

# City Council Meeting

July 11, 2012



CITY OF  
**REXBURG**  
America's Family Community

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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July 11, 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**

**Roll Call of Council Members:**

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

**Mayor Woodland** welcomed everyone to the meeting. He welcomed Troop 306 to the meeting.

**Wynn Robinson** led the Pledge to the Flag.

**Leo Flores** said the prayer.

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

**Blake Willis** at 610 Autumn Drive was concerned with the current city parking ordinance. He would like to encourage the Mayor and City Council to change the current PEZ Zone parking. Beforehand the city required a 1:1 parking ratio at apartment complexes but now it has been lowered because of the PEZ Zone parking and now some apartment complexes have less than 30 to 40 percent parking. The campus average is 70 to 80 percent of the students that bring cars to school. He explained that those apartment complexes that paid for parking before the PEZ Zone parking are now being penalized because students now park on the street. He asked the City to change the parking requirement to no overnight parking or to require some type of university permit during the day. Parking is very expensive and those who paid for parking at their complex are being penalized because the parking is no longer being used by the students.

**Council President Mann** acknowledged the problem and concern. He said something does have to be done to help correct the parking problems.

**Council Member Sutherland** agreed with Council President Mann.

**Council President Mann** explained that the college, the Rexburg Police Department, and the city should meet on the issue to figure out a solution.

**Tasha Alva** at 272 Pollard asked about the agenda process. She said it would have been helpful to have last week's P&Z minutes available online before this meeting. She asked that the agendas be available earlier so that the public can come informed with the minutes and agendas ahead of time.

**Presentations:** - NONE

**Committee Liaison Assignments for 2012:**

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

**Council President Mann** reported the Golf Board met and their income was up \$17,000; however, the water bill was up \$7,000 from the previous year. Emergency Services has not met; seven firemen are out of town on fires. The medical truck has been out for over two weeks to other locations including Pocatello, Colorado, and Utah, which will pay for a fire fighting vehicle. He reviewed the many fires the department has been involved. MYAB is off for the summer. Council Member Sutherland thanked Council President Mann for his efforts with MYAB.

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

**Council Member Busby** reported the Airport Board has not met this month and a meeting is scheduled August 13. The GIS meeting was postponed.

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

**Council Member Benfield** reported the Trails of Madison County will meet next Thursday at 5:15pm at City Hall. She presented three people to be added to the Trails of Madison County Committee:

1. Joe Hill is the co-owner of Sticks and Stones.
2. Charles Hill is the co-owner of Sticks and Stones.
3. George Simmons is a student at BYU-I.

**Council Member Benfield** moved to approve the new proposed committee members; Council Member Merrill seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

**Council Member Benfield** reported the other committees have not met. M.E.P.I will not meet until September.

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

**Council Member Smith** reported the next Legacy Flight Museum meeting is Friday at 7:00 A.M.; The Rexburg Arts Council will be meeting Thursday at 6:00 P.M. with the Tabernacle meeting following it. She will report on the air show next time.

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

**Council Member Merrill** reported the city parks are busy; however, the city staff is working hard to keep up on the dry spots. The pool has been busy on warm days; Traffic and Safety did not meet; Urban Renewal will be meeting Thursday. Mayor Woodland asked for Council Member Merrill to seek information about the lot on the corner where a building foundation was installed at Main Street and 1<sup>st</sup> East.

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

**Council Member Sutherland** reported the Planning and Zoning Commission met for 7 ½ hours for public hearings on issues on the agenda tonight. The Madison School Board is here tonight to discuss some issues. He reported that the police are doing well. He explained that he has not recently talked to the Chief of Police but he did talk to him on the 4<sup>th</sup> of July. Economic

Development has received RFP's to do a feasibility study that will identify broadband costs in Rexburg. They have identified a firm, Design Nine, to do the feasibility study for \$72,900.

*Design Nine, Inc.*

*Design Nine was founded in 1987 by Andrew Cobill to provide technology advice and services to community, business, and public clients. Over the years, the company has grown steadily and now offers a comprehensive array of broadband network services, including early phase planning, network architecture and design, and network construction oversight and project management. Design Nine is one of a very few firms in the United States with experience in the design, construction, and operation of open access broadband networks.*

*Design Nine projects have included the award-winning Danville municipal open network, The Wired Road open access network, New Hampshire Fast Roads, Rockbridge Area Network Authority network, the City of Eagan, Minnesota open access network, and over a hundred other planning efforts for communities in more than twenty states. The senior leadership of Design Nine has extensive, hands-on experience designing and managing telecommunications and broadband systems.*

*Design Nine, Inc. is a Virginia corporation with its main office in the Corporate Research Center in Blacksburg, Virginia. Design Nine has satellite offices in Keene, New Hampshire and Knoxville, Tennessee.*

*For more information about Design Nine, Inc. and its services, send a note to info at designnine.com*

The University and Madison County will participate in the broadband study. Finance Officer Richard Horner explained that a multi-county grant is proposed to be a part of the payment.

**Council Member Sutherland** moved to approve Design Nine to do the feasibility study; Council Member Smith seconded the motion; Discussion: Council Member Busby asked for more detail on the costs. Council Member Sutherland said the cost will not exceed \$72,900; however, broadband is extremely important to the community to attract new business. Council Member Benfield asked for an explanation of the services derived from the study. Council Member Sutherland explained the study will investigate the best option to bring in broadband; either public, private or a combination. This company has had experience in Virginia's University towns. There were over ten companies solicited for the study. It is a communication supper highway for the future.

**Council Member Sutherland** amended the motion to approve the study; however, the final funding must be approved by the City Council; Council Member Smith seconded the amended motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

**Public Hearing:** NONE

**Items for Consideration:**

- A. Comprehensive Plan Map Amendment** – Approximately 245 West 1st North – Moderate-High Density Residential and Light Industrial to Neighborhood Commercial/Mixed Use

**Mayor Woodland** opened the discussion on the proposal for public comment:

**Presentation by applicant:**

**Cory Sorensen** at 154 S 3<sup>rd</sup> W representing Tru-North Development reviewed the Comprehensive Plan Map on the overhead screen. They are back with changes to push the project forward due to neighborhood concerns. They are asking for a Comprehensive Plan Map change on three properties on 1<sup>st</sup> North; (two properties from Moderate-High Density Residential and one property from Light Industrial to Neighborhood Commercial/Mixed Use). The reason is to compliment the professional overlay on adjoining properties. The property is all vacant except for

Wolf Lighting and the property is over five acres in size. He showed pictures of the properties on the overhead screen.



Written correspondence:

On file at City Hall.

Facts to offer into the record by City Council members: NONE

Public Testimony neutral to the proposal (5 minute limit): NONE

Public Testimony opposed to the proposal (5 minute limit): NONE

**Rebecca Hansen** at 57 N 3<sup>rd</sup> W, across from the vacant property, explained that Mr. Sorenson has proposed the comprehensive map change to achieve his MU2 zoning change that was denied in the past. She explained that the City Council found the project to be too large when it was last proposed and now it is of greater magnitude. She felt that if the comprehensive map change is approved then it will make her neighborhood more vulnerable to developers. She asked for the comprehensive map change to be denied.

**Frank Hadry** at 23 N 3<sup>rd</sup> W agreed with Rebecca Hansen. Mr. Hadry asked the mayor if it would be appropriate to ask everyone in the room that is opposed to the change to stand. Mayor Woodland said it was fine. Most people in the audience agreed by standing.

**Gary Taylor** at 63 N 3<sup>rd</sup> W explained that it has been said that something must be done to the property but nothing has been there for 35 years and the property has been just fine. He said that those who stood up agree that they don't want something this big. He felt that it will ruin the neighborhood and take away from the houses. He further indicated that the City Council is their elected officials. They can't stop it; however, the City Council can stop it. They live their but the developers do not. He asked them to say no. He believes his property value will go down. He explained that a friend cannot sell his house because of the main street station complex built next to it. He asked for the City Council to support their voice and to say no.

Rebuttal by applicant:

**Cory Sorensen** indicated this proposal is only for the three properties on 1<sup>st</sup> North and that it is a comprehensive map change hearing. A vote for comprehensive map change was allowed on the south properties and now he has proposed the three additional properties. Mr. Sorensen clarified

that it is not a zoning change but a comprehensive map change. They have procured more properties to try to do all in their power to buffer the street and the neighbors. There will be a traffic study ordered to show that the traffic will not affect the residents as much.

