

City Council Meeting

December 19, 2012

35 North 1st East
Rexburg, ID 83440

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www.rexburg.org

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CITY OF
REXBURG
America's Family Community

December 19, 2012

Mayor Richard Woodland

Council Members:

Christopher Mann Jordan Busby
Donna Benfield Jerry Merrill
Bruce Sutherland Sally Smith

City Staff:

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

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

Mayor Woodland welcomed everyone to the meeting.

Roll Call of Council Members:

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

Mayor Woodland led the Pledge to the Flag.

Gale Harding said the prayer.

Mayor Woodland thanked the Police Department for having a wonderful Shop with a Cop event. There were a lot of young children from our community that had the opportunity to get with a police officer and go shopping at Wal-Mart and have breakfast at McDonalds. It was very nice for the children.

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

Steve Oakey at 251 Cornell Avenue mentioned Maddox Restaurant in Brigham City, UT 84302 – Utah. He said they started with a building built to move on rails. Today, it is a very popular steak house. He referred this type of business to a mobile business starting up in Rexburg. He referenced his startup business as an example of how a mobile business can blossom into a permanent brick and mortar business. He stated that he purchased a sign that costs more than the taco buss that is across the street from his business sign. It was his own free-will and choice to purchase it. If he chooses to get out of the business because the competition is too tough, that is up to him to decide. He feels it is not up to the government to decide. If the City Council decides to look into these food wagons on account of fairness, they will be required to look at all economic activity and impose a systematic rule of conduct. He gave a list of other areas to be included in this process; some of them being: auto mechanics, auto sales, lawn care, beauty parlors, handy-man work, computer services and detail shops. He suggested revoking the requirement of moving every six months and doing nothing more but let them enjoy the entrepreneurial spirit we have here in the United States.

Clyde Southwick at 527 Henderson Street agreed with Steve Oakey's comments on mobile businesses. He requested the requirement to have a seasonal business move every six months be removed. He is strongly against adding additional regulation to these portable businesses.

Michelle Southwick at 527 Henderson Street supported the mobile business concept because they are workers seeking to make an honest dollar; who are not taking advantage of the welfare system. She wants to see people working, and she said we should be encouraging others to work and support their families.

Council Member Benfield referred to Steve Oakey's newspaper article and quotes him saying "I assume that all food establishments are being treated equally in the inspection requirements." Also, "I assume that local governments are assessing property values [right]." She says the City Council can't just assume those things. She stated how she thought everything in the article is great, but the City Council needs to make sure these vendors are getting checked and are being inspected.

Steve Oakey indicated his newspaper article was trying to briefly answer the letters to the City Council. He referred to razor thin margins mentioned in the letters. He said he has lived on razor thin margins for a very long time. He stated how he finds it ironic that the two gentlemen that submitted letters to the City Council both enjoy businesses serving the same products that started out from wagons or shacks. He stated how maybe Council Member Jerry Merrill started out mowing lawns as a kid, and maybe Council Member Bruce Southerland's parents were arranging flowers or growing flowers. He says many food establishments start as a mobile business. They are little laboratories for a business. We are beneficiaries of these laboratories.

Council Member Busby referred to the need to have invitations sent to the interested parties to come to a City Council meeting to offer comments on seasonal businesses. The 16th of January was suggested as a time to have it on the City Council agenda.

Clyde Southwick indicated one vendor has a license expiring at the end of the year; should he renew his license? Will he have any difficulty operating? *No action will be taken until the discussion has been completed.*

Jud Riley was interested in the direction of this discussion. He started up a mobile business last spring. It is a good way to test the waters before going into a building. His business is regulated by the state. A loan for a brick and mortar business is risky. He gave an example of a brick and mortar business, "College Deli" that failed. That route is expensive and can lead to major debt, should the new brick and mortar business fail.

Presentations:

A. Requesting Madison County Centennial Celebration in 2013:

Christine Campbell gave a presentation for the Madison County Centennial in 2013. The web site for the event was constructed by Rexburg City Staff; "madisoncountycentennial.com"; the slogan is "Connecting Hearts and Willing Hands;" She mentioned there would be two bands performing on August 17th at the Madison County Fair. The will have a football size carnival at the fair. *She referred to the handouts inserted below.*

Vickie Grover referred to the Heritage Fair she was involved with in years past. After that event, the County Commissioner's asked them to help organize the Madison County Centennial. The first committee meeting was last August. Connecting Hearts and Willing Hands is the slogan for the Centennial. The kickoff will be February 18th at the Court House. Pictures will be presented for permanent display in the Madison County Court House. She indicated there would be a small Centennial Park at the Madison County Court House to be opened in September, 2013. The big event for the Centennial will be the Madison County Fair. They will have a Saturday Night show with the two bands. They are very excited to have Christine Campbell head up the event. She thanked the City Council for all of the City's Staff support.

