

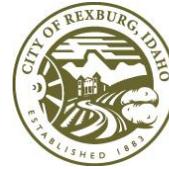
City Council Meeting

March 18, 2015

35 North 1st East
Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

March 18, 2015

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

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

Troop 418 led the pledge.

Steve McGary said the prayer.

Roll Call of Council Members:

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

Council Member Busby asked to be excused.

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

Mr. Dewayne Jorgensen encountered an issue today. He took a walk with his dog around the Nature Park. He needed to use a restroom and found that they were not open. This put him in a crisis. He wasn't sure what to do. His question is, since it has been the warmest winter on record, when are the public restrooms going to be opened? The Mayor said by tomorrow morning.

Presentations:

Committee Liaison Assignments for 2015:

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

Council Member Mann reported that the Golf Board has not met. Emergency Services will meet next week. Mayor's Youth Advisory Board met today. He appreciates Mary Flanary and all she does to work with them. Two dates have been set, April 17th for the area high school dance and May 6th for Rexburg Days. That's when we do the city clean up and invite other groups to participate. The library on Monday morning raised a flag in commemoration of Library week. That flag flew over the capital and will go around to other libraries in the state. The library is a great treasure. He and Council Member Merrill and Mayor Woodland toured the university last week with Mr. Conrad. They looked at the welding and technology. It was a great tour and lunch.

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

Council Member Busby was excused.

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

Council Member Benfield reported her committees have not met.

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

Council President Smith reported Legacy Flight Museum has met and are focused on the “fly in” set for June 20th at the airport. There will be a free pancake breakfast with all the planes on display at the Legacy Flight Museum. There will be planes coming in from other areas. Two years ago when they did it, there were 800 people that came through the pancake line. M.E.P.I. met at Carriage Cove. Carriage Cove has finally received their certification from the state and region so they will be taking patients right away. It’s been about ten months that they have been completed but unable to use the facility. Richard Horner came to the M.E.P.I. meeting and talked about the Urban Renewal Agency. He gave a good presentation. The Arts Council has not met.

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

Council Member Merrill reported the School Board and Parks and Recreation met with the school district representatives to iron out issues regarding the baseball complex. It’s good to meet with them to talk over issues. Things seem to be moving forward nicely. Council Member Merrill explained that over by the tennis courts by the Junior High there is land that used to be a waste dump site and cannot have buildings on it. They are looking at building a baseball quad complex where we can bring tournaments to town. There will also be one or two little league diamonds. The land is in the process of being transferred to the city from the school district. It will become part of the City Parks and Recreation.

Council Member Merrill said the tour at BYUI of the technology building was very good. He asked them how we can keep some of this in Rexburg. There are a lot of good ideas that the students come up with that would be viable business ideas. When the students move away, those ideas die out. Council Member Merrill mentioned something he saw on the news where Pocatello is doing a new program called “Idea Tank” which is like the TV show, Shark Tank. They help people develop business ideas. He would like to encourage people to invest in something like this that would help the economic development in Rexburg. He would like to work with the university to develop ideas to keep students here and start their businesses in Rexburg. The university has invited City Council to come on another tour in August of the heat plant.

Council Member Merrill also reported that the Urban Renewal Agency is holding a hearing to present their annual report on March 24 at 4 pm. The public is welcome to attend. He apologized for being late. His grandson has RSV and is in the hospital. His grandson is only 3 weeks old so he cautioned everyone to be careful and maybe keep small children at home.

Council Member Smith mentioned that the Rexburg Business Competition has been very successful with new entrepreneurs and their ideas. They are moving the business competition to spring to bring in more university students. Economic Developer, Scott Johnson, has been trying to create a fab lab that gives people a place to try out their ideas. The Rexburg Business Competition has been successful in launching new businesses. Economic Developer Johnson is working with Idaho Falls to broaden things. Mayor Woodland said that a group of manufacturers were here this morning trying to find new things we can do and how industry can help industry.

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

Council Member Wolfe reported Planning and Zoning met two weeks ago. There was a public hearing to change the 1st North area, between 1st West and 1st East. The commission recommended that this be approved. They also looked at expanding the impact area.

Mayor's Report:

A. Proclamation 2015 – 02 “Fair Housing”

FAIR HOUSING MONTH PROCLAMATION 2015-02

WHEREAS, April 2015 marks the 47th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability and

WHEREAS, housing choice impacts our children’s access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, I, Richard S. Woodland, Mayor of City of Rexburg, Madison County, do hereby proclaim April 2015 to be

FAIR HOUSING MONTH

In the City of Rexburg, Madison County, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Rexburg, Madison County in City Hall on this 6th day of March in the year of our Lord 2015.

ATTEST:

Richard S. Woodland, Mayor

Blair D. Kay, City Clerk

Mayor Woodland asked for ratification of Proclamation 2015 – 02 for Fair Housing.

Council Member Smith moved to ratify Proclamation 2015 – 02 for Fair Housing; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

- Council Member Smith
- Council Member Wolfe
- Council Member Benfield
- Council Member Mann
- Council Member Merrill

Those voting nay

None

The motion carried.

Public Hearings: None

Items for Consideration:

- A. **Ratify RESOLUTION NO. 2015-04** to establish the need to seek Judicial Confirmation to issue bonds or obligations to upgrade Rexburg's water facilities.

RESOLUTION NO. 2015-04

BY THE REXBURG CITY COUNCIL:

A RESOLUTION DECLARING THE NEED TO CONSTRUCT AND ACQUIRE WATER FACILITIES; APPROVING THE PROJECT AND AUTHORIZING THE CONSTRUCTION AND ACQUISITION OF SAID FACILITIES; PRESCRIBING AN INSTALLMENT PURCHASE AND TRUST AGREEMENT AND RELATED DOCUMENTS AS THE MOST SUITABLE MANNER FOR SECURING CONSTRUCTION AND FINANCING OF SAID IMPROVEMENTS; AUTHORIZING THE FILING OF JUDICIAL CONFIRMATION PROCEEDINGS; DIRECTING CITY OFFICIALS TO PROCEED WITH SAID FACILITIES AND FINANCING THEREOF AND WITH THE FILING OF JUDICIAL CONFIRMATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, officials of the City of Rexburg (the "City") have determined that it is necessary to expand and improve its water facilities in order to provide adequate capacity for meeting current health and safety requirements; and

WHEREAS, City officials have recommended that certain water facilities for the City (collectively, the "Project") be constructed and acquired to meet the above needs and requirements; and

WHEREAS, City officials have recommended that the financing, acquisition and construction of said Project be accomplished by an installment purchase and trust agreement and certain supplements thereto in an aggregate principal amount of up to \$11,100,000.00 (the "Agreement") with certificates of participation, and related documents, and that prior to entering into the Agreement and the other documents, the City should obtain judicial confirmation of its power and authority to enter into said Agreement under Title 7, Chapter 13, Idaho Code; and

WHEREAS, the City on March 4, 2015, held a hearing concerning the Project and the City's consideration of filing a petition for judicial confirmation as required by Section 7-1304, Idaho Code, as amended, after fifteen (15) days notice thereof published in the Rexburg Standard Journal and notice to any individuals requesting it pursuant to Sections 7-1304 and 7-1306, Idaho Code, as amended, and at said hearing all testimony was received and considered, and at least fourteen (14) days has passed since the date of said hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO:

Section 1. That construction, acquisition and financing of the Project is necessary in order to meet the health and safety needs and requirements in the City.

Section 2. That construction, acquisition and financing of the Project in order to meet said requirements is hereby directed and authorized subject to any requirements for competitive bidding.

Section 3. That the Agreement and related documents are hereby approved and authorized, subject to any competitive bidding requirements, as the manner and method to finance the construction of the Project in the amount stated above, subject to the judicial confirmation of the City's authority to enter into said Agreement, and the filing of such proceedings under Title 7, Chapter 13, Idaho Code is hereby authorized.

Section 4. That the City officials and counsel are hereby directed to proceed with the construction of the Project as provided herein and to proceed with the filing of the judicial confirmation proceedings authorized herein.

Section 5. That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of Rexburg, Madison County, Idaho, this 18th day of March, 2015.

