Woodland asked Council Member Merrill to read the proclamation.

INTERNATIONAL KEY CLUB "WEEK"
Mayor Richard Woodland

35 North 1st East
Rexburg, ID 83440

mayor@rexburg.org
www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

PROCLAMATION No.
2014 - 04

A PROCLAMATION OF THE MAYOR OF THE CITY OF REXBURG, IDAHO,
PROCLAIMING November 3RD to November 7TH, 2014, AS
Key Club Week
IN THE CITY OF REXBURG.

WHEREAS, Key Club International, which is sponsored by Kiwanis International, is the largest high school service organization in the world; and

WHEREAS, the members of the MADISON HIGH SCHOOL Key Club are part of an international organization of more than 250,000 high school students dedicated to serving their homes, schools and communities. A Service Leadership Program of Kiwanis International, Key Club prides itself on its unequalled commitment to community service; and

WHEREAS, Key Club members promote the development of student leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth and professional development; and

WHEREAS, each member learns the value of volunteerism, and contributing their time and talents to help others; and

WHEREAS, the Key Club International Major Emphasis Program "Children: Their Future, Our Focus," is designed to involve Key Club members in the challenges facing young people; and

WHEREAS, the service provided by the MADISON HIGH SCHOOL Key Club has a positive and meaningful impact on our community.

NOW, THEREFORE, I, RICHARD S. WOODLAND, Mayor of the City of Rexburg, Idaho do hereby proclaim November 3-8, 2014 as

Key Club Week

in Rexburg. We commend these young men and women for their commitment to be better, more responsible citizens, and thank them for their invaluable service to our community.

PASSED AND APPROVED this 5th day of November, 2014.

IN WITNESS WHEREOF, I have here
unto set my hand and caused to be affixed the
Seal of the City of Rexburg this
31st day of October, 2014.

APPROVED:

Richard S. Woodland, MAYOR

ATTEST:

Blair D. Kay, CITY CLERK

Council Member Merrill moved to ratify Proclamation 2014 – 04 in support of the Madison High School Key Club; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
 Council Member Mann
 Council Member Busby
 Council Member Merrill
 Council Member Wolfe

Those voting nay

None

The motion carried.

Council Member Merrill also asked for the Unicef donation boxes to be passed around for the audience and council members to donate.

Council Member Merrill reporter that the fall recreation programs are underway. The Down Town Beautification committee came to a conclusion that while lights and trees are important, they believe education, innovation and entrepreneurship are concepts that they would like to build around. They will be involving the public on future plans. The Urban Renewal district is presenting tonight and he believes the amendment to the Downtown Redevelopment Plan is a good thing. The Washington School urban renewal district is almost complete. They will need to meet and make sure everything is done on that.

F. Council Member Brad Wolfe: *Planning & Zoning · Beautification Committee*

Council Member Wolfe reported the Planning and Zoning met. There will not be a Planning and Zoning meeting tomorrow night. There will be a work meeting next week on November 19th at 5:30 with the Planning and Zoning Committee.

Mayor’s Report:

Mayor Woodland turned the time over to Lieutenant Corey Foster to present the vehicles surplus list.

A. Police Department is requesting permission to surplus old vehicles.

Surplus Vehicle List

11/5/2014

Department	Vehicle Description	Reason for Disposal	Method of Disposal	Estimated Value
Police	2002 Chevrolet Impala S/N 2G1WF55K729207907	Miles/Age	Trade in on New Vehicle	\$ 1,500
Police	2004 Ford Crown Victoria S/N 2FAHP71W04X140704	Totaled in Vehicle Crash	Salvage/Sell	\$ 425
Police	2005 Ford Crown Victoria S/N 2FAHP71W25X123842	Miles/Age	Trade in on New Vehicle	\$ 1,500
Police	2005 Ford Expedition S/N 1FMPU16505LA13425	Miles/Age	Trade in on New Vehicle	\$ 1,000
Police	2008 Dodge Charger S/N 2B3KA43H18H149380	Miles/Age	Trade in on New Vehicle	\$ 4,500
		Will not work for their application. We acquired it about two years ago for \$7,000, and the FBO and Airport Board have asked that we surplus this unit and look for another that is automatic and with		
Airport	1986 International Dumptruck S/N 1HTLDUYP5GHA64644	4 x 4	Public Auction/Surplus Sell	\$ 5,000

Council Member Busby motioned to approve the list and surplus the vehicles; Council President Smith seconded the motion. Mayor Woodland asked for a vote.

Those voting aye

Council President Smith
 Council Member Mann
 Council Member Busby
 Council Member Merrill
 Council Member Wolfe

Those voting nay

None

The motion carried.

Public Hearings:

A. 7:10 P.M. Public Hearing (Ordinance 1123) to consider the Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project (the "Plan") of the Rexburg Redevelopment Agency (the "Agency"). City Council will consider an Ordinance adopting the Plan. – Terry Butikofer

Terry Butikofer presented the Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project (the "Plan") to the City Council. City Council will consider an Ordinance adopting the Plan. – Terry Butikofer gave some background. The amendment is to allow certain projects not originally contemplated and to amend the East 2nd South area. In 2003 the plan was established and in 2009 it was amended. This is the second amendment. In 2027 the down town plan will terminate and that tax increment financing will then revert to the existing taxing districts. They would like to add the right of way streets in the east second south area. This change is in compliance with all the rules. Intended projects are to help the fire department with the remodel and to improve streets and lighting.



“This Second Amended and Restated Downtown District Redevelopment Plan is organized in a manner which, instead of showing new text underlined and text deleted as crossed out, simply restates in total the text of this Plan. Many of the tables and exhibits from the original 2003 Project Area and the 2009 Project Area are not repeated in this Plan for ease of review and analysis. Additionally, much of the financial information and improvement list has been replaced or superseded. The original work for the 2003 Project Area and the 2009 Project Area is available through the Agency or the city of Rexburg.”

“This Plan was prepared for the Rexburg Urban Renewal Agency, aka the Rexburg Redevelopment Agency (the “Agency”), Board of Commissioners, by its consultants and staff of the Agency pursuant to the Idaho Urban Renewal Law of 1965 (Chapter 20, Title 50, Idaho Code), as amended (the “Law”), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), as amended (the “Act”), and all applicable local laws and ordinances.”

“The proposed redevelopment of the Project Area as described in this Plan conforms to the City of Rexburg Vision 2020 Comprehensive Plan (the “Comprehensive Plan”), adopted by the City Council of the city of Rexburg (“City Council”) on March 4, 2009, pursuant to Resolution No. 2009-03, as amended.”

**RESOLUTION OF THE REXBURG PLANNING AND ZONING COMMISSION
RELATING TO THE SECOND AMENDED AND RESTATED DOWNTOWN
DISTRICT REDEVELOPMENT PLAN FOR THE CITY OF REXBURG**

WHEREAS, the Rexburg Redevelopment Agency (hereinafter "Agency"), has submitted a proposed Urban Renewal Plan entitled "Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project" (the "Plan") to the City of Rexburg, and the City Council, through the Mayor, referred the Plan to the Rexburg Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the City of Rexburg Vision 2020 Comprehensive Plan; and

WHEREAS, the staff of the Rexburg Planning and Zoning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission met on October 2, 2014, to consider the Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission has reviewed said Plan in view of the Comprehensive Plan.

