

Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

May 17, 2006

Mayor Shawn Larsen

Council Members:

Donna Benfield – Council President
Farrell Young Christopher Mann
Rex Erickson Randy Schwendiman
Bart Stevens

City Staff :

Stephen Zollinger — City Attorney
Richard Horner – Finance Officer
John Millar — Public Works Director
Val Christensen – Building Official
Kurt Hibbert — Planning & Zoning Administrator
Blair Kay — City Clerk

6:00 P.M. Work Meeting (City Council training)

Council Member Benfield motioned to go into executive session pursuant to State Statute 67-2345 (C); Council Member Young seconded the motion;

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

NONE

The motion carried.

Executive Session

Executive Session ended.

Glen Pond from the “Rexburg Redevelopment Agency” reviewed the status of the “Agency.” He noted the Agency is in good financial condition. They are looking for avenues to enhance the Agency. He reviewed some of the liabilities in the form of bonds and legal fees. He briefly discussed the 2nd East expansion of the Redevelopment area which includes an area west of K-Mart and some property east of 2nd East behind Cal Ranch over to the High School. Glen wanted to let the City Council know the Redevelopment Agency is working under the direction of the City Council. He wanted to have a close working relationship with the City Council concerning Urban Renewal issues.

City Attorney Zollinger reviewed the topic of “Habits of a Highly Effective Mayor and City Council.” He reviewed some issues on the open meeting law and the conflict of interest policy.

7:00 P.M. – Pledge to the Flag – All City Council Members were present.

Roll Call of Council Members:

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 03, 2006 meeting

B. Approve the City of Rexburg Bills

Council Member Benfield asked to have Kennedy School changed to Lincoln School on page four of the May 03, 2006 minutes.

Council Member Young moved to approved the Consent Calendar; Council Member Mann seconded the motion; all voted aye, none opposed. **The motion carried.**

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

David Wood at 280 Shoshone Avenue reviewed the proposed change to the Millhollow Road and Shoshone Avenue intersection. He presented a neighborhood opinion petition to the City Council. The petition asked to keep Millhollow Road the same as it is currently configured and have Shoshone Avenue make a ninety degree turn onto Millhollow Road. It is currently the main access to the Rexburg Bench. Residents on lower Millhollow Road and Shoshone Avenue signed the petitioned. He asked the City Council to reconsider the intersection design they recently approved.

Jill Anderson at 419 Morgan Drive read a statement concerning the Hospital construction project. She wanted to go on record as appreciating the City Council for their service by running for office to fulfill their civic duty. She shared her observation of a neighborhood adjustment for a large project. Her comments were not directed at any specific individual or meant to criticize or condemn anyone. She simple shared hers and other people's observations. Dear friends have moved and their homes have been demolished. Once a private and protected area, they will now endure a couple of years of noise and dust without their privacy. She noted their neighborhood's protective covenants were amended by a majority of the neighbors to allow of the Hospital expansion. Now, the protective covenant is being challenged or practically denied by those who wrote it. Many of them are asking, "Why have protective covenants for a neighborhood if it does nothing for you; if it is not enforced." Why place conditions on a "Conditional Use Permit" if the conditions are not enforced. These conditions are subject to much discussion, debate, and definition. She asked for constant and consistent enforcement of the simplest rules. She wanted to have the conditions on the Conditional Use Permit for the Hospital expansion enforced.

Mayor Larsen noted the City has a Compliance Officer on Staff to help enforce the City rules and regulations.

Rod Wade at 226 Shoshone Avenue did not want the headlights going into his bedroom from the proposed change to the intersection at Shoshone Avenue and Millhollow Road. It would deplete his property value. He bought the property for its location and the nice neighborhood. The property easement for the intersection owned by the City has been maintained by Rod Wade. He mentioned a proposed little park with flowers on the City property by a prior Mayor. Neighbors have tried to keep a concrete business from dumping waste on the site. He did not bill the City for the property care he has performed on this piece of City property. Rod wanted the City to use the easement on the other side of the road for the road enhancement plan.

Presentations:

A. Parks & Recreation Service presentation

Mayor Larsen presented Brad Smith a Plaque in recognition for his service as the chair person for the Parks and Recreation Committee from 2002 to 2006. Mayor Larsen mentioned his achievements in City Park enhancements and his willingness to serve the City of Rexburg.

Mayor Larsen asked if there were any Scouts at the meeting. There were not any scouts in attendance.

Committee Liaison Assignments for 2006:

A. Council Member Chris Mann *Parks & Recreation· Museum Committee· Romance Theatre Committee*

Council Member Mann reported the Parks and Recreation Committee met and elected Chris Moore as Chair person. Rich Ballou was elected Vice Chair and Pat Burton as secretary. The Romance Theatre Committee has been meeting three or four times a month on Wednesdays over

at the Romance Theatre. They had a “Cinco De Mayo” celebration in May. There is a Rock Band performance next week at the Theatre for a fund raiser.

