

City Council Meeting

June 02, 2010

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CITY OF
REXBURG
America's Family Community

June 02, 2010

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

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

Joshua Wuzumbala from Zambia gave the opening prayer.

Mayor Woodland indicated Attorney Aaron Davis was in attendance for City Attorney Zollinger.

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

Scott Peterson led the Pledge.

Roll Call of Council Members:

Attending: Council President Mann, Council Member Erickson, Council Member Benfield, Council Member Egbert, Council Member Stout and Mayor Woodland.

Excused: Council Member Sutherland

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

Vickie Grover and Leanne Ball explained the upcoming Madison County Fair to be held in August. They showed pictures of the Heritage Parade from last year. It is the kick-off event for the fair. Their involvement with the fair incorporates many areas. The fair has struggled in the past. Last year things were turned around and it is doing a lot better. There was a great crowd last year. She mentioned a few programs that have helped with involvement. The agricultural area has gotten more involved. Valley Wide Home & Ranch gave away chickens in the spring. Children can take a chicken home and raise it through the summer, then bring it to the fair and show it off. The same thing is also done with plants; Wal-mart and Tree House Nursery make vegetable plant and flower donations. That has helped the fair; more people are interested in it. This year will have the 2nd Annual Heritage Parade. The fair parade had 30 to 40 entries last year. It was a great parade including horse drawn carriages, teams, draft horses, old tractors, and old cars. They had everything except floats, drill teams, and dance teams, with no commercial entries and “no politicians”. They were not big on having politicians. They had a great parade, but they did not have a very large crowd to watch it.

Mrs. Grover asked the City Council for assistance on parade attendance this year. It is August 19th at 6:00 P.M. They have a permit and submitted a map to the police for assistance with roads. The parade starts at the Fair Grounds, goes to 2nd North, then down Main Street, turns at 3rd West and heads back to the Fair Grounds. They will notify business that might be blocked; last year they also notified residents. The parade only lasts 20 to 30 minutes. They asked to use the City website to advertise the event. The fair starts the 19th and goes until the 21st. Also, they asked to use the bleachers from the City parks to set up at the Junior High for the parade. Mayor Woodland said they could use the bleachers. Mrs. Grover asked to have help with signage. The banners on Main Street are already scheduled. She would like to have a vertical banner on the

light poles; she asked for leniency with the fees for using the light poles. It is a combined effort with the county and the city. The county will help purchase the signs. She feels it should be an event everyone wants to attend. We have an agricultural heritage in this area and she wants to remind people of that heritage. She summarized that they need help with the bleachers, web site, and the signage. She asked City Council to talk about it and tell everyone about the events. It will be another great county fair with a heritage parade.

Council Member Egbert reminded everyone of the great food at the county fair.

Mrs. Grover said the fair is better with more entries.

Council President Mann said the city newsletter could be used for advertising.

Mayor Woodland said it was a joint venture; everyone who lives in the city lives in the county. Mrs. Grover said we started as a farming community and we want to celebrate our agricultural heritage.

Taralyn Young asked what is happening with her request from the past meeting regarding her sewer flooding issue. Mayor Woodland invited Mrs. Young to meet with him to review insurance documents.

Presentations: - None

Committee Liaison Assignments for 2010:

A. Council Member Adam Stout *Trails of Madison County · Traffic & Safety Committee · Airport Board*

Council Member Stout reported the Airport Board meeting was cancelled.

B. Council Member Brad Egbert *Legacy Flight Museum · Parks & Recreation · IBC Committee*

Council Member Egbert spoke with John Bagley regarding an issue with the Legacy Flight Museum. There is nothing else to report at this time.

C. Council Member Bruce Sutherland *Museum Committee · Beautification Committee · Traffic & Safety Committee*

Council Member Sutherland was excused.

D. Council President Christopher Mann *Emergency Services Board · School Board · MYAB*

Council President Mann reported Emergency Services and MYAB have not met.

E. Council Member Donna Benfield *Police Department · Romance Theatre Committee · Rexburg Arts Council · Tabernacle Civic Center · School Board*

Council Member Benfield reported the Police Department has been very busy. They are working with the Fire Department on an issue. They are pleased with the results for both departments. The parking ticket problems have slowed down. The Romance Theatre has 13 shows scheduled. Some of the scheduled events include a book signing, acting classes and ballroom dancing classes in off peak hours. An Eagle Scout has volunteered to paint the doors at the Tabernacle. The Madison Baseball tournament is June 24 and 25th with 50 teams. It is nine to fifteen year olds.

F. Council Member Rex Erickson *Golf Board · Planning & Zoning · Rexburg Redevelopment Agency*

Council Member Erickson reported the Golf Board met last night to go over the budget. The budget was set for next year. Golfing has been slow due to the weather. The hope is the traffic will pick up. The grand opening of the new 9 is the 25th of June with the Chamber Golf Tournament at 8:00 A.M. Planning and Zoning has items on the agenda tonight. Rexburg Redevelopment Agency met and signed the papers on the bond for pool money. Interest was better than what was expected working with Zion's First National as the bondholder and with US Bank as the trustee. The Construction Management agreement for the pool is on the agenda tonight. Johnny Watson's company is working on the project. It is being bid out in sections.

Council Member Benfield will confirm the correct time for the ribbon cutting on Friday.

Public Hearings:

A. 7:30 P.M. Zone Change from MDR1 to MDR2 at 577 South 5th West – Wayne Robertson (Ordinance 1046 to rezone from MDR1 to MDR2)

Dan Hanna at 850 East 7th North representing Wayne Robertson indicated the property at the corner of 5th West and 6th South has an older building with eight apartments. On the east side, about ¾ of that lot is bare ground. With the change from MDR1 to MDR2, the allowance would increase from 16 units to 24 units per acre. The current zoning allows three additional units with the total land mass at 0.70 acres. MDR2 would allow an additional eight units with adequate parking for both developments. It is located in the section of 6th South that is being developed with apartments; however, this parcel has been ignored. Planning and Zoning thought the development made good sense.

Mayor Woodland asked Mr. Hanna for an explanation of MDR1 verses MDR2. MDR1 allows 16 units per acre and MDR2 allows 24 units per acre. Mayor asked when mentioning units if he's talking heads or doors. Mr. Hanna said doors. This could range from one, two, or three bedrooms depending on the available space. Two parking spaces are required per unit. One condition of getting approval is the existing building must have 16 designated parking stalls, adequate landscaping, and appropriate trash/dumpster screening.

Council Member Egbert asked if the proposed density matched that of the building that had already existed. Mr. Hanna said their current zone is MDR1. There are currently eight units on the property. The present zoning would allow three more units on the parcel because it is only 0.70 acres. By going to 24 units per acre with MDR2, on 0.70 acres it would allow for a little over eight units to be added. Based on preliminary sight plans, it appears to be no problem to put in 16 parking spots, with either two four-plexes or one eight-plex.

Mr. Hanna explained more thoroughly with the GIS on the overhead. One particular parcel is owned by William Forsberg. They have entered into a contract with Wayne Robinson which is subject to Planning and Zoning and getting an approved sight plan. It is in the Lincoln Park area. Wayne Robinson currently has nine units under construction; there will be a park in the area. 6th South is being developed with a bridge (which Mr. Kartchner is putting in) and additional college housing. The proposed lot has been largely ignored. It will be cleaned up. This will be a nice development to that part of the city.