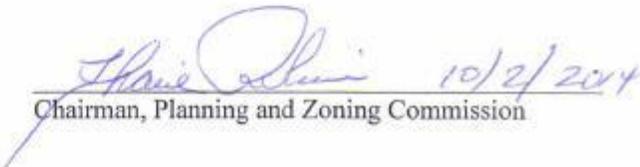
NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF REXBURG, IDAHO:

Section 1. That the Plan, submitted by the Rexburg Redevelopment Agency and referred to this Commission by the City Council for review, is in all respects in conformity with the Comprehensive Plan.

Section 2. That the Director of the Planning and Zoning Division by and hereby is authorized and directed to provide the Rexburg City Council with a certified copy of this Resolution relating to said Plan.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Rexburg, Idaho, this 2nd day of October 2014.

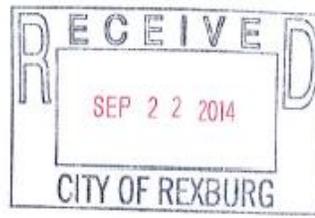

Chairman, Planning and Zoning Commission


Director, Planning and Zoning Division

The Rexburg Redevelopment Agency

September 22, 2014

Elaine McFerrin
City of Rexburg
Planning and Zoning Coordinator
35 North 1st East
Rexburg, ID 83440



RE: Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project

Dear Planning and Zoning Commission:

In compliance with the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50 (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), the Rexburg Redevelopment Agency is providing you with a copy of the Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project. Under the provisions of the Law and the Act, This plan must be reviewed by the Planning & Zoning Commission.

To expedite your review of this plan, I have provided you with a descriptive discussion of the general scope and objectives of the plan as well as a description of the Urban Renewal Area being recommended. This will be much easier than wading through the entire plan that you have reviewed when it was initially created and again when it was modified the first time. You found that the plan complied with your comprehensive plan both times. The Planning and Zoning Commissions finding will be passed on to the City Council before they conduct a public hearing regarding the adoption of this modified plan.

As you will see in the discussion attached to this cover letter, the modifications being made to the existing downtown plan include language that would allow the Rexburg Redevelopment Agency to assist the County and City of Rexburg to help with the construction or reconstruction of public buildings such as fire stations and/or police stations. Additional modifications being made include the addition of five downtown city streets to the Urban Renewal Area to allow tax increment financing to be used to fund improvements to be made to these streets.

The Rexburg Redevelopment Agency is requesting the Planning and Zoning Commission to review the plan and make a finding that these modifications being made to the plan complies with the City's Comprehensive Plan.

Mayor Woodland opened the public hearing.

Public Testimony in favor of the proposal (5 minute limit): – NONE

Public Testimony neutral to the proposal (5 minute limit): – NONE

Public Testimony opposed to the proposal (5 minute limit): – NONE

Rebuttal: – NONE

Mayor Woodland closed the public hearing for deliberations.

Deliberations:

Mayor Woodland asked for a motion:

Council Member Merrill moved to approve the Second Amended and Restated Downtown District Redevelopment Plan for the Downtown Urban Renewal Project (the "Plan") of the Rexburg Redevelopment Agency (the "Agency"); Council Member Mann seconded the motion; Mayor Woodland asked for a vote:

Those voting aye
Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay
None

The motion carried.

Council Member Merrill moved to suspend the rules to consider Ordinance 1123 as third read; Council Member Wolfe seconded the motion; Mayor Woodland asked for a roll call vote.

Those voting aye

Council President Smith
 Council Member Mann
 Council Member Busby
 Council Member Merrill
 Council Member Wolfe

Those voting nay

None

The motion carried.

Council Member Merrill moved to consider Ordinance 1123 third read; Council Member Smith seconded the motion; Mayor Woodland asked for a vote.

Those voting aye

Council President Smith
 Council Member Mann
 Council Member Busby
 Council Member Merrill
 Council Member Wolfe

Those voting nay

None

The motion carried.

B. 7:20 P.M. Public Hearing (Resolution 3014-18) to consider a Comprehensive Plan Map Amendment – 117 South 2nd East; and 204, 216, and 230 East 1st South – Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use.

Johny Watson presented the plan. The owner of the property would like to rezone the north half of the block at 2nd East and 1st South to Mixed Use 2 (MU2) to build an office building. He explained that the lot is in the path of where the commercial areas are heading. Second East is a major north/south arterial. There is a lot of traffic with the university at one end and major retail at the other end. It is close to down town. Professional businesses are already close, just half a block to the north. This area lends to a walking city. He showed other areas with Mixed Use Residential that are doing well. In the LDR3 zone he could actually build 11 units three stories high. Mixed Use 2 would only hold a commercial building, therefore, much less density.



Written Input #1:

*From: Daniel Martin [mailto:navydocmartin@gmail.com]
Sent: Monday, September 29, 2014 4:59 PM
To: Blair Kay
Subject: Letter on Zone Change*

Dear City Council Members,

I would like to apologize that I could not make it to the meeting due to work schedule. My name is David Martin; I am a long-time resident of Rexburg Idaho. My address is 130 South 2nd East. I appreciate some of the changes that the City has made to our traffic patterns, both pedestrian and vehicular. I believe that these changes have helped both us as the citizens and the college students accordingly.

However, I want to voice my disapproval for the recommendation of planning and zoning comprehensive plan and the re-zoning on block 8 Rigby. I have three main issues I would like discussed before a decision is made.

1. Safety of pedestrian crossing.

I have tried to acquire detailed documentation about intersection 1st S and 2nd E. This request was made on the, 18 of September 2014. Unfortunately "Rexburg Staff" has failed to procure any documentation.

2. Increase of pedestrian and vehicle traffic:

1st S 2nd E & 2nd S 2nd E Are Major pedestrian traffic for both Lincoln elementary and college student alike.

3. Impact on Parking:

We are allotted only two parking spaces on 2nd east. If this particular section of road goes commercial, we will lose our parking.

I am not in disagreement for Rexburg growth, but I am with of this particular part of property. There are better places for commercial growth to occur, even in our neighborhood.

I oppose the recommendation of from low density residency ldr3 to MU2. Block 8 Rigby Addition.

I would strongly suggest the council vote no, or at least table the decision until an independent study of the traffic pattern can be assessed.

Thank you for your time.

David Martin

Written Input #2:

From: TA Kenn [mailto:wyocowboy1@outlook.com]
Sent: Monday, September 29, 2014 8:47 AM
To: Richard Woodland
Subject: Another thought

Rich, another thought about the meandering, complaining articles about city growth. Ask any Realtor, developer or investor how cities grow, and it is always from inside-out. Major businesses (and any business which hopes to succeed) locates where the major arterials are and where there is "click/click" traffic is going by. Meaning there is traffic from both directions and slow enough traffic to draw attention to the businesses. This is a well-known fact. For any of our long term residents to think that new, major, national tenants or office buildings are going to go half way to Sugar to locate simply do not understand either business or real estate. It only stands to reason that the old time residents whose homes are located very near the central business district will see their zoning change and if and when our economy begins to grow, businesses will want that close in locations and those folks in older homes will get very good prices for their newly zoned commercial properties. The complaint about the office building is unwarranted if the zoning is in place----this is only the beginning. Don't let this nonsense get you down....TK

Written Input #3:

Mr. Kay, will you forward this to the Mayor and City Council members?