Staff:

**Community Development Director Val Christensen** said it was real important to limit the discussion to the Comprehensive Plan request. He explained the Comprehensive Plan is a planning tool. This tool does not give property rights; it is only a planning tool. Moderate to High Residential land use is the current plan. He reviewed some of the property as Light Industrial. On Main Street, businesses are allowed to have residents above businesses in this Neighborhood Commercial Mixed Use land designation. The change in the Comprehensive Plan Map is to match the existing plan on the Main Street's mixed use zone. He said the current planned land use designation allows for a 55 foot building in two of the current land use designations. The current zoning allows for medium density, low density, and light industrial. He wanted to keep the discussion around the Comprehensive Plan proposal and address the zoning in another discussion. The mixed use designation will be complimentary to Main Street planning. The change will allow Wolf Light to stay in compliance with current land designations.

**Council Member Merrill** clarified the change in the Comprehensive Plan is to have the whole plot of land as one cohesive unit rather than having land that is Light Industrial, Medium to High Density, and Mixed Use.

**Community Development Director Christensen** explained the density of the development can be accomplished in either Comprehensive Plan. The purpose is really to keep the Mixed Use ability on Main Street. This is by far the best proposal for this property to keep Main Street viable and limit spot zoning. Mayor Woodland explained this proposal is housekeeping work.

**Community Development Director Christensen** indicated this Comprehensive Plan change is not a large issue. The real question is will the city change the zoning. Council Member Sutherland said this proposal is more limiting verses the current land use designations. It will be fewer units with this proposal and allow some future commercial components; i.e. more options.

**Community Development Director Christensen** explained it will allow more options in terms of adding commercial or residential and allows for more density. He explain that it is to clean up the rest of the properties added to what was already changed in the Comprehensive Plan by City Council.

**Mayor Woodland** closed the comment period for deliberations: Mayor Woodland indicated it is a house keeping proposal to finish out the process. They have gone this direction before and this will just allow the properties to stay uniform in this block.

**Council Member Merrill** moved to approve the Comprehensive Plan Map Amendment (*Resolution 2012 – 08*) at approximately 245 West 1st North from Moderate-High Density Residential and Light Industrial to Neighborhood Commercial/Mixed Use; Council Member Sutherland seconded the motion; Discussion: Mayor Woodland asked for a vote:

**Those voting aye**

Council Member Merrill  
Council Member Smith  
Council Member Sutherland

**Those voting nay**

Council President Mann  
Council Member Busby  
Council Member Benfield

**Mayor Woodland** voted to approve the change.

**The motion carried.**

**B. Rezone** –Approximately 245 West 1st North – LDR2, CBC, and LI to MU2



Public Written Input:

I would like to address these comments to the Rexburg City Council for the City Council meeting on July 11th, 2012

Dear City Council Members;

My name is Diane Ross and my family and I live at 271 W 1st N here in Rexburg.

I am writing to voice my opposition to the proposed zone change at approximately 245 w 1st North. It is my belief that the proposed change opens the door for development which is simply too dense for the surrounding neighborhood. I have never been opposed to the concept of development of this area, but changes need to complement and enhance our neighborhood rather than overshadow it.

I know that our city has made many concessions to accommodate BYU-Idaho and its students. At this time, please consider instead the needs and rights of the many citizens who have lived here, worked here, volunteered here, and chosen to raise our families here.

I know that we are not a wealthy neighborhood, and I know that money is always a factor in decisions such as this, but I implore you to consider that to us our neighborhood has qualities that extend beyond the bottom line.

My family and I chose 12 years ago to move to this neighborhood because it's peaceful, pleasant, and full of warm-hearted, good people. Please help us preserve the character of this neighborhood by deciding against this proposed zone change. It's worth it to us and it's worth it to our community.

Thank you for your consideration,

Diane Ross

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Dear Commission,

I am the owner of Centennial Grain LLC in Rexburg. My property is located west of the railroad tracks, south of 1st north, and east of the property in question. Zoning regulations are in place for a reason. Residential and industrial zones should not be adjacent to each other. I would submit that any property adjacent to the railroad tracks is not appropriate for residential housing. Please consider some of the concerns I have which include: traffic, vandalism, theft, and that the industry is noisy and dusty.

Thank you for your consideration in this matter.

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**Scott Campbell**  
**General Manager**  
**Centennial Grain LLC**  
**o.208-356-5531**  
**c.208-589-4950**

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July 9, 2012

Honorable Mayor Woodland and Rexburg City Council

Just a few short weeks ago, the homeowners on North 3<sup>rd</sup> West Street, went before you as a group asking you not to change the zoning of properties located at 52 N Third W Street. As you are well aware your vote was five to one against the proposed zone change. TruNorth is now requesting a zone change to the property at approximately 245 West First North Street.

With all due respect may we ask what has really changed regarding the development?

Address? Magnitude? Safety Issues?

Magnitude:

You will note that the Council' s original concern was the magnitude of the development.

Contingent upon the zone change TruNorth is negotiating the purchase of other properties on the block. If that happens the development will become even greater than it was before. Instead of 60 units there could well be 75 or many more. We maintain that this block is not a suitable block for such a large development considering the safety concerns with traffic, the railroad and granaries.

Unsafe egress/ingress:

There is a proposed egress/ingress at Main Street through Wolfe Lighting. I submit that residents finding they cannot make a left- turn over the tracks after entering Main Street will necessarily need to find an alternate route to downtown. I anticipate that residents of the complex would need to make a right- turn from Main Street onto North Third West, proceed to First North, and make another right, only to face railroad tracks at another crossing. Should residents exit the development at the proposed north egress they will again face multiple railroad tracks and the dangerous corner. The egress/ingress to N Third W Street has been changed but I am concerned that much of the traffic associated with the development will still congest our street.

3. Walking Safety Issue

Mr. Sorenson, in his original proposal, noted that the proximity of said development would be a convenient walking distance to Medicine Shoppe, Broulims, Porter Park, Madison Library and other entities. We submit to you that few people from our neighborhood walk considering the long Rexburg winters and no sidewalks in some areas. Are you aware that there are no sidewalks along First North Street from the proposed ingress/egress alongside the granaries to the railroad tracks? Neither are their any sidewalks on either side of the street on Second West from First North to Main Street. With increased neighborhood population, having to walk in the street is a very real safety issue.

I urge you to reject the changing of the zones for the properties in question. I respect you as the City of Rexburg governing body. Please take into consideration the concerns of those who vote, pay taxes and who support to our local community. Thank you for your service.

Sincerely

Billy Christensen

27 N Third West

Rexburg, Idaho

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Mayor Richard Woodland  
and City Council Members  
35 North 1<sup>st</sup> East  
Rexburg, ID 83440

10 July 2012

Martha J. Scott  
37 North 3<sup>rd</sup> West  
Rexburg, ID 83440

Reference: City Council Agenda, July 11, 2012, Items for Consideration:

- A. Comprehensive Plan Map Amendment - Approximately 245 West 1<sup>st</sup> North – Moderate-High Density Residential and Light Industrial to Neighborhood Commercial/Mixed Use.
- B. Rezone - Approximately 245 West 1<sup>st</sup> North – LDR2, CBC, and LI to MU2.