Council Member Erickson asked about where the additional parking will be built. Mr. Hanna clarified through the map on the overhead. With parking the east side of the existing building and more parking being added between the two buildings, there will be enough parking for both buildings. He is confident eight units will fit; if not, they will move down to seven units. Nine-plexes are located to the north of this property. It will fill in the lot to make a nice development. Council Member Benfield asked for the maximum amount of units that would be there. Mr. Hanna said zoning would allow for 16.3. The site plan would have to show that they are in compliance with all ordinances.

Mayor Woodland opened the public hearing.

Those in favor of the proposal: None

Those neutral to the proposal: None

Those opposed to the proposal: None

Mayor Woodland closed the public hearing.

Council Member Erickson said Planning and Zoning went through the development very thoroughly. It was unanimously approved by the Planning and Zoning. The plan cleans up that area and that block. He proposed that the Council approve the change from MDR1 to MDR2.

Attorney Aaron Davis said the zone change was unclear and had only had a first reading.

City Clerk Kay explained the process of the items on the agenda. Three zone changes are under a public hearing and one zone change is under a non-public hearing because there was no

opposition. He placed all four zone changes on one ordinance. The City Council could decide to suspend the rules and approve the ordinance tonight. Mayor Woodland asked if they could vote on each item individually. City Clerk Kay said first they would vote during the public hearing process on each zone change request. The ordinance is a separate issue, depending on whether they are willing to suspend the rules or not.

Council Member Erickson moved to approve the zone change from MDR1 to MDR2 at 577 South 5th West; Council Member Stout seconded the motion; discussion. Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

B. 7:40 P.M. Zone Change from LDR2 to LDR3 at 5th South west of Willowbrook Subdivision off 12th West – Kartchner Homes (**Ordinance 1046** to rezone from LDR2 to LDR3)

Council Member Stout asked to be excused from the public hearing due to a conflict.

Mr. Troy Kartchner at 601 West 1700 South in Logan, Utah explained the proposal on the overhead screen. Currently the zone is LDR2, which allows 8,000 square foot lots for single family homes, or it allows 10,000 square foot lots for twin homes. He reviewed a recent rezone of the property and then the property was sold for an LDS Church. They came back to the city to rezone additional property west of the church. Planning and Zoning thought that area was too large; they recommended only rezoning the front 13.5 acres to LDR3; leaving the back part of 10 acres the same LDR2 Zone. They are fine with what Planning and Zoning recommended. By rezoning to LDR3 it allows for a single family home on 6,000 square feet and twin home lots at 8,000 square feet instead of 10,000 square feet. Everything behind the church will be rezoned. Mr. Kartchner explained in detail with the map on the overhead screen.

Council Member Benfield reaffirmed the density of single family or twin homes. Council President Mann asked Mr. Kartchner why he thinks he needs this higher density. Mr. Kartchner said because he had the land already zoned LDR3 before the LDS Church bought it. Secondly, for property and development costs are very expensive. They have a couple of different products they want to make available in the area. He explained the development of the front footage determines the cost of the lot. They are creating an affordable option for home buyers. He didn't know how much in depth detail they want to get into on a rezone. They want to increase density a slight amount to improve the project. It does not allow them to increase density very much. It would allow for the amount of products they want for the development.

Council Member Erickson explained this area was approved for a Planned Unit Development (PUD) two years ago. They could increase density by including the property in the original PUD. Mr. Kartchner said there were two pieces that were not pulled into the PUD. One property is this 43 acre piece. This property will be part of the Association but not part of the PUD. Council Member Erickson said they're not going to make it part of the PUD. Mr. Kartchner said it is easier not to at this point. That would allow higher density; however, if there is no reason, there is no need to have it.

Council Member Benfield asked if there were plans for apartments. Mr. Kartchner said it was only planned for homes (for-sale product). This will be a part of the whole community, the whole association. They have a private park there, a clubhouse, and swimming pool. He said he should have put Summerfield, the name of the development, in the title because he knew some of them were not a part of the approval process. Their intent is for-sale products. He commented that there probably should be some rental units in the area. BYU-Idaho is being proactive. The University is building the new church for married students only; it is not a family housing chapel. There is another family chapel in Summerfield, but the new one is only for married students.

Council Member Egbert asked about other homes in this community, if they were at any density higher than what Mr. Kartchner is proposing. Mr. Kartchner said there are some areas platted which are at a higher density for a specific site, but overall the densities will not be higher than what the zoning allows. The PUD allows for density bonuses for mixed residential communities. The area contains everything from starter homes and move-up homes to retirement homes. This then would allow single family homes on different size lots, twin homes, townhomes, and larger family homes on single family lots. That was quite a process they went through to get that all approved. They have just completed the entry monuments, landscaping and asphalt. A park and club house are planned in the next two years.

Council Member Erickson said an LDR3 proposal was denied on the east side of 12 West in the recent past; it was left LDR2. Community Development Director Christensen clarified it was MDR that was turned down. He explained LDR versus MDR. MDR1 allows for 16 units per acre, while LDR3 allows for 6,000 square foot house lots and 8,000 square foot lots for twin homes.

Mr. Kartchner gave an example. For LDR2, if one were to establish a project with twin homes, you are going to get somewhat between five to six units per acre after you take out roads, retention, and common area. With LDR3 you are going to get seven to eight units, two more units per acre. In reference to this particular property which they are rezoning, if they are to give the maximum of LDR3 they will receive extra 24-26 units. The problem here is their products do not allow them to be very narrow on the lot. The City Council needs to view this seeing how this is a rezone, they need to come back for a Conditional Use Permit, with the product and layout of the community. That is the next step after this proposal. Mr. Kartchner said they already have twin homes to the south of the 13.5 acres, and it makes sense to accommodate some of the married students there with affordable housing. Council Member Erickson said the west side contains higher density than the east side.

Community Development Director Christensen clarified and explained that the east side wants Medium Density One Residential, which is a higher density than apartments. Mr. Kartchner said all that can be done here is single family or twin homes. LDR does not allow dormitory style homes. He explained MDR would allow four-plexes and six-plexes. That is the main difference between LDR3 and MDR1.

LDR2 – 5 to 6 homes per acre.

LDR3 – 7 to 8 homes per acre.

Mayor Woodland opened the public hearing.

Those in favor of the proposal:

Dan Hanna said he was a member of Planning and Zoning. Over the last couple of years they have been able to work with Mr. Kartchner's proposals. One of the things which they are counseled to *not* consider on a zone change is the actual use of what will happen in that zone. Everyone wants to know what will be built, what it will look like, how big will it be, but that should be considered a fight for a different day. The zone change request is the only discussion on the table. He reviewed the proposal of the plat on the overhead screen noting the place for two planned churches and parks. When the original application came to Planning and Zoning, they were requesting to change the entire portion of 23 ½ acres. Public comments came into Planning and Zoning expressing that homeowners of existing homes on larger lots across the canal to the north asked to keep the density to single family. Planning and Zoning felt there was enough buffering space from the neighborhood. Mr. Hanna thought it was a good quality product. Mr. Kartchner has proven in the past that he is able to put together a good product with high quality. Planning and Zoning thought it was a good fit for the entire development. This is Low Density Residential, not to be confused with Medium Density Residential. LDR allows five or six units per acre with roads and lots. MDR allows up to 16 units per acre.