Christine Campbell concluded with a reference to the web site“madisoncountycentennial.com;”

Pioneer Spirit and Ethics

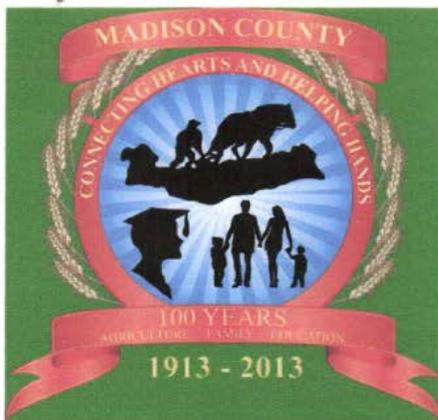
"Madison County is celebrating its 100th year in 2013 by recognizing its Pioneer Spirit and Ethics and will use them as a foundation on which to build our future."

NATIONAL BANDS COUNTRY SAWYER BROWN AND CLASSIC ROCK STARSHIP FEATURING MICKEY THOMAS ARE PERFORMING AT [MADISON COUNTY FAIR](#) 2013 TO HELP CELEBRATE CENTENNIAL YEAR.

AUGUST 17th 2013 - CHECK FAIR ENTERTAINMENT PAGE FOR TIMES OF THE EVENT.

TICKETS ARE REGULARLY \$45.00 FOR BOTH BANDS BUT A SPECIAL HOLIDAY PRE-TICKET SALE WILL LAUNCH DECEMBER 20TH AT MIDNIGHT TO [DISCOUNT](#) THEM TO \$35.00 PER PERSON. THIS SALE ONLY LASTS UNTIL JANUARY 1ST, 2013.

Ms. Campbell said she was excited to be back home in Rexburg where she attended Ricks College. She grew up in Idaho Falls, Idaho. The bands will personalize the event. The tickets go on sale tonight with Ticketmaster. Bart Webster will help by providing founding families to be recognized. No funding will come from tax payer dollars. It will be a year you will remember. Joseph Law from the Standard Journal will be on the Centennial Committee.



Contact: Christine Campbell 208-357-8679

PRESS RELEASE

"Madison County is celebrating its 100th year in 2013 by recognizing its Pioneer Spirit and Ethics and will use them as a foundation on which to build our future."

-Connecting Hearts and Willing Hands-

NATIONAL BANDS COUNTRY SAWYER BROWN AND CLASSIC ROCK STARSHIP FEATURING MICKEY THOMAS ARE COMING TO MADISON COUNTY TO HELP CELEBRATE CENTENNIAL YEAR 2013.

MADISON COUNTY CENTENNIAL FAIR 2013 FESTIVITIES ON AUGUST 17TH WILL HIGHLIGHT NATIONAL BANDS, LARGE FIREWORKS DISPLAY, AND \$1,000 WINNER TALENT SHOW.

Rexburg, ID Dec 17, 2012— It was announced today that two national bands will be performing at the Madison County Centennial Fair as part of the 100 year celebration and festivities August 17th, 2013. Country Band—Sawyer Brown, and Classic Rock Band—STARSHIP featuring Mickey Thomas will be the major entertainment for the evening, followed by a large fireworks display. Christine Campbell, Madison County Centennial Marketing and Promotions Coordinator explains: “We felt that we needed both types of bands to appeal to a broad fan-base in the community . These two groups are phenomenal to work with and provide excellent entertainment.” The announcement was made at the “Sneak Peak” Press Conference held at Madison County Courthouse, which include speakers John Weber—Madison County Commissioner; Mayor Woodland—Rexburg Mayor; Mayor Dalling—Sugar City Mayor; Vicki Grover—Madison County Centennial Chairman and Bob Schneider—Madison County Fair Board Chairman.

The Madison County Centennial Fair concert show tickets will include both bands. Regular ticket prices are \$45.00, and will be discounted to \$35.00 for an early pre-sale from Dec. 20th thru Jan. 1st. Tickets will be available online only at www.madisoncountycentennial.com. All website links and changes will launch midnight on Thursday December 20th, to begin pre-ticket sales. Ten winners will be selected from the “early bird” pre-ticket sales participants to attend a special BACKSTAGE VIP to personally meet Sawyer Brown and Starship Featuring Mickey Thomas in between shows held the evening on August 17th, 2013.

This will be the first time ever that Madison County Fair has brought in this level of entertainment. There will be only 3000 tickets available for sell, and it is a first come-first served basis.

There will be a large variety of events to help celebrate Madison County Centennial 2013, including a large talent show with preliminaries held in May and winners to perform on stage before the national bands. Details will be posted on website January 1, 2013: www.madisoncountycentennial.com

For more Information, Contact: Christine Campbell 208-357-8679

KICK OFF

SPRING EVENTS

Ribbon Cutting/Open House
February 18, 2013
At the Court House and Annex to show off the Picture History Exhibit.

