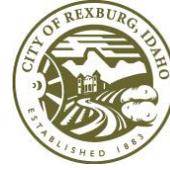


City Council Minutes

June 15, 2016



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

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www.rexburg.org

Phone: 208.359.3020 x2313
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June 15, 2016

Mayor Jerry Merrill

Council Members:

Christopher Mann Jordan Busby
Donna Benfield Tisha Flora
Brad Wolfe Sally Smith

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

1. **5:00 P.M. City Hall – Joint Work meeting with the Planning and Zoning Commission.**

- A. Get acquainted with the new P&Z members; and
- B. Discuss anticipated growth at the University and transportation issues; and
- C. Discuss the Comprehensive Plan and current zoning; (*are they adequate for current growth*)

Mayor Merrill welcomed everyone to the work meeting; He turned the time over to Sally Smith to review the Planning and Zoning issues.

Council President Smith asked everyone to introduce themselves.

Attending:

The Planning and Zoning Commissioners were introduced.

Bruce Sutherland, Richard Smith, Rory Kunz, Steve Oakey, John Bowen, Melanie Davenport, Heidi Christensen, and Jedd Walker.

City Council: Mayor Jerry Merrill, Tisha Flora, Christopher Mann, Sally Smith, Donna Benfield and Brad Wolfe.

Brad Wolfe – Council Liaison

brad@wolfelighting.net

City Members

Jedd Walker – 01/13/2010-01/16

Chairman – appt'd 01/21/16 (2019)*

walkerje@byui.edu

Melanie Davenport – 06/5/2013 (2019)*

crestwoodapts@gmail.com

Mark Rudd – 07/05/2012 (2018)*

rudd@countrywideprop.com

Greg Blacker – 02/03/16 (2019)*

bugmanapc@gmail.com

Heidi Christensen – 01/06/2016 (2019)*

alaskalovers1@gmail.com

Bruce Sutherland – 04/17/14 (2017)*

brucesuthy@msn.com

Steve Oakey – 04/17/14 (2017)*

rays25@cableone.net

[John Bowen – 01/06/2016 \(2019\)*](#)

idahobowen@gmail.com

2 Impact Area Members Appointed by County

[1. Gil Shirley – 12/08 \(2015\)*](#)

gshirley2168@hotmail.com

[2. Rory Kunz – 03/30/15 \(2018\)*](#)

rorykunz@gmail.com

1 Impact Area Member Appointed by City

[Richard Smith – 11/4/15 \(2018\)*](#)

richard@richardsmithfarms.com

Council President Smith asked Economic Development Director Scott Johnson to review the proposed student growth of BYU-I. The growth numbers come to us as:

1. full time equivalent and
2. a head count number

Melanie Davenport explained the Housing Managers have been told BYU-I will need 3,500 to 4,000 more beds in the near future. Director Johnson refer developers to the University for the numbers of new beds needed.

Discussion on the anticipated growth and growth cap for BYU-I.

Director Johnson indicated BYU-I can manage the growth rate by making policy decisions.

Steve Oakey asked about the height restriction discussion; Director Johnson said the discussion is ongoing with a possibility to have heights of buildings approved on a case by case basis through a Conditional Use approval process. The question is where should the height restriction be lifted.

Discussion on developers requesting higher buildings; it is an ongoing discussion.

Council Member Mann discussed the approved projects that have not be constructed. Director Johnson said community housing requests are supported by special reports developed by the Economic Development Department for the developers.

Melanie Davenport said BYU-I has a good track record for working with the private sector to manage housing growth.

Melanie Davenport indicated the City could help developers by being pro-active in zones where more density is anticipated. (*Change Comprehensive Plan in areas of anticipated growth to allow for higher density*)

Director Johnson indicated the size of the Comprehensive Plan document is very large; however, staff would like everyone to become familiar with the document and recommend changes.

Steve Oakey referred to the Comprehensive Plan as a barrier to growth. Years ago Ricks College asked the community to open up homes for student housing. Richard Smith said that was in the day when Student housing standards were not in place.

Melanie Davenport indicated it is a plus to know the head count from BYU-I.

Bruce Sutherland said it is a closed system for student housing at BYU-I. It is a plus to have BYU-I housing numbers being made available to developers. It is a give and take situation with the growth of BYU-I.

Director Johnson asked for input from the Planning and Zoning Commissioners on issues that are impeding the process for approving developers projects.

Steve Oakey asked for the legal requirements for the Comprehensive Plan; Attorney Zollinger indicated it is a state statute. The state requires a negotiated area for the comprehensive plan around the city boundaries. There are 12 or 13 categories that must be addressed in the Comprehensive Plan.

Richard Smith asked how often does the Comprehensive Plan need to be revisited; City Attorney Zollinger said there are no time restrictions to amend the Comprehensive Plan and Map.

Steve Oakey would like to review the statute to check on any wiggle room in the statute.

Council President Smith said the Comprehensive Plan does provide an element of control on growth to keep growth reasonable. The zoning is an area that could use some tweaking; an example is that no one has asked for any Mixed Use One (1) Zone.

Director Johnson encouraged the group to go to Rexburg.Org and read the “Envision Madison” plan.

Richard Smith indicated the Planning and Zoning task force have been working on ideas to make the process easier for developers.

Melanie Davenport reviewed the history when planning was needed to control growth by putting conditions on zone change requests. She asked for some direction from elected officials’ concerning growth issues to be put in writing.

Jedd Walker said Conditional Use Permits do need to have conditions.

City Attorney Zollinger said putting conditions on zone changes is a high powered Conditional Use Permit. He discussed the thinking behind creating more zones to manage growth between residential and commercial growth. Richard Smith indicated a good process would be to look at the permitted uses in each zone. He thought fewer zones would work with better uses outlined in the zones.

Director Johnson said staff needs to know how to change the code to accommodate concerns of the Planning Zoning Commission and City Council. Maybe the emphasis should be on how the proposed development would impact the surrounding properties.

Melanie Davenport said the impact area discussion was very informative to her concerning growth.

Christopher Mann said there are concerns with vehicle traffic and pedestrian transportation (connectivity) to the University. He is in favor with higher densities for community housing closer to the university.

Jedd Walker said community housing is problematic for connectivity to the University.

Director Johnson indicated it is more difficult for developers to tear down existing properties and build community housing close to the university. The reason for this is single student housing creates a higher rate of return than community housing.

Jedd Walker said it is a balance of infrastructure growth and land values.

Mayor Merrill said the City leans towards highest and best use with neighborhood input.

Director Johnson indicated the infill redevelopment area may have been too large.

Bruce Sutherland said the City has worked with developers; however, some of them are not being developed.

Steve Oakey agreed with Rory Kunz that there is a shortage of entry level homes in the Rexburg market. Richard Smith said infrastructure costs have sky rocketed. Rexburg’s building fees are the highest in Idaho. 25% of the fees are impact fees. Melanie Davenport said developers are looking at Rigby and St. Anthony for starter homes due to land values, etc. Richard Smith agreed the starter homes are going to the County, Sugar City, St. Anthony, etc. dues to costs even though they use

Rexburg's facilities, including parks, etc. Steve Oakey asked if the Impact Fee should be rolled back to compete with surrounding communities.

Director Johnson said the price of land is a very large cost of housing in Rexburg. The challenge is going to be managing commercial growth with the lack of starter homes. Richard Smith said the land prices are cheaper further out of Rexburg; so, starter homes should be in an expanded Impact Area for the City.

Council Member Mann said the City does have areas in the City where low income housing could be constructed.

City Engineer Keith Davidson said development further out just increases infrastructure costs which may be offset by narrower streets.

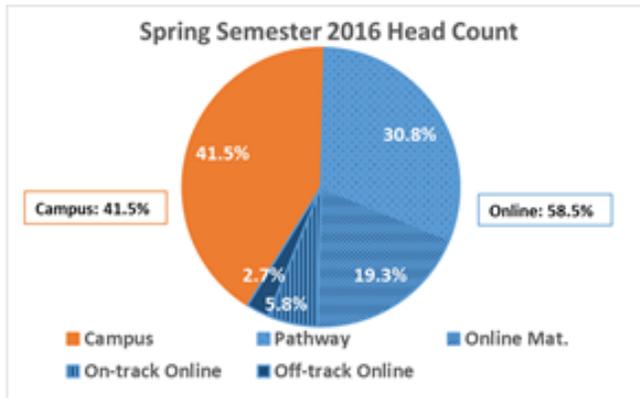
Melanie Davenport reviewed the complaints with street traffic and the frustrations coming from neighborhoods. Director Johnson said the traffic flow has to be controlled by state standard (*i.e. before a traffic light can be installed*).