B. Council Member Donna Benfield *Beautification Committee· Police Department*

Council Member Benfield reported the Beautification Committee met last Friday and they discussed the Rexburg Welcome Sign and a few things yet to finish for the sign. They discussed unifying City Park signs in the locations of signs in Porter Park and Smith Park. Mayor Larsen explained Gerald Griffin brought drawings on the sign locations in the Parks that can be reviewed on site in the next couple of days. City Council Member Benfield explained the Beautification Committee is recommending utilizing the City Logo on park benches, garbage cans, etc. The flower baskets are coming on Main Street soon. The flower planter program is available to businesses that request to be involved with the City. There have been a couple of businesses request to participate this year. The Beautification Committee is nearing a final product for the first addition of bronze sculptures coming to the round-about. They are holding off for a good price.

C. Council Member Rex Erickson *Airport Board· Planning & Zoning*

Council Member Erickson reported the Airport Board has not met recently. The Planning and Zoning Commission items are on the agenda tonight.

D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

Council Member Schwendiman’s Committees did not meet with a full quorum; therefore, there was not any business to report.

E. Council Member Farrell Young *Tabernacle Committee· Rexburg Arts Council*

Council Member Young reported on an extensive cleaning project in the attic and the towers of the Tabernacle. Some of the debris has fallen on the carpet. He hoped the downstairs would be cleaned too. The City crews are doing the work. The Orchestra Concert is scheduled for June 07th. It is on the same night as the City Council Meeting. He asked for a change in the City Council meeting’s date or time. The Wednesday evening performances are scheduled all summer long.

F. Council Member Bart Stevens *Trails of Madison County· IBC Committee*

Council Member Stevens reported the Trails of Madison County bypassed their meeting to attend the ground breaking ceremony for the Sugar City trails project. Three County Commissioners were present with the Mayors from Rexburg and Sugar City. The County has done a lot of in-kind work as a match for the grant. The Great Spud Race is scheduled for June 17, 2006. The money goes to County trails projects.

G. Mayor Larsen *Mayor’s Youth Advisory Board· Legacy Flight Museum*

Mayor Larsen reported the Advisory Board plans. They would like to send members to Lewiston Youth Conference and the AIC Youth Conference in Boise this fall. They are working on fund raisers to attend these events. They are planning a fall Rexburg pride days event too.

Mayor Larsen reported he is a liaison to the Legacy Flight Museum.

Terry Bagley from the Legacy Flight Museum Board gave a brief report on the Museum to the City Council. The Museum is open on Monday nights from 5:00 p.m. to 8:00 p.m. The Scouts have come to visit the Museum on field trips and there is a Madison High School dance coming soon. There will be an Air show on June 17th. They have received generous contributions from their sponsors. Terry invited the City Council to a recognition dinner on Friday, the 16th of June. The dinner is to recognize the Legacy Flight Museum sponsors. On Memorial Day the Museum will start the summer season with a six day week. They are advertising an Arby’s promotion on the back of the Museum tickets. The Museum has the largest collection of “flying airplanes” in the State or maybe the entire west. They expect the Air show to grow and they want 10,000 people to come this year. They will give away eighteen airplanes rides.

Council Member Schwendiman asked if the F16s could come to the Air show. Terry explained F16's have to be booked a year in advance. The Municipal Golf Course will close from 10:00 a.m. to 12:00 p.m. to allow for a scatter pattern if the planes have problems.

Council Member Stevens asked about liability insurance for the people that get the free ride. City Attorney Zollinger will check with John Bagley.

Council Member Erickson reviewed the financial status of the Flight Museum. Terry explained all the money flows to the City under a special account. In the last two months ticket sales and sponsors have donated about \$14,000. There is utility expenses and \$8,000 in insurance costs (only while the airplanes are on display in the Museum) for a year. There will be a monthly financial report for the Flight Museum given to the City Council.

Council Member Erickson has heart burn over the insurance costs. He was not sure how the City could justify insuring private planes on the City's bill. Financial Officer Horner explained the planes would not be allowed in the facility by the owners without the insurance on the planes when they are in the Museum.

Public Hearings:

A. 7:30 P.M. Amend the Comprehensive Plan Map.

Public Works Director John Millar reviewed the nine areas that were in a Planning and Zoning Public Hearing. Of the nine areas; three areas were not recommended for a Comprehensive Plan Map change. Areas One and Two are on the west side of the south interchange. The School District and the Kauer family own these parcels. Area Three is at the north interchange on the west side of 2nd East from Moody Road to the interchange. Area Four is property at 2nd South and 2nd East. Area Five is a commercial cabinet shop on 3rd West and 1st South. Area Six is at the north interchange on the east side of 2nd East from Moody Road almost to the interchange. Area Seven is a small piece of property on the north side of 7th North adjacent to a future LDS Church. Area Eight is directly west of the Stone Bridge Subdivision. Area Nine is property on the south side of 2nd South between 1st East and 2nd East. Planning and Zoning recommended denial of areas Four, Eight, and Nine. The other areas were recommended for approval.

Mayor Larsen opened the Public Hearing for public input on the proposed changes to the Comprehensive Plan "Land Use" Map: He noted the Map can be changed every six months.

Comprehensive Plan change for Area One (1) & Area Two (2):

Mayor Larsen asked for public input on "Area One" and "Area Two:" It is proposed the tracts of land currently designated as "Low-Moderate Residential" as shown on the City of Rexburg *Preferred Land Use Map* be changed to "Commercial."