*Thank you,
Benjamin Hyde*

Dear Mayor and City Council Members:

I'm writing to express some concerns over proposed changes to zoning near 2nd East and 1st South. My greatest concern is that it sets a precedence to give preference to economic development over community and that apartments and businesses will continue to replace older neighborhoods.

The area where the zoning changes are to take place is a unique part of town in that consists of many pre-flood homes. Its uniqueness gives it an historic value and ads beauty to our city.

Also, the neighborhood is currently going through a kind of renaissance: Many of the homes, including my own, are being remodeled and beautified, being bought by younger families. Allowing office buildings and apartments to be built in the midst of this community will not be good this community. The traffic will be a hazard, the buildings an eyesore and it will invite further encroachment deeper into our unique neighborhood.

Rexburg is full of vacant buildings and lots; there are plenty of other places already zoned for such buildings. Please don't allow the rezoning of 2nd E, 1st S: it's not good for our neighborhood and therefore not good for Rexburg.

*Sincerely,
Benjamin Hyde
208 757 7727*

Written Input #4:

Dear Mayor and City Council members,

I am writing with concerns for the rezoning of the properties on 2nd E and 1st S. My biggest concern is if this rezoning happens, where will the line be drawn? After this rezoning, what will stop future developers from arguing that more of the block or neighborhood needs to be rezoned. The only way to preserve our community and its neighborhoods is to keep the lines how they are. There are so many buildings in our beautiful community that have become an eye sore as they remain empty. We need to encourage developers to build along the commercial side of second east, revitalizing one of the main thoroughfares of our town. The neighborhood surrounding the property in question is a very close and caring neighborhood. Most of the homes are pre-flood homes and are wonderfully kept. The people love and care for their homes. They invest money and time in their neighborhood and neighbors. When a commercial development comes in to an area like this, property values with inevitable go down. No one wants to live next to a business. A business won't bring you soup when you are sick or take out your trash can when they notice you forgot. When this happens, those people who love and care for their homes will eventually move, inviting other into the neighborhood who may not care so much. Homes will become run down and eventually demolished to make room for more commercial building. If we allow this rezoning, we are starting a landslide leading to the loss of part of the heritage of Rexburg.

Please drive around these neighborhoods. Talk to the people. Tour their homes. Listen to them. Then make your decision. A community is made up of its people, if we drive the people out, we will no longer have a strong community.

Thank you for your time

Bonnie Hyde

Written Input #5:

To Whom it May Concern,

I am writing this letter to voice my opinion as a citizen of Rexburg, Idaho concerning the zoning on the block of 1st S and 2nd E. I think the planned development of the block as an entrepreneurial style facility would be a boost to the local economy. For this to happen the rezoning of the block from residential to commercial is necessary. Studies show that businesses referred to as incubator buildings, which encourage small business development, are a help to local economies. Therefore, I feel that the rezoning should move forward and the developers be able to continue to pursue the business venture of an incubator building for small businesses on this block.

Sincerely,
Matthew Mason

Written Input #6:

Cynthia Harrell
Rexburg City Council
Nov 3, 2014

RE: Comprehensive Plan & Re-Zoning of the Andersen Property

To Whom It May Concern,

As a way of introduction, my name is Cynthia Harrell. I have been a resident of this city for the past 19 years. My current residence is 216 E. 1 S. I write in favor of the rezoning based on the approval of the comprehensive plan. I believe this rezoning can address the needs of the community in a comprehensive, strategic manner, as opposed to a "build as we grow" approach.*

My property is included in the zoning request by the Westland Company. With full disclosure in mind, I have not sold my property, but could possibly go in to negotiations if the land is re-zoned.

I attended the zoning meeting held in August concerning this re-zoning. At the time, I spoke as a neutral party about the comprehensive plan. I understand that the plan has to deal with the needs of the city as a whole and not just one neighborhood. I also know that this neighborhood has been a good quiet place to rear a family, even amidst the small doctors' offices to the north of my block. Our location makes it easy to access downtown by walking. In fact, we can walk almost anywhere in the inner city limits.

But, the fact of the matter is that 2nd East has, over the past 6 years, become increasingly busy, due to the traffic from BYU and the L.D.S Temple. Our quiet neighborhood has gone through many changes as well. For instance, my neighbors to the north have sold their property, where we now have 2 huge medical buildings. And, of the 6 homes that are on my section of 1. South between 2nd East and Harvard, we have 8 residences. Only two of those are homes for primary residential purpose, the rest being rental properties.*

During the years I have lived here I have also seen many attempts to have the lot behind me sold for housing purposes. Mrs. Anderson has seemed to back out of early negotiations in every instances I was told that at a public hearing, in front of your body, she vowed would never sell the property for housing purposes.

Thus brings us to the second part of the hearing on this property and the three properties to the north of it. The Westland Company has proposed a re-zoning from LDR3 to MU2. This would allow for businesses such as the office space rental building, or "incubator" building Westland would like to build. This incubator building would give much needed opportunities for college students to work, and for others to develop their own businesses. Being 2 blocks from the BYU campus, it's in a perfect location due to its close proximity to both the business district of downtown and the proximity to BYU-Idaho. The types of businesses that would rent space would most likely have hours between 9-5, an ideal time for neighborhoods to regain their quiet streets during the evening hours. We have worked well with the small doctor's offices over the years because of such an arrangement.

I feel that this type of business can be used to buffer the neighborhoods to the East while acknowledging the traffic needs of 2nd East. Those of us who live close to that thoroughfare know that more changes will need to be made to accommodate the city's needs. Why not address the need in well planned out steps, rather than make changes in a reactionary way?

I know that my neighbors are worried about the atmosphere of the neighborhood and the safety of our children. I too am concerned. I feel the zoning committee did a good job in addressing those concerns by recommending restrictions in use that would protect the neighborhood while allowing such a zoning. I ask those restrictions be considered now.

On a personal note, the Andersen property has caused considerable damage to my home during the spring each year since the property was re-graded, after a fire burned down the home on the property years ago, due to the snow run off that floods my basement. It is also unkempt during the summer,

only being mowed once in late July or early August. I have often wondered what would happen if those weeds became too dry and caused a fire. What would be the loss from such a situation? I would rather my home be sitting next to a parking lot than for me to worry each year about the possibilities. I hope that you will approve the re-zoning if you approve changes to the comprehensive plan. I believe that businesses and neighborhoods can work together to create something that is beneficial for both. I think that this type of business suits our little neighborhood and maintains the quiet atmosphere we all want.

Thank you for your consideration of my thoughts on this matter.

Sincerely,

Cynthia Harrell

Staff Report:



“The applicant wants to change the subject property from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use on the Comprehensive Plan Map. The applicant feels that the use is consistent with the commercial property to the north. The Planning and Zoning Commission should take testimony in the public hearing to determine if this use will be in the best interest of the community. If the Planning and Zoning Commission determines that the change is in the best interest of the City of Rexburg and the adjoining neighborhoods are not adversely affected, Staff requests that the Planning and Zoning Commission recommend that the City Council process the requested Comprehensive Plan Map change.”

Planning and Zoning Motion at a Public Hearing on September 18th, 2014.