Director Johnson said some of the issues are already covered in the existing Comprehensive Plan.

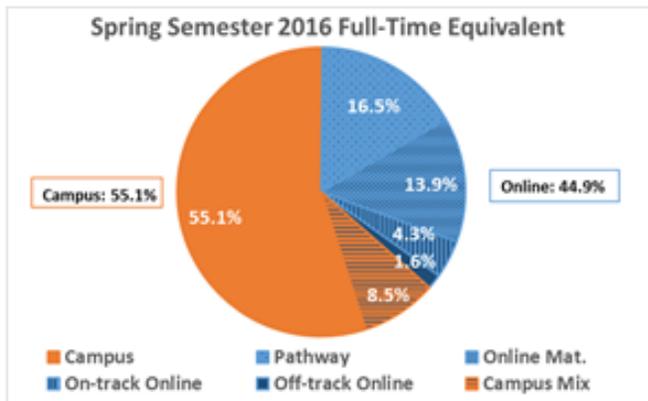
Richard Smith said the County will be holding a hearing this summer on the expansion of the City's Comprehensive Plan boundaries; which he encouraged people to attend the meeting.

Discuss anticipated growth at the University and transportation issues;

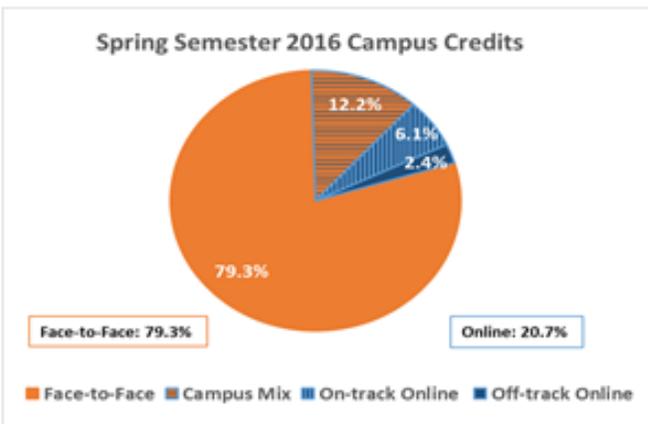
2016 Spring Semester	Headcount (HC)	Full-Time Equivalent (FTE)	Student Credit Hours	Average Credit Load	Spring 2015 HC Difference	Spring 2015 FTE Difference	% HC Growth	% FTE Growth
Campus HC	14,694	12,210	183,156	12.46	952	742	6.9%	6.5%
On-track Online Only	2,057	816	12,243	5.95	279	155	13.7%	23.5%
Off-track Online Only	941	316	4,738	5.04	265	89	39.2%	39.1%
Campus Matriculated Away	653	195	2,925	4.48	26	1	4.1%	0.5%
Online Matriculated	6,819	2,668	40,022	5.87	2,310	864	51.2%	47.9%
Other Enrollment	144	36	537	3.73	9	2	6.7%	5.3%
Employee	124	37	554	4.47	18	3	17.0%	8.4%
CES Enrollment	119	29	437	3.67	N/A	N/A	N/A	N/A
Pathway	10,894	3,171	47,572	4.37	1,578	35	16.9%	N/A
Total	36,445	19,479	292,183	8.02	5,437	1,892	19.70%	18.75%



Headcount	Spring 2016 Semester	Spring 2015 Semester	Difference
Campus	41.5%	45.9%	-4.4%
Online	58.5%	54.1%	4.4%
Pathway	30.8%	31.0%	-0.2%
Online Mat	19.3%	14.9%	4.4%
On-Track Online	5.8%	6.0%	-0.2%
Off-Track Online	2.7%	2.2%	0.5%



Full-Time Equivalent	Spring 2016 Semester	Spring 2015 Semester	Difference
Campus	55.1%	58.0%	-2.9%
Online	44.9%	42.0%	2.9%
Pathway	16.5%	18.1%	-1.6%
Online Mat.	13.9%	10.4%	3.5%
On-Track Online	4.3%	4.0%	0.3%
Off-Track Online	1.6%	1.3%	0.3%
Campus Mix	8.5%	8.1%	0.4%



Campus Credits	Spring 2016 Semester	Spring 2015 Semester	Difference
Face-to-Face	79.3%	81.2%	-1.9%
Online	20.7%	18.8%	1.9%
Campus Mix	12.2%	11.3%	0.9%
On-Track Online	6.1%	5.6%	0.5%
Off-Track Online	2.4%	1.8%	0.6%

Discuss the Comprehensive Plan and current zoning; (are they adequate for current growth)

PREFACE

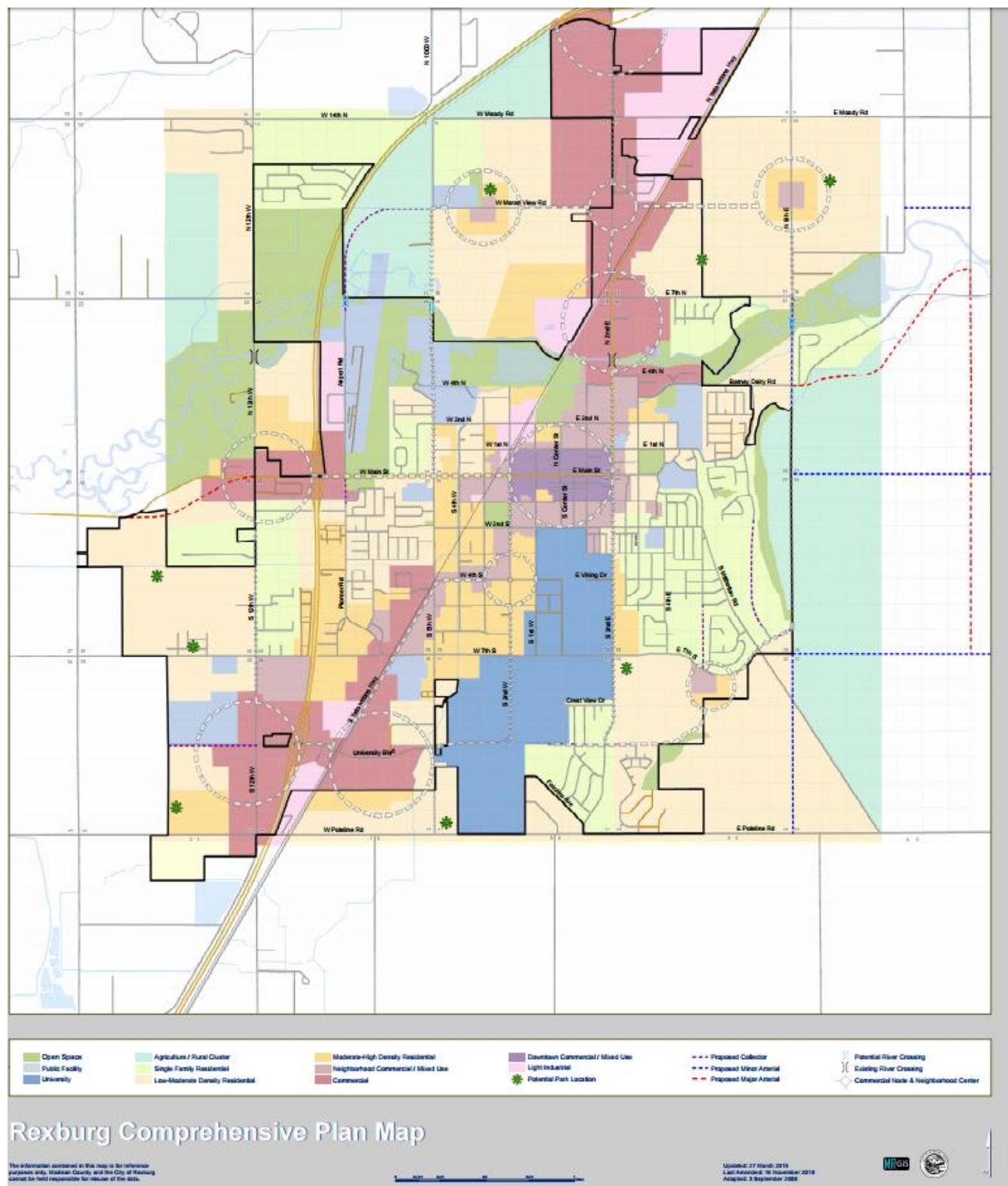
The City of Rexburg Council, Planning and Zoning Commission, City staff, and the general public have dedicated many hours to revising the Comprehensive Plan for the City of Rexburg. Special thanks are extended to all those who continue to participate in the planning process. A comprehensive plan is a living document.