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal: NONE

Mayor Larsen closed the Public Hearing for City Council deliberations.

Council Member Young asked if the School District Plans for the new High School property would be in conflict with this proposed change to the Comprehensive Plan. Council Member Erickson explained the School District could sell off part of their investment for added revenue. This proposed change is in the Southeast corner of the School District property. A Commercial land use designation would be more valuable to the School District.

Council Member Stevens asked about Commercial land designations around the School District property. Council Member Erickson noted two Planning and Zoning members were concerned with having too much commercial property in the City at this time and added traffic for the area. Council Member Stevens is used to having a residential area around the current High School.

Lane Hemming (Assistant Superintendent) was not aware of the requested change to the Comprehensive Plan coming from the School District. They came to the meeting to see why it was recommended. They were planning to have this discussion in a School Board meeting in a few days. Planning and Zoning Commissioner Thaine Robinson noted the property is close to the interchange off Hwy 20 coming into Rexburg. The Planning Commission recognized the value of Commercial property around the interchanges into the City. They were concerned with the lack of control on the development of the area under the current land use designation. Council Member Erickson mentioned Dr. Geoffrey Thomas was contacted about the proposed change to the property and he did not have a problem with the change. The proposed change was viewed as a preferred land use for the property. Council Member Young asked who initiated the proposal. Planning and Zoning Administrator Hibbert initiated the proposal and he contacted the property owners for their approval. Thaine Robinson said the City was the petitioner.

Council Member Young moved to table the proposed Comprehensive Plan change for Area One & Area Two; Council Member Schwendiman seconded the motion; Discussion: Mayor Larsen reminded the City Council this proposed action would be delayed six months into the future before any other land use actions on the Map could be proposed.

Those voting aye

Donna Benfield

Farrell Young

Christopher Mann

Rex Erickson

Randy Schwendiman

Bart Stevens

Those voting nay

NONE

The motion carried.

Comprehensive Plan change for Area Three (3) & Area Six (6):

These properties are on both sides of 2nd East just south of the North Interchange.

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Three (3) & Area Six (6): It is proposed the tracks of land currently designated as “Agriculture” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Commercial.”

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal:

Jan Gallup at 309 South Austin Avenue, Sugar City, Idaho, wanted to make it known she was speaking as an individual, not as a consultant for Sugar City or any of the property owners. She noted that two property owners in this proposal have been annexed into Sugar City. Two documents signed by the property owners demonstrate the land owners want to be part of Sugar City. She wanted the property owners desires respected. She noted a commercial land use designation was an appropriate direction for their property. Sugar City has planned to have it designated as a commercial land use also. She submitted a letter to the Rexburg Planning and Zoning Commission briefing her concerns with Rexburg’s proposal to change the Comprehensive Plan for this area. She wanted the City Council to take these comments into consideration as part of their deliberations. She was in favor of letting the property owners do what they wanted to do with their property.

Mayor Larsen closed the Public Hearing for City Council deliberations.

Council Member Young asked if the Mayors for Sugar City and Rexburg have made any further progress to come up with a resolution to the boundary dispute between Sugar City and Rexburg.

Mayor Larsen noted Rexburg has annexed these properties with the Planning and Zoning Commission’s recommendation. He mentioned the two Cities are still communicating on the dispute on a regular basis. He is still looking forward to a resolution (compromise) to the dispute with Sugar City in this area.

Council Member Erickson explained the property had been annexed by Rexburg also.

Council Member Young recommended making the change to prepare for future deliberations.

Council Member Mann wanted to proceed with the proposed change for these properties.

Council Member Stevens respected Planning and Zoning’s decision on the proposal.

Council Member Stevens moved to change the Comprehensive Plan land designation from “Agriculture” as shown on the City of Rexburg *Preferred Land Use Map* to “Commercial;” Council Member Erickson seconded the motion;

<u>Those voting aye</u>	<u>Those voting nay</u>
Donna Benfield	NONE
Farrell Young	
Christopher Mann	
Rex Erickson	
Randy Schwendiman	
Bart Stevens	

The motion carried.

Comprehensive Plan change for Area Four (4):

Council Member Mann disclosed he attended this portion of the Planning and Zoning meeting on the deliberations for area’s Four and Nine.

Council Member Erickson explained this property is on South 2nd East where a burned out house was located. It is one block south of the new Walgreen’s store. It is on the east side of the street. Area Nine is located on south side of 2nd South between 1st East and 2nd East.

Mayor Larsen explained the land use change proposals.

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Four (4): It is proposed the tract of land currently designated as “Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Mixed-Use.”

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal:

Steve Oakey at 25 South 3rd East spoke in behalf of the East Main Street Neighborhood Association. He asked the City Council to follow the recommendation of the Planning and Zoning Commission and deny the request. He read two paragraphs from the applicant’s application. He noted some gross falsehoods in reference to the East Main Street Neighborhood Association. They are a dues paying group and they are not a monolithic. There have been disagreements on this issue for Area Four. The neighborhood has never claimed to represent outside of the dues paying members. They make a great effort to invite all neighborhood members to their meetings or come to the meetings and participate. Only dues paying members can vote on neighborhood issues. They represent those willing to engage in the discussion.