Council Member Benfield asked if the rest of the area against the exiting development would remain LDR2. Mr. Hanna asked for the zoning map to overlay the property so the zoning could be displayed. Mayor Woodland asked for Mr. Hanna to give examples of places which are already

zoned like that in order to explain a little more pertaining to lot sizes, to get a visual idea. He spoke about twin homes around Rexburg, such as the Eaglewood Subdivision. He referenced LDR3 close to the water tower on the hill. This property is within the city limits, although it has a country feel to it. To answer Council Member Benfield's question, yes, the rest of the area is LDR2. Council Member Erickson asked if residents to the north would be comfortable with LDR2. Mr. Hanna said the people here this evening could respond better than he could.

Council Member Erickson said there are nice double homes in the Eaglewood area and he is still struggling with the notion. Mr. Hanna said a twin home development requires a Conditional Use Permit. The question for City Council this evening is if LDR3 is appropriate for this area. Planning and Zoning thought it was appropriate.

Those neutral to the proposal:

Iris Hoglund at 2179 West 440 South asked questions about the road crossing the canal at their property. Mr. Hanna responded the road is not crossing the canal. She asked if there are potential plans for it to cross the canal. Mr. Hanna replied yes, but the city will make that determination. The current planning does not show it.

Those opposed to the proposal:

Judy Steiner at 417 South 12th West said they have basically a lot of the same comments they had at the last proposal. Number one, they have hundreds of homes (twin homes, town homes) which are going into the part they already have planned. They are in the process of completing two homes, with the construction of town homes to follow in the Development. It is difficult to see the impact it will have on 12th West and the rest of the traffic area. Before they even start to build the hundreds in there, they want to compress the development even more. How do they know how bad it's going to be? Why change the zone when they have not started on the rest of the development? They have a whole division of townhomes. The college is not assigning that specific church building to students living in the development; students can live anywhere and still be assigned to attend church in that chapel. They do not need to change the zoning to fill the churches. The college was asking for single housing, to be located near the college, not married housing. She asked to hold off on the rezone until the rest of the development is built. This is coming from all those residents along the road. They are already seeing the influence in traffic with the schools. 12th West only has one entrance. All the traffic has to come onto one road.

Council Member Egbert asked about how the area has townhomes if it is an LDR2 Zone. Council President Mann answered town homes exist there because the property is master planned in a Planned Unit Development. Mrs. Steiner referred to the map, explaining where the homes are located. There are various sizes of homes. Overall, the plan development makes it work. Mrs. Steiner said there would be hundreds of homes.

Steve Kimpel at 2313 West 440 South commented on the proposed number of people who were to move into this subdivision in proportion to the population of Rexburg. He asked what percentage of an increase the development would create. How long will it be until homes would sell? He asked to think about the changes this will bring to their neighborhood. The horses, the things that they like about Rexburg need to be put into consideration. He did not think increasing the density would meet all of the goals. It does not make sense to make a decision to do that.

John Steiner at 417 South 12th West took a drive to Hibbard and looked at all of the nice homes, and it is a compliment to the area. He asked, "What is Rexburg becoming?" His sisters, who grew up in Rexburg, came for a visit and commented Rexburg is being turned into "apartmentville." All of the nice homes being built are not being built within Rexburg. They are going out to Burton, Hibbard, Archer and Lyman areas. All the compact residences are not making Rexburg a community that they want to live in. They would like to have some nice subdivisions. Mr. Steiner asked Mr. Hanna if it was a conflict of interest to have Planning and Zoning promoting a subdivision.

Council Member Benfield said she thinks Mr. Hanna was there to explain to the City Council why Planning and Zoning decided the way they did. Mr. Steiner said it sounded like Planning and

Zoning was for it. That is why Council Member Stout stepped off, because there was a conflict of interest. He thinks there is also a conflict of interest with what he just mentioned.

Julie Kimpel at 2313 West 440 South had concerns with the new development. When they bought their home they did not know there was a huge subdivision being planned there, so it was a great surprise to them. She was dismayed with the plans and how compact it was to be developed. She is even less happy with this proposal. She asked to leave things as they are and not add more to it.

Melody Johnson at 646 Willowbrook Circle asked to be thoughtful and cautious concerning the outlets. She lives off where the Meadow's development is located. There, there are 160 units with one outlet. She does not know how the outlets are planned for the new subdivision, but does know the traffic concerning that road.

Kathy Parson at 298 South 12th West is opposed to the development. This was not on the master plan, and it is now encroaching. Two thirds of her church is married students. She is opposed to the huge density coming into the neighborhood. She compared it to the analogy of the nose of the camel getting into the tent.

Leon Parson at 298 South 12th West perceives the City Council is very sensitive to the entire plan. He sincerely appreciated their concern for the development. He shared his thoughts, asking if there was a way for them to split it. He referred to the last meeting and said when people come into town they see tons of apartments, and that is the impression people get as they enter Rexburg. His home is located between the freeway and Main Street. They could put in a more attractive appearance, just as they spoke of at the last meeting. He anticipates this to be similar in its overall vision. He recommended keeping the residential feel similar to adjoining neighborhoods. The area will be extremely impacted by the growth due to the new high school, an elementary school, and residential growth. It makes sense to keep it how it was originally presented.

Steve Holly at 2434 West 440 South was concerned with the traffic and high speeds on 12th West in excess of 60 MPH. He asked for any plans to impede traffic with traffic lights; also asking if 12th West be widened. He mentioned 3000 West would be another option due to the high traffic which will be built up on 12th West. Currently the road will not handle the volume.

Mayor Woodland closed the public hearing.

Rebuttal: Mr. Kartchner understands and recognizes the concerns of the citizens. 12th West is being widened. Their streets are also being widened. There are a large number of students in the area for the growth of the churches. It will be a great project. He likes a well-planned community that is not just apartments everywhere. Some of Rexburg is going to seem that way. The University is driving growth with a large population of married students. That is where the need is right now, and that is what's happening. In five years they will have added an additional 800 married students. They need somewhere to go. This community is very well planned. It consists mostly of detached residential units. There is a lot of space, lots of parks, and lots of walking paths. It is very difficult to master plan a community. It may take 20 to 30 years to build out this plan. Growth cannot be predicted. They are meeting a market need. The market dictates what they build. It will be very well planned as part of the whole development. He agrees with the citizens; so, they backed off the other 10 acres against the existing development. It is off the main road, so it is not seen from the main road.

Council Member Benfield asked for density numbers. Mr. Kartchner's plans bring 250 acres into the city. He is planning to build 500 homes in the PUD. He realizes this is a long-term project. He feels it is better to master plan it now so everything is laid out for the future. Current zoning for the 13 ½ acres allows for twin homes on 10,000 square-foot lots or single family homes on 8,000 square-foot lots. Mr. Kartchner estimates that, with leaving space for roads, a maximum of 6 or 7 homes would fit per acre if changed to LDR3. The LDR2 zoning allows for two less homes per acre.