1. As a resident across the street on North 3<sup>rd</sup> West from the proposed re-zoning, I have some serious concerns about this proposed land use change.
2. When the City adopted the edict to “in-fill” the city blocks that had open space, there were no apparent parameters other than the zoning regulations to limit or restrain a developer to stay within the “harmonious character of the neighborhood”. Thus, we have seen the City of Rexburg explode with many complexes so large they dwarf the surrounding neighborhood. This proposal is of the same magnitude. With an expectation by the developer on approximate 60-75 unit complex, there is a possibility that one or more buildings will be four stories high. This will overwhelm any other structure within the block and the neighborhood. I plead to you that you consider the re-zoning request and the concerns of the residents of the neighborhood. I, and the residents of the neighborhood, would rather see a moderate complex of two-story buildings.
3. There has been letters submitted by the railroad and the nearby grain elevators regarding the safety and environment so close a proximity to this proposed re-zoning, the purpose of which is a significant housing complex within the block. I would expect the city administration to consider these two concerns very closely. With more buildings to trap the air contaminants from the treated grain and the grain dust itself, we can expect more pollutants in our homes. The developer says we residents should not be concerned about the noise from the trains, that the housing complex will “buffer” the noise; what about those residents who will be living in that housing building backed up against the train tracks? And what about the noise that bounces off the buildings into the neighborhood. We as residents share these concerns both for ourselves and the residents of the proposed complex.
4. We are still concerned with the additional traffic from a complex of this size. The entrances and exits from the south off on to West Main and from the north on to West 1<sup>st</sup> North is a valiant attempt by the developer to satisfy those of us who reside on North 3<sup>rd</sup> West; but what about those residents on West 1<sup>st</sup> North and the increased traffic on that street, and what about the busy, fast moving traffic on Main Street. Logically, there is only one way the traffic can turn on to Main Street and that is West. Then the drivers may make a “quick” lane change or U-turn to go East to downtown or to BYU-I, or turn right on to North 3<sup>rd</sup> West to go around the block to access West 1<sup>st</sup> North and 2<sup>nd</sup> West to the light. Is this not still a safety concern for the city? I would suggest a four-way stop on North 3<sup>rd</sup> West and West 1<sup>st</sup> North to at least help regulate traffic flow on both streets.
5. I appreciate your time and consideration of the above concerns of the residents of this neighborhood and hope you can weigh all of the elements of the proposed zone change, and the neighborhood with equal consideration.

Sincerely,

  
Martha J. Scott

Dear City Council Members,

My name is Kami Taylor and I live on 3<sup>rd</sup> West, House Number 63-which is across the road from the proposed development. Our home was built in 1920, and has rich ties to the history of Rexburg. There was a woman who lived there named Angie Lyman-she was the "Aunt Angie" President James E. Faust spoke of often in his talks at General Conference. She taught most of our older Rexburg citizens how to play the piano, allowed community dances to be held there-and is remembered fondly by all who enter our home. Number 63 made it through the flood-hopefully we can make it through this too.

I DO NOT agree with the Planning and Zoning Committee that this is good business nor a good plan for the area. Here are a few reasons:

1. This has already and will cost the City of Rexburg more money-it wouldn't stand alone with just the developers paying for all. The corner of 1<sup>st</sup> North and 2<sup>nd</sup> West will be a costly change. Also, because a crosswalk is not feasible across Main Street, other ideas such as a sky bridge would need to be looked at as it IS NOT safe for the 150+ people that would need to cross that particular road to get to Porter Park, the college, any kind of access to the whole South side of Rexburg!

2. Sure taxes and value of our homes ON PAPER will go up-but everybody knows the resale value will be worse off. This council is made up of good business folks, and I'm sure you already know that!

3. Last time one of the reasons this proposal was voted down is because of the elephant on the block look of three or four stories, while all the other structures for BLOCKS around are no more than two. The architectural plan just doesn't fit the neighborhood!

We could probably talk all day long about the pros and cons of temporary housing verses permanent residential housing, but in my mind aren't the tax paying residents-you know the ones who volunteer and participate in our community activities and support our community, the ones you'd want to keep close to the heart of the community? We are the heart and soul of Rexburg-we are emotionally invested in our town. Let's face it, student or families who live here for a short time do not have attachment to or love for this place like we do.

At the Planning and Zoning committee, where we go to express thoughts and feelings about the goings on that WE will be living with forever-it felt like we were intimidated, dismissed, and actually antagonized at one point. It was not a good experience at all.

Now we look to YOU, OUR CITY COUNCIL MEMBERS, the ones we have put our trust in to protect our homes, families, and community from development like this! To my knowledge there are NO voters, or taxpayers who are for this particular development-we should be heard and action needs to be taken by you on our behalf to carry out the wishes of our little piece of community. The voice of the people SHOULD be your guide-not the shout of money and business. Please stick up for us, we LOVE living here in Rexburg and WE DO NOT WANT THIS IN OUR NEIGHBORHOOD!!

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July 9, 2012

Wendy Hadry  
23 North 3<sup>rd</sup> West  
Rexburg, ID 83440  
(208) 356-7286

To the City of Rexburg  
Attn: City Council

I am writing this letter in reference to the proposed apartment complex across the street from our house.

We have resided at 23 North 3<sup>rd</sup> West for the past 16 years and lived at 77 North 3<sup>rd</sup> West before that for several years. We have enjoyed this neighborhood and the people in it for about 20 years now. We have become very close to our neighbors and have formed friendships of trust and respect. Many of these neighbors have lived here for many, many more years than we have. This is not a transient neighborhood, people have raised their families here and wish to enjoy the rest of their lives surrounded by people they know and love.

Some of the concerns that we have, and in no particular order, are:

1. That this apartment complex will decrease the property value of our house. We have easily put \$50,000 into our property through the last 16 years in hopes of making our property value higher.
2. The increased traffic flow on Third West and the streets surrounding it are a concern. We already have a great deal of traffic coming from Main Street. There is already a certain degree of noise coming from Main Street and the railroad tracks. Most likely the residents at this proposed apartment complex will be younger in age, which typically they drive faster, drive more frequent and certainly also listen to music louder. It is also highly reasonable to realize that the amount of pedestrians walking past our home and bikers driving by is going to increase.
3. The safety of our family in this neighborhood is a concern for us. We recently have had an issue around the corner from us at a complex. The street was blocked off for several hours in the evening by the police department because there was a hostage situation. People were not allowed to get into their own homes until the matter was resolved because of the potential danger. We feel like the more people that are living in the neighborhood will inevitably increase problems.
4. We are private people who don't wish to have a large amount of strangers living, driving and walking past our house while children are out playing or while we are out working in our yard. We don't care to have a large amount of people being so close in proximity that they know when we are home, when we are not home, and what our daily schedule is. We feel like our privacy would drop immensely and our sense of security would be completely devastated.

We would hope that you would put yourselves in our shoes and think about how you would feel if the zoning in your neighborhood was being changed and someone was allowed to build a large apartment complex across the street from your beloved home, causing you to feel like your neighborhood was unsafe, a high traffic area, and also lowering your property value. We are not only against this for ourselves, but also for our neighbors who will be even more directly effected.

We believe that this may just be the first stage of the reconstruction of our neighborhood. Is this the beginning of more buildings to come?

Some may think that our neighborhood is not one of the most desirable locations in Rexburg. In fact, when we describe where we live to others, we affectionately tell them that we live in the "Historical Section" of Rexburg. That is because this neighborhood does have history to it. It would be a shame to change the whole look, feel, and dynamic of this wonderful place that so many of us for years have called home. We are in favor of some change, but not to the magnitude of the current desired plan, which is 60 plus apartments.

A city official recently told one of our neighbors that if they didn't like the change, then we should move out to the country. The truth of the matter is, is that we can't afford to move. Moving is expensive, driving from the country into town costs more time and money. My husband and I both have jobs in Rexburg. We have two kids in college who have jobs in Rexburg. Our 16 year old is able to walk to her job from home to work here in Rexburg. Our 10 year old has activities that we drive her to here in Rexburg. Our family has a cleaning business that all six of us do as a family five nights a week. Our cleaning jobs are in Rexburg. That would be a whole lot of extra time and money if we didn't live where we live. We work very hard to provide for our family and our kids work very hard to help with the costs of living.

We do not wish to have our already busy neighborhood even more congested with traffic and people. Having young families so close to the railroad tracks are a huge concern. The section of 1<sup>st</sup> North and 2<sup>nd</sup> West will have to be completely re-done to accommodate the increase in traffic if this apartment complex is to the magnitude we suspect it will be.

We hope that you know that we are taking this matter seriously and have strong feelings about it. One member of the Rexburg Planning and Zoning told us at the hearing the other night that we needed to "calm down" and "look at it in an unemotional way". We are calmly trying to discuss this. We are emotional about it! I have tears in my eyes as I write this. I know I have an elderly neighbor who cries over this. It really showed a lack of insensitivity to our situation and feelings. Do these people really care about the long-term citizens of this community? I am starting to doubt.

Thank you for your time and consideration.

Sincerely,



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**Petition Opposing the MU2 Rezoning Proposal at 245 West 1<sup>st</sup> North**

We, the undersigned, have serious concerns regarding the proposed rezoning of the property at approximately 245 West 1st North from Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2. This property includes the vacant area at 52 West 3rd North as well as the Wolfe Lighting property which fronts Main Street. We feel that the proposed development by Mr. Corey Sorensen of Tru North Developers is too massive of a project, and is not in keeping with the current character and make-up of the neighborhood. We are comprised primarily of single family homes, and feel this development will have too large of a negative impact on our current quality of life.