“Chairman Robinson said sometimes we get caught up in instant gratification. We have somebody who wants to buy now and develop now. Mr. Kern had a good argument. The Comprehensive Plan looks to the future. The economy turn hurt everyone, and they want the opportunity to finish the development to how they had it changed (zoning to LDR3) in the first place. Sometimes we make too many quick decisions saying that it is progress in the City. Sometimes, we just may need to hold back for a period of time.”

*“Dan Hanna motioned to recommend approval to City Council of a Comprehensive Plan Map Amendment change from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use. **Melanie Davenport** seconded the motion.*

Those in Favor:

*Cory Sorensen
Steve Oakey
Mark Rudd
Dan Hanna
Bruce Sutherland
Melanie Davenport*

Those Opposed:

*Gil Shirley
Tisha Flora
Thaine Robinson*

Motion carried.

Mayor Woodland opened the public hearing.

Public Testimony in favor of the proposal (5 minute limit): – **Eric Matson** from Oregon who works for Westland Holdings, the developer that wants to build an office building at the proposed site, is in favor of the comp plan change. He would like to see more jobs created. Building more office space would bring more businesses. He is working to help build and grow businesses. They need large enough buildings to do this. He believes it will increase property values.

Judy Hobbs with Realty Quest spoke in favor of Eric Matson and Westland Holdings building office space in this area. She has worked with them on several projects. Eric and his company care about the community and providing jobs. She has seen Eric, who is an alumnus of BYU-I, help people relocate. She believes that more jobs need to be created. There is so much talent here because of the students, but unfortunately most of those talented people have to leave Rexburg to find jobs. The project that Westland Holdings wants to do is referred to as a business accelerator and she believes it would be a great addition to this town and to the area in question. Many of the homes on this block have become rental properties. Eric’s business will provide tax money for the city.

Mark Nygren spoke in favor of getting anything on that weed patch. He serves as coordinator for entrepreneurship at BYU-I so he is in favor of anything that adds jobs. Any accelerator business like

Tech Star, for example, does a lot of good for advancing entrepreneurship in a community. The university students would benefit from this. He would like to see local residents mentor the students. He has served on the economic development board and believes this project would serve the community well. It would allow young people to stay in Rexburg and start thriving enterprises that will enhance our economy.

Public Testimony neutral to the proposal (5 minute limit): – NONE

Public Testimony opposed to the proposal (5 minute limit): – **Steve Herdi** is opposed to the plan involving half the block. He would like to see the whole block rezoned. It would enhance their property values. Second East will eventually have to be rezoned anyway. He has talked to the owner occupied neighbors and they would also like to see the whole block included. They are in limbo right now because they don't know if they should invest more money into fixing up their homes. He said that the University President referred to their area as urban blight, which is extremely offensive to him.

Council Member Merrill commented that Mr. Herdi needs to be careful when quoting what others say as often times it is not one hundred percent accurate. He finds it hard to believe that the University President would say that that area looks like urban blight.

Council Member Busby asked about the other homeowners that he has spoken to and Mr. Herdi said that he could get it in writing if needed.

Don Sparhawk would like to protect the older areas that don't have protective covenants. They depend on the city and the comp plan to protect their properties. The comp plan was supposed to last for 12 years. This area was supposed to stay a residential area. He knows that many people in that area would like to keep that area residential. It makes sense to have homes close to the university for people who work there. Ralph Kern invested a lot of money in his home trusting that the comp plan would stay the way it was. He would like to see the vacant lot developed as residential. He doesn't want to see a commercial building in the middle of residential homes. It does not comply with the vision for Rexburg. If this is approved, more areas will become commercial and drive the residents away.

Michael Brown, attorney representing Ralph Kern, spoke against the change. He referred to non-contractual agreements and the term *Promissory Estoppel, a term used in contract law that applies where, although there may not otherwise be an enforceable contract, because one party has relied on the promise of the other, it would be unfair not to enforce the agreement.* The property in question fell as residential in the comp plan and Mr. Kern trusted that it would stay that way and therefore invested a lot of money in his home. The purpose of a comprehensive plan is to provide people with predictability on what the future holds. He referred to chapter 15 of the comp plan which states:

This map and the associated land use classifications should be adopted and referred to when any new development or rezoning is proposed. The Proposed Land Use Map should serve as a guide to the City to help decide whether a proposed development or zone change is appropriate or consistent with the City's plan for that area. Referring to this map and plan when making these types of decisions will ensure that all future development or redevelopment within the City is compatible with the desires and vision of both the City and it's residents. The City should strive to not deviate from the plan, except where the change would be supportive of the overall City vision.

The development planned for this property may have economic development potential; however, the benefits are not dependent on this location. The applicants' proposal does not purport to occupy all the property that would be affected by this change. There are about 72 different non-residential uses that are permitted in this classification zoning. What happens in those areas that are not going to be part of this development? This change would be detrimental to the owner occupied residents. He urged the council to stick to the plan that was already set.

Ralph Kern built a new home at 148 Harvard. He built it very well with handicap accessibility for his wife. This home could not be built anywhere else in Rexburg. It is generally unacceptable in any other neighborhood because it is too small. It has separate quarters for the caregivers. He feels that the wrong questions are being asked. The comp plan has already planned for where commercial should stop. He was granted a conditional use permit. He has complied with all the rules. The developer has not actually talked to people at the university. There are other options besides commercial. He referred to the comp plan that states:

When considering an amendment to the plan, decision-makers should ask themselves, "Have conditions changed so that the plan does not reflect the City's preferred development patterns or its current goals?" If this question cannot be answered affirmatively, any amendment should be considered with caution.

Conditions have not changed. His home was built according to the comp plan. The block west has not been rezoned, yet, but it is in the comp plan for future development. The comp plan needs to be adhered to and respected. The plan informs people what is and is not allowed. The plan is a social contract with citizens by which they can plan for the future. Partners for Idaho's Future sponsored a study that showed Rexburg's Comprehensive Plan rated high with a score of 42. It ought to be respected and adhered to. He pointed out that LDR3 is rare in Rexburg and there should be more of it. He doesn't believe that the developer has been willing to consider other options.

David Stein agrees with Mr. Sparhawk and Mr. Kern. He believes that the comp plan should be left alone as much as possible and that we should avoid spot zoning.

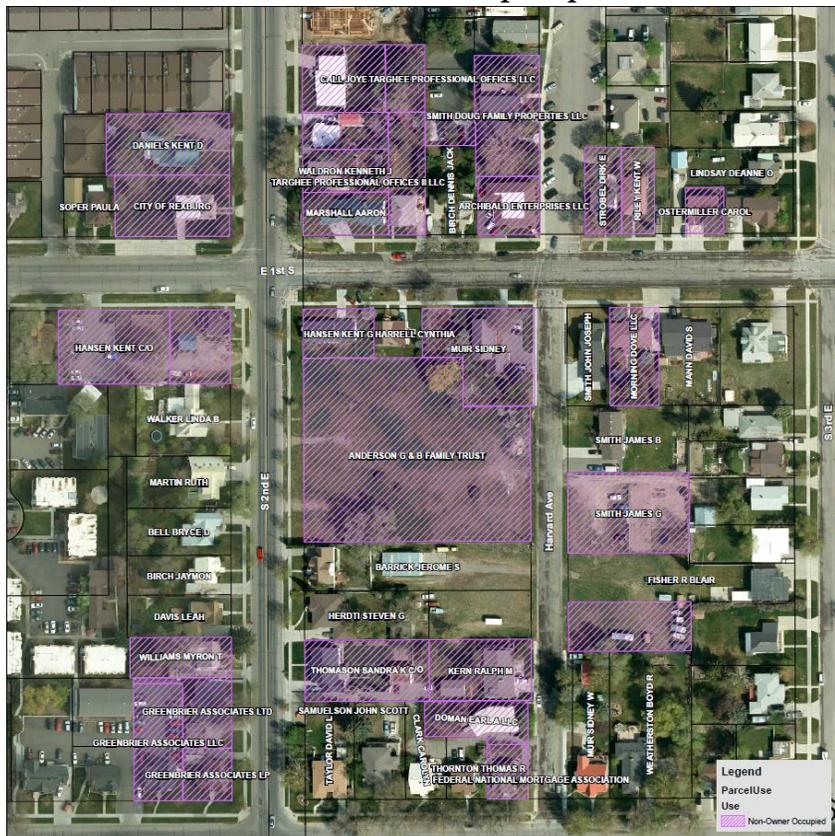
Judy Taylor – lives on the corner of lot in question. She does not agree with dividing the block. The large buildings around her block her views.