In the second paragraph concerning the application, Steve noted there is no question that single family residential use is not the highest and best use for this property. He recommended the ProZone for this property. Two other proposals would fit better in the neighborhood. The future development of this proposal will greatly affect the future of the neighborhood. High density office space may spread to other neighbors. They are against multiple use land uses for their neighborhood. He thanked the City Council. He recommended following the Planning and Zoning recommendation and deny the request.

Don Sparhawk at 37 South 3rd East indicated they are in solid older residential areas of the City. The Neighborhood Association and Planning and Zoning Commission have worked to keep these areas residential. They recommend smaller patio style homes for this area. These homes would compliment existing homes. He asked the City Council to continue to visualize this as a residential area.

Mayor Larsen closed the Public Hearing for City Council deliberations. He read the Planning and Zoning motion. **Area #4: David Stein** moved to reject this petition for a comprehensive plan change for area #4 for the reason that the board specifically crafted in connection with City Council the Project Redevelopment Option zone. East Main area is a prime target for this zone. It is vacant land and it would make a prudent use of a tool that was spent countless hours discussing. **Randall Porter** seconded the motion. **Charles Andersen** clarified the motion should be worded that they are recommending the motion. **David Stein** amended his motion to say they recommend to City Council to reject this particular request. **Randall Porter** seconded. None opposed. **Motion carried.**

Council Member Erickson moved to reject the proposed Comprehensive Plan change on the Map for Area Four; Council Member Mann seconded the motion; Discussion:

<u>Those voting aye</u>	<u>Those voting nay</u>
Donna Benfield	NONE
Farrell Young	
Christopher Mann	
Rex Erickson	
Randy Schwendiman	
Bart Stevens	

The motion carried.

Comprehensive Plan change for Area Nine (9):

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Nine (9): It is proposed the tract of land currently designated as “Low-Moderate Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Moderate-High Residential”

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal:

Eugene Thompson on 112 East 2nd South noted the Planning and Zoning Commission came to a rational decision. There is not enough square footage and parking for dormitory style housing. They were opposed to dormitory style housing in the area. He is willing to live and let live without dormitory style housing. They are not opposed to having students in the area.

Don Sparhawk reiterated his testimony for Area Four as being the same for Area Nine.

Mayor Larsen closed the Public Hearing for City Council deliberations. He read the Planning and Zoning motion. **Area #9: Mary Haley** motioned to recommend to City Council to deny this request to change the designation of area #9 from Low-moderate residential to moderate-high residential, for the reasons that they have problems there now, and changing the density on the Preferred Land Use map would not help any situation

that has been brought to their attention. **Charles Andersen** seconded the motion. *None opposed.* **Motion carried.**

Council Member Erickson moved to deny the Comprehensive Plan Map change for Area Nine from Low-Moderate Residential” to “Moderate-High Residential”; Council Member Schwendiman seconded the motion;

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

NONE

The motion carried.

Comprehensive Plan change for Area Five (5):

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Five (5): It is proposed the tract of land currently designated as “Commercial” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Industrial.”

Mayor Larsen indicated the proposal is a cabinet shop and he asked the requestor to open the discussion.

Clint Galbraith at 64 South 3rd West indicated his desire to build a storage building west of his cabinet shop. The Planning and Zoning Commission wanted the zoning changed to Light Industrial. He was in favor of the land use change. The business has been his for twenty years; the business has been a cabinet shop for thirty eight years.

Those in favor of the proposal: Clint Galbraith indicated he was in favor of the proposal.

Those Neutral to the proposal: NONE

Those in opposition to the proposal:

Kevin Snell at 3784 East 175th North in Rigby, Idaho, owns one house through the block. He wants a residential (Townhouses) community cottage area. It was Comprehensive Planned for Commercial apartments. He is concerned with changing the block to industrial and in the future this property may change to a different industrial use. The railroad tracks are not being used for that purpose. He is not opposed to have a storage building; however, he was concerned with the future of the area if this parcel is changed to an Industrial land use designation. He does not want a total land use change. What if he wants to sell? P&Z noted it was by the railroad. He did not agree with railroad section logic. He read some of the zoning applications for Industrial. He is opposed to changing the Land Use from Residential to Industrial.

Mayor Larsen closed the Public Hearing for City Council deliberations.

Discussion: The Comprehensive Plan needs changed first before a zone change would be considered. Part of this action is to clean up the land use designation on the cabinet shops existing lot which has a residential strip on the western edge of the lot.

Council Member Erickson explained that CBC was not welcomed by the Planning and Zoning Commission. CBC was the original requested land use change proposal. They wanted to change the land use designation to fit the existing business. Chairman Dyer explained the current use does not fit in a CBC Zone. It would bring the cabinet shop into the correct land use designation.

Council Member Stevens was comfortable with the recommendation of Planning and Zoning.

They spent a lot of time and energy to come up with this decision. Council Member Erickson explained hours and hours and days and days were spent deliberating the issues for this parcel.

Council Member Benfield commented that it does not affect the other properties.