We are concerned with a number of issues, namely:

1. Substantial increase of traffic and the resultant dangers to our children, elderly and handicapped residents;
2. Increased congestion in our neighborhood and the downtown area;
3. Devaluation of our properties;
4. Potential rise in crime, including theft, vandalism, graffiti, and other crimes against persons and properties;
5. The inadequacies of the storm drainage system, which is already in need of maintenance and repair;
6. The loss of our historic neighborhoods, particularly those which lie within the original plat of the City of Rexburg;
7. Dangers to the residents of the proposed development from the toxins and heavy machinery at the railroad and granaries.

Because of these concerns and the substantial negative impact to our quality of life that this development represents, we petition the Rexburg City Council to reject this proposed zoning change and help to ensure the preservation of our neighborhood.

Printed Name	Signature	Address	Comment	Date
Francis Hackley	<i>Francis Hackley</i>	25 N 2nd W		7-8-12
Micheline Clark	<i>Micheline Clark</i>	22 N. 3 <sup>rd</sup> W.		7-8-12
Starla Carlson	<i>Starla Carlson</i>	36 N. 3 <sup>rd</sup> West		7-8-12
Ellen Wren	<i>Ellen Wren</i>	357 W 1 <sup>st</sup> N #1		7/9/12
Kirk J. Hanosky	<i>Kirk J. Hanosky</i>	330 W 1 <sup>st</sup> N		7/8/12
Karl J. Hanosky	<i>Karl J. Hanosky</i>	330 W 1 <sup>st</sup> N.	Put It On The Rexburg Hill!	7-8-12
Jan Smith	<i>Jan Smith</i>	134 N 3 <sup>rd</sup> W.		7-9-12

**Petition Opposing the MU2 Rezoning Proposal at 245 West 1<sup>st</sup> North**

We, the undersigned, have serious concerns regarding the proposed rezoning of the property at approximately 245 West 1st North from Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2. This property includes the vacant area at 52 West 3rd North as well as the Wolfe Lighting property which fronts Main Street. We feel that the proposed development by Mr. Corey Sorensen of Tru North Developers is too massive of a project, and is not in keeping with the current character and make-up of the neighborhood. We are comprised primarily of single family homes, and feel this development will have too large of a negative impact on our current quality of life.

We are concerned with a number of issues, namely:

1. Substantial increase of traffic and the resultant dangers to our children, elderly and handicapped residents;
2. Increased congestion in our neighborhood and the downtown area;
3. Devaluation of our properties;
4. Potential rise in crime, including theft, vandalism, graffiti, and other crimes against persons and properties;
5. The inadequacies of the storm drainage system, which is already in need of maintenance and repair;
6. The loss of our historic neighborhoods, particularly those which lie within the original plat of the City of Rexburg;
7. Dangers to the residents of the proposed development from the toxins and heavy machinery at the railroad and granaries.

Because of these concerns and the substantial negative impact to our quality of life that this development represents, we petition the Rexburg City Council to reject this proposed zoning change and help to ensure the preservation of our neighborhood.

Printed Name	Signature	Address	Comment	Date
Martha J. Scott	<i>Martha J. Scott</i>	57 N. 3 <sup>rd</sup> W, Rexburg	I am against a development of this magnitude	7-8-12
LEE W HUBBARD	<i>Lee W Hubbard</i>	7 N 3 RD WEST REXBURG	"	7-8-12
Myriel Smith	<i>Myriel Smith</i>	354 W. 1 <sup>st</sup> N. Rex.	"	7-8-12
John Smith	<i>John Smith</i>	"	"	7-8-12
Glay Messel	<i>Glay Messel</i>	3 N 5 <sup>th</sup> West Rex.	"	7-8-12
George Moss	<i>George Moss</i>	"	"	7-8-12
Carry Beauge	<i>Carry Beauge</i>	106 N 3 <sup>rd</sup> W	"	7-9-12

**Petition Opposing the MU2 Rezoning Proposal at 245 West 1<sup>st</sup> North**

We, the undersigned, have serious concerns regarding the proposed rezoning of the property at approximately 245 West 1st North from Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2. This property includes the vacant area at 52 West 3rd North as well as the Wolfe Lighting property which fronts Main Street. We feel that the proposed development by Mr. Corey Sorensen of Tru North Developers is too massive of a project, and is not in keeping with the current character and make-up of the neighborhood. We are comprised primarily of single family homes, and feel this development will have too large of a negative impact on our current quality of life.

We are concerned with a number of issues, namely:

1. Substantial increase of traffic and the resultant dangers to our children, elderly and handicapped residents;
2. Increased congestion in our neighborhood and the downtown area;
3. Devaluation of our properties;
4. Potential rise in crime, including theft, vandalism, graffiti, and other crimes against persons and properties;
5. The inadequacies of the storm drainage system, which is already in need of maintenance and repair;
6. The loss of our historic neighborhoods, particularly those which lie within the original plat of the City of Rexburg;
7. Dangers to the residents of the proposed development from the toxins and heavy machinery at the railroad and granaries.

Because of these concerns and the substantial negative impact to our quality of life that this development represents, we petition the Rexburg City Council to reject this proposed zoning change and help to ensure the preservation of our neighborhood.

Printed Name	Signature	Address	Comment	Date
Jennifer Cruner	<i>Jennifer Cruner</i>	216 N 3 <sup>rd</sup> W Rexburg, ID		7-8-12
Mary Lusk	<i>Mary Lusk</i>	332 Salem Rexburg		7-8-12
Mashell Nedrow	<i>Mashell Nedrow</i>	337 Salem Rexburg		7-8-12
Delynn Nedrow	<i>Delynn Nedrow</i>	337 Salem Rexburg		7-8-12
Francine Hart	<i>Francine Hart</i>	367 Salem Ave, Rexburg		7-8-12
Gordon Black	<i>Gordon Black</i>	50 N. 4 <sup>th</sup> W.		7-8-12
Kendall Peck	<i>Kendall Peck</i>	363 W 1 <sup>st</sup> N Rexburg		7/8/12

**Petition Opposing the MU2 Rezoning Proposal at 245 West 1<sup>st</sup> North**

We, the undersigned, have serious concerns regarding the proposed rezoning of the property at approximately 245 West 1st North from Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2. This property includes the vacant area at 52 West 3rd North as well as the Wolfe Lighting property which fronts Main Street. We feel that the proposed development by Mr. Corey Sorensen of Tru North Developers is too massive of a project, and is not in keeping with the current character and make-up of the neighborhood. We are comprised primarily of single family homes, and feel this development will have too large of a negative impact on our current quality of life.

We are concerned with a number of issues, namely:

1. Substantial increase of traffic and the resultant dangers to our children, elderly and handicapped residents;
2. Increased congestion in our neighborhood and the downtown area;
3. Devaluation of our properties;
4. Potential rise in crime, including theft, vandalism, graffiti, and other crimes against persons and properties;
5. The inadequacies of the storm drainage system, which is already in need of maintenance and repair;
6. The loss of our historic neighborhoods, particularly those which lie within the original plat of the City of Rexburg;
7. Dangers to the residents of the proposed development from the toxins and heavy machinery at the railroad and granaries.

Because of these concerns and the substantial negative impact to our quality of life that this development represents, we petition the Rexburg City Council to reject this proposed zoning change and help to ensure the preservation of our neighborhood.