Richard S. Woodland, Mayor

ATTEST:

By: _____
Blair D. Kay, City Clerk

Discussion:

Mayor Woodland asked for a vote:

Council Member Wolfe moved to approve RESOLUTION NO. 2015-04 to establish the need to seek Judicial Confirmation to issue bonds or obligations to upgrade Rexburg's water facilities; Council Member Mann seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried.

- B. **Resolution 2015 – 05 Comprehensive Plan Map Amendment 3rd West Neighborhood** requesting a change in the land use designation from Moderate-High Density Residential to Low-Moderate Density Residential.



Community Development Director Christensen reviewed the proposal and the Staff Recommendations: He reviewed the map and area in question.

STAFF RECOMMENDATION:

The request is to change the subject property from Moderate-High Density Residential and Neighborhood Commercial/Mixed Use to Low-Moderate Density Residential on the Comprehensive Plan Map.

The Planning and Zoning Commission should take testimony in the public hearing to determine if this change to the Comprehensive Plan Map is in the best interest of the community. Staff requests that discussion should include the following:

1. *Consideration for the NW Platte Neighborhood Association. Including nuisances and safety.*
2. *Recent changes to the Comprehensive Plan Map in or near the requested change. Why changes were made.*
3. *The City of Rexburg Comprehensive Plan Map in general. What is the purpose? Does the map adequately reflect anticipated future growth? If the map is changed in this area, should other areas be changed? Are the proposed changes best for the entire community?*
4. *How does the request fit in with Envision Madison proposals?*
5. *How does the request correlate to recent changes to the Development Code including Section 4.16 Infill/Redevelopment Standard?*
6. *If an area is to be changed, do the boundaries identified meet with the best interests of the community?*

Discussion:

Council Member Smith said in the past they have encouraged residents to come together on zoning their neighborhoods. She cautioned them to really consider what they are asking for and be sure that this is what they want. If this is what they want, we should consider it.

Council Member Wolfe mentioned that things will change sooner than later in that frontage area on Main Street. Could that area be pushed back to not include that frontage area? Community Development Director Christensen said that it could go smaller.

Council Member Smith asked what the discussion was like at the public hearing. Council Member Wolfe said that most everyone was in favor. There were a few home owners that wanted it to stay the way it is. In the future that area is going to be mixed use. He hates to make a change now that will affect them poorly in the near future. For the rest of the neighborhood it makes sense. Mr. Christensen confirmed that it can be amended to be smaller. Mayor Woodland and Council Member Wolfe asked where that line could be drawn. Mr. Christensen said, perhaps 165 feet back which is a quarter of a block. Council Member Wolfe asked if that would make sense to do that. Mr. Christensen said it would be consistent with other parts on Main Street.

Council Member Merrill is worried that if somebody who lives along the fringe area would need to sell their property and would want to maximize it but if it has been rezoned, it wouldn't bring as much money. He asked for public comment on the issue.

Candy McFadden from that neighborhood said that their pieces of property are not big enough for large commercial buildings. They are humble homes and there isn't a lot out there like this for first time home buyers.

Steve Oakey commented that he did vote against the proposal in Planning and Zoning. He sent a letter to City Council to explain his reasoning. Mayor Woodland asked Council Member Wolfe to read Mr. Oakey's letter that was sent to City Council.

Written Input from Steve Oakey:

"Since having the privilege of serving on the board of the Rexburg Planning and Zoning commission I have found myself being the lone voice on several important votes. No doubt, some have seen my actions as being those of an obstructionist intent on making mischief. I assure the City Council and the public, that to the contrary, my passionate reasoning comes from a strong assumption of liberal, responsible land use, guaranteed to all, by simple, equitable, efficient rule of law, that runs counter to the current complex, multiplicity of head long rule making. And to that end I feel compelled to explain, precisely, so as to be clearly understood how I arrive at my vote. In the future, whenever I am the single "no" vote on important issues I will make it a habit of formulating my arguments in written form, and submit them for public scrutiny."

NOTE: On February 19, 2015 Planning and Zoning held a Public Hearing on the request and they recommended approval by a vote of six to one.

Community Development Director Christensen clarified that this is not a project. That is why it wasn't scored. It is a Comp Plan change. The scoring system was looking at individual projects.

Council Member Merrill said that Mr. Oakey brings up some good points. He feels that it is a solid neighborhood; however, he doesn't have objection to changing the comp plan.

Council Member Smith has an issue with changing the size. Those people are thinking that this change is going to happen so it shouldn't be changed without informing them first.

Council Member Mann said the people have done what was asked of them. He thinks it is a great plan and he is glad to see neighborhoods do this.

Council Member Merrill asked if those people on Main Street should be consulted first. Council Member Mann said that one person who lives on Main Street was opposed.

Council Member Wolfe asked how much of the Main Street area are apartments. Council Member Merrill thinks that the area further back is fine but hates to move forward on this without first making sure that is what the residents want. Council Member Wolfe is afraid that if they do change it, someone may come back and want to change it again right away. He just wants to make sure we do it right. Community Development Director Christensen pointed out that if changed it can still allow up to 20 units per acre. It would allow someone to come in and ask for up to our Medium Density Zoning. If someone did want to do mixed use, they would still have to get a comp plan change and zone change.

Council Member Mann moved to approve the Resolution 2015 – 04 to approve the Comprehensive Plan Map Amendment for the 3rd West Neighborhood requesting a change in the land use designation from Moderate-High Density Residential to Low-Moderate Density Residential; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

- Council Member Smith
- Council Member Wolfe
- Council Member Benfield
- Council Member Mann
- Council Member Merrill

Those voting nay

None

The motion carried.

- C. **Discuss the proposal by the Planning and Zoning Commission** on February 19th to amend the City of Rexburg Impact Area to the following boundaries: (3000 West to 2600 South to Russell Rd on the East to 3000 North)

Community Development Director Christensen showed the comp plan map of the city. He reviewed the current comp plan line and the impact area. The timing is right to increase the impact area. They would like to take it out to some natural borders. Planning and Zoning took a close look at it. They recommend it and would like to ask council for recommendation to go to public hearing. It still has to go to county for final decision. The areas in the impact area are still in the county and are under county jurisdiction but city rules will apply; like, building codes, design standards and development codes in order to be consistent with city standards. It does not extend city jurisdiction. The county simply agrees to abide by city rules.

Council Member Benfield asked if that extends our police control. Mr. Christensen said no, it does not.

Council Member Merrill referred to the City of Iona that had problems when they tried to annex some lands that were already developed. He wants to know if we should be expanding our annexed areas before they are developed too much. Mr. Christensen said this is a step in that direction. It keeps things in proper order.

Council Member Benfield asked where Russell Road is. It was pointed out on the map on the East side.

Mayor Woodland asked how far beyond Poleline Road it would extend. Mr. Christensen said a half mile.

Discussion:

Council Member Smith moved to approve the proposal to have a public hearing before the Planning and Zoning Commission to consider amending the City of Rexburg's Impact Area to the following boundaries: (3000 West to 2600 South to Russell Rd on the East to 3000 North); Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried.

D. Apartment Parking Proposal – Apartment Owners/Managers

Trent Vandersloot said a number of the apartment owners were not in attendance at the work meeting due to miscommunication. Nothing has been prepared, yet. The owners were not aware that they were on the agenda.

Attorney Zollinger said that is correct, they were not supposed to be on tonight's agenda. The proposal presentation is supposed to be in April. He requested that we table this matter until the first meeting in April.

Melanie Davenport said she needs to understand what council needs and what is expected.

Council Member Wolfe said they want a formal report on what solutions they come up with.