This plan for the year 2020 updates the plan completed in 1997. With new growth and changing conditions a comprehensive plan should also change. It is never too late to get involved in the process and ongoing planning participation by the citizens of the community is encouraged.

It is suggested that you check with City staff or the Planning and Zoning Commission to see what amendments are currently being contemplated and add your input to the suggestions for possible inclusion in future updates of the plan

Community Vision Statement

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

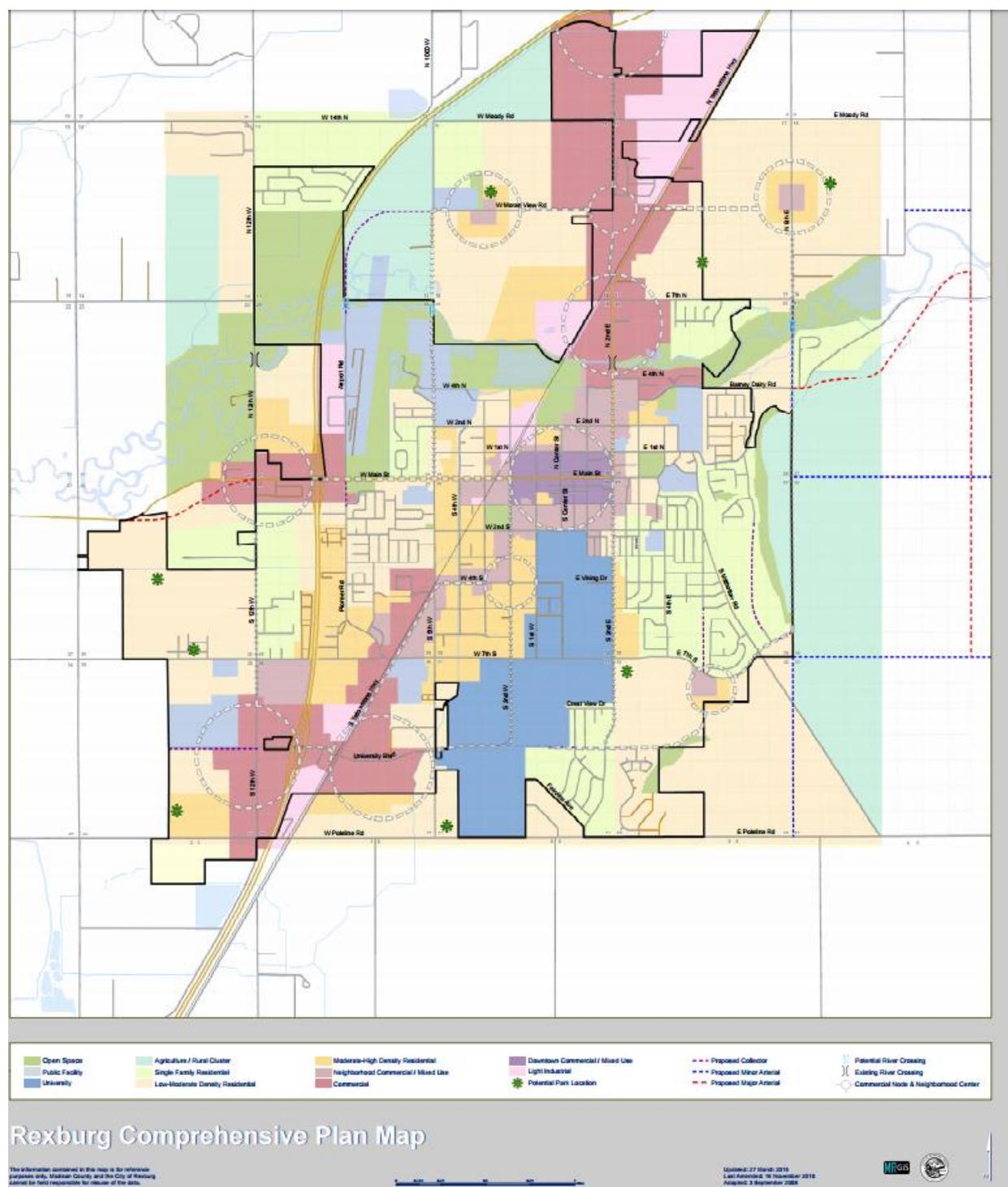


1.1 Planning and Zoning Ordinance (Development Code) Purpose

- a. **Purpose.** The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of the City of Rexburg as follows:
- i. To protect property rights and enhance property values.
 - ii. To provide for the protection and enhancement of the local economy.
 - iii. To ensure that important environmental features are protected and enhanced.
 - iv. To encourage the protection of prime agricultural lands for the production of food.
 - v. To encourage concentration of population in urban areas with the goal of enhancing the quality of life for the community.
 - vi. To ensure that development is commensurate with the physical characteristics of the land.
 - vii. To protect life and property in areas subject to natural hazards and disasters.
 - viii. To protect recreation resources.
 - ix. To avoid undue water and air pollution.
 - x. To maximize use of existing infrastructure including roads, utilities, sewers and water facilities.
 - xi. To secure safety from fire and provide adequate open spaces for light and air.
 - xii. To implement the comprehensive plan.

1.2 Planning and Zoning Ordinance (Development Code) Intent

It is the intent of the governing body of the City of Rexburg that this Ordinance be interpreted and construed to further the purposes of this Ordinance and the objectives and characteristics of the zoning districts.



6:30 P.M. City Hall Council Meeting

Flag Ceremony by the Civil Air Patrol – Captain Kenn Condon
Bruce Sutherland said the prayer.

Roll Call of Council Members:

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

Council Member Busby asked to be excused.

Public Comment: not scheduled on the agenda (limit 3 minutes); issues may be considered for discussion on a future agenda. Please keep comments on point and respectful.

Presentations:

A. Civil Air Patrol presentation – Captain Kenn Condon

Captain Condon is the commander of the Pocatello composite squadron. He said the Civil Air Patrol decided to spread out and now there is a squadron here in Rexburg. They decided to name the Rexburg squadron after Colonel Roland Jack Layton who was a SR71 pilot. The Civil Air Patrol had a presence here in Rexburg for several years; however a year and half ago it was closed down. Colonel Brushier who is the Idaho Wing Commander made a commitment to Mayor Woodland that the Rexburg squadron would be reestablished. Captain Condon said the Rexburg squadron would come back stronger and more vibrant than they were before. One of the promises he made to Mayor Woodland was to have the cadets come to City Council and present a memorial.

Captain Condon presented a photo collage of Colonel Layton's career. He had it framed for City Council. The frame was signed by several squadron commanders and Colonel Layton's daughter.

Mayor Merrill mentioned he is a relative of Colonel Layton. Captain Condon said they started the Jack Layton non-profit foundation to support the Civil Air Patrol. The foundation funds are used to pay for cadet activities, uniforms, and for flight lessons to further aerospace education and aviation. The foundation covers the entire Idaho wing. Karen Layton Stone who is Colonel Layton's daughter is one of the permanent seated members on the foundation. The Jack Layton Foundation is head quartered in Blackfoot, Idaho.

Mayor Merrill asked Captain Condon to review the Civil Air Patrol's duties. Captain Condon said there are three primary missions. The first is aerospace education with in the Civil Air Patrol and schools. Second the cadet program which teaches the basics of leadership, military life and discipline. The third is emergency services where they go out to look for lost hikers, lost airplanes, etc. The Civil Air Patrol holds the record of most live finds of people that were missing in the country. The Civil Air Patrol also assists the local law enforcement.

Discussion:

Mayor Merrill asked the City Council to support a donation to the Civil Air Patrol to sustain the organization.

Council Member Benfield moved to approve a donation of \$1000.00 to the Civil Air Patrol to help sustain the organization; Council Member Smith seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Mann
Council Member Wolfe
Council Member Benfield

Those voting nay

None

The motion carried

Committee Liaison Assignments for 2015:

A. Council Member Mann: *Golf Board · Emergency Services Board · GIS Oversight · Development Workshop*

Council Member Mann reported the Golf Board meet last week. The golf course is doing great the weather has been favorable. This year's revenues are more in pare with the revenues from three years ago. The new sign has been installed at the Legacy Golf Course. The Development Workshop hosted a golf tournament at Teton Lakes Golf Course. The tournament was well attended despite the rain. They will also be hosting a Special Needs Picnic at Smith Park on June 25th. The purpose of the picnic is to show appreciation to the people in the community who employer special needs clients from the Development Workshop. There are great groups of people in the community who are willing to serve and help acclimate special needs people into the work force. He said there are a lot of great partnerships in the community. Emergency Services Board has not met.