Council Member Erickson feels this is a difficult situation. Building more homes along the city border affects the ranch-style feeling that people want when they live out in the country. He indicated the LDR2 would buffer the existing neighborhood. LDR3 will be south of the existing

neighborhood. He thought Planning and Zoning did a good job in their recommendation to allow changes for the 13.5 acres, but not the outer area. Mrs. Hoglund said they had to have five acres in their development. He reviewed the zoning on the overhead screen. The zoning needs to be equitable to those in the county, as well as those in the city.

Council President Mann said 12th West will be built to the size required. Council Member Erickson said the church will be impacting Sunday traffic only. 12th West will be widened from 20 or 22 feet to 38 feet including a bike path.

Council President Mann agreed with Mrs. Steiner. The City Council worked very hard on the Planned Unit Development (PUD) with workforce housing. There are now a lot of homes with smaller lots. Now they are re-discussing an area they had already decided needed to be low-density residential. He is concerned they are jumping the gun in discussing the rezoning of that area. He recommended leaving the property as LDR2. He agreed with Mr. Hanna providing input from Planning and Zoning. Mr. Kartchner could have developed the LDR3 property instead of sell it for a church.

Council Member Benfield referred to the Meadows Development and its access. She was concerned with access for 500 hundred homes in the case of an emergency. As growth happens and more streets develop, that might be the time to re-evaluate allowing for more density. At this point, she is more concerned for safety with EMS and traffic than increasing density. She appreciates Planning and Zoning for all the work they do in knowing what is legal and what is allowable.

Mr. Hanna explained that traffic does determine the zoning. Multiple accesses are planned for the development as the project progresses. The access points are not an issue that has to be decided on tonight with regards to zoning; that issue would come before City Council again before anything is decided. Future road development on the street grid will have two south exits, two west exits, and one east exit. An exit to the north that would go through existing developed property would only be built if that property were purchased; however, it is not in the plans. The canal would impede development to the north.

Mr. Hanna said staff planned on 12th West as being the current main corridor for the development. Planning & Zoning did listen to City Staff in regards to transportation. City Staff did feel 12th West would be adequate. If other roads are not adequate, they would be widened if necessary. Traffic lights will also be put up as needed. Public safety is a primary concern with 12th West.

Council Member Erickson added that the city is building 12th West to be able to accommodate anything that could be built in that area. There was discussion on the timing for new streets in the development.

Council Member Egbert asked if more discussion is needed for safety concerns. Council Member Benfield said safety is a main concern. Council Member Egbert said Planning and Zoning will not let it go forward without addressing the safety issue. Studies on traffic flows would be needed as the development is built. It is a huge concern, but he feels safety will be covered as they go along. He said that it was a mistake in the other development (Meadows). Council Member Benfield mentioned to have only one access for so many units was a concern.

Council President Mann moved to deny the proposal to re-zone this property from LDR2 to LDR3 at 5th South west of Willowbrook Subdivision off 12th West for Kartchner Homes; Council Member Benfield seconded the motion to deny the request; Discussion: Council Member Erickson asked about a substitute motion. Discussion concerning taking care of the original motion first. Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield

Those voting nay

Council Member Erickson
Council Member Egbert

Mayor Woodland reviewed the vote indicating he does not feel there is a real need to hurry and approve this now. It could be readdressed a year down the road. Then Mayor Woodland cast the tiebreaker vote by voting aye to deny the proposal. **The motion to deny carried.**

Council Member Stout joined the City Council on the Dias.

(Continued from May 05, 2010)

C. 7:50 P.M. Rezone 325 and approximately 275 North 1st East from Light Industrial (LI) and Professional Office (PO) to Mixed Use (MU2) – Steve Kelly (**Ordinance 1046** to rezone from LI/PO to MU2)

Matt Baker, a business partner to Steve Kelly, reviewed the property on the overhead screen. It is 4.43 acres, with two different zones on two different parcels: Light Industrial (LI) and Professional Office (PO). Mr. Barker recognized the master plan the City Council has recently approved. According to the Master Plan the city has this property identified as Downtown Commercial. He pointed the property out on the overhead screen, noting four existing warehouses which are used by private individuals for storage, etc. He showed the location of the property, the businesses which surround it, such as K-Mart (located down the street), and photographs taken of the property. The property is west of the Madison School District bus parking lot.

Mr. Baker reviewed the zoning map, showing the area which had been rezoned, not including his property. His property was identified on the screen as the red rectangle which is currently zoned as Downtown Commercial. Mr. Baker reviewed the Comprehensive Plan map and the Zoning map. He reviewed the background of the property. Initially, working with the Master Plan, the only zone available in that designation was the Central Business District (CBD). Mr. Baker and Mr. Kelly spoke with Community Development Director Christensen and the Planning Commission to express their desire to develop the property into a mixed use project. Staff said they were developing a mixed use zone under the Master Plan. They advised Mr. Baker to hold off for several months for that mixed use. They are applying for MU2 as being an appropriate use. CBD is the only allowed zone at this time (with Mixed Use One (MU1) and Mixed Use Two (MU2). They are proposing one bedroom residential units for this property. They want to particularly target the one bedroom units, which are in high demand. This property is four or five blocks away from the BYU-I campus. They are looking at two buildings. They are looking at about 170 apartment's total, with approximately 80 units in each building. The plans include 70% for single-bedroom units and 30% for two-bedroom units. They are planning commercial development on the ground floors for other uses.

Council President Mann asked if the green space requirement would be satisfied, it is very impressive. Mr. Baker said they would satisfy the green space requirement. The one-bedroom units would be about 600 square feet. He showed a layout of the interior units and the proximity to campus. Briefly, this area had been re-master planned due to city growth. It is an appropriate location for housing. They want to provide higher density residential housing to the Downtown area. Council Member Erickson had a question; however, he said he would wait until the objections arise before speaking.

Mayor Woodland opened the public hearing.

Those in favor of the proposal:

Melvin Rudd from 1852 North 2190 East at Sugar City is the owner of the property. The reasons why it is a good project is, first, he has faith someday the city will build something in the area with the proposed Riverside Park. He asked to please build something there. He has run the Men's City League Softball for the last 10-12 years, and had always heard of this great area to build a huge field, but that was 10 years ago. It is the highest and best use for this property. These men are quality builders, who will build something that the city needs that will look very good. As the college grows, there is a great problem with the congestion of traffic, automobiles and parking. This property is in walking distance to the University. It is close enough to walk to the school, plus Wal-Mart, and K-Mart. It is a great project to clean up a piece of property that has been an eye sore for 50 years and make it into a showpiece. Council President Mann asked if Mr. Rudd owned the four storage units. He does not own the buildings to the south.

Cindy Birch from 4063 Barossa Drive, Idaho Falls is in favor of the project. It is in a great location to serve the public well.

Those neutral to the proposal:

Cody Howard at 642 Harvest Drive in Rexburg owns two buildings near the project. These are zoned light industrial. His property has manufacturing in his buildings. They work late at night at times, there is noise, etc. Residential next to his manufacturing will possibly force him out of the area. It is a definite concern. Mr. Howard showed a slide to demonstrate his road right-of-way. His right-of-way is a judge ordered right-of-way that gives him access to his building. He has big trucks come in, entering in through both doors, and a loading dock. All of these are classified as a road right-of-way. He shows what would happen to this road right-of-way if this proposal should go forth.