Council Member Young moved to approve the Planning and Zoning Commission’s recommendation to change the Comprehensive Plan Map for Area Five (5) from “Commercial” as shown on the City of Rexburg *Preferred Land Use Map* to “Industrial;” Council Member Erickson seconded the motion; Discussion:

Those voting aye

Donna Benfield
Farrell Young
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

Christopher Mann

The motion carried.

Comprehensive Plan change for Area Seven (7):

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Seven (7): It is proposed the tract of land currently designated as “Moderate-High Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Low-Moderate Residential”

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal: NONE

Mayor Larsen closed the Public Hearing for City Council deliberations.

Council Member Erickson explained it is a house keeping process with the surrounding area. A new church is planned east of this parcel.

Council Member Erickson moved to accept the recommendation from “Moderate-High Residential” as shown on the City of Rexburg *Preferred Land Use Map* to “Low-Moderate Residential;” Council Member Young seconded the motion;

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

NONE

The motion carried.

Comprehensive Plan change for Area Eight (8):

Mayor Larsen opened the Public Hearing for public input on the proposed Comprehensive Plan change for Area Eight (8): It is proposed the tract of land currently designated as “Moderate-High Residential” as shown on the City of Rexburg *Preferred Land Use Map* be changed to “Commercial.”

Those in favor of the proposal: NONE

Those neutral to the proposal: NONE

Those in opposition to the proposal:

Jay Warnick at 636 West Stonebridge supports the Planning and Zoning Commission’s decision to reject the requested change. At the Planning Commission’s Public Hearing on April 20, 2006, Jay quoted minutes to deny the petition. Planning and Zoning Administrator Kurt Hibbert was quoted comparing Medium Density Residential as being as friendly as an Industrial site due to the allowed density in an MDR Zone. The choice of a supper big box store or an Industrial site (MDR) is a lose – lose situation. He asked the City to take a good look at the City’s codes for buffering to protect single family neighborhoods like the Stonebridge Subdivision.

Mayor Larsen closed the Public Hearing for City Council deliberations. He noted the property is adjacent to the Stonebridge Subdivision.

Council Member Erickson explained the proposal is not for light industrial. It was a comparison quote for Planning and Zoning Administrator Kurt Hibbert.

Council Member Benfield moved to accept Planning and Zoning’s recommendation to deny the proposal; Council Member Erickson seconded the motion;

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

NONE

The motion carried.

B. 8:00 P.M. Impact Area Zone Change from Rural Residential (RR) to Community Business Center (CBC) – 12th West north of Hwy 33.

City Attorney Zollinger explained the petitioner, Mr. Christensen has complied with Planning and Zoning’s recommendations for this Zone request. They approved the proposed CBC Zone for these parcels. He reviewed the different parcels on the overhead screen next to Mother Hibbard’s Country Store on 12th West and Hwy 33.

Mayor Larsen opened the Public Hearing.

Those in favor of the proposal:

Ryan Lerwill at 132 North 2162 West leans in favor of the proposal. He referenced a small lane in the area that is dangerous for fire truck access. Chris Huskinson from the Fire Department said a larger lane is necessary for access. Ryan proposed to donate land from the neighbors to increase the size of the lane to gain access to 12th West. The current access is dangerous for the property owners. He asked the City Council to consider the public safety concerns for this neighborhood. Neighbors would donate land to fix the road. They are at a stand still without some resolution to this issue. He was concerned with having only one access onto Hwy 33 for the neighborhood. They would like to have the lane widened and connected to 12th West for a loop road. Ryan said it is a safety issue.

Mayor Larsen asked if they would all petition for annexation. Attorney Zollinger noted three parcels do not want to be annexed, including Mother Hibbard’s. The requestors did not want this request construed as an annexation request at this time.

Those neutral to the proposal: NONE

Those in opposition to the proposal: NONE

Mayor Larsen closed the Public Hearing for City Council deliberations.

Council Member Young asked about the proposed use for the affected parcels. City Attorney Zollinger noted the site plan has not been prepared. It would be considered a “takings” to widen the road on this proposal. Those issues can be covered in a site plan review at Planning and Zoning. Mayor Larsen mentioned the area is really rural residential.

Council Member Erickson noted Mr. Christensen originally asked for a General Business District versus a Community Business Center “CBC” Zone, which is quite a bit different. Planning and Zoning wanted the request changed to CBC. Mr. Christensen complied with the request. Council Member Erickson was comfortable with CBC.

Discussion on site plan review to fix road width. Although the property is in the County, (City Impact Area), the site plan would come to the City (Planning and Zoning) for review to consider the road width.

Council Member Young moved to accept Planning and Zoning’s recommendation from Rural Residential (RR) to a Community Business Center (CBC) Zone; Council Member Erickson seconded the motion; Discussion: Council Member Young supports Planning and Zoning’s recommendation. He respected their due diligence to come to this decision.

<u>Those voting aye</u>	<u>Those voting nay</u>
Donna Benfield	NONE
Farrell Young	
Christopher Mann	
Rex Erickson	
Randy Schwendiman	
Bart Stevens	

The motion carried.

C. 8:15 P.M. Zone Change from Medium Density Residential (MDR1) and Community Business Center (CBC) to Light Industrial (LI) at 64 South 3rd West & 330 West 1st South.