B. Council Member Busby: *· Airport Board · Traffic & Safety · Trails of Madison County*

C. Council Member Benfield: *Police · MYAB · Parks & Recreation*

Council Member Benfield reported on the Parks and Recreation Departments. She said they are busy with many activities taking place. The Teton Dam Marathon was held two weeks ago with 776 participants and over 300 volunteers. This last weekend there was the Yellowstone Cup Soccer Tournament with over 1000 children participating and their families. Rexburg Rapids had their soft opening last weekend too. She mentioned our parks are beautiful. She heard from so many different people, to give compliments to Greg McInnes the Parks Manager and Robert Yeatman the Recreation Director. There were people from Boise using the parks and they said our parks are exceptionally nice, with better amenities than the ones in Boise. She expressed her appreciation for the nice facilities the city has.

Council Member Benfield reported on the Police Department. There is concern regarding motorized vehicles on the walking path at Smith Park. The Police Department would like City Council to discuss how to address this issue. They also held a picnic for the special needs people in our community. There were over 350 people in attendance. This is the sixth year the Police Department has sponsored the picnic. The purpose of the picnic is to introduce the police force to our community.

Council Member Benfield said Detective Stubbs has received specialized training and has become the number one detective to handle child pornography cases in Eastern Idaho. The Police Department will be helping with the Legacy Flight Museum Airshow. They also participated in a physical fitness test. They all ranked very well on the test. She reported the Mayor's Youth Advisory Board will be helping with Summerfest, the Fourth of July Parade, and Celebrate Youth. They will also be attending the Associated Idaho Cities Conference in Boise for training.

Mayor Merrill commented he was at Porter Park on Monday night to work on a clip of the dance video the city is involved in. He said the park was being heavily used.

D. Council Member Smith: *Legacy Flight Museum · Beautification Committee · M.E.P.I.*

Council President Smith reported the Legacy Flight Museum Airshow will be taking place this weekend. The Airshow has been heavily advertised. She asked for City Council's help at the Friday night dinner for the pilots working at the Airshow. M.E.P.I. met to discuss the weekly Entrepreneur Night to be held at the Marriott. This will be a night where entrepreneurs can meet with mentors and start networking. M.E.P.I. is also working on the Startup Weekend event that will be held this fall. The event was held in Idaho Falls two years ago and will be held in Rexburg this year. She summarized the process of the Startup Weekend; it's a three day event where entrepreneurs gather together to share their business ideas. There will be a prize awarded to the winner of the event. She encouraged City Council to be informed of when these events will take place and to attend if possible. The M.E.P.I. Committee will not meet again until September.

E. Council Member Flora: *School Board · Rexburg Arts Council/ Museum of Rexburg*

Council Member Flora reported the School Board will meet tomorrow. The Rexburg Arts Council met this past week. She said it has been inspiring to see them get organized. They have come up with really clear objectives and goals. This fall, Mayor Merrill will be instituting the first annual Heritage Festival. He has also asked the Arts Council to participate in the Fourth of July Parade by preparing a float. They have been working on a melodrama for this coming fall. They have also been supporting the Art Grows Rexburg Organization with volunteers. The Arts Council is participating in a literary arts objective of collecting and distributing lightly used books. There are drop off location for the used books at the Romance Theater and the museum. They have been updating their Facebook page and web-site.

Council Member Flora reported the Museum of Rexburg had their grand opening on June 4th. The opening was well attended with over 100 people. She expressed her appreciation for the transformation of the museum. Museum Curator Jackie Rawlins and Bernadine Cook along with other volunteers have worked many hours to get the museum ready to open. They are going to be transforming a small closet into a studio. The studio will be used as a recording room for people to

record their accounts of the history of Rexburg. They hope to preserve these accounts so that people visiting the museum can listen to them as they view the museum displays.

Council Member Flora reported on the Romance Theater. A new sound booth was installed. They also installed ADA (Americans with Disabilities Act) seating. They will be working on the restoration of the plaster frieze on the walls of the Romance Theater. The Tabernacle Summer Concert Series will be performing every Wednesday.

F. Council Member Wolfe: *Planning & Zoning · Urban Renewal Agency · IBC*

Council Member Wolfe reported Planning and Zoning did not meet two weeks ago; however, they did participate in a joint meeting with City Council today. They will also be meeting tomorrow. Urban Renewal Agency has not met.

Staff Reports:

A. Finance: - Matt Nielson - Excused

1. Monthly Finance Reports

**CITY OF REXBURG
FY 2016**

**BUDGET SUMMARY REPORT
8 months ending
5/31/2016**

Page 1

EXPENDITURES

OPERATING EXPENDITURES

	BUDGET	ACTUAL	58%	FORECAST
Human Resources	81,500	18,697	23%	56,800
Mayor & Council	284,100	194,222	68%	295,100
Economic Development	238,300	165,762	70%	247,600
Arts	505,200	160,701	32%	317,400
Customer Services	347,400	211,034	61%	321,500
Information Technology	448,100	282,774	63%	451,000
Financial Management	821,800	545,639	66%	826,100
Legal Services	228,700	146,608	64%	221,500
Planning & Zoning	239,000	182,854	77%	264,200
Building Safety	1,423,900	444,531	31%	716,900
GIS	416,700	272,722	65%	408,300
Emergency Services	3,107,000	1,796,436	58%	3,053,000
Golf Courses	448,300	206,970	46%	451,800
Parks & Ball Diamonds	548,600	245,920	45%	548,300
Recreation Administration & Programs	449,200	277,115	62%	504,800
Riverside Aquatic Center	536,300	62,712	12%	417,600
Miscellaneous: MYAB, Airport, Legacy Flight Museum	211,000	34,798	16%	150,200
Police Department				
Administration Division & Fund 09	1,151,700	710,172	62%	1,069,700
Patrol Division & Funds 13	2,128,700	1,391,688	65%	2,066,500
Investigations Division	653,600	429,961	66%	632,600
Community Services Division & Funds 08,11,14	564,000	353,694	63%	554,600
Total Police Department	4,498,000	2,885,515	64%	4,323,400
Public Works				
Shop	521,400	300,663	58%	497,300
Sanitation	1,870,700	1,186,099	63%	1,886,600
Water	2,321,500	1,475,802	64%	2,267,000
Wastewater	3,662,700	2,243,608	61%	3,529,500
Street Operations	2,042,700	1,301,272	64%	2,025,300
Street Repair Contracts	857,000	14,023	2%	255,000
Total Public Works	11,276,000	6,521,467	58%	10,460,700
TOTAL OPERATING EXPENDITURES	26,109,100	14,656,477	56%	24,036,200

CAPITAL EXPENDITURES

General Fund Contingency	137,700		0%	50,400
Engineering	641,600	399,925	62%	631,500
Construction 06,30,31,32,39,41,42,44,46,49,51-58,82,85	21,846,000	2,767,707	13%	13,866,900
Contributed Capital	4,150,000		0%	2,200,000
Capital Reserve Funds 07,18,20,33,34,35,38	3,078,200	69,891	2%	478,800
LID Debt Service Funds 59-69	1,343,200	172,515	13%	959,100
Trust & RLF Funds 15,16,19,21,22,90,91	708,800	61,559	9%	98,400
TOTAL CAPITAL EXPENDITURES	31,905,500	3,471,597	11%	18,285,100
Internal Transfers Out for Operations	3,192,700	315,400	10%	3,323,500
Internal Transfers Out for Capital	15,856,600	75,000	0%	11,639,000
TOTAL EXPENDITURES FOR ALL FUNDS	77,063,900	18,518,474	24%	57,283,800