Note: *On March 12, 2015 the following proposal was presented to the City. Mayor Woodland, Council Member Merrill, Council Member Wolfe and City Attorney Zollinger were in attendance.*

Talking Points to Better Manage Booting Practices Off-Campus

What BYU-I Off-Campus Householders could do:

1. *Protocol for all BYU-I Off Campus Householders*
 - a. *Booting Companies will inform Managers in a weekly report of the booting/towing activity that has taken place on their property*
 - b. *Report will include a photo*
 - c. *If there was an incident during the boot or tow then Managers will be informed within 12 hours*
 - d. *Managers will report weekly to the Director of Operations or equivalent on a weekly basis*
2. *BYU-I OCHA agrees not to boot or tow during move-in or move-out periods.*
3. *Managers will distribute booting/towing and parking information during check-in to all residents that explains in a simple format parking regulations.*

What the City of Rexburg could do:

1. *Extend no overnight parking in the PEZ Zone year round.*
2. *Lower visitor parking requirements for Student Housing.*

What BYU-Idaho could do:

1. *Send a bulk email to student's information on booting/towing parking.*

2. *Add to the Approved Housing Contract for Students an item concerning parking restrictions with a signature line.*
-

Discussion:

Council Member Wolfe moved to table this discussion until April 1st; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
 Council Member Wolfe
 Council Member Benfield
 Council Member Mann
 Council Member Merrill

Those voting nay

None

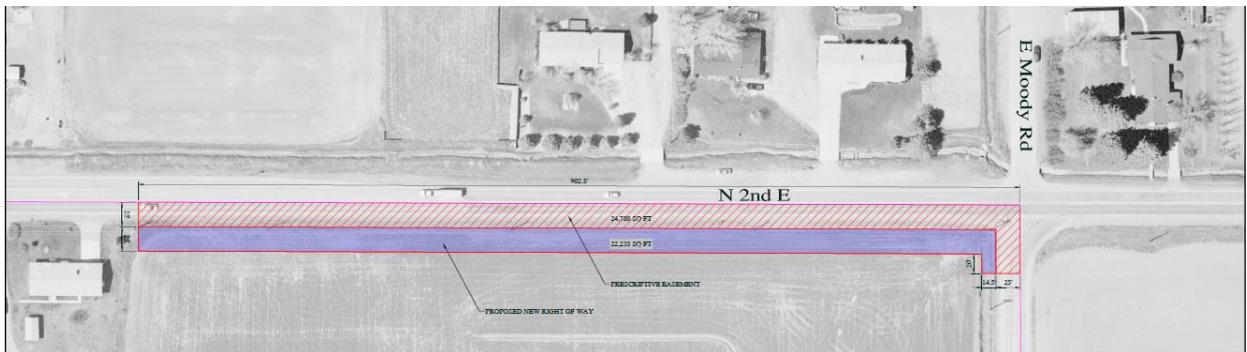
The motion carried.

Staff Reports:

- A. **Public Works:** – John Millar said he met with their consultant on the transportation study. They are prepared to hold two public information meetings to present their findings on April 1, from 5 to 7 p.m., at the Court House and here at City Hall on April 2, from 5 to 7 p.m... All public are invited. The same information will be presented at both meetings.

Council Member Smith said there is still a blinking light at 5th South and Millhollow. Public Works Director Millar mentioned the link on our website where anyone can post problems.

City Engineer Keith Davidson is seeking permission for acquisition and purchase of the right-of-way along 2nd East from Mr. Squires for \$45,940.00. The city will purchase 22,235 square feet and Mr. Squires will donate 24,780 square feet.



Council Member Merrill moved to approve the purchase of right-of-way from Mr. Squires as discussed; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
 Council Member Wolfe
 Council Member Benfield
 Council Member Mann
 Council Member Merrill

Those voting nay

None

The motion carried.

- B. **Finance Department:** Matt Nielson
 1. **Review 2015 Budget Calendar**

Finance Officer Nielson reviewed the 2015 Budget Calendar. He is seeking to set the public hearing date for July 15th; also, confirm a date for the council drive around for April 30th.

Council Member Smith would prefer to do the **drive around** on the first Wednesday in May, which would be **May 6th at 8 a.m.**... Council agreed that would work. Council Member Mann pointed out that July 15 would not work for him or Council Member Benfield due to Summerfest. **July 1st** was agreed on for the **public hearing**. The drive around will be an all-day thing starting at 9 a.m. and ending with City Council at 2:30 p.m....

CITY OF REXBURG

4/2/2015

**2015 BUDGET PREPARATION CALENDAR
FOR 2016 FISCAL YEAR BUDGET**

March 15			Send CIP to Dept. Heads to update for 5 years Include new position requests due by April 3 Complete workmans comp billing and post to February & roll fwd
March 18	Wed.	7:00 PM	Regular Council Meeting Review Budget Calendar Set Public Hearing date (by motion) for Budget (July 8, 2015) at 7 :30 AM Notify County Clerk by April 30th of the Budget Public Hearing Date Review City Council Drive-around date Set Mayor & Council Salaries on odd years to take effect on Jan 1 of even year Start Payroll Budgeting
April 1			Review Proposed Cost of Living Adjustment (per Jan. CPI in Mar. rpt.)
April 3	Thu.		Redo forecasts using 6 months of data Roll forecasts to Proposed Budget
April 3	Fri.	5:00 PM	Capital Requests Due In Complete Payroll Budget
April 24	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 6	Wed	9:00 AM 2:30 PM	City Council Drive-around and lunch from 9 am to 2:30 pm 2:30 to 3:45 meet with Dept heads-2 to 5 min. status review for each dept.
May 7-13		by appt.	Departmental Meetings by appointment including Council Liaison Committee, Mayor, Financial Officer, Department Head & Foreman
May 27	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 17	Wed.	5:30 PM	Council Budget Work Meetings (agenda: budget only) Special Budget Review Meeting for Council Set Tentative Budget Advertise July 8th 7:30 AM Public Hearing in Newspaper 7 days apart on June 27th and July 4th
July 1st Week			Meet with Sugar & Teton on sewer rates
July 8	Wed.	7:00 AM 7:30 AM	Regular Council Meeting Public Hearing on Budget Review any Utility Rate Increases and set public Hearing Advertisements Review Amended Budget for FY 15 and set public hearing Advertise July 22nd Public Hearing for Amended Budget on July 11th and July 18th 1st Reading of Appropriation Ordinance
July 22	Wed.	7:00 PM 8:00 PM	Regular Council Meeting Public Hearing on Amendmended Budget & Utility Rate Increases 2nd Reading of Appropriation Ordinance Approve Utility Rate Increases, if any 1st Reading of Amended Budget
August 5	Wed.	7:00 PM	Regular Council Meeting 3rd Reading of Appropriation Ordinance 2nd Reading of Amended Budget
August 19	Wed.	7:00 PM	Regular Council Meeting 3rd Reading of Appropriation Ordinance, only if not completed already 3rd Reading of Amended Budget
Sept 2	Wed.	7:00 PM	Regular Council Meeting 3rd Reading & Adoption of Appropriation Ordinance, if not completed already

MEMO TO ALL DEPARTMENT HEADS:

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

NOTE: The *Budget Calendar* was amended April 01, 2015 by City Council.

Chief Financial Officer Nielson met with the impact fee committee. They reviewed the capacity fees and impact fees. For waste water capacity fees, they determine the current value and then they determine how many gallons per day they can produce and then the cost per gallon. They use cost indexes to determine the present value. They review all the assumptions for those impact fees. The only changes are in red. Fire Department and Police Department will show a change in cost per square foot for construction. Parks will show a change in design and engineering fees because those costs have gone up. The report shows current fees and the increase. They show the full cost which, for example, would be 7% increase for a regular home. The committee did not recommend they go to full costing. Instead, they recommend going with 4% increase for inflation. There was discussion about redoing the studies, which would be about a \$75,000 to \$100,000 cost. They don't feel they need to do that, yet. There has not been any significant change to warrant that.

Mayor Woodland asked if that would cause a shortfall down the road. Chief Financial Officer Nielson replied that every little bit helps. He made the point that other communities do not have impact fees but Rexburg does. The total permit fees compared to Idaho Falls shows Rexburg is higher in the first year but in 10 years it is less. You continue to save money in Rexburg because our levy rate is so low.

Council Member Merrill asked about the full costing study. Based on the assumptions, is this what needs to be charged? Chief Financial Officer Nielson said yes, based on the assumptions that is what you would need to charge. He said that it is not perfect science but they can make adjustments. That's why they meet every year to discuss it.