Mayor Larsen opened the Public Hearing for public input on the proposal.

Clint Galbraith requested the City Council to carry on the proposed zone change for this property. He noted all of the property is in the Comprehensive Plan as Commercial. The codes are changing for Commercial Zoning. He mentioned Mr. Laker at 336 West 1st South was not opposed to the proposal; however, he did not want his property included in this proposal. Clint intends to carry on with his current cabinet shop business and expand it. The comments concerning the railroad tracts came from comments in the Planning and Zoning meeting referring to several industrial areas being located adjacent to the railroad tracks.

Those in favor of the proposal: Clint Galbraith

Those neutral to the proposal: NONE

Those in opposition to the proposal:

Kevin Snell at 3784 East 175th North in Rigby, Idaho, was opposed to the proposal. He reviewed his research of the area and where his properties (Woodshed Apartments) are located. He grew up in Rexburg and he planned to buy property for development. He studied the Comprehensive Plan and found property was planned for Commercial. Land is not cheap in Rexburg. He referenced conversations with Planning and Zoning Administrator Kurt Hibbert for direction in his planning. He has to assume the worst case scenario. Wouldn’t it be better to have a variance to expand Mr. Galbraith’s building? Why make a Comprehensive Plan change and then a zone change. Why not give him a variance instead of a Comprehensive Plan change and zone change. Kevin did not develop his property on a whim. He takes it seriously; the Planning Commission’s decisions do

not affect their pocket books. He wanted a guarantee that Mr. Galbraith would be there for fifty years.

Rebuttal:

Clint Galbraith noted his intension to do what he needed to do to expand his business. Planning and Zoning felt after their investigation of this was done; industrial was the direction he should go to accomplish what he needed to do.

Mayor Larsen closed the Public Hearing

Deliberation:

Council Member Erickson said “change is inevitable.” There is no way to tie this City Council to a future happening. The Planning and Zoning Commission has the obligation to look for what is best for the entire community. They said it was the best way to handle it. Logic for no change does not work. He has seen change in his own neighborhood. It has taken six months to come up with this proposal with due diligence by the Planning and Zoning Commission. Change is going to come. He recommended standing by the Planning and Zoning decision.

Council Member Mann replied voting against the Planning and Zoning decisions is not a vote against their work and due diligence. Sometimes it is being prudent or philosophical in the Council Members own approach to the issue.

Council Member Benfield does not like to see industrial in the middle of housing. She does respect the fact there has been an industrial business at this location for forty years. With the proposed expansion, she does not think the business will be moving soon. She agreed with Planning and Zoning’s decision; they thought it out rationally.

Council Member Schwendiman asked if there could be future controls applied to the property. City Attorney Zollinger explained the City could require buffering on a site plan review.

Planning and Zoning Administrator Hibbert noted two levels of control. One level is in the City Code explaining the rights associated with the particular land use. The second control is by a Conditional Use where site plan restrictions are applied. This location is unique because it is a small lot; where a larger obnoxious development would not fit.

Council Member Young thanked Clint Galbraith and Kevin Snell for their civility in explaining their views and concerns. The City Council’s decision is not made with any animosity or desire to hurt anyone.

Council Member Erickson moved to change the Zone from Medium Density Residential (MDR1) and Community Business Center (CBC) to Light Industrial (LI) at 64 South 3rd West & 330 West 1st South as recommended by Planning and Zoning; Council Member Schwendiman seconded the motion; Discussion:

Those voting aye

Donna Benfield
Farrell Young
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

Christopher Mann

The motion carried.

New Business:

A. Preliminary Plat for Stonebridge Subdivision, Division #2

Winston Dyer with the Dyer Group 310 North 2nd East represented the Stonebridge Development. He noted the location of the property on 7th North. Some of the development is built out with homes. He reviewed the property line on the southwest corner of the development

being located in the center of the Teton River. There has been quite a bit of discussion for a pedestrian way along the Teton river in Phase Six. It is still unresolved; therefore they are moving forward with Phase Two (east of the current development) to allow time for future green belt negotiations. Phase Two is just less than six acres for seventeen lots. A twelve inch water line is located in the bottom of Phase Two. Planning and Zoning has given their consent for Phase Two.

Mayor Larsen asked if the roads have been accepted by the City in Phase One. Winston noted road repairs have been completed in Phase One; however, the roads have not been accepted by the City. Public Works Director Millar explained some road mitigation work is planned before the City can accept the roads in Phase One.

Council Member Mann has noted some concerns from some in the neighborhood concerning the sign, weeds, plus the roads. He wanted all of those concerns addressed.

An employee of the developer explained the landscaper would be working on the entryway next week to clean it up. The neighbors' concerns will be addressed.

Council Member Stevens asked about a Master Plan. Winston noted this request is part of the Master Plan and the Master Plan is in the City Council Packet to show how Phase Two fits in the Master Plan.