REVENUES	BUDGET	ACTUAL	58%	FORECAST
OPERATING REVENUES				
Fund Balances for Operations	1,276,600		0%	1,665,000
Property Tax	4,081,500	2,492,889	61%	4,081,500
Interest	165,800	92,518	56%	156,500
State Taxes & Grants	2,561,200	1,227,788	48%	2,613,500
Miscellaneous	724,200	532,733	74%	736,100
Utility Charges	8,224,000	4,720,576	57%	8,534,400
Permits & Licenses	619,500	480,416	78%	746,800
Franchise Fees	1,578,900	946,449	60%	1,588,900
Parks, Recreation, Museums, Arts, Golf	1,095,300	442,897	40%	1,114,400
County Road Tax	780,000	509,895	65%	844,000
Operating Contributions	2,706,200	1,614,781	60%	2,485,900
Interfund Charges for Services	2,892,300	1,874,663	65%	2,845,200
Federal Grants	453,900	25,610	6%	455,300
Contingent Revenues for Operations			0%	
TOTAL OPERATING REVENUES	27,159,400	14,961,215	55%	27,867,500
CAPITAL REVENUES				
Fund Balances for Capital	3,646,900		0%	4,793,200
Contributed Capital	3,800,000	5,400	0%	2,130,500
Engineering Billings	644,400		0%	630,500
Construction Funds	6,594,500	214,478	3%	1,933,400
Capital Reserve Funds	6,047,100	1,047,324	17%	6,739,500
Grants	2,352,100	129,515	6%	624,500
LID Funds	447,800	36,536	8%	293,800
Trust Funds	1,364,400	507,966	37%	1,395,000
Borrowing	5,958,000		0%	3,000,000
TOTAL CAPITAL REVENUES	30,855,200	1,941,219	6%	21,540,400
Internal Transfers In for Operations	3,192,700	315,400	10%	3,323,500
Internal Transfers In for Capital	15,856,600	75,000	0%	11,639,000
TOTAL REVENUES ALL FUNDS	77,063,900	17,292,834	22%	64,370,400
OPERATIONS SUMMARY				
TOTAL OPERATING REVENUES	27,159,400	14,961,215	55%	27,867,500
TOTAL OPERATING EXPENDITURES	26,109,100	14,656,477	56%	24,036,200
---NET OPERATIONS	1,050,300	304,738	-1%	3,831,300
CAPITAL SUMMARY				
TOTAL CAPITAL REVENUES	30,855,200	1,941,219	6%	21,540,400
TOTAL CAPITAL EXPENDITURES	31,905,500	3,471,597	11%	18,285,100
---NET CAPITAL TRANSACTIONS	-1,050,300	-1,530,378	-5%	3,255,300
TOTAL ALL REVENUES	77,063,900	17,292,834	22%	64,370,400
TOTAL ALL EXPENDITURES	77,063,900	18,518,474	24%	57,283,800
NET ALL REVENUES OVER EXPENDITURES	0	-1,225,640	-2%	7,086,600

CASH & INVESTMENTS*	BALANCE AS OF	Percentage
	5/31/2016	of Portfolio
Bank of Commerce Legacy Flight Museum Checking	42,682	0.18%
Beehive Credit Union CD	250,000	1.06%
Cash On Hand	1,250	0.01%
Citizens Community Bank CDARS	2,135,109	9.09%
Citizens Community Bank Checking (RLF)	119,612	0.51%
Idaho Central Credit Union CD	250,000	1.06%
Idaho Central Credit Union Savings	25	0.00%
Moreton Asset Management Government Securities	3,621,535	15.42%
Real Estate Investments (Streets)		0.00%
State Diversified Bond Fund	7,261,178	30.92%
State Local Government Investment Pool-City	5,833,702	24.84%
State Local Government Investment Pool-Fire District	434	0.00%
Wells Fargo Bank Drug Fund Checking	19,841	0.08%
Wells Fargo Bank Fire District Checking & Savings	48,562	0.21%
Zions Bank Collateralized Acct	3,340,853	14.23%
Zions Bank Direct Auction-Agencies	441,958	1.88%
Zions Bank Direct Auction-CD	200,000	0.85%
Zions Bank General Checking	328,642	1.40%
Zions Bank Payroll Checking	-410,506	-1.75%
TOTAL	23,484,877	100.00%

CITY OF REXBURG
TREASURER'S EXPENDITURE REPORT BY FUND
FISCAL YEAR TO DATE ENDING 5/31/2016 @ 67% of the Fiscal Year 2016

#	FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET	END BAL.
48	AIRPORT CONSTRUCTION		96,828	0	96,828	170,800	57%	33,904
47	AIRPORT OPERATIONS	1,429		10,014	11,443	26,100	44%	-4,095
49	AIRPORT RESERVE			0		80,000	0%	185,000
36	ARTS PROMULGATION			23,400	23,400	210,700	11%	50,058
82	BROADBAND FIBER INITIATIVE			0		300	0%	
28	BUILDING SAFETY AND P&Z	288,655	41,815	296,915	627,385	1,662,900	38%	604,548
85	COMMUNITY SAFETY LIGHTING		4,567	48,856	53,423	295,300	18%	220,478
83	EI BUSINESS COMPETITION			11,530	11,530	12,500	92%	-6,654
19	FIRE DISTRICT		30,000	367,000	397,000	1,224,400	32%	621,225
21	FIRE EMPLOYEES TRUST		5,938	5,399	11,337	55,200	21%	29,652
20	FIRE IMPACT FEES			0		55,600	0%	70,126
18	FIRE JOINT EQUIPMENT			0		259,400	0%	379,202
17	FIRE OPERATIONS	829,687	24,582	882,797	1,737,066	2,765,700	63%	-598,869
37	FIRE PARAMEDIC CARE UNIT	34,493		24,877	59,370	421,700	14%	44,990
93	FIRE PIPES & DRUMS			1,460	1,460	9,800	15%	5,118
32	FIRE STATION ADDITION		166,286	0	166,286	200,000	83%	-98,746
01	GENERAL	2,733,396	262,098	2,425,594	5,421,088	10,503,900	52%	4,037,925
29	GEOGRAPHIC INFORMATION SYS.	130,217	4,956	137,549	272,722	416,700	65%	17,240
51	GOLF COURSE CONSTRUCTION			2,107	2,107	30,100	7%	-615,400
50	GOLF COURSE OPERATIONS	464	28,600	177,906	206,970	448,300	46%	1,361,947
24	LEGACY FLIGHT MUSEUM		1,216	8,797	10,013	245,600	4%	75,684
53-58	LID CONSTRUCTION FUNDS		476,851	10,457	487,308	1,420,000	34%	-487,308
59-79	LID DEBT SERVICE FUNDS			115,625	115,625	514,300	22%	-260,241
45	MAYOR'S YOUTH COMMITTEE			2,919	2,919	6,800	43%	493
38	PARKS IMPACT FEES		2,605	0	2,605	470,000	1%	941,569
41	PARKS RIVERSIDE CONSTRUCTION		128,847	0	128,847	960,000	13%	-128,847
14	POLICE ANIMAL CONTROL	39,243	4,310	42,112	85,665	130,300	66%	-64,790
08	POLICE D.A.R.E.			5,917	5,917	20,500	29%	1,649
09	POLICE DRUG INTERD./EDUC.			147	147	23,800	1%	19,864
07	POLICE IMPACT FEES			501	501	25,300	2%	-142,473
91	POLICE SHOP WITH A COP			13,024	13,024	38,000	34%	24,368
13	POLICE SMALL GRANTS	12,057	3,916	6,607	22,580	57,500	39%	-3,873
03	RECREATION PROGRAMS	21,922	40,000	75,451	137,373	189,000	73%	-39,615
22	REVOLVING LOAN		5,706	0	5,706	31,000	18%	1,265,459
94	REXBURG ARTS COUNCIL TRUST			0		2,500	0%	
81	REXBURG CULTURAL ARTS	11,177		40,593	51,770	93,900	55%	5,315
23	REXBURG RAPIDS	11,450		51,262	62,712	536,300	12%	187,405
40	ROMANCE THEATER	13,749	8,312	28,945	51,006	98,800	52%	-45,090
25	SANITATION OPERATIONS	132,561	96,000	957,538	1,186,099	1,870,700	63%	1,471,789
35	SEWER CAPITAL RESERVE			66,784	66,784	3,279,900	2%	3,420,591
27	SEWER OPERATIONS	279,118	733,336	1,288,045	2,300,499	7,402,500	31%	18,157,887
52	SEWER PLANT CONSTRUCTION		760,982	0	760,982	3,000,000	25%	-263,900
31	SHOP CONSTRUCTION		310,323	0	310,323	212,000	146%	540,786
84	STREET 2nd EAST & MOODY RD CONST.		380,737	0	380,737	6,102,000	6%	-719,305
33	STREET IMPACT FEES			0		580,000	0%	181,363
44	STREET NEW CONSTRUCTION		26,254	0	26,254	3,023,900	1%	749,103
02	STREET OPERATIONS	305,373	285,326	710,573	1,301,272	3,199,500	41%	700,192
43	STREET REPAIR CONTRACTS		12,318	1,705	14,023	1,607,000	1%	537,248
04	TABERNACLE (Aud. & Museum)	19,149	5,676	30,229	55,054	126,000	44%	-48,521
05	TABERNACLE ORCHESTRA			2,869	2,869	7,500	38%	-5,132
39	TRAILS OF MADISON COUNTY			125	125	50,000	0%	-125
90	VETERANS MEMORIAL TRUST		30	0	30	6,000	1%	5,546
34	WATER CAPITAL RESERVE			0		1,596,300	0%	1,500,120
26	WATER OPERATIONS	191,487	400,000	884,315	1,475,802	12,091,600	12%	14,105,962
42	WATER PLANT CONSTRUCTION		354,488	0	354,488	9,196,000	4%	-354,488
	TOTAL	5,055,627	4,702,903	8,759,944	18,518,474	77,063,900	24%	47,666,334

Citizens are invited to inspect the detailed supporting records of the above financial statement.