Discussion:

2. Review changes to fee list and set public hearing

Finance Officer Nielson reviewed proposed changes to the City's Master Fee list.

Chief Financial Officer Nielson then showed the recommended master fee list. There are quite a few work order charges. Arts and museums would have a rate change. Business registration is recommended to go up to \$25.00 or 25%. Golf now offers season passes at the municipal golf course which is 50 % off the regular season golf pass. Parks fees were simplified. This will be moving to an online reservation system. Streets added storm water claw back fee. Utility deposits for water need to go up for renters. Currently, single family residents provide proof of ownership without deposit but renters pay a \$50.00 deposit. He recommends going to a two month average for the deposit for renters which would change it to \$160.00 instead of \$50.00. That is the area where we have most of the write-offs.

Council Member Mann asked about renters being able to afford that. He asked how many of the renters pay for their own water. Chief Financial Officer Nielson said that most of them do. Council Member Mann would like to see a young couple be able to move in without such high deposits.

Council Member Mann and Merrill both said they pay the utilities on their own rental properties, but in Rexburg, we allow the renter's name to be put on the account. Chief Financial Officer Nielson said they have discussed maybe changing it so that the owners have to keep the utility bill in their name.

Council Member Smith asked how apartment owners do it. Mr. Nielson said they are already doing the two month average for apartment renter deposits. Council Member Mann thinks that is too big of jump. He would like to see a lower increase.

Council Member Benfield asked how much we are writing off. Mr. Nielson said about \$3,000 to \$4,000 per year plus other costs that come when people are delinquent. Tonight he is just asking to set a public hearing for April 1st at 7:30 p.m. to get public comment.

RECOMMENDED CHANGES TO CITY OF REXBURG MASTER FEE LIST						3/18/15		Finance Suggestion
Dept.	Category	Type	Current Fee	Changed	Proposed Fees			
Airport	Work Order Charges	Engineer Labor Per Man hour-Airport Plan Review w/PE			\$ 85.00			
Airport	Work Order Charges	Labor Per Hour-FT Compliance Officer			\$ 27.00			
Airport	Work Order Charges	Labor Per Hour-PT Assistant Compliance Officer/Secretary			\$ 10.00			
Arts & Museums	Romance Theater	Concession Stand Rental			\$ 250.00	new method	we want to discourage others from bringing their own food, but not take the option away completely. We prefer to provide the service if it is necessary with our staff/equipment.	
Arts & Museums	Romance Theater -For Profit	Technician Fee per hour	\$ 18.00	6/26/13	\$ 25.00	cost increase	\$25/hr-Costs @ \$20 already when	
Arts & Museums	Romance Theater -Non-Profit	Rental Fee Percent of Gross Ticket Sales, (8 hours on day of event & 1 four-hour rehearsal)	5%	6/26/13	10%	cost increase		
Arts & Museums	Romance Theater -Non-Profit	Technician Fee per hour	\$ 18.00	6/26/13	\$ 25.00	cost increase	\$25/hr-Costs @ \$20 already when	
Arts & Museums	Tabernacle -For Profit	Rental Fee Minimum (8 hours on day of event & 1 four-hour rehearsal)	\$ 200.00	6/26/13	\$ 300.00	cost increase		
Arts & Museums	Tabernacle -For Profit	Technician Fee per hour	\$ 18.00	6/26/13	\$ 25.00	cost increase	\$25/hr-Costs @ \$20 already when	
Arts & Museums	Tabernacle -Non-Profit	Annual Weekly Rehearsal Rental Rate (2 Hr/Week)-4 performances included	\$ 500.00	6/26/13	\$ 783 & No performance included	cost increase	would need to pay for performances separately. Based on fixed costs.	
Arts & Museums	Tabernacle -Non-Profit	Technician Fee per hour	\$ 18.00	6/26/13	\$ 25.00	cost increase	\$25/hr-Costs @ \$20 already when	
Building	Fire Sprinkler Permit	Plan Review per sprinkler head			\$ 2.00	new fee		
Building	Plumbing Permit	Sewer or Water Line	\$ 38.00	7/20/11	\$ 65.00	cost increase-provides consistency w/other charges	if they do both water/sewer together-we only charge \$60 total mkn	
Customer Service	Return Check	Return Check Fee	\$ 20.00	previous	\$ 25.00	cost increase	bank charge to us is \$10.00 plus our labor	
Customer Service	Business Registration /Year	Minimum All Businesses	\$ 20.00	12/2/10	\$ 25.00	cost increase		
Customer Service	Business Registration /Year	Auditioner	\$ 40.00	previous	DELETE	uses regular registration fee		
Customer Service	Business Registration /Year	Carnival	\$ 100.00	previous	\$ 125.00	cost increase		
Customer Service	Business Registration /Year	Cocoon	\$ 100.00	previous	\$ 125.00	cost increase		
Customer Service	Business Registration /Year	Dairy (plus \$2.50 per truck)	\$ 20.00	6/26/13	DELETE	uses regular registration fee		
Customer Service	Business Registration /Year	Dance Hall	\$ 200.00	6/26/13	\$ 250.00	cost increase		
Customer Service	Business Registration /Year	Fireworks Stand, Safe & Sane 6/26 to 7/26	\$ 50.00	previous	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Hotel/Motel per Unit	\$ 1.00	previous	\$ 1.25	cost increase		
Customer Service	Business Registration /Year	Junk Dealer	\$ 50.00	6/26/13	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Kennel, Commercial (selling, breeding pettion of 75% in 200 feet)	\$ 50.00	6/26/13	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Kennel, Non Commercial (over 2 dogs-petition of 75% in 100 feet)	\$ 25.00	6/26/13	\$ 31.25	cost increase		
Customer Service	Business Registration /Year	Mobile Home Court per Space	\$ 1.00	previous	\$ 1.25	cost increase		
Customer Service	Business Registration /Year	Motion Picture Theatre per screen	\$ 20.00	previous	\$ 25.00	cost increase		
Customer Service	Business Registration /Year	Nursing Home per Bed	\$ 1.00	previous	\$ 1.25	cost increase		
Customer Service	Business Registration /Year	Pawn Broker	\$ 50.00	previous	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Public Conveyance per vehicle	\$ 20.00	previous	\$ 25.00	cost increase		
Customer Service	Business Registration /Year	Rooming House and/or Apartment per Unit	\$ 1.00	previous	\$ 1.25	cost increase		
Customer Service	Business Registration /Year	Sheet closure (house move)	\$ 50.00	previous	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Taxi Company per Cab	\$ 20.00	previous	\$ 25.00	cost increase		
Customer Service	Business Registration /Year	Towing and Parking Enforcement Initial Registration	\$ 250.00	previous	\$ 312.50	cost increase		
Customer Service	Business Registration /Year	Towing and Parking Enforcement Renewal	\$ 50.00	previous	\$ 62.50	cost increase		
Customer Service	Business Registration /Year	Towing and Wreckers 1st Year	\$ 250.00	previous	\$ 312.50	cost increase		
Customer Service	Business Registration /Year	Towing and Wreckers after 1st Year	\$ 50.00	previous	\$ 62.50	cost increase		
Engineering	Work Order Charges	Labor Per Man hour-No PE required			\$ 54.00			
Financial Mgmt.	LID Listing	Database Access per year			\$ 50.00			
Fire	Impact Fee	Multi Family or Dormitory per unit	\$ 88.00	3/19/14	\$ 100.00		show council the summary	
Fire	Impact Fee	Non-Residential per 1,000 square feet	\$ 76.00	3/19/14	\$ 90.00		show council the summary	
Fire	Impact Fee	Single Family per unit	\$ 234.00	3/19/14	\$ 270.00		show council the summary	
G.I.S.	Map Print	Custom print per hour			\$ 65.00			
Golf	Passes	Junior Pass	\$ 166.04	12/1/12	\$ 166.75	rounding-we have to add tax when sold		
Golf	Passes	Season Pass Muni Only		12/1/12	50% off			
Parks	Impact Fee -Parks	Dormitory per unit	\$ 1,122.00	3/19/14	\$ 1,200.00		show council the summary	
Parks	Impact Fee -Parks	Multi Family per unit	\$ 508.00	3/19/14	\$ 530.00		show council the summary	