Council Member Stevens moved to approve the Preliminary Plat for Stonebridge Subdivision, Division #2; Council Member Young seconded the motion; Discussion: Mayor Larsen noted the bike path along the river could be worked out with the City and the Developer. He suggested Winston Dyer could be the coordinator. Winston would be thrilled with being the coordinator. All voted aye, none opposed. **The motion carried.**

B. **Rexburg Redevelopment Agency** – Glen Pond - (Item moved to 6:00 p.m.)

C. **Development Impact Fee Committee presentation**

Finance Officer Richard Horner noted last year the previous City Council asked Staff to look at a Street Impact Fee for Rexburg. Keller and Associates were hired as a Street specialist and Hoffman Planning was hired to develop Impact Fees. Both companies were contracted to provide the information in this presentation. Finance Officer Horner noted the Impact Fee Committee Members: Nyle Fullmer, Brett Jensen, Judy Hobbs, Rick Nielsen, and Jim Hirrlinger. The Impact Fee Committee has met several times over the last several months. They have come up with this report. Finance Officer Horner asked the City Council for approval to hold a Public Hearing on Street Impact Fee on the 7th of June. He referenced Page two (executive summary) for the detail of the Report.

The Impact Fee Law is so complex you need to use consultants. The first thing needed is a build out study to extrapolate the possible revenue from the Street Impact Fees. The report takes into consideration the numbers if the City is built out. The number of residences and commercial square footage is considered in the numbers. Non residential square footage is about seven million; in the future, the study indicates a doubling of that number to fourteen million square feet. The residential numbers went from 7,400 to 14,000 to 21,000 in the future. He continued with the introduction of the Impact Fee report to the City Council.

The Street Impact Fees would be \$785.00 for single family, \$628.00 for multi-family, and \$16.00 for the average daily trips for commercial (non-residential properties.) A list of the projects was reviewed on page fifteen. Only projects that add capacity to the Streets can utilize these funds. There was a map of the roads designated to utilize these fees. Timing is based on the City Council's priorities. He asked the City Council to study the plan. Page twenty eight covers the developer's share of road costs. The developers provide one lane of street plus curb and gutter on each side of the road. These fees will do center turning lanes and two other lanes. These new Street Impact Fees may bring in \$300,000 to \$500,000 per year into the street budget. He reviewed national averages for trips per day for residential, etc. on page sixteen. It was a general quick

overview. The new construction projects would pay for their impact on the streets based on the trips per day calculation without current residents and businesses subsidizing the impact on the streets.

Finance Officer Horner discussed updating the current Impact Fees for the Fire Department, City Parks, and the Police Department, to the current build out study. It would cost about \$10,000 to update the Impact Fee study for these current Impact Fees. He provided a total Impact Fee Chart comparing other cities to Rexburg.

The City Council discussed the cost difference between building in Rexburg and building a home in the County. Council Member Stevens noted a residential project could spend an additional \$15,000 on a well and septic system in the County to equate to the Rexburg's on-going monthly water and sewer fee. The upfront cost is cheaper in Rexburg than in the County, if you don't consider the on-going monthly charges. Financial Officer Horner reminded the City Council of the electrical bill and garbage collection bill in the County that is an on-going fee too.

Council Member Stevens discussed his concern with a conflict because he is a builder. City Attorney Zollinger reviewed his concerns and he noted Council Member Stevens is in a larger group of contractors that would be working under the same regulations, so there is not a conflict.

Finance Officer Horner said there is a need to set a public hearing in the near future.

Council Member Erickson asked to study the Street Impact Fee plan before a first reading. It was noted the Public Hearing would not be set until after the fifteen day publication period.

Council Member Schwendiman would like some time to review the Study; however, he would like additional funding for the City streets.

Council Member Mann would like to move forward with a Public Hearing.

Council Member Stevens agreed the Streets are a priority. The proposal has an automatic escalation clause built in for inflation. He was concerned with developments being built adjacent to the City to avoid the Impact Fees.

Mayor Larsen asked if this Study came with a recommendation from the Impact Fee Committee. It is noted on page twelve; section seven of the proposed Ordinance references the inflation factor. It is capped at two and one half (2.5) percent. The current inflation factor is four (4) percent.

Council Member Erickson explained the Fees are only to increase capacity or build new roads. It could be used to widen 12th West. Any change in the inflation factor would require a new study.

Council Member Schwendiman discussed the cap in the Ordinance for the inflation factor. He was inclined to set the Ordinance inflation factor at four (4) percent and then set the yearly amount at less than four (4) percent. Mayor Larsen agreed by setting the yearly cap less than four (4) percent each year by resolution the Fee could be controlled. If the inflation is down, the cap could be moved down.

Council Member Mann moved for 1st reading of the Street Impact Fee BILL on June 07, 2006; Council Member Benfield seconded the motion; Discussion: Mayor Larsen indicated the first reading would be at the Public Hearing. The BILL would require three readings. Mayor Larsen called for a vote on the motion.

Those voting aye

Donna Benfield

Farrell Young

Christopher Mann

Rex Erickson

Randy Schwendiman

Those voting nay

NONE

Bart Stevens
The motion carried.

Report on Projects:

A. Street priority discussion

Public Works Director Millar passed out a priority list to the City Council. After reviewing the list of a over a million dollars in street work, he explained he was short \$225,000 in funding the complete list.