Printed Name	Signature	Address	Comment	Date
Sharon Christesen	<i>Sharon Christesen</i>	27 N 3 <sup>rd</sup> W		7/7/12
Billy Christensen	<i>Billy Christensen</i>	27 N 3 <sup>rd</sup> W		7/7/12
DAVID EVANS	<i>David Evans</i>	47 W 3 <sup>rd</sup> W REX		7/7/12
Deanie Geister	<i>Deanie Geister</i>	71 W. 3 <sup>rd</sup> W. Rex.		7-7-12
Steven Geister	<i>Steven Geister</i>	71 W. 3 <sup>rd</sup> W. Rexburg		07/07/2012
Gloria Howe	<i>Gloria Howe</i>	74-71-3 <sup>rd</sup> W.		7-7-12
Chet Ross	<i>Chet Ross</i>	271 W. 1 <sup>st</sup> N.		7/7/12

Printed Name	Signature	Address	Comment	Date
Diane Ross	Diane Ross	271 W 1st N		7/7/12
GARY TAYLOR	Gary Taylor	63 N 3rd W REXBURG		7/7/12
Kami Taylor	Kami Taylor	63 N. 3rd W REXBURG		7/7/12
Shawn Clark	Shawn Clark	22 N 3rd W Rexburg		7/7/12
Rebekkah Hanson	Rebekkah Hanson	57 N 3rd W Rexburg		7/7/12
Lynnette Hanson	Lynnette Hanson	57 3rd 3rd W Rexburg		7/7/12
Cherie Severt	Cherie Severt	930 Vista Ave Rexburg		7/8/12
Borden Severt	Borden Severt	930 Vista Ave Rexburg		7-8-12
Randy Ledy	Randy Ledy	237 N 3rd W Rexburg		7-8-12
Stephanie Brunson	Stephanie Brunson	351 Cul De Sac Rexburg		7/9/12
Susan Grover	Susan Grover	77 N. 3rd W. rexburg		7/9/12
Lorna Smith	Lorna Smith	449 Maple Dr Rexburg		7-9-12
Miranda Galbraith	Miranda Galbraith	6760 W 6000 N		7-9-12
Anette Allen	Anette Allen	209 S. Cutler Sugar City, ID		7-9-12
Valerie Lloyd	Valerie Lloyd	443 N. 6000 W. Rexburg, ID	Please Save our History & Heritage	7-9-12
Catherine Stanton	Catherine Stanton	315 S. Third W. Rexburg,		7-9-12
Clint Jensen	Clint Jensen	Jensen (42yrs)	168 N 3rd W	7/9/12
Maxine Jensen	Maxine Jensen	Jensen (92yrs)	168 N 3rd W	7/9/12

Printed Name	Signature	Address	Comment	Date
Ron H. Gibb	Ron Gibb	329 W. 1st N		7/8/12
Kathleen Gibb	Kathleen Gibb	329 W. 1st N		7/8/12
Shawna Hill	Shawna Hill	318 W 1st N.		7/9/12
Rene Johnson	Rene Johnson	265 W 1 N		7/8/12
Barry Ricks	Barry Ricks	137 N. 3rd W #1		7/8/12
Kristie Ricks	Kristie Ricks	137 N. 3rd W. #1		7/8/12
Terri Grogg	Terri Grogg	425 E. 2nd S. Sugar City, ID		7/9/12
Andrew Allison	Andrew Allison	405 W. 4th South		7/9/12
Gay Lee Meek	Gay Lee Meek	231 E. 3rd S		7-9-12
Dennis Korman	Dennis Korman	231 E. 3rd S		7-9-12
Vivian Milius	V. Milius	860 S 5th W #23		7-9-12
Carol Taylor	Carol Taylor	420 W 1st N		7-9-12
Stan Taylor	STAN TAYLOR	420 W. 1st N.		7-9-12
Jojo Covington	Jojo Covington	464 W 1st N		7/9/12
LoRee Howard	LoRee Howard	155 N 5th west		7/9/12
Bud I Howard	Bud I Howard	155 N. 5th West		7-9-12
Pamela Howard	Pamela Howard	155 N 5th West		7/9/12
Krista Johnson	Krista Johnson	174 W 1st North		7/9/12

Printed Name	Signature	Address	Comment	Date
Ryan Traylor	Ryan Traylor	174 N 3W	2 story -	7-9-12
Marilyn Stewart	Marilyn Stewart	149 N 3 W	limit size	7-9-12
Mandy Jenkins	Mandy Jenkins	328 Cul de Sac Dr	limit size	7/9/12
Jean T Barnes	Jean T. Barnes	319 Cul De Sac Dr	limit size	7/9/12
Mary H. Jackson	Mary H. Jackson	430 W. 1st N.	No Apts.	7/9/12
Christine Beesley	Christine Beesley	66 N. 5th W.		7/9/12
Joan Henderson	Joan Henderson	90 E. Sunset Cir.	where are the students for fall	7/9
Elaine Anderson	Elaine Anderson	580 W. Main		7/9
Quanta Nyberg	Quanta Nyberg	19 S. 5th W.		7-9-12
Dot Clark	Dot Clark	274 W 1 S		7-9-12
Sharon Mitchell	Sharon S. Mitchell	71 K St.		7-9-12
John Wilcox	John Wilcox	153 W. 1st North		7-10-12
Harold Stodred	Harold Stodred	163 W 1st North		7-11-12
Norma Stodred	Norma Stodred	163 W 1st North		7-10-12

**Discussion** on delaying the proposal for a public hearing.

**Council President Mann** asked for clarification from City Attorney Stephen Zollinger if it would be okay to proceed with a public hearing even though it was not posted beforehand.

**City Attorney Stephen Zollinger** recommended for the city to postpone the public hearing to correctly honor the appeal to rezone. He further clarified the purpose of a public hearing is to bring to light new or additional comments, letters, evidence, or opinions.

**City Clerk Blair Kay** indicated the city does have on file the petition and letters from the neighborhood.

**Council Member Smith** clarified the discussion was to decide whether or not to continue with the public hearing at the moment.

**City Attorney Zollinger** explained that simply Council cannot have a public hearing at this time.

**Council Member Sutherland** moved to table the proposal to allow for a formal public hearing on August 08, 2012; Council Member Smith seconded the motion; Discussion: Council Member Merrill asked if a public hearing was necessary. City Attorney Zollinger indicated a formal hearing is required due to a request for an appeal of the Planning and Zoning decision. **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried to table the proposal.**

**C. Rezone –Approximately 424 West 2nd South – LI and MDR2 to HDR1**



**Public Written Input:**

Please make sure the mayor reads this. Listen to the people who your decisions affect. I am against high density at the brickyard. It's too close to an elementary school and single family homes. The city should be more prudent than to allow 7 four story buildings and 525 parking places across from a single family subdivision and an elementary school. Think about families!! Think about traffic on a road where many children walk. Think about how fast the college students drive through my subdivision already when children are at play. Say NO to high density on the Brickyard property.  
Annett

=====

Dear Zoning Commission,

This email is in regards to the request for a change in zoning for lot 1,2,3, and 4 in Block 44 of Rexburg, or what is referred to as "the brickyard rezone."

We face difficult challenges as Rexburg continues to grow. It will take careful, thoughtful, and painstaking planning to allow both students and residents to live in affordable housing and to commute to their schools and to work on safe streets. I respect the time and money that has gone into the planning of the proposed development, but I believe that placing a major development in "the brickyard", which exists amidst numerous single family neighborhoods, Kennedy Elementary School, and Porter Park, all off which are brimming with young children, is not a good idea. I am concerned that rezoning it to HDR1 to accommodate the proposed development of 280 units and 525 parking spaces would be creating a hazardous driving, walking, and biking situation, not just for those going to Kennedy Elementary School, but for those going to BYU-I.

Please consider the safety of the families and students that live by the brickyard and do not approve the zoning change to HDR1. Please consider changing the zoning to MD1 to curtail numerous other proposals along the same street.

Thank you for your time and consideration in this matter.

Sincerely,

Becky Godfrey  
296 Mark Drive

=====

Planning and Zoning Board

I live at 223 Jill Drive Rexburg, ID and I would like to express my opposition to the re-zoning proposed at the Squires Brick Property.

I've been on the record before with similar sentiments regarding the lack of any need for drastic re-zoning efforts in the city. I'm not opposed to the idea that with growth comes change, but I feel strongly that we've not experienced enough growth to warrant such a drastic change in localized zoning, especially for greater densities required by apartment complexes.

Concisely - this property isn't located in a place commensurate to and favorably for such a project given the neighborhood and surroundings.

I believe there was wisdom and foresight in the comprehensive plan and current zoning maps we all are required to develop within and under currently. We spent a considerable amount of money and community volunteers, like yourselves, spent considerable time in the development of such visionary constraints that would prevent this project from being located on this property. The plan/s in place show where sustained and progressed growth should occur and quite honestly where it makes the most sense.

I can feel for the developers, as having experience there myself, in finding such a large undeveloped tract and realizing that with a re-zone a great project could be hatched. I recognize to replicate this parcel where zoning would currently allow might take a great deal of work and resources. Nonetheless, it's in those currently zoned locales within the city that such growth should currently and for the foreseeable future occur.

Thank you for your service.