RECOMMENDED CHANGES TO CITY OF REXBURG MASTER FEE LIST						3/18/15		Finance Suggestion
Dept.	Category	Type	Current Fee	Changed	Proposed Fees			
Parks	Impact Fee -Parks	Single Family per unit	\$ 888.00	3/19/14	\$ 1,000.00		show council the summary	
Parks	Park Shelter/Pavillion Reservation	Groups 1-100 per 4 hour block			\$ 40.00			
Parks	Park Shelter/Pavillion Reservation	Groups of 1-100 additional people over the first 100			\$ 30.00			
Parks	Park Shelter Reservation	Groups Over 100 - above 5 hours	\$ 150.00	3/5/08	DELETE			
Parks	Park Shelter Reservation	Groups Over 100 - up to 5 hours	\$ 100.00	previous	DELETE			
Parks	Park Shelter Reservation	Groups Over 450 - above 5 hours	\$ 600.00	3/5/08	DELETE			
Parks	Park Shelter Reservation	Groups Over 450 - up to 5 hours	\$ 500.00	3/5/08	DELETE			
Parks	Park Shelter Reservation	Groups Under 100 - above 5 hours	\$ 80.00	3/5/08	DELETE			
Parks	Park Shelter Reservation	Groups Under 100 - up to 5 hours	\$ 40.00	3/5/08	DELETE			
Parks	Smith Gazebo Reservation	Over 5 hours	\$ 50.00	3/5/08	DELETE			
Parks	Smith Gazebo Reservation	Rental Fee Per 4 hour block			\$ 25.00			
Parks	Smith Gazebo Reservation	Up to 5 hours	\$ 25.00	3/5/08	DELETE			
Parks	Work Order Charges	Labor Per Man hour-Part Time Help			\$ 14.00			
Parks	Work Order Charges	Labor Per Man hour-Full Time Help			\$ 41.00			
Police	Animal Control Facility	1st Impounding Occurance Return Fee	\$ 20.00	previous	DELETE			
Police	Animal Control Facility	Bite Hold Holding Fee per day (minimum 10 days)	\$ 10.00	previous	\$ 7.50			
Police	Copies	Research & Copy Extensive Records per hour per person	\$ 10.00	previous	\$ 25.00	cost increase		
Police	Fingerprinting	Residents Fee	\$ 10.00	3/19/14	\$ 15.00	cost increase		
Police	Impact Fee	Multi Family or Dormitory per unit	\$ 70.00	3/19/14	\$ 80.00		show council the summary	
Police	Impact Fee	Non-Residential per 1,000 square feet	\$ 287.00	3/19/14	\$ 330.00		show council the summary	
Police	Impact Fee	Single Family per unit	\$ 127.00	3/19/14	\$ 150.00		show council the summary	
Police	Parking Permit	[O] Owner Residential Discretionary (2 Free per Residence) 3 Years	\$ 75.00	3/19/14	\$ 75.00	change to 3 years, was 2		
Police	Parking Permit	[R] Campus Vacinity Residential Parking Pass (2 Free per Residence) 3 Years	\$ 75.00	12/2/10	\$ 75.00	change to 3 years, was 2		
Recreation	Party Package	Party Package			\$ 135.00	new package		
Recreation	Pool Recreation Classes	Fitness/Lap Swim-5 Week Session/twice per week/30 minutes			\$ 35.00	added class		
Recreation	Pool Recreation Classes	Jr. Lifeguard Program/7 week session/once per week/120 minutes			\$ 90.00	added class		
Recreation	Pool Recreation Classes	Swim Club- 5 Week Session/twice per week/ 60 minutes			\$ 70.00	added class		
Recreation	Pool Recreation Classes	Water Aerobics- 5 Week Session/twice per week/ 60 minutes			\$ 35.00	added class		
Recreation	Programs	3-on-3 Basketball Tournament per person	\$ 31.00	4/6/11	\$ 40.00	cost increase		
Recreation	Programs	All Musical Instrument Lessons Class Fee per person			\$ 100.00	include all lessons		
Recreation	Programs	Boys Basketball Camp per person	\$ 12.00	9/6/12	\$ 20.00	cost increase		
Recreation	Programs	Boys Basketball per person	\$ 33.00	9/6/12	\$ 40.00	cost increase		
Recreation	Programs	Cylo-Cross: Adult 1 day Race	\$ 25.00	9/6/12	\$ 35.00	cost increase		
Recreation	Programs	Cylo-Cross: Cubez Series (Youth)	\$ 25.00	9/6/12	DELETE			
Recreation	Programs	Digital Photography per person	\$ 52.00	4/6/11	\$ 55.00	cost increase		
Recreation	Programs	Girls Basketball (Grades 2-5)	\$ 33.00	9/6/12	\$ 35.00	cost increase		
Recreation	Programs	Guitar Lesson per person	\$ 100.00	4/6/11	DELETE			
Recreation	Programs	Gymnastics (2-5 years old)	\$ 58.00	4/6/11	\$ 70.00	cost increase		
Recreation	Programs	Gymnastics (Ages 3-7) per person	\$ 88.00	4/6/11	\$ 90.00	cost increase		
Recreation	Programs	Gymnastics per person in Winter	\$ 53.00	4/6/11	DELETE			
Recreation	Programs	Liberty 5k Fun Run (Includes t-shirt) per person	\$ 20.00	4/6/11	DELETE			
Recreation	Programs	Registration Late Fee	\$ 6.00	4/6/11	\$ 5.00			
Recreation	Programs	Rock Climbing per person	\$ 27.00	4/6/11	\$ 50.00	cost increase		
Recreation	Programs	Soccer (Grades K-3)	\$ 21.00	4/6/11	\$ 30.00	cost increase		
Recreation	Programs	Soccer team member per person	\$ 25.00	9/6/12	DELETE			
Recreation	Programs	Symphony Music per person	\$ 90.00	3/19/14	DELETE			
Recreation	Programs	T Ball (Grades K-3) per person	\$ 17.00	4/6/11	\$ 20.00	cost increase		
Recreation	Programs	Tennis - Adults per person	\$ 21.00	4/6/11	\$ 30.00	cost increase		
Recreation	Programs	Tennis - Spring (Grades 1-8) per person	\$ 17.00	4/6/11	\$ 25.00	cost increase		
Recreation	Programs	Tennis - Summer (Grades 1-8) per person	\$ 22.00	4/6/11	\$ 25.00	cost increase		
Recreation	Programs	Tennis (Varsity Athletes) per person	\$ 43.00	4/6/11	\$ 40.00	cost increase		
Recreation	Race -Cupid Cup Nordic Race	Adult			\$ 30.00	new race		