B. Public Works: John Millar

1. Approve the purchase of a new 2016 John Deere 624 loader by piggy-backing on the ITD bid. They would take the city's loader on trade and the differential would be \$17,279.02. The loader is a little over two (2) years old and has approximately 2000 hours of use.

Mayor Merrill mentioned once equipment has 2000 hours or more of use the repairs of the equipment become expensive.

Council Member Flora moved to approve the purchase of a new 2016 John Deere 624 loader by piggy-backing on the ITD bid. They would take the city's loader on trade and the differential would be \$17,279.02; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

Those voting aye
Council President Smith

Those voting nay
None

Council Member Flora
 Council Member Mann
 Council Member Wolfe
 Council Member Benfield

The motion carried

Public Works Director John Millar reported on the water line replacement project that Edstrom Construction is working on; it’s moving along well. They started working on the eastside of the city. They have fallen a week behind; however, they will be bringing in another crew to catch up. The sewer project is on scheduled. The change orders to date are at a negative amount.

C. Engineering: - Keith Davidson

- 1. Approve bid** for the Rexburg City Water Project to install various sized ductile iron municipal drinking water pipe for infrastructure. Contractor is to anticipate trenching thru various city streets including asphalt and sidewalk. Reconstruction to city standards will be required including granular subbase material. Replacement of existing curb gutter and sidewalk will be required.

Company	Amount
Knife River	\$ 1,228,485.00
Edstrom Construction	\$ 1,399,745.00
3H Construction	\$ 1,438,302.00
Zollinger Construction	\$ 1,629,465.00
DePatco Inc	\$ 1,724,565.00
Jerome Bowen	N/A
Engineers Estimate	\$ 1,600,000.00

Discussion:

Council Member Wolfe moved to approve the low bid from “Knife River” for the Rexburg City Water Project to install various sized ductile iron municipal drinking water pipe for infrastructure as presented; Council Member Smith seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
 Council Member Flora
 Council Member Mann
 Council Member Wolfe
 Council Member Benfield

Those voting nay

None

The motion carried

- 2. Approve Airport Bid** for crack sealing and slurry sealing. There were a total of two bidders. Straight Stripe Painting was the low bidder.

Straight Stripe Painting	Maxwell Asphalt, Inc.
Bid Schedule 1 \$111,528.00	Bid Schedule 1 \$185,828.16
Bid Schedule 2 \$ 25,762.15	Bid Schedule 2 \$ 49,102.85
Combined \$137,290.15	Combined \$234,931.01

City Engineer Davidson explained the city asked for two bid schedules in case the bids came in higher than anticipated. This would allow the city to do the work on either the runway or the taxiway. The bid came in low enough that they can work on both the runway and taxiway.

Mayor Merrill asked if Straight Stripe Painting has done work for the city before. He questioned the difference in the bid amounts between the two bidders. City Engineer Davidson indicated the low bid amount is in line with the city engineer’s calculations. Council Member Mann said he has used Straight Stripe Painting before and was pleased with their work.

Council Member Wolfe asked if this is the same ongoing airport apron project. City Engineer Davidson said it’s a new project; it’s the regular maintenance of the airport. The FAA will be paying 90% of the maintenance cost.

NOTICE OF AWARD

AIP No.: 3-16-0031-15-2016

Engineer: GDA ENGINEERS Engineer's Project No.: 151039

Project: REXBURG – MADISON COUNTY

AIRPORT SEAL COAT AND

MARKING PROJECT

Contract Name: REXBURG – MADISON COUNTY

AIRPORT SEAL COAT AND MARKING

PROJECT

Bidder: Straight Stripe Painting, Inc.

Bidder's Address: 1812 W. Sunset Blvd. #1-525

St. George, UT 84770

TO BIDDER:

You are notified that Owner has accepted your Bid dated June 14, 2016 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Schedules 1 & 2 of the Rexburg – Madison County Airport Seal Coat and Marking Project.

The Contract Price of the awarded Contract is: \$ 137,290.15.

3 unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically. 3 sets of the Project Manual and Drawings will be delivered separately from the other Contract Documents. You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

- 1. Deliver to Owner 3 counterparts of the Agreement, fully executed by Bidder.*
- 2. Deliver with the executed Agreement(s) the Contract security and insurance documentation as specified in the Instructions to Bidders and General Provisions 30-05.*
- 3. Other conditions precedent: Provide copies of the following:*
 - Certificate of Insurance listing City of Rexburg and GDA Engineers as additional insureds.*
 - Preliminary Project Schedule including milestones, substantial and final completion dates*
- 4. A Notice to Proceed will be issued once the Owner receives a FAA AIP grant. You may not commence construction until the Owner has issued a Notice to Proceed. Any on-site construction work completed before a Notice to Proceed will not be reimbursed by the Owner.*

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents.

Owner: CITY OF REXBURG

Authorized Signature _____

By: _____

Title: _____

Prepared and published 2013 by the Engineers Joint Contract Documents Committee.
C-510-2 GDA 2015

Owner: THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY

Authorized Signature _____

By: _____

Title: _____

Copy: Engineer

Discussion:

Council Member Benfield moved to approve the Airport Bid for crack sealing and slurry sealing as presented; Council Member Flora seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith

Council Member Flora

Council Member Mann

Council Member Wolfe

Council Member Benfield

Those voting nay

None

The motion carried

Mayor's Report:

Mayor Merrill said he attended the Town and Gown Conference. The conference is specialized for cities with universities. There were presentations and discussion on how the cities and universities can better their working relationship. They also discussed housing concerns and how to planning for growth. He said the conference was very informative and will implement some the ideas he learned.

Mayor Merrill commended the city's Recreation Department on the Teton Dam Marathon. This year the revenues were higher than the expenses. He expressed his appreciation for all of the volunteers that helped with the marathon.

Mayor Merrill asked City Council for their thoughts about changing the name of "The Zone", the city recently purchased. He said the Recreation Department is cleaning up the building and will meet Monday to discuss the business plan for The Zone. The response from the Rexburg citizens regarding the purchase of The Zone has been positive.

Mayor Merrill mentioned a dance video Lisa Dayley Smith with the Standard Journal is making to promote Rexburg.

Public Hearings: - NONE

Items for Consideration:

- A. **Approve Joint Sewer Study** with Rexburg, Sugar City and two Sugar City Developers; each party will pay 25% (\$12,500) of the study totaling \$50,000.

**AMENDED AND RESTATED
REIMBURSEMENT AGREEMENT
(Water and Sanitary Sewer Studies)**

THIS AMENDED AND RESTATED REIMBURSEMENT AGREEMENT (the "Agreement"), is entered into and effective as of June ____, 2016 (the "Effective Date") by and between (i) TRIANGLE R, LLC, an Idaho limited liability company with offices in Jackson, WY ("Triangle"), and the developer of the River Bend Ranch subdivision in Sugar City, ID, (ii) RYAN LERWILL and JEFF LERWILL (collectively, the "Lerwills"), the developers of the Old Farm Estates subdivision in Sugar City, ID, (iii) the CITY OF SUGAR CITY, an Idaho municipal corporation ("Sugar City"), and (iv) the CITY OF REXBURG, an Idaho municipal corporation ("Rexburg"). Triangle and the Lerwills are collectively referred to herein as the "Developers". The Developers, Sugar City, and Rexburg are collectively referred to herein as the "Parties" and each individually as a "Party".