Mr. Howard is neutral. He does believe in progress; however, his road right-of-way goes through their parking area. He complimented them on their proposal and plans for nice buildings. He said his road right-of-way can't be infringed upon with this development. Without those parking stalls, he does not see how this area is going to work without reducing the amount of property or residential areas that they would be able to put in there. His building is on the low spot in the area which would allow water to flow to his property. He does have major concerns on water issues if something like this were to be built in that area. If all of these issues can be resolved, he has no problem with the zone change as long as his property is protected. He is asking to protect his property for resale and to protect his right-of-way.

Council Member Erickson said this is a great plan. It would be great for the area. However, he wishes they would have come with a plan that had dealt with the right-of-way access. If they had done that, he would have been more receptive to the whole plan. The City Council cannot overrule a judge's decision on his right-of-way access. Mr. Howard said that is his concern. He has no problem with them developing their property. Council Member Erickson spoke of the density toll it would take on the parking. Council Member Egbert said there would not be parking allowed on the right-of-way because they wouldn't be able to access the building.

Steve Kelly said they were not aware of the easement for the right-of-way. They will maintain Mr. Howard's easement. They have excess parking. What they are asking for right now is a zone change. They will redesign the development to take care of the easement with a re-design after the zone change is approved. Council Member Erickson said it concerns him that they did not take time to include that in their plan. Mr. Baker said they are just requesting a zone change, for approval. This is just a rough concept of what they want to do. Council Member Erickson said he has no problem as long as they leave that right-of-way. He asked for a fence to protect Mr. Howard's property. This would be to distinguish properties so residents will not park in Mr. Howard's lot. He asked if this would all be resolved in the development agreement. Community Development Director Christensen said property rights will be covered in the development phase. The way these are conditioned now, they will need to come in for Conditional Use Permits (CUP's) to build these buildings the way they are proposing them. It will be required for the MU2 Zone. Other project design issues will be covered in the sight plan phase.

Council Member Benfield asked what type of industry is at the buildings. She asked if the work Mr. Howard does would interfere with people sleeping at night. Mr. Howard explained his business is an international franchise, manufacturing equipment and products. Shippers are coming and going all the time. Eventually, this could possibly turn into a 24 hour operation. That is another concern he has with residential on both sides. He asked if it limited the use of his property. Council Member Benfield asked if it was light or heavy manufacturing. Mr. Howard said it fits within the light industrial, but that there is some metal fabrication. Sometimes there are banging noises. It does not occur all the time, but it depends on if the machinery is running. There are some things that could cause problems with a residential in the evening or from 10:00 P.M. to 3:00 A.M.

Those opposed to the proposal: None

Rebuttal: Matt Baker said they do not actually have a concept right now, so they do not want to worry the City Council with all the details. He said this was just a concept plan. They were just trying to get the zone change approved. They would come back later with more details if the zone change is approved.

Mayor Woodland closed the public hearing.

Discussion: **Council President Mann** said of course they need to work with Mr. Howard with the legal ramifications. Overall, he liked the idea of student apartments somewhat close to the campus with infill instead of outside development.

Council Member Stout asked to review the Preferred Land Use designation for this property. That is all Mixed Use? The Comprehensive Plan Map was put on the screen. Council Member Erickson said that it would not show on the map because they just made the change two weeks ago. Community Development Director Christensen said this was the Comprehensive Plan. They did not change the Comprehensive Plan Map. What they did was give the ability to put MU2 into that preferred use (into Downtown Commercial). Council Member Stout said the Light Industrial is a little out of place in the long term plan of that area. He said Downtown Commercial is the Preferred Land Use designation.

Council Member Erickson said that was a decision made years ago, and at that time, that was the use of it. He reviewed his property as it developed on West Main Street. Council Member Stout said he agrees, but things have changed. Council Member Erickson said Mr. Howard should continue doing what he's doing. He made an analogy saying it was like making a Central Park right next to the freeway, comparing it to Mr. Howard's situation. They can't do that.

Council Member Egbert said he thinks it can be worked out, especially since Mr. Howard is protected legally. He knows that Mr. Howard will be a good neighbor for the proposed residential development. It will be a positive development for the city, provided everything is worked out.

Mayor Woodland said he thinks it will work out, and is a very positive effect.

There was discussion on buffering dirt to protect the existing development. Council President Mann asked when they were planning on turning dirt. Mr. Baker said the plan is to move dirt in the spring of 2011; however, they have been delayed quite a bit. They are seeking a development that is the highest and best use for the property.

Discussion was held regarding putting a time limit on the proposed zone change. Council President Mann commented on one of the things the City Council has talked about for the last few years regarding the zone changes made. They approve zone changes for the people bringing in change, but then the property is flipped and the development does not happen. The City Council does not want to make changes and not have a follow-through with plans. He proposed when a motion is made, he would like to see some sort of time limit, that if work is not started, it goes back to its original zone.

Mr. Baker said he understood what Council President Mann was saying. He said, for the long term use, this is the best use of this property. One thing he has learned from surviving the development rule from the last few years is you never know what you are going to be able to count on. This recession has killed a lot of projects that could have gone forth. Building the apartments is their intent. If it is zoned for that, that is the type of project that will be built on it. This project is good. He feels they want this zone. He would argue against the time commitment, although that is their plan.

Council Member Stout said he would have to go against the time limit in this case. He thought it was a good thing they had done it at times. He asked, what has been done on this property, ever? It is not going to hurt to put it in a more beneficial zone and leave it indefinitely. Council President Mann said he appreciates that of Council Member Stout. He would need to think about that a little bit. Council Member Egbert said he understood what Council President Mann was saying, but he also saw what Mr. Kelly was saying, because of the economy and it is going to depend on a lot of things to determine how this goes forward. The City Council doesn't know what they will be doing in a year. Council President Mann mentioned it is right by Riverside Park, and it is in their best interest. Council Member Egbert said they want to have something nice there. Council Member Stout commented Mixed Use zoning fits the area better than Light Industrial.

Sherrie Howard at 642 Harvest Drive does not have any problem with beautifying that area because it has been an eye sore for many years; however, Mrs. Howard has concerns with the LI Zone in the area. Her other concerns were in regards to the appearance with the four other buildings south of this project. It is not beautiful. Clarification was made stating how the LI area would remain LI and the rest of the area would be Mixed Use. The preferred land use is the direction they would like to go eventually. Mrs. Howard asked if that is the direction the city wants to go? What does that do to the little LI portion? Mayor Woodland responded it would stay LI. Mrs. Howard did not see that as logical. LI zoning and this project are very different. Council Member Benfield said there are places like this in town.

Community Development Director Christensen gave the example of the cabinet shop by Porter Park. It is totally surrounded and is a LI spot. Squires Bricks on 5th West was another example. Mrs. Howard said that was her opposition, that all the surrounding area would be Mixed Use with the little portion being LI.