RECOMMENDED CHANGES TO CITY OF REXBURG MASTER FEE LIST							3/18/15		Finance Suggestion
Dept.	Category	Type	Current Fee	Changed	Proposed Fees				
Recreation	Race -Cupid Cup Nordic Race	Youth			\$ 10.00	new race			
Recreation	Race -Main Street Mile	All racers			\$ 5.00	new race			
Recreation	Race -River Rock Youth Triathlon	All racers			\$ 25.00	new race			
Recreation	Race -Teton Dam Marathon	Booth Space fee	\$ 30.00	9/6/12	\$ 40.00	cost increase			
Sanitation	Work Order Charges	Sanitation Truck: per hour	\$ 150.00	2/21/07	\$ 200.00	cost increase			
Sanitation	Work Order Charges	Labor Per Man hour			\$ 42.00				
Street	Claw-back Fee	Curb & Gutter per linear foot	\$ 13.00	9/6/12	\$ 18.00	cost increase			
Street	Claw-back Fee	Sidewalk per square yard	\$ 37.00	9/6/12	\$ 55.00	cost increase			
Street	Claw-back Fee	Street Construction per square yard	\$ 22.00	9/6/12	\$ 33.00	cost increase			
Street	Impact Fee	Multi Family or Dormitory per unit	\$ 819.00	3/19/14	\$ 880.00	cost increase		show council the summary	
Street	Impact Fee	Non-Residential Per trip per day	\$ 21.38	3/19/14	\$ 23.13			show council the summary	
Street	Impact Fee	Single Family per unit	\$ 1,024.00	3/19/14	\$ 1,110.00			show council the summary	
Street	Storm Water Clawback	Main Line Fee per acre additional over 250 feet from main line			\$ 730.00				
Street	Storm Water Clawback	Main Line Fee per Front Foot each side	\$ 20.00	previous	\$ 17.50	cost decrease			
Street	Work Order Charges	_Minimum Charge	\$20.00	previous	\$30.00	cost increase			
Street	Work Order Charges	Backhoe: per hour	\$50.00	previous	\$75.00	cost increase			
Street	Work Order Charges	Broom (Rosco)			\$19.00	cost increase			
Street	Work Order Charges	Bucket Truck (Large)			\$80.00	cost increase			
Street	Work Order Charges	Bucket Truck (Small)			\$45.00	looking to replace old one in 2015 or 2016			
Street	Work Order Charges	Chain Saw (includes oil and gas)			\$5.00	cost increase			
Street	Work Order Charges	Chipper for trees			\$25.00	cost increase			
Street	Work Order Charges	Crack Sealer (not including material)			\$80.00	cost increase			
Street	Work Order Charges	Excavator (Mini) John Deere			\$30.00	cost increase			
Street	Work Order Charges	Generator (14kw)	\$25.00	previous	\$4.00	cost increase			
Street	Work Order Charges	Labor Per Man hour	\$25.00	previous	\$40.00	cost increase			
Street	Work Order Charges	Loader-Small (54K John Deere)			\$100.00	cost increase			
Street	Work Order Charges	Loader (Large Cat Wheel) per hour	\$140.00	previous	\$195.00	cost increase			
Street	Work Order Charges	Roller (Durapac)			\$30.00	cost increase			
Street	Work Order Charges	Saw (Walk behind asphalt/concrete saw) per hour (excludes blades)			\$10.00	cost increase			
Street	Work Order Charges	Sweeper: per hour	\$175.00	previous	\$180.00	cost increase			
Street	Work Order Charges	Pickup Truck: 1/2 Ton to 3/4 Ton per hour	\$20.00	previous	\$25.00	cost increase			
Street	Work Order Charges	Truck: 1 Ton per hour	\$25.00	previous	\$30.00	cost increase			
Street	Work Order Charges	Truck: 2 Ton per hour	\$35.00	previous	\$35.00	cost increase			
Street	Work Order Charges	Truck: 2.5-4.5 Ton	\$40.00	previous	\$40.00	cost increase			
Street	Work Order Charges	Truck: 5 Ton	\$40.00	previous	\$65.00	cost increase			
Street	Work Order Charges	Camel (Agutatech)			\$385.00	2nd machine shared w/water			
Street	Work Order Charges	Truck: 5 Ton plus (over 5 ton)	\$60.00	previous	\$80.00	cost increase			
Street	Work Order Charges	Truck: Flusher per hour	\$30.00	previous	\$50.00	cost increase			
Wastewater	In-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 1,295.00	3/19/14	\$ 1,325.00			show council the summary	
Wastewater	In-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 758.00	3/19/14	\$ 790.00			show council the summary	
Wastewater	In-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 206 gpd	\$ 6.89	3/19/14	\$ 8.04			show council the summary	
Wastewater	In-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 1,305.00	3/19/14	\$ 1,400.00			show council the summary	
Wastewater	In-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 1,419.00	3/19/14	\$ 1,520.00			show council the summary	
Wastewater	In-City Utility Fee	Main Line Fee per acre additional over 250 feet from main line	\$ 730.00	8/1/05	\$ 780.00	Provided by Engineers			
Wastewater	Out-of-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 1,943.00	3/19/14	\$ 1,988.00			show council the summary	
Wastewater	Out-of-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 1,137.00	3/19/14	\$ 1,185.00			show council the summary	
Wastewater	Out-of-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 206 gpd	\$ 10.34	3/19/14	\$ 12.06			show council the summary	
Wastewater	Out-of-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 1,958.00	3/19/14	\$ 2,100.00			show council the summary	
Wastewater	Out-of-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 2,129.00	3/19/14	\$ 2,280.00			show council the summary	
Wastewater	Out-of-City Utility Fee	Main Line Fee per acre additional over 250 feet from main line	\$ 937.50	3/18/09	\$ 1,170.00	cost increase			
Wastewater	Out-of-City Utility Fee	Main Line Fee per Front Foot each side	\$ 22.50	3/18/09	\$ 26.25	cost increase			
Wastewater	Sewer Service Dump	Per Dump Minimum	\$ 25.00	3/5/08	\$ 30.00	cost increase			

RECOMMENDED CHANGES TO CITY OF REXBURG MASTER FEE LIST							3/18/15		Finance Suggestion
Dept.	Category	Type	Current Fee	Changed	Proposed Fees				
Wastewater	Sewer Service Dump	Per Gallon Dumped	\$ 0.10	3/5/08	\$ 0.12	cost increase			
Wastewater	Sugar and Teton Fee	Capitalization Fee per gallon per day	\$ 7.93	3/19/14	\$ 7.85			show council the summary	
Wastewater	Work Order Charges	Camel (Agutatech)	\$ 400.00	3/19/14	\$ 365.00	included man hour with equipment before			
Wastewater	Work Order Charges	Labor Per Man hour			\$ 42.00				
Wastewater	Work Order Charges	Bobcat (Skidsteer)			\$35.00	cost increase			
Water	Fire Hydrant connection	Maintenance fee for a large water meter	\$ 50.00	3/5/08	\$ 75.00	cost increase		as per chuck velman	
Water	In-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 420.00	3/19/14	\$ 380.00			show council the summary	
Water	In-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 316.00	3/19/14	\$ 280.00			show council the summary	
Water	In-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 1771 gpd	\$ 1.05	3/19/14	\$ 0.98			show council the summary	
Water	In-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 1,860.00	3/19/14	\$ 1,725.00			show council the summary	
Water	In-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 1,860.00	3/19/14	\$ 1,725.00			show council the summary	
Water	In-City Utility Fee	Main Line Fee per acre additional over 250 feet from main line	\$ 730.00	8/1/05	\$ 835.00	cost increase			
Water	In-City Utility Fee	Main Line Fee per Front Foot each side	\$ 17.50	8/1/05	\$ 20.00	cost increase			
Water	Out-of-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 630.00	3/19/14	\$ 570.00			we charge 1.5 times because they don't pay taxes if out of town, but 30 years ago the bonds for improvements were paid by general taxes as per consultant richard homer. It also gives them incentive to annex, which helps lower our costs in general for services mkn	
Water	Out-of-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 474.00	3/19/14	\$ 420.00			show council the summary	
Water	Out-of-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 1771 gpd	\$ 1.58	3/19/14	\$ 1.47			show council the summary	
Water	Out-of-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 2,790.00	3/19/14	\$ 2,588.00			show council the summary	
Water	Out-of-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 2,790.00	3/19/14	\$ 2,588.00			show council the summary	
Water	Out-of-City Utility Fee	Main Line Fee per acre additional over 250 feet from main line	\$ 937.50	3/18/09	\$ 1,252.00	cost increase			
Water	Out-of-City Utility Fee	Main Line Fee per Front Foot each side	\$ 22.50	3/18/09	\$ 30.00	cost increase			
Water	Reconnection Fee	Water service reconnect fee after disconnected for nonpayment	\$ 25.00	3/5/08	\$ 35.00	cost increase			
Water	Utility Deposit	Single Family Residence without proof of ownership	\$ 50.00	previous	2 mo. Avg. Bill			\$160 average-mostly affects rental units. Provides consistency with all tenants. They are the key areas where we write off. Multi-family already considered commercial and already doing a two month average	
Water	Work Order Charges	Labor Per Man hour			\$ 42.00				
Water	Work Order Charges	Camel (Agutatech)			\$385.00	2nd machine shared w/streets			
Water	Work Order Charges	Excavator (Vermeer Vacuum)			\$45.00	cost increase			

Discussion:

Council Member Wolfe moved to hold a public hearing on the proposed fee increases on April 1st at 7:30 p.m.; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
 Council Member Wolfe
 Council Member Benfield
 Council Member Mann
 Council Member Merrill

Those voting nay

None

The motion carried.