Pat Hinton stated that the neighbors agreed in 2009 that this would be a great area for them as an LDR3 zone. This was going to be a perfect place for them where they could have small yards and small homes. She would like a chance for them to get their homes back on track. Kerns home is the beginning.

Carly Paul moved here 6 years ago. They were drawn to this neighborhood where her kids can play and ride their bikes. She doesn't think it makes sense to build an office building in the middle of single family homes.

Rebuttal: – **Johny Watson** said he held a meeting last night with the neighborhood, as suggested by Planning and Zoning, and only 11 people showed up. He pointed out that the reason the area is still zoned LDR3, is because the owner of those properties asked for that zone. Now the owner sees that it's going a different direction. He referred to the slide that shows the number of owner occupied homes which are very few in the area in question. He said that area will never be conducive to single family homes because the property is too valuable.

NON-Owner occupied parcels:



Eric Matson agrees that there will never be single family homes on the site. He believes his development is a better option to protect the residential lots and create a buffer.

Mayor Woodland closed the public hearing for deliberations.

Staff Report – Community Development Director, Val Christensen stated the comprehensive plan has been looked at regularly. He realized that maybe we are looking at the comp plan too much and should limit it. It used to be every 6 months and that was eliminated by the state. The comp plan should not change, but there are times when changes are necessary. It has to be a living document.

Community Development Director, Val Christensen read the Staff recommendation – the Planning and Zoning Commission should take testimony in public hearing to determine if this use will be the best interest of the community. If the Planning and Zoning Commission determines that the change is in the best interest of the City of Rexburg and the adjoining neighborhoods are not adversely affected, staff requests that the Planning and Zoning Commission recommend that the city council process requested comprehensive plan map change. Mr. Christensen also explained that the property is currently zoned to accept Medium Density Residential 2.

Council Member Smith said that we should be grateful for the growth of Rexburg. She believes the comp plan should be looked at as a living document that is always changing. She asked about the change to the whole block. It would need to be another public hearing. She agrees that there will never be single family homes on that property and that it is time to change the zoning.

Council Member Wolfe said that his biggest struggle as a City Councilman is making a decision that is best for the community but that will also hurt some people. And that said; looking at the vision for Rexburg, he sees that the community is changing rapidly, commercial growth is important. He loves Mr. Kerns beautiful home. He believes it could be worse if apartments went in there. This proposal would protect those homes better than the other options that could happen. He can't see too many people ever wanting to build single family homes on Second East.

Council Member Merrill referred to Mr. Brown's comment that we should not deviate from the comp plan except when it will benefit the entire community. Maybe they do need to decide if they should change the whole block. He believes there may be a need for more LDR3 zones.

Council Member Busby is concerned about where the line stops. If we keep making spot changes, it will continue to creep up the hill. Council Member Merrill agrees that it is a concern on where to draw the line. He has always thought of Second East and Fifth West as the lines. Council Member Busby said that we are creating the major arterials by allowing commercial to be built there. Council Member Merrill thinks that office buildings don't really create that much more traffic.

Community Development Director, Val Christensen explained that putting more people in the central core actually helps reduce traffic.

Council Member Mann agrees that the comp plan can be changed, but he is concerned about building right there in a residential neighborhood. There are plenty of commercial zoned areas to build on. He believes the plan was a good decision from the beginning and that commercial should go in commercial areas. He has no problem with the proposed project but he would have a hard time supporting this comp plan change.

Council Member Wolfe doesn't want to see the creep either but he feels that having residential homes on Harvard and commercial on Second East is the best for the community. He said that we have to consider the street.

Mayor Woodland referred to Logan, Utah, and how it has ended up developing all along the main road causing it to be very spread out. He wants to keep the commercial in the core.

Council Member Merrill is concerned that there is a demand for smaller type homes and that most of the mixed use zones are truly mixed use.

Council Member Smith moved to approve the Comprehensive Plan Map Amendment by Resolution 2014-18 at 117 South 2nd East; and 204, 216, and 230 East 1st South from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Merrill
Council Member Wolfe