Centennial Dance
April 18, 2013
A family Centennial Ball will be held in the BYU-I Hart main gym. Pioneer dance instruction will be provided beforehand throughout the county. Music and instruction will also be available on line starting in January.

Upper Valley Women's Choir Concert
May 13, 7:30
at the Tabernacle free concert

Smith Park Gazebo Entertainment
June-August (every Thursday except July 4th and Aug. 15th)
Jazz Combo
Wilcox Bluegrass
BYU-I Sound Alliance
Patriotic Band Concert
Cowboy Poetry and more

FALL EVENTS

Tabernacle Concerts
Every Wednesday night
Shannon Packer, violin
Jeff Vail, Bob Butler, Faye Davies
Nyck Vail and friends, Bluegrass
Henry's Fork Bagpipe Band
Doug Waring Big Band
Diane Burt, classical and more

"Deadwood Dick" at the Romance Theater
June 20, 21, 22
Bring your family and be entertained by the melodrama
June 27-28
Children's Musical Comp "Aladdin Junior" musical

Independence Day Chamber Events
July 4, 2013
The Significant Community Celebration is in connection with Independence Day Rexburg Chamber of Commerce Events

Madison County Fair
August 15, 16, 17
Wagon Train
Heritage Parade
Horse Pulls
Antique Farm Equipment
Music Explosion
Sawyer Brown and Starship Country/Rock Concert
Fireworks (Aug. 17) with a gigantic fireworks display set to music

Centennial Park
September
Join us for the unveiling of the Pioneer Memorial in Centennial Park

Community Harvest
October
Bring your family and watch a team of horses pull a potato digger, then have fun picking them the way your grandparents did.

Closing Activity
November
Re-creation of the program used in 1913 to celebrate the authorization of Madison as a county. All schools in the county will be involved.

Visit our website for details madisoncountycentennial.org

Council Member Merrill moved to support the Madison County Centennial Committee in their efforts to put on the **Madison County Centennial Celebration** in 2013; Council Member Sutherland seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye

- Council President Mann
- Council Member Benfield
- Council Member Smith
- Council Member Busby
- Council Member Sutherland
- Council Member Merrill

Those voting nay

None

The motion carried.

Committee Liaison Assignments for 2012:

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

Council President Mann reported MYAB wrapped the presents for Shop with a Cop. There were almost 300 people at the Carousel to see Santa Clause. It was very cold. The Fire Department had their Christmas Dinner.

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

Council Member Busby reported the Airport Board did not meet; The GIS Oversight Committee met to discuss mapping issues. Craig Rindlisbacher is on that committee.

C. Council Member Donna Benfield: *Trails of Madison County · IBC · Teton Flood Museum Committee · M.E.P.I.*

Council Member Benfield reported the committees have not met.

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

Council Member Smith reported the committees have not met.

E. Council Member Jerry Merrill: *Beautification Committee · Parks & Recreation · Traffic & Safety · Urban Renewal Agency*

Council Member Merrill reported the winter events are going forward. The pool is getting iced up; the pumps are coming on to circulate the water. He is looking for more indoor winter recreation ideas. The problem is money and sponsorships. The Urban Renewal Agency is looking at helping with the Madison County Centennial Park. The Traffic and Safety Committee is requesting new members.

Council Member Merrill requested the City Council confirm the appointment of **Ryan Ballard** to the Traffic and Safety Committee.

Council Member Merrill moved to confirm the appointment of Ryan Ballard to the Traffic and Safety Committee; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

The annual “Snow Fest” event will be January 26th, 2013.

Mayor Woodland and Council Member Busby mentioned the new flashing lights at city crosswalks being installed. There will be nine new crossing lights installed soon. Some possible locations are noted below.

1. Burton Elementary
2. South Yellowstone Hwy by Les Schwab
3. 2nd East by Dorms
4. 2nd East by Hinckley Parking Lot
5. 2nd South and 1st East
6. 2nd South and Center Street

7. 1st West and 7th South
8. Center Street and 7th South
9. 7th South Temple crossing
10. 4th South by the Round-a-Bout

NOTE: Recent newspaper article on the University's plans to install pedestrian crosswalk lighting around the University:

With a lot of pedestrian traffic at Brigham Young University-Idaho, campus officials are in the process of installing a series of new crosswalk warning lights. The university ordered 10 of the new lights and two of them have recently been installed on Seventh South. One of them is at the intersection of Seventh South and First West and the other one is at the intersection of Seventh South and Center Street. The lights are light-emitting diode types and are much brighter and flash much more rapidly than older style lights. In addition to the light facing traffic, the system also includes smaller beacons aimed toward the pedestrians to indicate that the lights are operating. "The university is very interested in student safety and continually works to improve safety around campus," said Merv Brown, university communications director at BYU-Idaho. "We are interested in making sure pedestrians are seen so they can be safe in crossing roadways around the campus." He said part of that safety effort also includes street lighting upgrades that are underway on the perimeter of the campus. Seventh South was targeted because of the wide roadway and high volume of traffic. Studies are underway to determine the placement of the other lights that are expected to be installed in January and February. "We analyze the situation and determine the best place to put crosswalks and lights," Brown said. According to John Millar, Rexburg's public works director, the city and BYU-Idaho work closely together to determine the best placement for crosswalks and warning lights to make them most beneficial. "They only work if people use them," Millar said. "We spend the time to put them in, but it's all for naught if they won't push the button." In the near future city officials plan to add pedestrian warning lights at Burton Elementary and at the intersection of Yellowstone Avenue and Trejo Street.

Public Works Director John Millar reviewed the locations where the new crosswalk lights will be installed. Council Member Smith asked for flags to be made available at the Round-A-Bout for pedestrians to use. The Les Schwab corner on 5th West will have a crosswalk removed.

Council Member Benfield mentioned the next meeting for the County Recreation District Committee will be the 9th of January at 7:00 P.M.; *everyone is invited.*

F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police*

Council Member Sutherland reported the Planning and Zoning Commission met. The Police Department had a Reserve Officer Graduation for Rexburg and the surrounding Police Departments. They are doing a great job.

Mayor's Report:

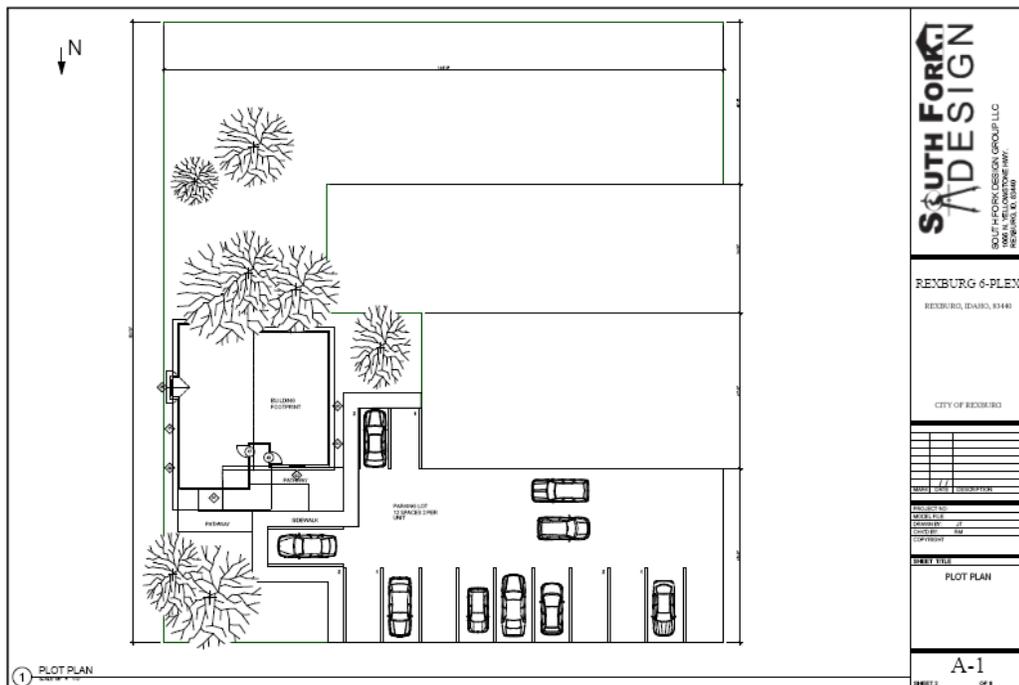
Mayor Woodland mentioned the City is doing very well.

Public Hearings: – NONE

Items for Consideration:

- A. **WITHDRAWN BY APPLICANT:** Request from TRPTA for a "Letter of Intent for the §5311 Rural Grant application process" TRPTA would like to provide fixed route service within the FY 2014 or FY 2013 funding if possible; for FY2013, there will be a \$60,608 shortfall in matching funds needed to maintain the current level of service. They are seeking matching funding from Rexburg. *(They will meet with the city and university tomorrow at 10:00 AM.)*

B. **Conditional Use Permit** – Approximately 40 North 5th West - to allow a building with more than four (4) units: one 6-plex – Ray McDougal



REXBURG 6-PLEX



SHEET INDEX		
ID	Name	Published
T-1	COVER SHEET	<input checked="" type="checkbox"/>
R-1	ROOF PLAN	<input checked="" type="checkbox"/>
R-2	FOUNDATION	<input checked="" type="checkbox"/>
F-1	FLOOR PLAN	<input checked="" type="checkbox"/>
F-2	FLOOR PLAN	<input checked="" type="checkbox"/>
F-3	FLOOR PLAN	<input checked="" type="checkbox"/>
F-4	FLOOR PLAN	<input checked="" type="checkbox"/>
F-5	FOUNDATION PLAN (SEE DE)	<input checked="" type="checkbox"/>
F-6	FLOOR FINISHES PLAN	<input checked="" type="checkbox"/>
F-7	SECTION AND DETAILS	<input checked="" type="checkbox"/>

1 SHEET INDEX

Blake Walker presented the proposal on the overhead screen. By right, they are allowed to have six units. The CUP is to request joining the duplex and the four-plex into a six-plex. It will allow for a larger lawn. It is a good infill project for Rexburg.