Council Member Stout moved to approve the rezone request at 325 North 1st East and approximately 275 North 1st East from Light Industrial (LI) and Professional Office (PO) to Mixed Use (MU2); Council Member Egbert seconded the motion. Discussion:

Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

- D. Resolution 2010 – 08: Authorizing the filing for Judicial Confirmation** proceedings for the financing, acquisition and construction of waste water treatment facilities for the City (collectively, the “Project”) to be constructed and acquired to meet the city’s needs and requirements. The said Project is to be accomplished by an installment purchase and trust agreement and certain supplements thereto in an aggregate principal amount of up to \$10,000,000.00 (the “Agreement”) with certificates of participation, and related documents, and that prior to entering into the Agreement and the other documents, the City should obtain judicial confirmation of its power and authority to enter into said Agreement under Title 7, Chapter 13, Idaho Code. – Staff

Public Works Director Millar reviewed the resolution. It authorized the city to move forward for judicial confirmation. This is a resolution authorizing the next step due in this process.

Mayor Woodland opened the public hearing.

Those in favor of the proposal: None
Those neutral to the proposal: None
Those opposed to the proposal: None

Mayor Woodland closed the public hearing.

Council Member Stout moved approve Resolution 2010 – 08: Authorizing the filing for Judicial Confirmation proceedings for the financing, acquisition and construction of waste water treatment facilities for the City (collectively, the “Project”); Council Member Benfield seconded the motion.

Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	

Council Member Benfield
Council Member Egbert

The motion carried.

Items for Consideration:

A. Rezone parcels located at 249 South 3rd West and 248 West 3rd South from MDR1 to MDR2 – Ray Loveland (**Ordinance 1046** to rezone from MDR1 to MDR2)

Council President Mann asked for clarification on why this item was not a public hearing. He wanted to know what the difference was between this item and the next rezone.

City Clerk Kay explained the process. He said they have tried for several years to have the City Council make decisions on zone changes through the ordinance process; however, each time Clerk Kay approached the City Attorney on the issue, he said it was not necessary. He sought then to get the approval by the City Council, to do it this way. He said this was an opportune time to review zone changes that have had a public hearing requiring the suspension of the rules to pass the ordinance for the zone change. Only one public hearing is required by state statute for land use actions, there have been three public hearings for zone changes on the agenda tonight.

NOTE: These zone change requests had public hearings at the Planning and Zoning Commission.

Idaho Code 67-6509

67-6509.RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction.

Land Use & Planning

Adoption, Amendment or Repeal of Comprehensive Plan

Before a city's comprehensive plan is adopted, amended or repealed, the city is required to hold at least one public hearing to give citizens an opportunity to comment on the proposal. For cities with planning and zoning commissions, an initial hearing is required before the commission and a second hearing may be held before the council if required by local ordinance. For cities that do not have planning and zoning commissions, only a single hearing is required before the council.

He added this last zone change item onto the other three in the ordinance because there was no controversy on it. They contacted the neighbor who would be affected by this next proposal and they did not have any problems with it.

Council Member Erickson said, if they approve this one, it would approve all of them then—except for the one they turned down. City Clerk Kay responded yes, and then they could put all three on one ordinance, saving money for the city, publication costs etc.

Ray Loveland at 3784 South 2002 West explained the proposal. He owns property located behind the Golden Living Center. The two lots are 1.45 acres. He would like to change that from MDR1 to MDR2. It is a block and a half away from BYU-I. The ingress and egress are at 249 South 3rd West and 248 West 3rd South. A map was shown on the overhead screen to better explain in detail what Mr. Loveland was explaining. The homes on the properties will be removed.

Council President Mann asked what the long building was that they would be up against. Is it someone's home? That is Georgetown Apartments and a parking lot. The other long piece of area is a volleyball court.

Council Member Benfield asked if they have sufficient parking. Community Development Director Christensen said Taco Time had issues with street parking; however, this development will be parking on site, not on the street. Single student housing would require a parking ratio of one to one. This is just two hour parking. It is not in a University Zone. Council Member Erickson asked how much of it is HDR1, if they were going to do away with that zone. It was

explained Mr. Loveland is requesting MDR2 to a parcel that is MDR1. They are not looking to change the HDR. The location of HDR was shown on the map. There's no reason to change it. Council Member Erickson maintained that it was a good idea; Planning and Zoning thought so too.

Mayor Woodland asked if anyone wanted to provide any other input:

Those in favor of the proposal: - None

Those neutral to the proposal: - None

Those against the proposal: - None

Discussion:

Council Member Benfield moved to approve the rezone of parcels located at 249 South 3rd West and 248 West 3rd South from MDR1 to MDR2; Council Member Egbert seconded the motion.

Mayor Woodland asked for a vote:

Those voting aye

Council Member Stout

Council Member Erickson

Council President Mann

Council Member Benfield

Council Member Egbert

Those voting nay

None

The motion carried.

B. Agreement with Madison Economic Partners, Inc. – Staff

Mayor Woodland reviewed the agreement asking Economic Development Director Scott Johnson to explain the agreement.

Economic Development Director Johnson explained he would be doing the same thing at the city and for Madison Economic Partners, Inc. The effort is to get rid of some redundancy.

Council Member Benfield asked about the fundraising. Economic Development Director Johnson cannot do fundraising or planning for their meetings. He will not be at their meetings. They will contact him and he will work in agenda items for the board. The ideal situation is bringing businesses into the board who can become champions to the businesses. The board members would be the ones to interact with the businesses. He would be the one finding businesses that are looking to grow, or that have problems. He would then bring them to the board who would then act. Mayor Woodland said in essence, they would be utilizing the Madison Economic Development Board for the work that their doing. Council Member Benfield said the \$20,000 from the city would come back to the city for economic development.

Council Member Erickson explained some of his reservations. He said it was a good thing. He just has a problem with Economic Development Director Johnson's time. That concerns him. Economic Development Director Johnson was hired for a full time job on city business. This will divide some of his time between Madison Economic Partners and Sugar City. He was uncomfortable with dividing Economic Development Director Johnson's time three ways.

Council Member Benfield explained Economic Development Director Johnson has done some good things already by getting interns to help with grant writing, etc. Economic Development Director Johnson said the great thing is that it is the same job for economic development. Anything that happens in Madison County or Sugar City happens in Rexburg. Their dollars are spent in Rexburg and they could live in Rexburg. Council Member Erickson said he shouldn't stretch too far. He is not against it entirely. Mayor Woodland said the Madison Economic Partners Board would be available to help Rexburg with economic development. Economic Development Director Johnson said they have had discussions with this same issue.

Economic Development Director Johnson explained the \$20,000 will be part of a regional alliance to show a better level of support for Madison Economic Development. Other organizations of legitimacy will continue to do so, such as Regional Development Alliance, INL, Madison County, Sugar City, and some other businesses. It shows a better level of support.

Council President Mann agreed with Council Member Erickson’s concerns. He explained the City Council sets the policy and the Mayor is the one who enforces it. He makes sure Rexburg’s needs are met and balanced with the Boards.

Economic Development Director Johnson said they have talked about these concerns. He said if anything, this adds a level of help for him. He would be taking businesses to Madison Economic Development and they would be the ones acting. Council Member Benfield said he can do it.

Council Member Benfield said the position of Economic Development Director would be revisited in a year. They set up the criteria and will stand by it. Council Member Egbert said it would be synergistic.