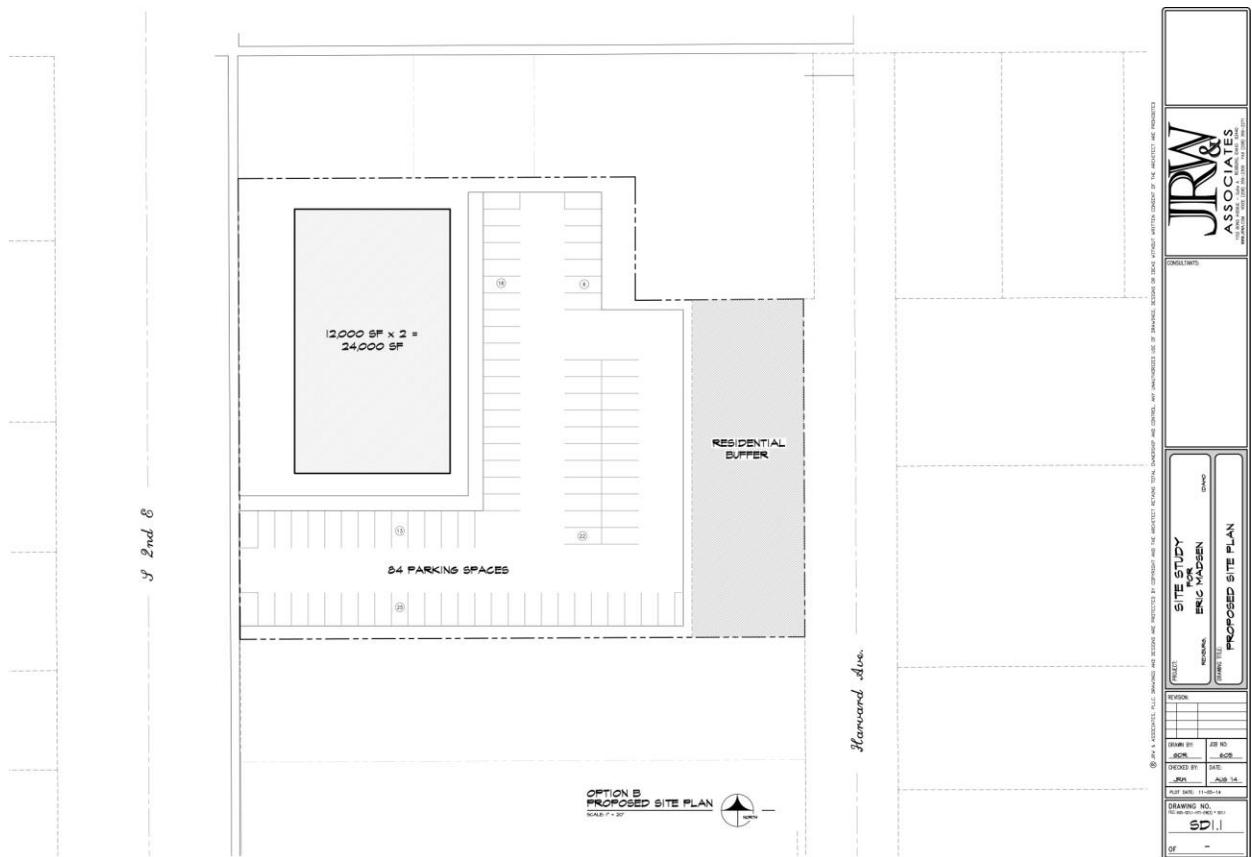
Those voting nay

Council Member Mann
Council Member Busby

The motion carried.

C. 7:30 P.M. Public Hearing (BIL 1122) to consider a Rezone – 117 South 2nd East; and 204, 216, and 230 East 1st South from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2).

Johny Watson was happy to talk about the details of what the developer wants to do. He doesn't believe in calling it spot zoning because it is within line of the commercial zoning. He again pointed out that they could put higher density buildings in the lot but the option of an office building is a better option. His plan includes a residential buffer. He would like to see a shorter than allowed building and keep it at 30 feet. Mixed U2 allows 55 foot height. He has always thought the Neighborhood Mixed Use Zones should serve as a buffer between strict commercial and strict residential. Planning and Zoning added the condition that the building be no higher than 30 feet and that it provide a residential buffer. He would like to maintain communication with the homeowners.



Council Member Wolfe added that Planning and Zoning also added the condition that there be no exits onto Harvard and that the sunset clause be applied.

Mayor Woodland opened the public hearing.

Public Testimony in favor of the proposal (5 minute limit): – Eric Matson said once again that he is in favor of the change.

Judy Hobbs testified that this developer will do a good job.

Public Testimony neutral to the proposal (5 minute limit): – Pat Hinton would like to encourage the neighbors and developers to work together. She was pleased with the outcome on the Seasons Medical office right next to her. The developer of Seasons Medical worked with her prior to building and although it still seems out of place, she is okay with it. If everyone will work together and keep communication open, there can be a satisfactory conclusion.

Public Testimony opposed to the proposal (5 minute limit): – NONE

Rebuttal: – NONE

Staff Report: Community Development Director, Val Christensen reviewed what is allowed in Mixed Use 2 zones. **Staff recommendation** – the Planning and Zoning Commission should take testimony in public hearing to determine if this use will be the best interest of the community. If the Planning and Zoning Commission determines that the change is in the best interest of the City of Rexburg and the adjoining neighborhoods are not adversely affected, staff requests that the Planning and Zoning Commission recommend that the city council process requested zone change.

Mayor Woodland closed the public hearing for deliberations.

Council Member Merrill reemphasized that this rezone should be used as a true mixed use zone and that the project should have good buffering. The conditions proposed are good.

Council Member Mann reviewed all the conditions set forth by Planning and Zoning for this project. 1. There shall be adequate buffering of the neighbors on the south property line. 2. Sunset clause. 3. Building height, 30 feet. 4. Limited access on Harvard.

Planning and Zoning Public Hearing on September 18, 2014:

“Dan Hanna motioned to recommend approval to City Council of a Rezone from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2) for the property located at 117 South 2nd East, and 204, 216, and 230 East 1st South, and to include 4 conditions:

- 1. There shall be a sunset clause of 24 months for the applicant to obtain a building permit, or the zoning reverts back to Low Density Residential 3.*
- 2. Building height shall not exceed 30 feet.*
- 3. There shall be limited access on Harvard Avenue.*
- 4. There shall be adequate buffering of the neighbors on the south property line.*

Mark Rudd seconded the motion.

Those in Favor:

*Cory Sorensen
Steve Oakey
Mark Rudd
Dan Hanna
Gil Shirley
Tisha Flora
Melanie Davenport*

Those Opposed:

*Bruce Sutherland
Thaine Robinson*

Council Member Wolfe talked about the 1 to 1 buffering which means if the building is 30 feet tall it needs 30 foot setback. This project will have 1 to 1 buffering or setback. Council Member Wolfe is concerned that we protect the homeowners on Harvard. The best way is to limit the number of units per structure. Non-dormitory housing would limit the number of units per structure.

Council Member Merrill asked what limited access off of Harvard means. That means only residential access.

Council Member Wolfe moved to approve the Rezone and consider first read BILL 1122 for 117 South 2nd East; and 204, 216, and 230 East 1st South to be rezoned from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2); with the Planning and Zoning Conditions; including a 1 to 1 setback for building height; and that the residential area on Harvard be non-dormitory housing; and the access onto Harvard Avenue be residential access only; Council Member Smith seconded the motion. Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Merrill
Council Member Wolfe

Those voting nay

Council Member Mann
Council Member Busby

The motion carried.

Items for Consideration:

- A. Conditional Use Permit** – 132 East 1st South – to allow 100% residential and 0% commercial in a Mixed Use 2 zone

David Stein presented the plan to convert the property into 3 units. It will have six parking spots.

Planning and Zoning Public Hearing on October 16, 2014:

“Melanie Davenport motioned to recommend approval to City Council of a Conditional Use Permit to allow 100 percent residential and zero percent commercial in a Mixed Use 2 zone, for the property located at 132 East 1st South, to include the Standards Applicable to Conditional Use Permits, Section 6.12B from Development Code Ordinance No.1115, and to include one condition:

- 1. A one-way exit shall be provided for as depicted on the site plan.*

Tisha Flora seconded the motion.

None opposed. Motion carried.

Discussion:

Council Member Smith moved to approve the Conditional Use Permit – 132 East 1st South – to allow 100% residential and 0% commercial in a Mixed Use 2 zone with the Planning and Zoning Conditions as discussed; Council Member Mann seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

B. Approve Beer and Wine sales for Maverik on West Main Street.

City Clerk, Blair Kay presented the application by Maverik for Beer and Wine off premise sales.

Council Member Merrill moved to approve the Beer and Wine sales for Maverik on West Main Street; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Staff Reports:

A. Public Works: – **Public Works Director, John Millar** presented the bid summary for a portable pump. It is a 6 inch pump, 80 horse power, diesel, auto prime, auto start, brand new. This is part of the flood task force mitigations. \$30,000 has been budgeted.

Large portable pump bid summary:

Pump was sized to enable it to back-up West Main or K-Mart pump station:

<i>Power Prime -</i>	<i>\$33,500 (Rain for rent)</i>
<i>Multiquip</i>	<i>\$37,291 (Pro-rental)</i>
<i>Gorman-Rupp</i>	<i>\$33,799 (On line sales)</i>

Prices do not include freight

Council Member Busby moved to accept the lowest bid and purchase the pump. Council Member Merrill seconded the motion. Mayor Woodland asked for a vote.