Calendared Bills and Tabled Items:

A. LAND 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:

- BILL 1128** changing the times when beer and wine can be sold in the City of Rexburg; repealing Ordinances 341, 343, and 445.

City Attorney Zollinger presented the final version of Ordinance 1128. This ordinance will consolidate a number of previous ordinances. The significant change would be to mirror state regulations on time and place for the sale of beer and wine. It does not affect the sale of liquor by the drink.

Written Input:

March 18, 2015

To Rexburg City Mayor Woodland and Members of the City Council.

RE: Consideration of Proposed Bill 1128

I am opposed to proposed Bill 1128 as presented by City attorney Zollinger. The bill proposes to eliminate the restriction of selling alcoholic beverages on Sunday and to consolidate Ordinances 341, 342, 445, and 942. In the March 4, 2015 City Council meeting, City attorney Zollinger and members of the City Council offered their opinions in favor of, against, or neutral to the proposed bill. As I read the minutes of that meeting and the discussion on this bill I observed the following reasons given in favor of the bill (I note that there were few opinions offered in opposition):

- 1. Allowing the sale of alcohol on Sunday is a simple way to manage the alcohol sales in Rexburg and is a mirror of the state statute.*
- 2. Allowing the sale of alcohol on Sunday will help the City mitigate its struggles to bring hotels and family type restaurants to do business here.*
- 3. Allowing the sale of alcohol on Sunday will have a positive impact on Rexburg's economy.*
- 4. Allowing the sale of alcohol on Sunday will be good for tourism and the economy.*
- 5. Allowing the sale of alcohol on Sunday doesn't do anything to the City of Rexburg; because liquor by the drink is not permitted in Rexburg.*

Note the common reasons given for eliminating the sale of alcohol on Sunday is business and money. One Councilperson stated that "...Rexburg wants to be known as America's Family Community..." I would ask the Mayor and City Council, what it means to be known as America's Family Community.

The American Family Community was established on the values of Judeo-Christian beliefs and reverence toward God. Our nation was founded by individuals who were predominantly Christian and who infused those values into the Constitution and the culture of this nation.

The City of Rexburg, this American Family Community was established on those same beliefs and values, perhaps even more than other city in our State and nation. At the beginning of each City Council meeting a prayer is offered, in which the City officers publically recognize and reaffirm our faith and trust in God. Generally the prayer will ask for His guidance and direction in administering the affairs of the City. In addition to the prayer those attending the meeting stand and pledge their allegiance to our nation that was created under the direction of God. We can do better than just give lip service to God and then do what we want to.

One of the principles of the Judeo-Christian values that our City and nation were founded upon is simply stated as Remember the Sabbath Day to keep it holy. We cannot control if and when a business is open – indeed, that is the foundation for free enterprise. However, we have the moral obligation to identify what is offered for sale and when the sales can occur. That is why we have Ordinance 942. For six days individuals are able to buy alcohol. But on the Sabbath we can at least give up something as small as selling alcohol on that day.

The Judeo-Christian God is not against business or industry. In fact He encourages us to be prosperous, to progress and to improve upon our endowed resources. However, He does have some restrictions related to our activities in our businesses. For example He wants us to be honest, to be ethical, and too be responsible and accountable for our actions. He wants us to observe the Sabbath day. History documents that drinking alcohol on the Sabbath was not acceptable, hence the origin to Ordinance 942 and other similar ordinances in other cities across this nation.

I appreciate the view of the business owners and managers who want to sell alcohol on Sunday. I appreciate Mr. Barnard's comments and letter. Corey and I are friends. I hope that our opposite views will not hinder our friendship.

In Mr. Barnard's comments he noted that many of the Sunday customers (50%) leave Applebee's mad because they can't have a glass of wine or beer. I would ask what about the other 50%? What are their feelings? I wonder what they are thinking. Consider the following scenario of a conversation and thoughts that could occur at Applebee's with the "other 50%":

Guest: "...and I will have a glass of wine with my steak."

Waiter: "I'm sorry; we don't sell wine or alcohol on Sunday."

Guest: "You don't sell alcohol on Sunday? Is that an Applebee's policy?"

Waiter: "No, it is the City of Rexburg's policy. You can buy alcohol on any other day of the week, but just not on Sunday."

Guest: "Oh that is interesting."

And then to the other guests "I wonder why the City of Rexburg has a policy that you can't buy alcohol on Sunday."

And upon leaving Applebee's as they are getting into their car and exit the parking lot they notice on the hill a big white building, silhouetted against the skyline. One of the guests turns to the other and says "I wonder what that beautiful white building is on the hill up there?"

By amending the current law (Ordinance 942) to allow alcohol sales on Sunday will our city still be an American Family Community that reverences God? Perhaps with our focus on business, tourism, money, etc. we are distracted from becoming an American Family Community instead, becoming a community seeking after popularity and money. The Judeo-Christian principles also instruct us (our community) to be the salt of the earth! As the salt of the earth we are to live our religion, to be the savor in our communities and stand as witnesses of those truths.

Just because our nation and our State are rapidly declining with respect to degenerating morals and eliminating the existence or reference to God publically, doesn't mean we have to follow. We can be like the light on the hill, standing for right. We can take the higher road in this decision. We need to stand as witnesses of God and His laws at this time. I invite the council members to take that road and reject Bill 1128.

*With warm regards,
Stephen McGary
915 Hillview Drive
Rexburg, Idaho*

Council Member Merrill clarified that when he says he wants people to experience Rexburg, he doesn't mean he wants them to drink on Sundays. He wants to let people who normally wouldn't stay, to stay and enjoy the city for a couple days and learn about it. He thinks this is a small change that could make a big difference. He doesn't want people to leave with a bad feeling about us. He wants to welcome others in and let them see what we are all about.

Council Member Wolfe also commented that he wants everyone to know that he wishes there was no alcohol, period, but he feels that changing one day is not going to affect anything. There is an economic point here. For cities to grow, we need restaurants to come. He doesn't know that it is our position to force our standards on other people. This is a small thing that would have much more positive impact than negative impact.

Council Member Smith said that in talking to the public, most people don't even realize that drinks on Sunday are not an option. She thinks that there is some positive to changing the rule.

Council Member Benfield agrees with everything that has been said. It's not up to us to decide for other people. She thinks it is good for tourism.

Council Member Merrill said that he would just as soon see stores closed on Sunday but the people who come through here don't have the same beliefs we do. In order to make them feel comfortable here we need to give them the opportunity to choose for themselves.

Council Member Benfield said we spend a lot of money to get tourists here. The Chamber of Commerce did six travel shows in January through March to try and get people to come here. It seems counterproductive to not pass this ordinance. She is in favor of it.

Council Member Mann commended Applebee's for doing a good job. He has not heard much opposition to this ordinance, but he is still opposed to it. He doesn't think it's necessary.

Council Member Wolfe said that you can set a good example by the way you live and what you do and how you act. He would like to say, come see how we act and experience us, but you don't have to leave Rexburg just because you don't want to act like we want you to.

Council Member Wolfe moved to consider BILL 1128 first read; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Merrill

Those voting nay

Council Member Mann

The motion carried.

2. BILL 1129 repealing Ordinance 717 (Flood Plain)

AN ORDINANCE REPEALING ORDINANCE 717 BY ADDING SIX DEFINITIONS; A SECTION FOR RECREATIONAL VEHICLES; AND A SEVERABILITY SECTION; "ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION; PROVIDING FOR THE ISSUANCE OF A PERMIT BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS IN ANY AREA OF SPECIAL FLOOD HAZARD; ESTABLISHING A VARIANCE PROCEDURE; SETTING FORTH THE PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE."

SECTION III.II: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. *The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Madison County and its incorporated cities," dated January 17, 1990, as amended with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Clerk's office, City Building, 35 North 1st East, Rexburg, Idaho.*

Community Development Director Christensen indicated that at the last council meeting the council decided that we should wait until the new maps were created to make a decision on Bill 1129. After that meeting, City Clerk, Blair Kay, came up with a good idea to just add a line where it states "that older map", to read, "or subsequent adopted maps" and it would carry the same weight all the way through. From that stand point, he would like to present it with just changing that date of the old map to include any new maps that are adopted.