Council President Mann moved to accept the agreement with Madison Economic Partners, Inc. with all of the concerns that were expressed; Council Member Egbert seconded the motion; Discussion:

Council Member Stout asked to eliminate the language near the bottom of the agreement (minimum of \$20,000) thus indicating an amount of \$20,000. Mayor Woodland said the language had already been changed to reflect the amount of \$20,000. Council Member Stout continued stating “there is no mention of a time frame here.” Is it a yearly agreement, do we come back next year, or is it a forever agreement? Council President Mann asked if the City Council should reserve the right to look at it if they look at Madison Economic Partners. Council Member Egbert said they could revisit it on its own merits.

Economic Development Director Johnson said he would let them know if it was not working for him in three months; so, it can be phrased however they prefer to make it work. If it is not working, he will say goodbye. Economic Development Director Johnson said he would support whatever the City Council decides. Council Member Stout indicated he was not recommending a time limit. He did not want to be committed to the agreement forever. Council Member Egbert concurred that there should be a review process to evaluate the value of the agreement.

Council Member Erickson explained Mr. Johnson was not hired to neglect Rexburg. Council President Mann added to his motion: The City Council can revisit the agreement if it is deemed necessary; Council Member Egbert seconded the addition to the motion;

Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

C. Set Public Hearing for an exchange of an inactive easement on 7th South for needed Right-of-Way on 2nd West to construct street and sidewalk – Staff

Public Works Director Millar explained the proposal on the overhead screen. It is to exchange an easement for needed right-of-way to development on South 2nd West. It requires a public hearing. It would be to exchange property in order to use it for the road for additional right-of-way width on 2nd West. In order to do that, there is need to order a Public Hearing.

Council Member Erickson moved to set Public Hearing for an exchange of an inactive easement on 7th South for needed right-of-way on 2nd West to construct street and sidewalk; Council President Mann seconded the motion;

Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	

Council Member Benfield
Council Member Egbert

The motion carried.

- A. **Resolution 2010 – 09 adding two additional commissioners** to the Urban Renewal Agency – Judy Coy

Rexburg Redevelopment Agency

Inception Date of Board – 1991 by Resolution
5 Year Renewable Terms

	<u>Date of Appointment</u>	<u>Date of Expiration</u>
Glen Pond	March 1991	January 1, 2013
Marilyn Fife	March 1991	January 1, 2012
Rich Ballou	January 2006	January 1, 2011
Joseph West	January 2006	January 1, 2011
Rex Erickson	August 2008	January 1, 2013
Bill Riggins	January 2010	January 1, 2015
Marsha Bjorn	January 2010	January 1, 2015

Council President Mann asked if this was for replacements or additional commissioners. It is for additional commissioners. City Clerk Kay said there is a sheet which entails expiration dates for the current board. Some people have been on the board since 1991, so they would expire in 2011 and 2013. They are asking to expand the board by two members, and the expiration dates there. Council Member Erickson said they are not going to change the number on the board. City Clerk Kay said it will be determined when the other two members are off the board whether they would like to add on two new members or not.

Council Member Erickson moved to approve Resolution 2010 – 09 adding two additional commissioners to the Urban Renewal Agency as listed; Council Member Egbert seconded the motion; discussion on number of terms.

Council Member Benfield suggested putting a term limit so there would not be this issue once again. City Clerk Kay said that would be at their discretion. The statute says renewable.

Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

- A. **Agreement with Urban Renewal** for the construction and management of the aquatic facility – Staff

Mayor Woodland said the contract is presented with some slight grammatical errors. The pool will be a turn-key transfer when completed. The City will then be responsible for the facility. Council Member Erickson said a big change was the ownership and maintenance being assumed by the city when the project is completed. It becomes an asset of the city at that point; the city

owns it; it is not a lease. The city takes full responsibility of ownership and maintenance at the completion of the project. The revenue stream is more than adequate for the bond payments. There is not construction or development in that Urban Renewal District and right now there is more than adequate revenues to pay for it. It will be paid for in 2022 in eleven years out of tax increment monies.

Council Member Benfield asked for the definition of “the City.” Does it mean the City Staff; the City Council? The City Council is not mentioned in the document. Council Member Erickson answered her question with the term: City Corporation. She asked if there could be an addition to the contract stating the requirement of issuing a monthly report to the City Council. Council Member Erickson said the Urban Renewal District is not required to add that in; they already do that now by meeting with the Mayor. The staff is controlled by the city and the council, not by the Urban Renewal Agency. He said it was the City of Rexburg in the agreement noting the term “City.” Public Works Director Millar and Johnny Watson will report to the City Council each month on the progress of the project.

Council President Mann asked about the hiring clause in the contract. Mayor Woodland said Recreation Director Bob Yeatman will be the head of the facility and its operations, other staff will operate the pool.

Council President Mann said that he read it, it was extremely complicated and he asked to speak to City Attorney Zollinger in order to clarify. He said he would like a little more time before voting on this item so they can receive more information, clarifications, etc. Council Member Stout and Council Member Benfield concurred. Council Member Erickson said it has to be done before July 06, 2010. There are two things to be aware of. First, one item to be aware of is on page four, third paragraph, where it states the total cost of the project is estimated not to exceed \$5,656,000. The portions shall be paid by the proceeds of bonds. This is the maximum; however, they did not bond for that much. They bonded for \$5,356,000 so they are not to exceed that.

Council Member Benfield asked if that says that anywhere. Council Member Mann said they have different numbers. Council Member Erickson said he had the most recent copy.

Council Member Erickson said the total bond issuance will be \$4,656,000. The \$700,000 difference by the Urban Renewal will be in cash to pay down the bonding. The second item to be aware of is on page seven, under: “10 Basis of Compensation,” all expenditures and payments shall be made and in no circumstance shall exceed \$5,356,000. He said Mr. Johnny Watson has thought it out and that is the bonding amount. Any changes would require a new bond. It is possible to go back and bond for more, but it would be a new bond, not a re-bond. The revenue stream cannot be touched again until after 2022. It is tied up until 2022 by Zion’s Bank. The bonds can be paid off early with no penalty. Page eight, number twelve, “Transfer of Operations and Maintenance” will be preformed by the city. Public Works Director Millar will be the one who makes the determination on these things. He read portions of the document which explained how by law they cannot help on O&M. A Recreation Center Manager will be hired while the pool is open. This is full time while the pool is open (seasonal). The Pool Consultation is a group from Utah which has been hired by Mr. Watson to help. They will help get everything off to a good start. The bonding has controls to keep it non-taxable. Bonds would have to be paid in full if it would be turned over to private development. The city has to be responsible.

Council President Mann received clarification on his concerns. Council Member Erickson said until the bond is paid, the pool will have to be open four months of the year. He reiterated for the City Council to read everything closely. Council Member Egbert said it would be good to have a briefing by City Attorney Zollinger. Council Member Erickson explained further the layout of the Recreation Center. They will be working very closely with Mr. Watson; Mr. Watson and Public Works Director Millar will be working together.

Staff Reports:

A. Public Works: – John Millar

- 1. Public Works Director Millar** reported on Johnny Watson’s architectural contract. The city will be the acting agent for the Urban Renewal Board. As such, bids and contracts will be done in the name of the city. He needs authorization for the Mayor to

execute the proposed contract in the amount of \$367,412, which includes all design consulting and sub-contractors. It is an all inclusive contract. It is a fairly reasonable fee.