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Public Works Director Millar looked at the effectiveness of the recycling program as requested by council. Over the last seven years, tipping fees have remained the same even with the addition of recycling and the 18 to 20 percent increase in population. Had we not implemented the recycling program, the increase would

have been about 20 percent or \$100,000 more per year. The cost and savings balances out. It supports its self and helps the environment.

Sanitation Expenses 2004-2014

Account	Description	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Actual	2013 Actual	2014 Actual
**SANITATION												
****PERSONNEL												
	TOTAL SANITATION	-907,799	-954,649	-1,071,606	-1,220,053	-1,302,597	-1,416,188	-1,533,903	-1,483,263	-1,554,731	-1,569,023	-1,673,817
	Percentage Increase Each Year-Expenses		5.16%	12.25%	13.85%	6.77%	8.72%	8.31%	-3.30%	4.82%	0.92%	6.68%
	Percentage Increase Each Year-Tipping Fees		0.36%	8.34%	25.35%	0.24%	-4.04%	0.87%	1.06%	0.51%	1.04%	4.17%
25-345.10	MONTHLY BILLING- PICKUP FEES	566,249	615,290	685,322	822,491	615,977	667,726	693,927	690,128	696,290	699,831	729,589
25-345.11	MONTHLY BILLING- VOLUME FEES	350,119	367,658	367,385	437,144	836,954	886,537	899,049	896,374	910,900	927,664	974,983
25-345.20	BINS SALES	17,061	23,078	24,555	15,953	14,869	6,757	10,535	8,068	7,662	13,512	9,688
25-345.30	SALE OF ASSETS										15,000	
25-345.40	MISCELLANEOUS GARBAGE	849	1,109	1,566	1,877	494	1,213	625	466	2,021	447	260
	TOTAL SANITATION	934,278	1,007,135	1,078,828	1,277,465	1,468,294	1,562,233	1,604,136	1,595,036	1,616,873	1,656,454	1,714,520
	Percentage Increase Each Year-Revenues		7.80%	7.12%	18.41%	14.94%	6.40%	2.68%	-0.57%	1.37%	2.45%	3.51%
	Net Revenue Less Expenses		2.64%	-5.13%	4.56%	8.17%	-2.32%	-5.63%	2.73%	-3.45%	1.53%	-3.17%

B. Finance Department – Matt Nielson

1. Request to surplus and try to sell used inventory and dividers in storage. They will keep some of units to use upstairs.

Discussion:

Council Member Busby moved to approve the surplus of the used inventory and dividers in storage as discussed; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

- Council President Smith
- Council Member Mann
- Council Member Busby
- Council Member Merrill
- Council Member Wolfe

Those voting nay

None

The motion carried.

Chief Financial Officer Nielson showed a video that Todd Shannon made to market Rexburg and promote things to do here.

2. **Finance Officer Nielson** reviewed the year-end report for Rexburg Rapids.

2014 Season Revenues

Account	Description	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 Actual	2013 %YTD	2013 vs 2014
REXBURG RAPIDS FUND REVENUE								
23-350.00	ADMISSIONS-FITNESS	786	296					0
23-350.10	ADMISSIONS-DAYTIME	192,712	182,035	183,772	195,000	159,909	82%	-23,863
23-350.15	ADMISSIONS-DAYTIME SLIDE	7	23,633	26,008	25,000	21,268	85%	-4,740
23-350.20	ADMISSIONS-EVENING	28,520	16,643	19,134	19,000	10,869	57%	-8,265
23-350.30	RENTAL-EVENING EXCLUSIVE	5,721	17,500	15,175	20,000	15,499	77%	-324
23-350.35	ADMISSION-EVENING NO-EXL GROUP	2,338	6,199	4,145	7,000	4,489	64%	-344
23-350.40	ADMISSION-PUNCH PASS	15,356	16,257	16,517	17,000	13,782	81%	-2,735
23-350.45	ADMISSION-FITNESS PUNCH PASS	180	375					0
23-352.00	SALES-CONCESSIONS	13,382	35,900	36,583	38,000	36,187	95%	-396
23-352.10	INVENTORY-SALES	10,445	9,667	6,899	9,500	5,805	61%	-1,094
23-352.20	EMPLOYEE UNIFORM SALES	894	632	406	700	1,083	155%	677
23-352.30	SHAVED ICE SALES (15%)		2,060	2,471	2,500	1,897	76%	-574
23-353.00	LESSONS - SWIM/FITNESS	33,333	45,313	61,048	48,000	72,960	152%	11,912
23-371.00	INTEREST INCOME					53		53
23-372.00	RENTAL-PARTY ROOM/SHELTERS	1,310	2,779	2,594	3,000	2,300	77%	-294
23-374.00	MISCELLANEOUS REVENUES			3071		84		-2,987
23-375.00	SALE OF ASSETS			2550				-2,550
	TOTAL OPERATING REVENUE	\$ 304,984	\$ 359,289	\$ 380,373	\$ 384,700	\$ 346,185	90%	\$ (34,188)
23-376.00	CONTRIBUTIONS	99,200						
23-390.10	FUND TFR - GENERAL FUND - CAPITAL			50,000		50,000		
23-399.99	FUND BALANCE CARRYOVER				89,400			
	TOTAL REXBURG RAPIDS REVENUE	\$ 404,184	\$ 359,289	\$ 430,373	\$ 474,100	\$ 396,185	84%	\$ (34,188)

Admissions & Weather

	Daytime	Evening	Total	Slide Pass
2014 Season - 6/14 to 9/1	38,418	8,274	46,692	14,476
2013 Season - 6/15 to 9/2	44,064	9,998	54,062	17,739
2012 Season - 5/28 to 9/3	44,556	9,676	54,232	16,424
2011 Season - 6/24 to 9/5	45,267	9,624	54,891	-

Weather Excluding Sundays	2013	2014	% of 2013
Average High	85	79	93%
Days Under 70	3	12	400%
Days w/Precipitation (Inches)	12	22	183%
Average Precipitation (Inches)	0.07	0.21	293%
Total Precipitation (Inches)	0.85	4.56	536%