Respectfully,

Kelly McCandless  
223 Jill Drive  
Rexburg, ID 83440

Dear City Council,

We are writing with regard to the recent zone change of the Brickyard on 5th West to HDR1. Since our children attend Kennedy School, this matter is of great concern to our family. We live by the fairgrounds, close to the Summerwood LDS stake center, so it isn't even our neighborhood that would be directly affected (it is mostly the quiet neighborhoods on the other side of Main Street that will have to absorb the noise, traffic, and potential threat to their home values). However, the ripple effect of a high-density development will certainly have negative consequences for ALL of the surrounding neighborhoods, including ours.

We are also very alarmed at the potential for deadly accidents due to increased traffic and congestion in an area so near to Kennedy Elementary School. Our kids often ride their bikes to school, and it is dangerous enough that they have to cross Main Street to get to school, navigating a scary intersection that is known for traffic accidents and high-speed cement trucks that barrel along 5th West. To even think of adding 7 four-story buildings, with a potential of 525 more cars entering and exiting the vicinity, is a frightful thought. It is also uncomfortable to think about the extra people in close proximity to the children in the schoolyard. Changing 5th West into a more high-density street might encourage other high-density growth and development in the area, creating a city-like environment rather than a "safe neighborhood" environment.

Just as schools have a drug-free zone surrounding them, they should also have a buffer zone of lower density housing to ensure the children's well being.

As you consider this issue, please think of your own children and the children in this community that deserve to walk to school safely. Please preserve this privilege for "America's Family Community."

Thank you so much,

Steven and Erin Stewart  
560 W. 2nd N.  
Rexburg, ID 83440  
356-3644

I am taking a moment to voice my concerns over the proposed rezoning of the brickyard. I understand the need for additional housing. I don't understand the willingness to do this at the expense of the existing population. I live on Park St, so this will very much affect me and my family. Including my desire to stay in a house I thought I would never move from. I always figured it wouldn't, t be much longer till the brickyard sold. I just figured on single family homes or maybe town homes. I never figured on packing people in like sardines! And there is an elementary school right there on 5th west, with a huge percentage of walkers. High density makes that area even more dangerous. As it is, there is already a cop stationed on 5th west regularly during school hours! We have already sent around petitions, and attempted to make our voice heard at the planning and zoning meeting, only to be told that our voice as an established neighborhood didn't really matter. Makes me just thrilled to live in Rexburg. When we first got wind of this, several said we would have no say, that money talks. I Assured them they were wrong. Apparently I was the one wrong!

I really hope that this is not a done deal and those of us who have to live with this decision get a true voice.

Chimeneb Benson  
620 Park St

Hi,

I understand that on Wednesday, July 11th there will be a vote on a zone change on South 5<sup>th</sup> West to HDR1 (which allows up to 5 story buildings and 30 Units per acre) for a proposed complex of 7 four story buildings and 525 parking spaces across from a single family subdivision and Kennedy elementary school. I think that a development of that area is great, however I am concerned with the large development. One of my concerns is that 5th west can barely accommodate the school traffic as it is and adding more traffic to that area is a safety hazard for my children who attend Kennedy Elementary. The road past Porter Park and BYU-I is also very small. It does not seem that such a large development would be of great benefit to the community in that area.

I would like to see a buffer zone of lower density housing around single family neighborhoods and safe streets for both students and residents.

Thank you,  
Delight Palafox  
Oakbrook Subdivision

=====

City Council Members:

I am very concerned about the projected changes to the zone around Kennedy Elementary. By opening the door and re-zoning along that road, you are exposing our elementary school children to much danger. I have heard some say that it's an improvement from the big trucks of the brickyard; however, keep in mind that you are talking about BYU-I students who are much less careful about driving and not real aware of the lives of young children than a professional (and several less) driver would be. And right now, we're only talking about 525 drivers; however *you know* that all that will want to be done is continued building along that road--which could add up to potentially several thousand drivers a day.

It's a bad idea--and I would say, unless you plan to move the school, don't do it!

Brenda Gardner

=====

## LOVE YOUR NEIGHBOR.

On July 5<sup>th</sup>, 2012, the Rexburg Planning and Zoning Committee approved a zone change of the Brickyard on South 5<sup>th</sup> West to HDR1 (which allows up to 5 story buildings and 30 Units per acre) for a proposed complex of **7 four story buildings and 525 parking places across from a single family subdivision and an elementary school.**

By an unofficial count, that is over twice as many cars that fit in the Broulim's parking lot.

Many residents welcome development of that area, but are concerned with safety issues with a development of that magnitude such as traffic load on modestly sized neighborhood streets that go past the elementary school and up to Porter Park and BYU-I.

If this is approved by the city council on Wednesday, July 11<sup>th</sup> at 7:00 it will encourage many more high density complexes along that same street. If you would like to see a buffer zone of lower density housing around single family neighborhoods and safe streets for both students and residents.

Thank you!

Sincerely,  
A concerned citizen

=====

Dear City Council Member Donna Benfield,

We are writing this letter to let you know of our concerns regarding the "Brickyard Rezoning" on 5<sup>th</sup> West. Since there may not be any public comment allowed on this topic at the next city council meeting, we feel it is our duty and responsibility to let you know of our concerns and the concerns of our surrounding neighbors.

We realize that the property is going to be developed and we encourage that in our city, but we do not feel that every piece of land in Rexburg needs to be rezoned according to what the developer requests. Our planning & zoning committee is appointed just for that reason and should take into account the future impact developments may have on the surrounding areas and on our city. Zone changes should not be dictated by developers who are trying to get the most money they possibly can out of a plot of land.

Our first and most important concern is that if this lot is rezoned as HDR1 it will set a precedent for future land use in the neighboring area. The previous zone change on the same street (Barrick property) that passed last year did just that for this current lot of land. The developer even brought that zone change up in his presentation so as to influence the P&Z, even though neighborhoods were against that change as well. Who is to say that the next developer won't come in and buy up the rest of the "light residential" property on that street and try to change it to an HDR1 because the "Brickyard" property is an HDR1? They may not have as many restrictions placed on their rezone and therefore may build a 5-story building rather than a 4-story.

Our next issue is that the P&Z committee discussed at length the need for buffering the neighborhood during the public hearing for the lots at Approximately 245 West 1st North (behind Wolfe lighting), yet they said nothing about having a buffer in our neighborhood. If this zone change is approved there will be an HDR1 right next to an LDR2 and an elementary school.

There is also the issue of the P&Z committee basing their decision on the developer's site plans rather than on land use. They repeatedly went back to the site plans & to which would work and look better when they were deliberating, instead of looking at the zoning and having the developer fit the plans within it. The truth of the matter is that they were really choosing between one site plan and an unknown, because Cory Sorenson said the developers would have to change those MDR2 plans that he showed to work with the PUD. We really believe they should have been looking at the surrounding zones & basing their decisions on that rather than the developer's site plans which could be changed at any time.

The last thing that is really concerning is that Corey Sorenson is on the planning and zoning committee and he recommended the change for rezoning right down the street from Squires Brick on 5<sup>th</sup> West (Barrick property) last May. It seems quite the conflict of interest that he can come back a year later with a proposal for rezoning on the same street. He even reminded the P&Z committee of the recommendations made last year by them on that property and one nearby on Bare Street. We don't see how he can remind them of a decision he helped make and then come back with his own proposal that he is monetarily benefiting from.

We really do appreciate all those that take the time to serve in our city and appreciate all those who have listened in this matter. We hope that you'll consider rezoning this plot of land to a lower density level of MDR2 or lower to buffer and protect the surrounding areas. Thank you for your time and consideration in reading this letter.

Matthew and Dacia Alba  
272 Pollard, Rexburg, ID 83440

=====

Members of the City Council and Planning and Zoning Committee,

I was alarmed to hear of yet another proposal for monster size apartment complexes in quiet residential areas. Please, please use some common sense here and do not destroy "America's Family Community" by destroying every area that is pleasant and safe for families to live.

Catherine Stanton  
315 S. Third W.

=====

Dear Mayor Woodland,

I understand that you are meeting this evening with members of the community who are concerned about the proposed development of the "Brickyard." I am grateful that you would take time to hear our concerns, but unfortunately neither myself nor my husband, due to previous commitments to work and children, will be able to be present at that time. We do, however, wish to express that we do indeed have concerns about a high density residential development at that location. I do not have time at the present moment to detail our concerns but intend that at least one of us will be able to represent our family to express them tomorrow evening at the city council meeting.