RECITALS

- A. WHEREAS, the Developers and Sugar City entered into that certain Reimbursement Agreement (Water and Sanitary Sewer Studies), dated February 25, 2016 (the "Original Agreement"), pursuant to which said parties agreed to share the costs of the Studies (defined below in Recital H).
- B. WHEREAS, Rexburg now desires to become a party to the Original Agreement to share in the costs and benefits of the Sanitary Sewer Study (defined below in Recital H).
- C. WHEREAS, the Parties desire to amend and restate (in its entirety) the Original Agreement pursuant to this Agreement.
- D. WHEREAS, Triangle is the owner of that certain tract of land in the County of Madison, State of Idaho, known as the River Bend Ranch subdivision ("RBR"), and more particularly described in Exhibit A, attached hereto.
- E. WHEREAS, the Lerwills are the owners of that certain tract of land in the County of Madison, State of Idaho, known as the Old Farm Estates subdivision ("OFE"), and more particularly described in Exhibit B, attached hereto.
- F. WHEREAS, the Developers have begun the process of submitting development improvement plans to Sugar City for review and approval by the city.
- G. WHEREAS, Sugar City does not currently have the culinary water and sanitary sewer capacity to handle the complete buildout of the RBR and OFE developments.
- H. WHEREAS, as a result of the water and sanitary sewer ("W&S") capacity issue described in Recital G, above, the Parties desire that Sugar City engage qualified engineering firms to analyze and determine (i) the water well, well pumping equipment, and water storage facilities needed to serve the needs of RBR and OFE, as well as other future residential and commercial developments within Sugar City (collectively, the "Water Facilities Study"); and (ii) the sanitary sewer infrastructure expansion and additional wastewater treatment capacity required from Rexburg, to serve the needs of RBR and OFE, as well as other future residential and commercial developments within Sugar City (collectively, the "Sanitary Sewer Study") (the Water Facilities Study and the Sanitary Sewer Study being collectively referred to as the "Studies").
- I. WHEREAS, the Developers and Sugar City generally agree to share the costs of the Water Facilities Study equally (1/3 each), and to accomplish same, the Developers each agree to reimburse Sugar City for 1/3 of the costs incurred by Sugar City for such Study.
- J. WHEREAS, the Parties generally agree to share the costs of the Sanitary Sewer Study equally (1/4 each), and to accomplish same, the Developers and Rexburg each agree to reimburse Sugar City for 1/4 of the costs incurred by Sugar City for such Study.
- K. WHEREAS, Sugar City believes that the approximate cost of each Study is expected to be \$52,500 (\$50,000 for the cost of the Study to be prepared by an engineering firm, plus \$2,500 for the application fee (Letter of Interest) for possible IDEQ (defined below) grant funding of such Study).
- L. WHEREAS, the State of Idaho Department of Environmental Quality ("IDEQ") has already committed to Sugar City \$25,000 in grant funding toward the Water Facilities Study, thereby reducing the "net" cost of the Water Facilities Study to \$27,500 (\$52,500 (see Recital K, above), less \$25,000).
- M. WHEREAS, the IDEQ has denied Sugar City's grant funding request toward the Sanitary Sewer Study.
- N. WHEREAS, Sugar City has already entered into a contract with Forsgren Associates, Inc. ("Forsgren"), an engineering firm with offices in Rexburg, ID, to undertake the Water Facilities Study.
- O. WHEREAS, in the near future, Sugar City expects to begin soliciting bids for the preparation of the Sanitary Sewer Study.
- P. WHEREAS, Sugar City and each Developer have already contributed \$10,000 each toward the total costs of the Studies.

AGREEMENT

NOW THEREFORE, the Parties agree as follows:

1. Expected Costs of Studies. Sugar City currently anticipates that the total costs of the Studies will be as set forth in Exhibit C.
2. Sharing of Studies Cost. The Parties agree to share the aforementioned anticipated costs of the Sanitary Sewer Study on an equal (1/4) basis. The Developers and Sugar City agree to share the aforementioned anticipated costs of the Water Facilities Study on an equal (1/3) basis. Each of the foregoing cost-sharing arrangements are subject to the following:
 - A. In the event the actual cost of either Study exceeds \$60,000 (\$10,000 more than currently anticipated), neither the Developers nor Rexburg (with respect to the Sanitary Sewer Study only) shall be obligated to reimburse Sugar City for any amount beyond such \$60,000 cost level.
 - B. Subject to Section 2(A), when Sugar City incurs Water Facilities Study costs, it shall submit written requests for reimbursement from the Developers for their 1/3 share of same. Upon receipt of such written reimbursement notices from the city, the Developers shall, within fifteen (15) days of receipt of each such notice from Sugar City, submit a check to the city for their share of the costs set forth in the notice from the city.
 - C. Subject to Section 2(A), when Sugar City incurs Sanitary Sewer Study costs, it shall submit written requests for reimbursement from the Developers and Rexburg for their 1/4 share of same. Upon receipt of such written reimbursement notices from Sugar City, the Developers and Rexburg shall, within fifteen (15) days of receipt of each such notice from the city, submit a check to the city for their share of the costs set forth in the notice from the city.
 - D. Sugar City shall provide to each Developer a copy of the Scope of Work for each Study, as well as a copy of each completed Study. Sugar City shall provide to Rexburg a copy of the Scope of Work for the Sanitary Sewer Study, as well as a copy of the completed Sanitary Sewer Study.
 - E. In the event Sugar City changes the scope of work on a Study that the Developers, or either of them, do not give their prior written approval of, the non-approving Developer(s) shall not be obligated to reimburse Sugar City for the cost of the Study related to such change in scope of work. In the event Sugar City changes the scope of work on the Sanitary Sewer Study that Rexburg does not give its prior written approval of, Rexburg shall not be obligated to reimburse Sugar City for the cost of the Sanitary Sewer Study related to such change in scope of work.
3. Reimbursement from Future Developers. Sugar City and the Developers contemplate (and have discussed generally) entering into a Water & Sewer Infrastructure Expansion Agreement ("W&S Expansion Agreement") which will cover, without limitation, a cost-sharing arrangement for funding all of the costs of (i) expanding/enhancing Sugar City's water and sanitary sewer infrastructure and (ii) purchasing additional sanitary sewer treatment capacity at the Rexburg wastewater treatment facility. Such agreement will also include a reimbursement provision pursuant to which future residential or commercial developers connecting to Sugar City W&S infrastructure will be required to reimburse the Developers and Sugar City for their pro-rata share of the costs such parties will have incurred to expand the W&S infrastructure of Sugar City (including the purchase of additional sanitary sewer capacity at the Rexburg wastewater treatment facility), all as recommended in the Studies. Sugar City and the Developers agree that the "gross" Study costs (excluding IDEQ grant funding received by Sugar City for the Studies) will be added to the actual W&S infrastructure expansion/enhancement costs (described above) for purposes of reimbursement to the Developers and Sugar City by future developers connecting to the W&S infrastructure contemplated by the W&S Expansion Agreement.
4. Default. In the event either Developer or Rexburg fails to comply with the terms and conditions of this Agreement, the Sugar City may seek any remedy provided for in law or equity, including (with respect to the Developers), but not limited to, withholding the issuance of any building permits, certificates of occupancy, or the connection of water or sanitary sewer service to any property owned by such Developer and located within the RBR or OFE development (as applicable), until such default is cured.
5. General Provisions.
 - A. Severability. In the event that any term or provision of this Agreement shall be declared by any court of competent jurisdiction to be unreasonable or invalid, then any such

unreasonable terms or provisions shall be modified and enforceable to the extent deemed reasonable by such court; and any such invalidity shall not affect any other term or provision of this Agreement, all of which remaining terms and provisions shall continue in full force and effect.

B. Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho. The venue for any action arising out of this Agreement shall be exclusively in the District Court of the 7th Judicial District of the State of Idaho, Madison County, or in the United States District Court for the District of Idaho.

C. Waiver of Breach. The waiver by a Party of any breach of a provision of this Agreement shall not operate, or be construed as, a waiver of any subsequent breach thereby.

D. Assignment. No Party shall assign (an “Assignment”) any rights, or delegate or subcontract any obligations under this Agreement without the prior written consent of each other Party. An Assignment in violation of the foregoing shall be deemed null and void. Subject to the limits on an Assignment stated above, this Agreement shall inure to the benefit of, be binding upon, and be enforceable against, each of the Parties and their respective successors and assigns.

E. Amendment. This Agreement may not be altered, amended or modified, except in writing signed by each of the Parties hereto.

F. Entire Understanding. This Agreement constitutes the entire understanding of the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, whether in writing or oral, relating to the subject matter of this Agreement. This Agreement amends and restates the Original Agreement in its entirety.

G. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

H. Remedies Cumulative. All remedies herein are cumulative and, to the extent not wholly inconsistent with each other, may be enforced simultaneously or separately, at the sole discretion of any Party.

I. Covenants Appurtenant to the Land. All covenants and conditions of the Developers set forth herein shall be appurtenant to and run with each respective, applicable Development and shall be binding upon each Developer’s successors or assigns.

J. Recording Fees. The Developers shall, upon written request of the City, promptly pay to the City all recording fees necessary to record this Agreement with the Madison County Recorder’s office.

K. Joint & Several Liability. For purposes of this Agreement, the liabilities and obligations of the Lerwills herein shall be joint and several with respect to Ryan Lerwill and Jeff Lerwill.