Discussion:

Council Member Smith moved to consider BILL 1129 first read; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried.

3. **BILL 1130** Rezone 1st North (specified area) – from Low Density Residential 2 (LDR2) to Mixed Use 2 (MU2).

Written Input:

A. *Dear council members,*

It is my understanding that the council will consider the p & z's recommendation for re-zoning of the property of 1st North at its meeting on March 18, 2015. For over three months my wife and I have had plane reservations to visit our children in Arizona next week and so therefore we will not be here in Idaho to attend the city council meeting to voice our concerns about any action to be taken by the city council on this matter.

Here are my concerns:

- (1) Idaho Code (Secs. 67-6519 and 67-6511) authorizes and allows cities and counties to provide for the procedure for processing zoning change applications. As a general rule of law, only an owner or one possessing some proprietary interest in the land proposed to be re-zoned can make an application to change the zoning of the parcel of land. Rexburg filed an "Application for Rezoning" on Feb. 2, 2015, and the rezoning application shows one has to be an "owner" "purchaser" or "lessee" of the parcel proposed to be re-zoned. Also an "Affidavit of Legal Interest" must also accompany the application.*
- (2) In chapter 6 of the Administrative Procedures Ordinance pertaining to zoning, it provides that amendments to the ordinance (p & z ordinance) may be "initiated" by: (a) adoption of motion by the p & z commission (Sec. 6.13 a.i.); (b) adoption of motion by the council (Sec 6.13a.ii.); or (c) filing an application by a property owner within the area proposed to be changed by the amendment (re-zoning). The dictionary defines "initiate" as "To begin or originate." It seems that the clear reading of the language in the ordinance requires that a motion must be made and passed (adopted) by the city council or the planning and zoning commission to rezone an area authorizing the designated city official to file an application for rezoning BEFORE the city can actually file an application for rezoning to begin the rezoning process. No such motion was made by the City Council or P & Z commission before filing the application to rezone this area. Although "technical", this is a violation of procedural "due process."*

In checking with the p & z office, no application was filed by a property owner within the area proposed to be re-zoned. In reviewing the minutes of the p & z commission and the city council, no motion was made nor adopted (passed) by the City or P & Z in any of their regular public meetings to file an application for rezoning proposing a change in the zoning of this area prior to the public hearing held on March 5. Following the adoption of such a motion, then the procedure outlined for any applicant desiring to re-zone land should be followed, i.e. filing a written application with all required information

(Ch. 6.9 through 6.13), public hearing, and notice to affected landowners, etc. There is no exception nor exemption for the City not to comply if the City proposes to re-zone a given area. I seriously question whether the City should initiate a change in zoning when there has been no written request made by a property owner to change the zoning in any given area.

- (3) *Now is not the proper time to rezone such a large portion of the City because (a) we already have an abundance of business and commercially zoned property; (b) the transition area for further commercial development will likely follow the N. 2nd E./Salem Hwy corridor where the new Wal Mart is to be built; (c) there are numerous business and commercial properties available for rent or for sale on N. 2nd E., in South Fork Plaza and in the downtown business district; and (d) no property owner within this area (the north side of 1st N. between 1st E. and 2nd W.) has actually filed a written request for a zone change.*

Although the city attorney may assert that the City does not have to comply with the technical procedures outlined in chapter 6.13, I would like to see the actual citations to Idaho case and statutory law which support such a claim.

In recent years, there have been numerous changes in the city's comprehensive plan, classification of zones and zoning changes to accommodate special interests. Those who buy or build pursuant to a set of criterion required by a designated zone should have some assurance that their property rights will be protected and preserved.

My suggestions are: Defer any action on the recommendation from the P&Z Commission until procedural due process has been properly complied with; or, schedule a public hearing before the City Council on this proposed re-zoning. If the real issue is changing the zoning in the half block between 1st E and 2nd E or between 1 E and Center Streets, then re-zone those areas if that's what the landowners in those areas want. Those owning the property on the north side of 1st N between Center St. and 1st W do not desire a change in zoning at this particular time. Also, I would suggest that the city council defer any decision until after the city attorney provides a legal memorandum citing the case precedent and statutory authority for the city's action thus far.

Thank you for your consideration of the issues and suggestions I have made.

Sincerely, J. D. Hancock, Rexburg, Idaho [208-356-9653](tel:208-356-9653)

Community Development Director Christensen presented the map and changes. He reminded the council that Planning and Zoning recommends going ahead with the rezone.

Council Member Mann asked about J.D. Hancock's letter. City Clerk, Blair Kay, explained that Mr. Hancock doesn't want his block changed but he is okay with the rest of it. City Attorney Zollinger disclosed to everyone that he owns the middle of that area in question and his family owns property all around it. Mr. Hancock is concerned that a motion be made by Planning and Zoning. There are three options; a property owner, Planning and Zoning Commission, or City Council can initiate by motion. Mr. Hancock thinks that the motion has to be made before you can have a public hearing. Attorney Zollinger explained that the practice has been to make the public hearing part of it and then if Planning and Zoning makes a motion to amend the zone, then that is the motion that initiates moving forward to council. Three property owners had already come in for a zone change. Mr. Zollinger said, at that point we asked ourselves, should we let them do it one at a time or push it forward for the whole quarter block. Staff recommended pushing it forward and putting it on the agenda.

Council Member Mann asked if someone could overturn this later. City Attorney Zollinger said that is a possibility. Mr. Hancock is opposed because less than half of his homes are

occupied. Mr. Hancock’s property is non-conforming and this would make him conform. The zone change doesn’t change anyone’s use. It increases the options for these residents
Discussion:

Mayor Woodland asked for a vote:

Council Member Merrill moved to approve the rezone request on 1st North (specified area) from Low Density Residential 2 (LDR2) to Mixed Use 2 (MU2) and consider BILL 1130 first read; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried

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

D. Third Reading: Those items which have been second read:

1. **Ordinance 1127** Final Assessment Roll for LID44

Discussion:

Council Member Mann moved to consider Ordinance 1127, Final Assessment Role of LID 44, approved and third read; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried

Mayor’s Business:

- A. **City Clerk Kay** asked about information on a proposed Town Hall meeting to discuss “Vape”. Council Member Mann thinks that the Madison School District is holding one the first of April.
- B. **Recreation Employee discussion:** Tom Anderson is leaving the staff and Mayor Woodland would like to request a replacement as soon as possible. Council Member Smith asked if having that position filled helped with races and events. CFO Nielson said last year the marathon broke even. This year race numbers are up and two races have been added. Council Member Merrill thinks the need for that position will probably increase over time. Council Member Smith has had good comments about the youth triathlon. Council agreed to find a replacement.

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 04, 2015 meeting
- B. Approve the City of Rexburg Bills
- C. Spring Yard Clean-up dates from March 30th to May 12th

Council President Smith asked about the Accrued Liability ('ACC') charge that all departments were charged. Chief Financial Officer Nielson said that is the payment of sick leave over the allowed carryover of 480 hours (the first 16 hours over the 480 is converted to vacation) to the Voluntary Employee Benefit Association (VEBA) Post Employment Health Plan (PEHP). This amount is paid out at 35 cents on the dollar to a savings account that the employees are unable to access unless they meet certain requirements, one of which is a PERSI service retirement. If an employee does not meet those requirements, the money reverts back to the City. The charge varies from one department to the next based on those that have hours over the 480. This payment is made once per year. (See section 404 in the employee for more details concerning this policy).

Council Member Merrill asked about when the sprinklers can be turned on. Does turning it on before April first drive their bill up? Public Works Director Millar said they will be getting the first reads done around the first of April.

Discussion about water rate calculations for winter.

Council Member Wolfe 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 Member Smith
Council Member Wolfe
Council Member Benfield
Council Member Mann
Council Member Merrill

Those voting nay

None

The motion carried

Adjourned at 9:00 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Mary Flanary, Deputy City Clerk