Council Member Busby asked if there is already a four-plex. Currently, there is no building on the property.

Council Member Smith asked for more information. She was concerned the number of units would increase.

City Attorney Zollinger reviewed the concerns from the neighborhood. The neighbors did not want an increased density. Once the neighbors understood the density would not increase, there was less concern. Mrs. Beasley had some concerns. The number of units requested is an allowed use in the current land use designation. Approving the CUP will allow more green space. The Conditions recommended by Planning and Zoning were reviewed.

Planning and Zoning conditions on December 06, 2012.

- 1) *Building height shall be limited to two stories above grade.*
- 2) *There shall be a six-foot fence on the north and south of subject property unless property owners can agree on another kind of buffer.*
- 3) *There shall be a Design Review Committee meeting for the project.*

The "Standards Applicable to Conditional Use Permits" Section 6.12B in the Development Code Ordinance No. 1026, will apply to this Conditional Use Permit.

Council Member Smith moved to approve the **Conditional Use Permit** at approximately 40 North 5th West to allow a building with more than four (4) units: (one 6-plex) with Planning and Zoning Conditions; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

C. Resolution 2012-12 Intent to create LID43 - Matt Nielsen



CITY OF
REXBURG
America's Family Community

RESOLUTION NO. 2012-12

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF REXBURG, IDAHO, TO CREATE **LOCAL IMPROVEMENT DISTRICT NO. 43** FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING CERTAIN PUBLIC IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF THE PROPOSED IMPROVEMENT DISTRICT AND THE PROPERTY PROPOSED TO BE ASSESSED FOR THE COSTS OF THE IMPROVEMENTS; GENERALLY DESCRIBING THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED AND THE ESTIMATED COSTS AND EXPENSES OF THE IMPROVEMENTS; STATING THE PORTION OF THE TOTAL COST WHICH WILL BE PAID FROM A LEVY OF ASSESSMENTS ON PROPERTY BENEFITTED BY THE IMPROVEMENTS AND THE PORTION PAYABLE FROM OTHER SOURCES; STATING THE METHOD OF DETERMINING ASSESSMENTS; FIXING THE TIME WITHIN WHICH AND THE PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER SUCH PROTESTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rexburg, Idaho (the "City"), is a municipal corporation operating and existing under and pursuant to the laws of the State of Idaho, and as such is authorized and empowered to create local improvement districts to construct improvements pursuant to Title 50, Chapter 17, Idaho Code; and

WHEREAS, the City Council (the "Council") of the City has authorized initiating the creation of a local improvement district for a particular district; and

WHEREAS, the Council is of the opinion that it is in the best interest of the owners of property and of the inhabitants within the proposed Local Improvement District No. 43 ("LID

43"), and within the City, that the proposed LID 43 be formed and the proposed improvements as hereinafter described be constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, as follows:

Section 1: The Council hereby determines and states that it is its intention to form a local improvement district, to be designated LID 43 to make the improvements as hereinafter set forth.

Section 2: The boundaries of the proposed LID 43 and of the properties to be assessed are generally described in "LID 43 Estimated Assessment Role" which is annexed hereto and by reference incorporated herein.

Section 3: A general description of the improvements to be constructed (the "Improvements") is as follows: the installation and/or replacement of streets, curbs, gutters, sidewalks, water lines, sanitary sewer lines, storm sewer lines and other improvements as necessary, together with related improvements and costs of engineering, legal services, publication, interest on borrowed funds during construction, bond issuance costs and reserves, and other related expenses.

Section 4: The estimated total cost of the Improvements is approximately \$ 1,755,000. Approximately \$ 200,000 will be paid by the City, representing the amount of benefit to the general public resulting from the Improvements. The balance of the cost will be paid by a levy of assessments on the property benefited.

Section 5: The assessable portion of the costs and expenses of the Improvements shall be assessed against the tracts, lots, and lands benefited by the improvements according to a front foot method or a square foot method, or a combination thereof, subject to any variations there from to be determined by the Council, as provided by Section 50-1707, Idaho Code, in proportion to the benefits derived to such property by said improvements.