L. Notices. Any notice or other communication required or permitted to be given to a Party pursuant to this Agreement shall be in writing and shall be determined to have been duly given when delivered personally, by email, or sent by United States certified or registered mail, return receipt requested, postage prepaid, as follows:

To Triangle: Triangle R, LLC
 Attn: Thomas W. Garlock
 970 W. Broadway (#446)
 P.O. Box 30,000
 Jackson, WY 83002
 (Tel) 307-413-4714
 thom@tetonlanddevelopment.com

To Lerwills: Country Wide Properties, Inc.
 Attn: Ryan Lerwill
 1216 Stocks Ave. (#1)
 Rexburg, ID 83440
 (Tel) 208-356-7300
 ryan@countrywideprop.com

Attn: Jeff Lerwill
1216 Stocks Ave. (#1)

Rexburg, ID 83440
(Tel) 208-356-7300
jeff@countrywideprop.com

To Sugar City: City of Sugar City
Attn: David Ogden, Mayor
10 East Center
P.O. Box 56
Sugar City, ID 83448
(Tel) 208-356-7561
mayor@sugarcityidaho.gov

With a copy to: William Forsberg
Forsberg Law Offices, Chtd.
49 Professional Plaza
Rexburg, ID 83440
(Tel) 208-356-7474
forsbergw@cablone.net

To Rexburg: City of Rexburg
Attn: Jerry Merrill, Mayor
35 N. 1st E.
P.O. Box 280
Rexburg, ID 83440
(Tel) 208-359-3020
jerry.merrill@rexburg.org

With a copy to: Stephen Zollinger
Rexburg City Attorney
35 N. 1st E.
P.O. Box 280
Rexburg, ID 83440
(Tel) 208-359-3020
stephen.zollinger@rexburg.org

Discussion:

Mayor Merrill presented the Joint Sewer Study between Rexburg and Sugar City. The study is beneficial for both Sugar City and Rexburg due to the growth both cities are anticipating. There are two developers that will each pay 25% for the study, Rexburg will pay 25% and Sugar City will pay 25% as well. The estimated cost of the study is about \$50,000.00 with a \$60,000.00 cap.

Council Member Mann questioned which fund the cost for the study will come out of. Public Works Director Millar replied the cost will come out of the wastewater fund.

Council President Smith moved to approve and authorize Mayor Merrill to execute the Joint Sewer Study with Rexburg, Sugar City and two Sugar City Developers; each party will pay 25% (\$12,500) of the study totaling \$50,000; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

Those voting aye
Council President Smith
Council Member Flora
Council Member Mann
Council Member Wolfe
Council Member Benfield

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 (Recommend Suspension of the Rules): – NONE
- B. **BILL Introduction:** – NONE
- C. **First Reading:** Those items which are being introduced for first reading:– NONE
- D. **Second Reading:** Those items which have been first read: – NONE
- E. **Third Reading:** Those items which have been second read:
 - 1. **BILL 1143 Amending Ordinance 1115 to allow a .75% parking ratio** for dormitory unit development; changing from a (1 to 1) ratio to as low as a (.75 to 1) ratio upon submittal and acceptance by the Planning and Zoning Commission of a “Parking Management Plan”.

AN ORDINANCE AMENDING ORDINANCE 1115 BY ALLOWING FOR A REDUCTION FROM 1 TO 1 RATIO TO AS LOW AS .75 TO 1 RATIO IN REQUIRED PARKING FOR DORMITORY UNIT DEVELOPMENTS UPON A SHOWING OF ADEQUATE PARKING MANAGEMENT PLAN; PROVIDING FOR EFFECTIVE DATE OF THE ORDINANCE.

The Parking Management Plan conditions.

SECTION II: For any Parking Management Plan to be considered, it must include factors intended to deal with all of the following:

- 1. *Visitor parking must be located in such a way as to be readily identified upon entering the parking facilities, and must provide for visitor stays of no less than 1 hour.*
- 2. *Policing of the parking facilities must be conducted by the property owners, or their employed representatives, and any parking enforcement action must be initiated by an on-site person, who is not compensated in direct relationship to the decision to tow or boot or otherwise police violations. (No Predatory Towing or Booting)*
- 3. *Any tenant authorized to park in the parking facility must be clearly identified as having parking privileges, and no more than the actual number of available spaces may be assigned, providing for ancillary and visitor parking as required.*

Discussion:

Council Member Smith commented she understands the numbers are actual numbers from the university, which is helpful; however there is a caveat, she believes the .75% is too low. She remembers the original number being .80%. Mayor Merrill explained .75% is the lowest the city will consider and each development will be evaluated to consider the parking ratio. Mayor Merrill said city staff has discussed the parking ratio with developers and they are in favor of the Parking Management Plan conditions. The developers don't see the conditions as a restriction. The conditions actually give the developers the ability to design their projects in a way that makes everything work.

Council Member Benfield stated she is in favor with the .75% parking ratio; however is not in favor of the number 2 of Section II. She doesn't agree with the city telling private businesses how to operate. Mayor Merrill said the city has discussed the parking management process with the booting company. The booting company owner said he would still be able to work with his clients within the parking management plan conditions.

Council Member Benfield said she would like to have the developer come back to report to City Council on how their parking management plan is working. (*Mayor Merrill asked city staff to monitor the developer's parking management plan agreement and report back to City Council on how well they are operating*).

Council Member Mann moved to consider BILL 1143 third read and approved amending Ordinance 1115 to allow a .75% parking ratio for dormitory unit development; changing from a

(1 to 1) ratio to as low as a (.75 to 1) ration upon submittal and acceptance by the Planning and Zoning Commission of a “Parking Management Plan”; Council Member Flora seconded the motion; Discussion: Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Mann
Council Member Wolfe

Those voting nay

Council Member Benfield

The motion carried

2. **BILL 1144 repealing Ordinance 113 and Ordinance 699**; Ratifying current Standing Committees (recommending committees to City Council); Ratifying current Advisory Groups and Establishing Advisory Groups.

AN ORDINANCE RATIFYING CURRENT STANDING COMMITTEES AND ESTABLISHING STANDING COMMITTEES; RATIFYING CURRENT ADVISORY GROUPS; ESTABLISHING ADVISORY GROUPS; REPEALING ORDINANCE 113 AND 699; AND PROVIDING FOR EFFECTIVE DATE OF THE ORDINANCE.

Discussion:

Council Member Wolfe moved to consider **BILL 1144** third read and approved to repeal Ordinance 113 and Ordinance 699; Ratifying current Standing Committees (recommending committees to City Council); Ratifying current Advisory Groups and Establishing Advisory Groups; Council President Smith seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Mann
Council Member Wolfe
Council Member Benfield

Those voting nay

None

The motion carried

Mayor’s Business:

Mayor Merrill reported a movie star known as Erik Estrada with be joining the St. Anthony Police Department and the Rexburg Police Department will be participating in training Mr. Estrada to become a level 2 police officer.

Mayor Merrill said he attended the Chamber of Commerce Board meeting. They are making preparations for the Summerfest and Fourth of July Parade events. There is a need for 20 host families for Summerfest.

Mayor Merrill reported the Associated of Idaho Cities Conference is scheduled for next week in Boise Idaho. He encouraged the City Council Members attending the conference to get to know other city officials and gather new ideas on how to handle growth, etc.

Discussion regarding the Fourth of July Parade.

Mayor Merrill read a letter received from Marjorie Liljenquist a Rexburg citizen thanking former Fire Chief Walker for his dedicated service. He also received a letter from Chris Bachellor who is Pat Burton’s daughter. Pat was instrumental in getting the carousel restored after the Teton Dam flood. The restoration of the carousel took about fourteen years to complete. He said in the letter Chris

states she would like to have a special day to honor all of the volunteers that helped in the restoration of the carousel. She said she would be willing to fundraise to cover the cost of the event.

Mayor Merrill also reported the city Recreation Department is working on a mud run for July.

Council Member Benfield mentioned the Police Department is receiving more and more letters of appreciation from Rexburg citizens for the service they provide to the community. She commended the Police Department for all they do. Mayor Merrill said the Recreation Department also wanted to thank the Police Department for all of their help during the Teton Dam Marathon. Police Officer Jensen was very prepared that day with maps of all the different races.

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 May 1st, 2016 meeting; Planning and Zoning minutes from May 19th, 2016;
- B. Approve the City of Rexburg Bills

Council Member Wolfe moved to approve the Consent Calendar containing the minutes and the city bills; Council Member Flora seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora
Council Member Mann
Council Member Wolfe
Council Member Benfield

Those voting nay

None

The motion carried

Adjourned at 7:37 P.M.

APPROVED:

Jerry Merrill, Mayor

Attest:

Marianna Gonzalez, Deputy City Clerk