Average of days it actually rained

- Poor weather was almost exclusively the reason for the drop in admissions

2014 Season Operations & Total Expenses

Account	Description	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 Actual	2014 %YTD	2013 vs 2014
REXBURG RAPIDS FUND EXPENSE								
23-440.30	SUPPLIES	-7,831	-7,969	-10,498	-8,000	-9,687	121%	811
23-440.31	EQUIPMENT/SUPPLIES TO SELL	-11,024	-5,932	-2,778	-6,000	-1,601	27%	1,177
23-440.32	CHEMICALS	-13,742	-29,888	-28,367	-30,000	-31,356	105%	-2,989
23-440.33	CONCESSION SUPPLIES		-19,052	-16,593	-19,500	-18,983	97%	-2,390
23-440.34	JANITORIAL SUPPLIES	-1,089	-1,542	-2,168	-1,500	-673	45%	1,495
23-440.41	PERMITS	-880	-225	-225	-200	-414	207%	-189
23-440.42	DRUG TESTS & BACKGROUND CHECKS	-3,324	-3,719	-3,363	-3,700	-4,352	118%	-989
23-440.43	HIRED WORK			-1,766	-1,500	-504	34%	1,262
23-440.45	ADVERTISING/MARKETING	-8,757	-9,780	-6,862	-9,000	-6,093	68%	769
23-440.46	INSURANCE		-4,693	-6,103	-7,600	-7,571	100%	-1,468
23-440.47	TRAVEL, TRAINING & MEETINGS	-10,709	-4,015	-5,739	-3,000	-5,114	170%	625
23-440.48	BANKING/CC CHARGES	-6,269	-7,155	-7,857	-7,300	-8,204	112%	-347
23-440.49	SALES TAX	-13,953	-16,633	-15,547	-16,800	-13,601	81%	1,946
23-440.51	TELEPHONE & INTERNET	-266	-1,358	-1,303	-1,500	-999	67%	304
23-440.52	POWER	-15,652	-37,987	-33,937	-30,000	-32,758	109%	1,179
23-440.53	NATURAL GAS	-30,069	-46,256	-25,048	-35,000	-39,544	113%	-14,496
23-440.58	WATER/SEWER/GARBAGE	-4,464	-7,199		-7,600	-50	1%	-50
23-440.60	BUILDING & GROUNDS REPAIRS	-1,810	-9,725	-17,473	-9,000	-15,625	174%	1,848
23-440.64	COMPUTER PROGRAM MAINTENANCE	-93	-5,045	-4,658	-6,000	-3,759	63%	899
TOTAL OPERATIONS EXPENSE		\$(129,932)	\$(218,173)	\$(190,285)	\$(203,200)	\$(200,888)	99%	\$ (10,603)
23-440.79 BAD DEBT WRITEOFFS								
23-440.95	SHOP EXPENSES		-9,368		-4,200	-4,200	100%	-4,200
23-440.98	CONTINGENCY/CAPITAL/DEPRECIATN				-89,100			
TOTAL REXBURG RAPIDS EXPENSE		\$(271,844)	\$(408,885)	\$(352,948)	\$(474,100)	\$(375,020)	79%	\$ (22,072)

2014 Water Loss

Total Usage in Thousands of Gallons

Month	2013	2014	Difference	% of 2013
Nov-April	393	695	302	177%
May	16	3	-13	19%
June	424	663	239	156%
July	731	1645	914	225%
Aug	520	2052	1532	395%
Sep	384	501	117	130%
Oct	60	160	100	267%
Total	2528	5719	3191	226%

Chief Financial Officer Nielson reported on the water loss that occurred this year, resulting in higher gas prices for heating the pool. There is a leak. They are trying to pin point where that leak is. They think it is the #2 of #3 jet in the lazy river. Running that jet causes greater water loss. They ended up using 3.2 million more gallons of water this year.

Chief Financial Officer Nielson reviewed the weather related revenue stream.

2014 Net Loss Explained

- Natural Gas up \$14,496 from prior year
 - Much cooler summer
 - Water leak may have also contributed
 - Will be testing for potential leak first week of November with sounding equipment from IRWA
- Chemicals up \$2,989 from prior year
 - Water leak may have also contributed to this
- Admission down by 7370 patrons
 - Much cooler summer

2014 Season Net Profits

Description	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 Actual	2013 vs 2014
REXBURG RAPIDS FUND NET INCLUDING TRANSFER	132,340	-49,596	77,425	0	21,165	-56,260
LESS FUND TRANSFER IN / CARRYOVER	-99,200		-50,000		-50,000	
ADD BACK CONTINGENCY						
REXBURG RAPIDS FUND OPERATING NET	\$ 33,140	\$ (49,596)	\$ 27,425	\$ -	\$(28,835)	\$(56,260)
CARRYOVER BALANCE	\$ 132,340	\$ 82,744	\$ 110,169	\$ 110,169	\$ 81,334	

- Net loss \$(28,835)

The same schedule for Rexburg Rapids will be used in 2015. They would like to propose closing on August 29th next summer because Labor Day is not until September 7th so that additional week would cost too much compared to the number of customers that come during that time.

C. Community Development – Val Christensen

1. October Building Permit Report:

Project Name	Project Address	Parcel Number	Issued Date	Applicant	Contractor Name	Valuation
Rocky Mountain Power Shop	170 West 2nd North	RPRRXB10130010	10/1/2014	Twebb Construction, LLC	Twebb Construction, LLC	\$ 380,205
The Eyecare Center	345 North 2nd East	RPRRXB10130010	10/2/2014	Fillmore Construction, Inc.	Fillmore Construction, LLC	\$ 1,128,898
Single Family Residential	275 Jefferson Drive	RPRFNR0010040	10-Oct-14	JSM Construction	JSM Construction	\$ 292,121
Single Family Residential	1248 Franklin Dr	RPRVVE60080020	15-Oct-14	Castle Rock Homes	Castle Rock Homes	\$ 337,654
Single Family Residential Addition	1345 Meadow Ave	RP0RHVV0020150	16-Oct-14	River Edge Construction	River Edge Construction	\$ 13,368
Single Family Residence - Twinhome	378 Eagle Summit	RPREGW0010170	22-Oct-14	Mark & Vickie Jensen	Mountain Valley Construction	\$ 300,917
Single Family Residence - Twinhome	374 Eagle Summit	RPREGW0010170	22-Oct-14	Gary & Paula Cooper	Mountain Valley Construction	\$ 303,693
Single Family Residential Garage Addition	57 West Sunset Circle	RPR0TAY0010081	24-Oct-14	Steven Parker	Janet B. Parker	\$ 36,640
Single Family Residential Egress Windows	306 Mohawk Ave	RPRRNDL0053520	24-Oct-14	Steven G. Schmid	Steven G. Schmid	\$ 3,600
Single Family Residential	563 East 4th South	RPRCANVE010070	24-Oct-14	JSM Construction	JSM Construction	\$ 420,730
Single Family Residential	2399 West 960 South	RPRSMRF1010010	28-Oct-14	Kartchner Homes of Idaho	Kartchner Homes of Idaho	\$ 210,123

Community Development Director Christensen indicated that October is generally slower for building permits but they expect a bigger month for November. Council Member Mann asked if the valuation for the Eye Care Center included the land. It does not.

Calendared Bills and Tabled Items:

A. **USE ACTION** – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE: – NONE

B. **BILL Introduction:** – NONE

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

- Ordinance 1122** - Rezoning 117 South 2nd East; and 204, 216, and 230 East 1st South from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2)

“Council Member Wolfe moved to approve the Rezone and consider first read BILL 1122 for 117 South 2nd East; and 204, 216, and 230 East 1st South to be rezoned from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2); with the Planning and Zoning Conditions; including a 1 to 1 setback for building height; and that the residential area on Harvard be non-dormitory housing; and the access onto Harvard Avenue be residential access only; Council Member Smith seconded the motion. Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Merrill
Council Member Wolfe

Those voting nay

Council Member Mann
Council Member Busby

The motion carried.”

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

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

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 October 15, 2014 meeting
- B. Approve the City of Rexburg Bills

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

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Council Member Busby moved to go into executive session per **Idaho State Statute 67:2345**) (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Merrill seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

Executive Session:

Executive Session ended at 11:32 P.M.:

Adjourned at 11:32 P.M.

APPROVED:

Attest:

Mayor Richard S. Woodland, Mayor

Mary Flanary, Deputy City Clerk