Section 6: **Wednesday, the 16th day of January, 2013, at the hour of seven thirty P.M. (7:30 pm), at the Rexburg City Hall, 35 N 1st E, Rexburg, Idaho**, is hereby fixed as the time and place when and where the owners of the property to be assessed may appear before the Council and be heard as to the propriety and advisability of acquiring the Improvements, and which is the time and place when and where the Council will consider the creating of the proposed LID 43 and constructing the proposed Improvements, and hear all complaints, protests, and objections which may be made in writing and filed with the City Clerk on or before said time, by any owner of any parcel of land to be assessed.

Section 7: Written protests and objections to the creation of LID 43 or to the manner of assessment or inclusion of property therein may be filed with the City Clerk at or before four o'clock P.M. (4 pm) on Tuesday, the 15th day of January, 2013, by any owner of any parcel of land to be assessed.

Section 8: Notice of Hearing substantially in the form attached hereto and hereby made a part hereof shall be given as follows:

(A) By publication of such notice in the official newspaper of the City of Rexburg, Idaho, a newspaper of general circulation within the City, which notice shall be published once a week for two consecutive weeks of the first publication being at least ten (10) days prior to the date of said hearing.

(B) By mailing, at least ten (10) days prior to the date of said hearing, a copy of such notice to each owner of property, if known, or his agent, if known, within the limits of the proposed LID 43 addressed to such person at his post office address, if known, or if unknown, to the post office in Rexburg, Idaho. Ownership of property shall be determined as of the date of the adoption of this Resolution.

Section 9: This Resolution shall take effect and be in full force from and after its passage and approval.

DATED this 19th day of December, 2012

CITY OF REXBURG
Madison County, Idaho

ATTEST:

By _____
Mayor City Clerk

EXHIBIT "A"
(See attached Notice of Intent to Create form.)

NOTICE OF HEARING ON CREATION OF
LOCAL IMPROVEMENT DISTRICT NUMBER 43
CITY OF REXBURG, IDAHO

NOTICE IS HEREBY GIVEN that **Wednesday, the 16th day of January, 2013, at the hour of seven thirty p.m. (7:30 pm), at the Rexburg City Hall, 35 N 1st E, Rexburg, Idaho**, has been fixed, pursuant to Resolution No. 2012-12, as the time and place for public hearing at which the owners of property to be assessed within proposed Local Improvement District No. 43, ("L.I.D. No. 43") may appear before the City Council (the "Council") of the City of Rexburg, (the "City") and be heard as to the propriety and advisability of creating L.I.D. No. 43 and acquiring and constructing the Improvements, as hereinafter described, and as the time and place when and where the Council will consider the creating of the proposed L.I.D. No. 43 and the acquisition and construction of the proposed improvements, and hear all complaints, protests, and objections which may be made in writing and filed with the City Clerk on or before said time by any owner of any parcel of land to be assessed.

Your particular property to be assessed for the costs of the improvements benefiting it within the proposed L.I.D. No. 43 is within the city limits and is described below as "**Address:**".

A general description of the improvements to be constructed (the "Improvements") is as follows: the installation and/or replacement of streets, curbs, gutters, sidewalks, driveway approaches, water lines, sanitary sewer lines, storm sewer lines, retaining walls and other improvements as necessary, together with related improvements and costs of engineering, legal services, publication, interest on borrowed funds during construction, bond issuance costs and reserves, and other related expenses.

The estimated total cost of the Improvements is approximately \$ 1,755,000. Approximately \$ 1,555,000 will be paid by the City, representing the amount of benefit to the general public resulting from the improvements. The balance of the cost will be paid by a levy of special assessments on the properties benefited, calculated according to a front foot method or a square foot method, or in proportion to the benefits derived to such property by said improvements, or a combination thereof, subject to any variations there from to be determined by the Council.

The estimated amount to be assessed against your property is listed below as "**Estimated Costs:**", and the final costs and financing of these costs will be made available upon completion of the Improvements.

Written protests and objections to the creation of L.I.D. No. 43 or to the manner of assessment or inclusion of property therein may be filed with the City Clerk at or before four o'clock P.M. (4 pm) on Tuesday, the 15th day of January, 2013, by any owner of any parcel of land to be assessed. At the time of creation of the L.I.D., a document will be recorded with Madison County showing a possible future debt against the property.

In the event that L.I.D. 43 is created by the City Council, once the construction is done and the final assessments are set forth in the Final Assessment Roll, the owner of any piece of property liable for any assessment may redeem their property from such liability by paying the entire assessment chargeable against that property within 30 days of written notification. If the property owner wishes to not pay the assessment in full, the assessment will become a lien on the property and will be payable over ten (10) years in substantially equal annual installments of principal. Additionally, interest will be due on the balance owing at a rate as set forth in the Final Assessment Roll Hearing. A property owner may also choose to make payments monthly on their utility bill instead of annually.