Thank you for your attention to this matter.

Traci (and Tom) Rane

Please pass along that I am opposed to the proposed 7 building 4 story apartment complexes that would be built along 5th West. That is too much traffic by these neighborhoods and an elementary school...

Lesa Jackson

=====

Dear City Council,

Please do all you can to protect our inner city neighborhoods in Rexburg. We oppose rezoning Squires Brick for high density. This is of great concern because of the elementary children (of which we have family members) attending Kennedy school. The safety is sure to be compromised as an already busy street becomes even busier with so many new cars.

The neighborhood I grew up in Rexburg that was filled with formerly nice homes has been overrun by those homes being turned into apartments which look very run down. Once manicured yards are now ugly gravel parking lots for these apartments. My parents were driven out and moved to Rigby because their beloved neighborhood was turning into the "projects."

PLEASE PROTECT OUR NICE NEIGHBORHOODS AND KEEP THE ELEMENTARY CHILDREN SAFE.

Respectfully,

Brian and Amanda Kingsford

=====

Dear Members of the Rexburg City Council,

Last week, my husband attended the meeting of the Planning and Zoning Committee in order to protest the proposed changes to the zoning ordinances for the Squires Brick lot of 10 acres to HDR1. As with most of our neighbors and friends we are concerned about the changes and were disappointed at the Planning and Zoning Committee's decision to recommend the zoning change to HDR1. Please understand that my husband and I are not opposed to development of the property. On the contrary, we would like to see some kind of development there! Our concern is with the huge change in population density for that area. As you are certainly aware, Kennedy Elementary is on 5th West. Even though the P&Z committee stipulated that there should be no entrances on 5th West for the proposed HDR1 development, we are concerned about such a dramatic rise in traffic on that street as it will impact our children's safety as they walk to and from school each day. We are also concerned about large 4 story (and the change in zoning would not prevent developers in the future changing to 5 story buildings) near single family LDR areas. For those of us that live between 5th West and Pioneer road, we will literally be a small island of single family housing in a large sea of apartment buildings. Certainly we worry about property value as well as the impact on our neighborhoods including our school and church congregations, the aesthetics of the area and development of an area where we can continue to enjoy a peaceful quality of life.

Please let me restate that we are not opposed to some kind of development of the property and we have nothing against BYU-I student housing, or the developer who has requested the change in zoning. Our concern is the impact of the proposed 7 4-story buildings, 525 parking spaces on the population density of this particular area which already has hundreds of apartments currently under construction. As a citizen and concerned member of the community, I urge you to consider the long-term consequences of setting the precedence of changing the zoning of the block in question to HDR1 and would humbly ask you to consider moderating the zoning to fit in with the surrounding neighborhood.

Thank you for your time and consideration.

Sincerely,

Leslie Hansen  
(Homeowner at 285 Seagull Dr.)

=====

**Council President Mann** said the minutes are not available for an adequate review of the decision by the Planning and Zoning Commission.

**Council Member Smith** moved to table the proposal until the meeting on August 08, 2012; Council Member Benfield seconded; Discussion: **Mayor Woodland** asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

**D. Conditional Use Permit** - Adams Elementary School, 110 North 2<sup>nd</sup> East – to keep a portable classroom

**Russell Wilson** at 3208 Hart in Idaho Falls (Director of Operations for Madison School District) indicated he is in support of the recommendation from Planning and Zoning for the Conditional Use Permit. He reviewed the proposal to keep a double wide portable classroom at Adams Elementary School. They have added two classrooms onto Adams School last year. The double wide has been rented out to a preschool last year. The Madison School District is growing between a 100 and 150 students each year. Over the last 10 years the school district has grown by 1,000 students. Current history shows growth of 100 students per year. The growth of the University indicates more growth too. These modular portable

class rooms have been used to accommodate the growth. It costs about \$25,000 to move a modular class room; therefore they are asking to keep the modular class room. They have requested this in order not to incur the cost of moving the portable class room at this time.

**Council Member Merrill** asked if the Madison School District currently has a need for this portable class room at Adams Elementary.

**Mr. Wilson** explained they do not want to move it twice. They currently do not have a place to move it where they would need it. They are adding five class rooms to the Burton Elementary School. There is a major need at the Madison Junior High school which is currently at capacity. Planning and Zoning approved the extension of this class room at Adams School for one year. They are currently planning on making the structure more portable where they can move them easier with less expense.

**Council Member Merrill** asked about the person owning the property behind the structure and if the owner is troubled by it.

**Mr. Wilson** explained the adjoining property is being encumbered by a two foot strip owned by the adjoining property owner. There is only eight feet of setback on the schools property and a ten foot setback is needed. They have been in contact with the owner to obtain an easement.

**Council President Mann** asked if the temporary structure is compliant at this time.

**Mr. Wilson** explained they are out of compliance in the fact that they do not have a ten foot setback to the property line. That is why they are seeking to obtain an easement with the adjoining property.

**Council President Mann** explained the adjacent property owner came to him with the concern that there was a nursery basically in their back yard. Council President Mann asked if they would be willing to build a privacy fence to buffer the neighbor.

**Community Development Director Christensen** said it is a building code violation issue. If the city allows the non-compliance of the building code, it causes a liability issue for the city.

**Council President Mann** asked if there was security for the portable building.

**Mr. Wilson** clarified only the Madison High School building has the lock down security.

**Council Member Merrill** added that the Planning and Zoning minutes explained an approval with conditions on the Conditional Use Permit.

*Proposed Conditions of Approval*  
*12 00128 – CUP Adams Elementary School*  
*12 00129 CUP Madison Middle School*

1. *The Adams Elementary School Modular Classroom must meet the set-back requirements in the City Ordinance.*
2. *Any Third-Party or other businesses within the modular classrooms will not be allowed.*

**Thaine Robinson** amended his motion to include a third condition. **Richie Webb** seconded the amended motion.

3. *The Planning and Zoning Commission along with representatives from the City will meet with the Madison School District representatives to work out an agreement for future handling of the temporary mobile Modular Classrooms.*

**Mr. Wilson** asked for the condition to be removed to allow the revenue to buy school supplies. He questioned the authority of the city to limit the rental of the building. The revenue affects the schools budget.

**Council Member Smith** was concerned with the liability if the building was out of compliance.

**Mr. Wilson** explained if they do not obtain the easement then they will move the building two feet. They have committed to move the building two feet to come into compliance if needed.

**Thaine Robinson** at 390 Maple Dr. from the Planning and Zoning Commission explained the Planning and Zoning Commission disliked that the building was being used for rent and as a business. Council Member Busby asked if it was just a one year Conditional Use Permit.

**Mr. Wilson** clarified they are asking for a one year extension on the Conditional Use Permit.

**Council Member Busby** moved to approve the Conditional Use Permit at Adams Elementary School, located at 110 North 2<sup>nd</sup> East to keep a portable classroom for one year; Council Member Benfield seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

Council President Mann

**The motion carried**

**City Attorney Zollinger** pointed out that the Conditional Use Permit had a condition to not allow the school district the ability to rent the structure out to a third party for a business. He informed the City Council that the rental of the building is contrary to the city ordinance which was made to allow the school district to have such a structure and not a third party. Attorney Zollinger explained the Planning and Zoning Commission felt that if the structure is not in use by the school but is being rented out to a third party, then there is no more need for the structure as it was intended to be used.

**Council Member Smith** wanted clarification on the three conditions from Planning and Zoning on the proposal.

**Russell Wilson** explained the three conditions to be: (1) to meet the setback requirements, (2) no third party businesses, (3) to have a joint meeting to solve the problem.

**Council Member Benfield** said third party rental is not allowed in that zone.

**City Attorney Zollinger** explained it is not allowed but if it were a pre-school operated by the Madison School District, it would be allowed for that zone.

**Varr Snedaker from Madison School District** asked why it is different to rent the portable class room if they use the building for after school programs.

**City Attorney Zollinger** clarified the main use of the building is intended for the third party business. If the main use of the building were for Adams Elementary School then it would be okay. He reviewed the history of the portable class rooms at Adams School and Madison Middle School. It is only a management question if the school is using the temporary building for a rental business. Discussion on making the temporary class rooms portable.