2006 PROJECTED STREET PROJECTS:

<u>RANK</u>	<u>Description</u>	<u>Estimated Cost</u>
1	General Crack Sealing	\$25,000
2	Sealcoating around the city	\$100,000
3	Downtown Alleys and Parking	\$150,000 Funded with CDBG Grant
4	Pedestrian Crossings	\$5,000 In Conjunction with LID
5	Matching funds for Conc. Work On LID	\$50,000
6	7 th South Storm Drainage	\$85,000 Primarily Funded by University
7	Drainage problem at 4 th S. & 4 th W.	\$75,000 Long time drainage problem
8	7th North - 2nd East to Railroad	\$20,000
9	Morgan Drive	\$76,000
10	Reed Street	\$64,000
11	Millhollow - 2nd South to Rolling Hills	\$130,000
12	Madison Avenue	\$50,000 Continual Drainage Problem
13	5th West - 2nd to Corner	\$75,000
14	2nd West - 1st to 2nd North	\$100,000
	Total for 2006	\$1,005,000
	From other sources	\$235,000
	From Street Construction Fund	\$770,000
	Available	\$545,000
	Shortage	\$225,000
	Total Without 12-14	\$545,000

Public Works Director Millar reviewed each project with the City Council. Item seven will require a small pumping station. Council Member Erickson explained the problem has existed for thirty eight years. The City Council agreed to act on this project because of the on-going problem.

The City Council discussed Millhollow Road and Shoshone Avenue again. They had reservations on the approved road design because it may cause more problems. Council Member Erickson noted that Shoshone will need to be a through street to 7th South. Mayor Larsen asked the City Council if at a minimum, the triangle could be reconfigured for the two streets. They asked Public Works Director Millar to bring a new design for the project back to the City Council showing elevations, etc. City Attorney Zollinger recommended the City Council give the Engineer the parameters to design the project and let him bring back a workable design within those parameters.

Public Works Director Millar will have an engineered design for Millhollow and Shoshone before the City Council on June 07th, 2006.

Council Member Benfield explored the idea of delaying the projects on the bottom of the list and spending the money on 7th South. Council Member Schwendiman explored the possibility of having an LID or Impact Fees to help build 7th South.

Council Member Stevens was comfortable with the list as presented.

The City Council discussed prioritizing 7th South and 2nd West next year in the budget.

Public Works Director Millar reviewed other projects that need attention:

1. The funding request for the Hwy 20 interchange was not approved by ITD.
2. The street sweeper is two years out saving about \$178,000 on the street budget.
3. Leakage at City Hall – Roofer recommended re-roofing City Hall for \$8,000 to \$10,000.
4. Strange smell west of town. Waste Water Treatment Plant needs to haul out waste. It will take over one hundred loads.
5. The Splash Park is moving forward with a scheduled completion date of July 04, 2006.
6. The University donated 36 ball field lighting poles to the City.

B. Financial Report:

Richard Horner reviewed the monthly Budget summaries with the City Council. He passed out the seventh month report dated April 28, 2006. The budget report is 58% of the budget year. The City Council discussed the recreation revenues and expenses. The salaries in the Recreation Department have been moved to the General Fund. The City obligations for maintenance at the Rexburg Business Park need to be turned over to the property owners. There are Protective Covenants for the property owners in the development.

Calendared Bills and Tabled Items:

- A. First Reading:** Those items which are being introduced for first reading. – NONE
- B. Second Reading:** Those items which have been first read. - NONE
- C. Third Reading:** Those items which have been second read. – NONE
- D. Tabled Items:** Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Old Business:

City Attorney Zollinger read a proposed mediation letter to the City Council from the City's insurance carrier, ICRMP. The letter proposed **joint mediation** to other insurance carriers. The dead line is Friday of this week. The issue is the flooding in Ricks/Palmer Subdivision and the Millhollow Mobile Home Park.

Council Member Benfield moved to allow ICRMP to enter into mediation for the City of Rexburg to resolve the insurance liability issue for the Ricks/Palmer Subdivision and Millhollow Mobile Home Park flooding; Council Member Schwendiman seconded the motion; Discussion: all voted aye, none opposed. **The motion carried.**

Mayor's Report:

- A. Planning and Zoning Budget Adjustment Request**

Mayor Larsen presented a Planning and Zoning budget increase request for publications due to Public Hearing notices from City sponsored proposals.

Council Member Mann moved to approve the budget adjustment; Council Member Benfield seconded the motion; Discussion: Council Member Erickson asked if the City is changing the budget for next year. It will be reviewed in the 2007 budget review. All voted aye, none opposed. **The motion carried.**

Calendar:

May 18, 2006 Joint City/County meeting at 6:00 p.m.

Executive Session: – Pursuant to State Statute 67-2345

Mayor Larsen asked for a motion to go into Executive Session:

Council Member Benfield moved to go into Executive Session pursuant to State Statute 67-2345 (B & F); Council Member Erickson seconded the motion; Mayor Larsen called for a roll call vote:

Those voting aye

Donna Benfield
Farrell Young
Christopher Mann
Rex Erickson
Randy Schwendiman
Bart Stevens

Those voting nay

NONE

The motion carried.

Executive Session

Executive Session ended.

Adjournment

Shawn Larsen, Mayor

Blair D. Kay, City Clerk