DATED this 19th day of December, 2012.

CITY OF REXBURG
Madison County, Idaho

Item Number: *(as per individual mailed notice)*
Name: *(as per individual mailed notice)*

Estimated Costs: (as per individual mailed notice)
Address: (as per individual mailed notice)

Questions about this assessment should be directed to:

Joel Gray, Engineer Matthew Nielson,
 Finance
 208-372-2331 208-372-2343
joelg@rexburg.org mattn@rexburg.org
 PO Box 280 PO Box 280
 Rexburg, ID 83440 Rexburg, ID 83440

City Engineer Keith Davidson reviewed the proposed LID43. School District properties will not be part of the proposed LID. Three properties on 1st North and Center Street are included due to public complaints.



He reviewed the proposal on the overhead screen.

EXHIBIT "B"

The boundaries of the local improvement district encompass the following-described real property, all situated in the City of Rexburg, Madison County, Idaho:
 (See attached list of properties.)

Item #	No.	Dir	Street	Company/L Name	F Name	Parcel #	New Sidewalk (SQ YD)	Revised Sidewalk (SQ YD)	Revised C & G (FT)	Revised Sidewalk (SQ YD)	Revised C & G (FT)	Sidewalk			Curb & Gutter			Street Reconstruction	Cost	Engineering	City Participation	Total Estimated Cost		
												Removal of Concrete/Asphalt Sidewalk (SQY)	6" Excavation, Backfill, and Compaction (SQY)	Concrete Installation (SQY)	Reinforced Concrete Installation (SQY)	Removal of Concrete Curb & Gutter (Foot)	12" Excavation, Backfill, and Compaction (SQY)						Concrete Installation (Foot)	
1	400	W	1st St	MADISON COUNTY			314					\$ -	\$ 3,762.00	\$ 15,796.00	\$ -	\$ -	\$ 1,300.00	\$ 400.00	\$ -	\$ 19,458.00	\$ 3,151.94	\$ -	\$ 11,255.06	\$ 20,409.00
2	480	W	1st St	D.P. W.			148					\$ 1,400.00	\$ 1,400.00	\$ 1,000.00	\$ -	\$ 100.00	\$ -	\$ -	\$ -	\$ 11,800.00	\$ 3,341.80	\$ -	\$ 13,241.80	\$ 10,400.00
3	150	N	1st St	BOHE HOUSING CORPORATION			5					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40.00	\$ -	\$ -	\$ 40.00	\$ 40.00
4	150	N	1st St	PREZ	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
5	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
6	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
7	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
8	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
9	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
10	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
11	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
12	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
13	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
14	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
15	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
16	150	N	1st St	THOMAS R	THOMAS R		45	40				\$ 600.00	\$ 500.00	\$ 1,500.00	\$ -	\$ 300.00	\$ 130.00	\$ 1,300.00	\$ -	\$ 500.00	\$ 500.00	\$ -	\$ 1,500.00	\$ 4,000.00
17	17	W	1st St	DAVENPORT	ANDY		7	14				\$ 70.00	\$ 41.00	\$ 150.00	\$ -	\$ 112.00	\$ 43.00	\$ 43.00	\$ -	\$ 1,081.00	\$ 150.20	\$ -	\$ 1,231.20	\$ 1,000.00
18	19	W	1st St	BYRON	GERALD W		3	3				\$ 30.00	\$ 45.00	\$ 120.00	\$ -	\$ 72.00	\$ 27.00	\$ 72.00	\$ -	\$ 720.00	\$ 81.00	\$ -	\$ 801.00	\$ 700.00
19	21	W	1st St	CHERRY	CLARA K		7	10				\$ 28.00	\$ 39.00	\$ 120.00	\$ -	\$ 80.00	\$ 30.00	\$ 60.00	\$ -	\$ 620.00	\$ 70.40	\$ -	\$ 690.40	\$ 600.00
20	23	W	1st St	CHERRY	ANDREA		6	8				\$ 24.00	\$ 36.00	\$ 120.00	\$ -	\$ 72.00	\$ 27.00	\$ 72.00	\$ -	\$ 620.00	\$ 63.60	\$ -	\$ 683.60	\$ 600.00
21	25	W	1st St	CHERRY	ANDREA		6	8				\$ 24.00	\$ 36.00	\$ 120.00	\$ -	\$ 72.00	\$ 27.00	\$ 72.00	\$ -	\$ 620.00	\$ 63.60	\$ -	\$ 683.60	\$ 600.00
22	29	W	1st St	NEWTON	LINDA E		14	10				\$ 140.00	\$ 105.00	\$ 360.00	\$ -	\$ 105.00	\$ 73.50	\$ 210.00	\$ -	\$ 1,431.00	\$ 171.84	\$ -	\$ 1,602.84	\$ 1,400.00
23	31	W	1st St	BRILEY	DAVID E		20	10				\$ 200.00	\$ 100.00	\$ 400.00	\$ -	\$ 200.00	\$ 100.00	\$ 200.00	\$ -	\$ 1,640.00	\$ 200.00	\$ -	\$ 1,840.00	\$ 1,600.00
24	34	W	1st St	SMITH	TERESA		7	110				\$ 28.00	\$ 400.00	\$ 1,200.00	\$ -	\$ 224.00	\$ 800.00	\$ 2,400.00	\$ -	\$ 3,328.00	\$ 416.00	\$ -	\$ 3,744.00	\$ 3,200.00
25	137	W	1st St	ROBERTS BRICK INC ETAL	MERRITT J		12	14				\$ 120.00	\$ 140.00	\$ 480.00	\$ -	\$ 120.00	\$ 140.00	\$ 480.00	\$ -	\$ 3,000.00	\$ 375.00	\$ -	\$ 3,375.00	\$ 2,800.00
26	110	W	1st St	THOMPSON	MERRITT J		12	14				\$ 120.00	\$ 140.00	\$ 480.00	\$ -	\$ 120.00	\$ 140.00	\$ 480.00	\$ -	\$ 3,000.00	\$ 375.00	\$ -	\$ 3,375.00	\$ 2,800.00
27	100	W	1st St	BAUMBER	DONALD L		8	10				\$ 80.00	\$ 100.00	\$ 360.00	\$ -	\$ 80.00	\$ 100.00	\$ 360.00	\$ -	\$ 2,400.00	\$ 300.00	\$ -	\$ 2,700.00	\$ 2,400.00
28	100	W	1st St	MADISON SCHOOL DIST #22			55	110	40			\$ 550.00	\$ 1,100.00	\$ 3,600.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ -	\$ 20,250.00	\$ 2,531.25	\$ -	\$ 22,781.25	\$ 20,000.00
29	100	W	1st St	MADISON SCHOOL DIST #22	MELANIE STE		9	18				\$ 90.00	\$ 180.00	\$ 600.00	\$ -	\$ 90.00	\$ 180.00	\$ 600.00	\$ -	\$ 2,250.00	\$ 281.25	\$ -	\$ 2,531.25	\$ 2,000.00
30	100	W	1st St	PAGE EITZ	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
31	100	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
32	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
33	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
34	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
35	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
36	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
37	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
38	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
39	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
40	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
41	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
42	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
43	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
44	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2,812.50	\$ 2,400.00
45	112	W	1st St	SPRINGMEAD ENVIRONMENTAL LLC	WILLIAM J		48	75				\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 240.00	\$ 404.00	\$ 1,000.00	\$ -	\$ 2,500.00	\$ 312.50	\$ -	\$ 2	