**Council Member Smith** moved to disallow the rental of the building by the Madison School District and meet with the Madison School District to find a way to make the building portable for use at other schools by June 30<sup>th</sup>, 2013; Council Member Merrill seconded the motion; **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

Council Member Busby

**The motion carried**

**E. Conditional Use Permit** - Madison Middle School, 575 West 7<sup>th</sup> South – to keep two portable classrooms

**Council Member Sutherland** moved to approve the Conditional Use Permit for Madison Middle School at 575 West 7<sup>th</sup> South to keep two portable classrooms for one year ending June 30<sup>th</sup>, 2013; Council Member Benfield seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

**Break**

**Staff Reports:**

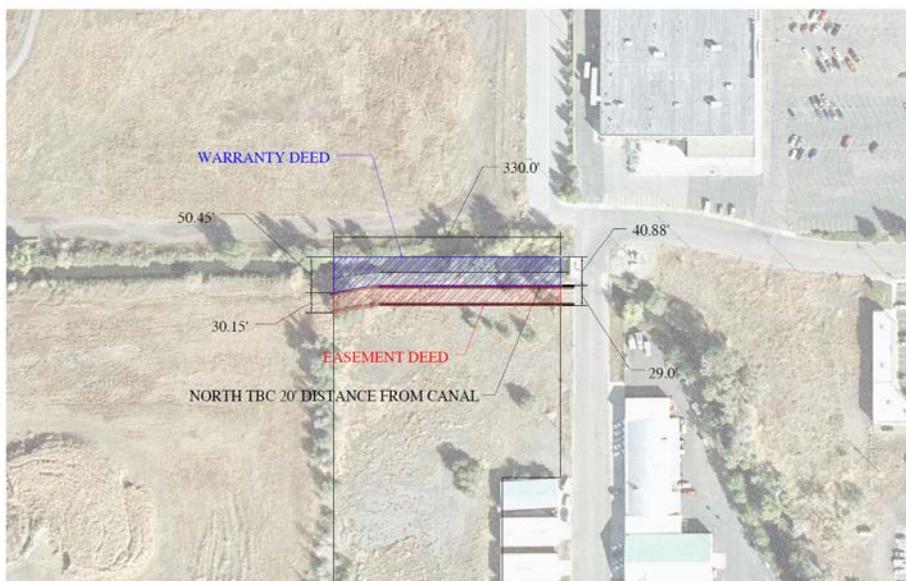
**A. Public Works:** – John Millar

- 1. Approve easement/warranty deed for 2<sup>nd</sup> access into Riverside Park –**  
Merrill & Jlene Rudd Trust

**Public Works Director John Millar** reviewed the proposal on the overhead screen. Merrill Rudd has been willing to enter into a joint use easement for an access way into Rexburg Rapids. The blue section is the warranty deed for the canal. The red section is the easement deed where the road access will be constructed. He asked for City Council support to construct a road on the easement in perpetuity. An agreement will be created for City Council approval.

**Council President Mann** reviewed the city’s portion of the project. He asked who would build the access that Merrill Rudd wants from the street to their property.

**Public Works Director John Millar** explained the city would do the street and a pathway on the north side of the easement and they would build the access to their property.



**Council Member Busby** moved to approve the easement/warranty deed for the 2<sup>nd</sup> access into Riverside Park with the Merrill & Jlene Rudd Trust; Council Member Merrill seconded the motion; Discussion:

**Council Member Smith** asked Public Works Director Millar for clarification on what the red and blue meant.

**Public Works Director John Millar** said the red section is the easement deed where the access will be built and the blue is the warranty deed for the canal from Merrill Rudd. Mayor Woodland asked for a vote:

**Those voting aye**

Council President Mann

**Those voting nay**

None

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

**The motion carried.**

**Public Works Director John Millar** reviewed construction projects:

1. Well test on the new well on the hill by the water tower is at 3,000 gallons per minute. It lowered the water table down four feet. The city has a good well.
2. Bid Costs:
  - A. 4<sup>th</sup> West between 5<sup>th</sup> and 6<sup>th</sup> South – low bid of \$63,390 by Depatco.

**Public Works Director John Millar** indicated the road on 4<sup>th</sup> West between 5<sup>th</sup> and 6<sup>th</sup> South is bad enough to bottoming out cars. He asked for approval for reconstruction of 4<sup>th</sup> West between 5<sup>th</sup> and 6<sup>th</sup> South.

**Council Member Benfield** moved to reconstruct 4<sup>th</sup> West with the low bid of \$63,390; Council Member Merrill seconded the motion; Discussion: Mayor Woodland asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried.**

- B. Final Cost of 2<sup>nd</sup> East Reconstruction under budget by \$16,758.45.

**Public Works Director Millar** reported the wastewater project preconstruction conference was yesterday. They will start construction at the end of the month.

**Council Member Southerland** asked for an update on the incinerator.

**Public Works Director Millar** explained there will be a joint meeting between the incinerator company, the city, and Brigham Young University- Idaho on August 5<sup>th</sup>. That project is moving forward.

**Council Member Smith** asked when the recycling bins would come. Public Works Director Millar said three semi-trucks are delivering the recycling bins on Friday.

**Council Member Benfield** asked why the front of Gugelman's has not been finished. There are cones still around the areas that have not been finished.

**Public Works Director Millar** said the Parks Department is trying to finish all the landscaping on Main Street as soon as they can.

**Council Member Busby** asked Public Works Director Millar if the 7<sup>th</sup> South project was on schedule.

**Public Works Director John Millar** explained the project has been delayed because of the telephone company. They have promised to move three telephone lines on Friday.

**Council Member Busby** asked if the power outage on the 28<sup>th</sup> of June was related to the 7<sup>th</sup> South construct. Public Works Director Millar said the power company cannot determine if the power outage was their fault. The city suffered significant damages as a result of the outage.

**Finance Department** – Richard Horner

1. Approve the Tentative 2013 Budget &  
Set public hearing date for 2013 Budget

**Finance Officer Horner** reviewed the process to pass the tentative budget and the publishing requirements. There will be a budget hearing after the second publishing of the tentative budget. An ordinance is required with three readings of the ordinance. The budget is passed through an ordinance. The budget that is published is a ceiling which means it can be decreased but not increased. Finance Officer Horner reviewed the changes to the budget from last year. These highlights are also included in the June 27, 2012 City Council Minutes. He made a correction to an error on the Water Capital Reserve Fund. The construction cost of a new well and tank that will be built next year was not budgeted in the Water Capital Reserve Fund. Below is the correct balance of the fund:

WATER CAPITAL RESERVE FUND			
TOTAL REVENUE:	182,399	1,888,600	2,782,000
TOTAL EXPENSE:	67,001	1,888,600	2,782,000

**Council Member Sutherland** moved to approve the tentative budget; Council Member Busby seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

**Council Member Benfield** moved to hold a budget hearing for August 08<sup>th</sup>, 2012; Council Member Busby seconded the motion; Discussion: Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

Utility Rates:

**Council Member Merrill** moved to hold a public hearing for utility rates increases for water and sewer August 08<sup>th</sup>, 2012; Council Member Sutherland seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

**Calendared Bills and Tabled Items:**

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

**City Attorney Zollinger** presented a proposal to have an alarm ordinance due to the increase of false alarms. A second ordinance change is being proposed for two hour parking on a block.

- E. **Second Reading:** Those items which have been first read:
  1. [Ordinance 1086](#) Amending Ordinance 937 Arts Fee

**Council Member Merrill** moved to 2<sup>nd</sup> Read [Ordinance 1086](#) Amending Ordinance 937 Arts Fee; Council Member Smith seconded the motion; Discussion: Mayor Woodland asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

- F. **Third Reading:** Those items which have been second read: - NONE

**Mayor’s Report:**

**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 June 27, 2012 meeting
- B. Approve the City of Rexburg Bills

**Council Member Busby** asked about the AQUA Engineering bill. It is a monthly billing on a contract. He asked about identifying the tire billings for each vehicle. They are identified in the accounting system.

**Council President Mann** moved to approve the consent calendar, pay the bills, and approve the minutes; Council Member Sutherland seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

<u>Those voting aye</u>	<u>Those voting nay</u>
Council President Mann	None
Council Member Busby	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	
Council Member Sutherland	

**The motion carried.**

**Council Member Busby** moved to adjourn; Council Member Smith seconded the motion; Discussion: **Mayor Woodland** asked for a vote:

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

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

**The motion carried.**

**Adjournment at 10:52 P.M.**

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Richard S. Woodland, Mayor

Attest:

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Blair D. Kay, City Clerk