Council Member Stout said it seem like a low number. Public Works Director Millar confirmed it includes all sub-contractors. Public Works Director Millar said this is for the design consultants, all under Johnny Watson’s contract. This is not for construction, strictly the design of the facility. Council President Mann clarified it is about seven percent of construction costs, the industry average. Public Works Director Millar feels this is fairly cheap. He clarified the industry average is typically seven percent plus consultants. It is significantly below industry standard.

Council President Mann asked if they are required to bid out the design. Public Works Director Millar said they went through a selection process; they received proposals from various firms and selected JRW. They then negotiated the price by Idaho State Statute. State Statute precludes bidding professional services.

Council Member Egbert said because this entails city funds to the contract, this specifically needs to be listed as an agenda item in order for there to be any action on it. This will then be put on the next agenda. City Clerk Kay asked for a copy of it.

2. Bids on a contract for a backup wastewater generator connection:

Bids

Arco Electric - \$32,250

Lon Ricks Electric, Inc. - \$28,460

Council President Mann moved to accept the low bid from Lon Ricks for \$28,460; Council Member Benfield seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

Council Member Stout

Council Member Erickson

Council President Mann

Council Member Benfield

Council Member Egbert

Those voting nay

None

The motion carried.

3. The 12th West sewer lines are now completed. They are 50% done with waterline extensions. Paving is scheduled for the 12th of July 2010. The earth-work and paving portions of the projects are up to bid. They will be completed around mid September. They will be bid in May.

4. Traffic Signal on 2nd East and 7th South ground work is complete. Bases are to be poured this week and they have the excavation of the roadway widening. The widening is about 150 feet east, and tapers down another 100 feet.

Council Member Benfield asked about a piece of property there—it is not as wide as it should be. Are they putting the signal there now and will then have to be moved? Public Works Director Millar said no and explained further how it is 100 feet east of the intersection. They have the right-of-way for the intersection.

Council Member Erickson asked if they will be able to put 150 feet of curb and gutter on the east side. Public Works Director Millar said they will.

5. Riverside Park, the earth work contract is let for opening Friday; and is to be underway in the next two weeks. They need 25,000 yards of fill.

Mayor Woodland asked about those who will do it. Public Works Director said they cannot get a commitment from all; however, they have at least 10,000 yards committed from Walters. Mayor Woodland asked about the topsoil. Public Works Director Millar said the topsoil will be used over the whole area.

6. Street priority comparison between 2010 and 2011. Public Works Director Millar reviewed the numbers and different items from the 2010 to contrast and compare to 2011

goals. He wanted the City Council to review so they can discuss what the priority is, so the money will be used effectively for 2011. There is high demand for the money, so they need to determine what to do with the one million, or the state will then take the money back. This item will also be on the next agenda.

7. Golf Course Fence behind No. 15 green was taken out at the request of Depatco for Curtis Ferney. The fence needs to be reinstalled. Discussion on Golf Course hooking onto city water line. Council Member Erickson asked if this was correct. Public Works Director Millar said it hasn't developed much yet. Council Member Erickson asked about setting up a price on a hookup. Public Works Director Millar explained it and according to this particular case, he took care of it in the development agreement. About the water, he said it is a health issue. Council Member Erickson said they'd never had problems with the water. Public Work Director Millar said they have to chlorinate the well three times a year. Council Member Erickson emphasized the importance of putting in the fence, to avert liability problems.

B. **Finance Department:** – Richard Horner

Deputy Finance Officer Matt Nielson reported on the budget meetings for the 2011 Budget. He asked to set a time and date for the budget review in June.

Discussion on having a City Council meeting June 23rd to avoid conflicts with the AIC meetings. The proposal was to meet from 7-9 P.M. during the City Council meeting to do the budget review.

Calendared Bills and Tabled Items:

A. **BILL Introductions:** - NONE

B. **First Reading:** Those items which are being introduced for first reading. – NONE

1. **BILL 1046 includes four re-zone requests** from Wayne Robertson, Kartchner Homes, Steve Kelly and Ray Loveland.

Council Member Erickson moved to suspend the rules on BILL 1046 including three re-zone requests from Wayne Robertson, Steve Kelly, and Ray Loveland; Council Member Stout seconded the motion; **Mayor Woodland** asked for a roll call vote:

Those voting aye

Council Member Stout
Council Member Erickson
Council President Mann
Council Member Benfield
Council Member Egbert

Those voting nay

None

The motion carried.

Council Member Erickson moved to approve BILL 1046 which includes three re-zone requests from Wayne Robertson, Steve Kelly, and Ray Loveland; excluding Kartchner Homes, item 6B on the agenda; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote on BILL 1046 which includes three re-zone requests from Wayne Robertson, Steve Kelly, and Ray Loveland:

Those voting aye

Council Member Stout
Council Member Erickson
Council President Mann
Council Member Benfield
Council Member Egbert

Those voting nay

None

The motion carried.

C. **Second Reading:** Those items which have been first read.

1. **BILL 1029 repealing Ordinance 709** for business registrations including non-permanent vendor regulations - Staff

City Clerk Kay and Compliance Officer Natalie Powell worked on this BILL. They did not take anything out of the original ordinance. They added some regulation from Boise's.

Council Member Stout asked for clarification. He understood City Council would set areas for temporary business licenses and time periods. City Clerk Kay explained as the city grows, there will be a need to ensure set locations are defined. Because there are no locations defined in the BILL now; a modification can be added to allow future site locations by resolution. Boise has locations defined for different activities. As Rexburg grows, Carlson Avenue could be closed off to traffic, thus leaving the street available for vendor sites.

Council Member Stout said this will not be initiated by the mobile vendors until they specify a location? City Clerk Kay said right now there are no locations; it is based on private property locations. The vendors need to keep the sidewalks clear, allowing pedestrian traffic to flow, etc.

Council President Mann moved to second read BILL 1029 repealing Ordinance 709 for business registrations including non-permanent vendor regulations; Council Member Erickson seconded the motion; Discussion: all voted aye, the motion carried. Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

- B. **Third Reading:** Those items which have been second read
1. BILL 1047 for the creation of LID40

Discussion:

Council President Mann moved to third read and approve BILL 1047 for the creation of LID40; Council Member Egbert seconded the motion; Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council Member Stout	None
Council Member Erickson	
Council President Mann	
Council Member Benfield	
Council Member Egbert	

The motion carried.

Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Mayor's Report:

Need meeting on the 10th at 7:00 A.M. to revisit pool agreement.

1. JRW Contract
2. Earth work contract

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.

Minutes:

- A. May 19, 2010 meeting
- B. Approve the City of Rexburg Bills

Council President Mann discussed Nevco bills, noting they are bid and the paper products are used everywhere in city buildings and park's restrooms.

Minute corrections included a name correction, budgeting for sprinklers at Porter Park, and clarification on a motion.

Council Member Erickson moved to approve the Consent Calendar with changes to the minutes as discussed. Council Member Benfield seconded the motion; all voted aye; **the motion carried.**

Council Member Egbert moved to adjourn; Council Member Stout seconded the motion; all voted aye, **the motion carried.**

Adjournment

Attest:

Richard Woodland, Mayor

Blair Kay, City Clerk