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Staff Reports:

Public Works: – John Millar

City Engineer Keith Davidson reviewed the Capital Improvement Plan on the overhead screen. This year’s project will be combined with the 2014 project which is to move a portion of the taxi-way per federal guidelines of 240 feet away from the run-way. It will be a little over a million dollars with city/county matching funds. A consultant engineering firm will be required. The split on costs will be 90% from FAA; 3% from the State; and 7% or \$83,000 from the city and county. The taxi-way lighting project will be added in about 2017.

Finance Officer Horner said the 2014 Budget does not have any Airport money budgeted. He requested looking for additional funding to avoid using the General Fund.

Finance Department – Richard Horner

Deputy Finance Officer Matt Nielsen reported LID participants have until February to be on the LID.

Calendared Bills and Tabled Items:

- A. “LAND USE ACTION” – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE: – NONE**
- B. BILL Introduction: – NONE**
- C. First Reading:** Those items which are being introduced for first reading: – NONE
- D. Second Reading:** Those items which have been first read: – NONE
- E. Third Reading:** Those items which have been second read:

- 1. Bill 1095 – Amend Ordinance 1026** to include Infill and Sign Heights.

Council Member Sutherland moved to approve and third read Ordinance 1095 to amend Ordinance 1026 to include infill and amend the sign heights on the Hwy 20 corridor; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

Council President Mann

The motion carried.

2. Bill 1096 – Amend the International Fire Code Ordinance 1063.

Council President moved to approve and third read Ordinance 1096 to amend the International Fire Code Ordinance 1063; Council Member Busby seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

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 December 05, 2012 meeting
- B. Approve the City of Rexburg Bills

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

Those voting aye

Council President Mann
Council Member Benfield
Council Member Smith
Council Member Busby
Council Member Sutherland
Council Member Merrill

Those voting nay

None

The motion carried.

Council Member Smith asked if the tipping fees had been reduced by the recycling program; Yes; however, the population has increased by 1,500 causing an increase in garbage volume.

Adjourned at 8:26 P.M.

Attest:

Richard S. Woodland, Mayor

Blair D. Kay, City Clerk