

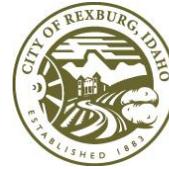
City Council Meeting

April 16, 2014

35 North 1st East
Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

April 16, 2014

Mayor Richard Woodland

Council Members:

President Sally Smith Jordan Busby
Donna Benfield Jerry Merrill
Christopher Mann Brad Wolfe

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

5:30 P.M. Budget Work Meeting - City Hall

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

Council Member Busby asked to be excused.

Deputy Finance Officer Matt Nielson presented the salary study in an overhead presentation.

Salary Study Information	Salary Study Information
<ul style="list-style-type: none">Performed every 5 years<ul style="list-style-type: none">Last one completed in fiscal year 2009Study ensures that our positions are competitive to the market (Market refers to whom we <u>compete</u> with)<ul style="list-style-type: none">Helps retain quality employeesHelps maintain changes in the industryCost of living adjustment (COLA) maintains the integrity of the wage range for the position between the study years	<ul style="list-style-type: none">We compare <u>salary ranges, not actual wages</u><ul style="list-style-type: none">We utilize a grade/step systemThis ensures that we are wise and fair stewards of public moniesWe compare <u>positions, not employees</u><ul style="list-style-type: none">We seek to be as objective as possible, which creates fairness and a structured system

Discussion: **Deputy Finance Officer Nielson** asked for a motion on the five year salary schedule: He offered two options concerning employees that have reached the top of their schedule by their longevity.

1. Leave current policy (still have reviews annually, but not for lump sum merit pay).
2. Pay base pay at current step and still offer 4% lump sum to those topped out.

Council Member Mann moved to adopt the salary schedule presented with option #2; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Council Member Benfield thanked Richard and Matt for the five year study.

Discussion: The City Council appreciated the five year salary study. The salary study is available to the public.

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

Chuck Kunsaitis led the pledge.

Ian Zollinger said the prayer.

Roll Call of Council Members:

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

Council Member Busby asked to be excused.

Public Comment on non-controversial issues: not scheduled on the agenda (limit 3 minutes): NONE

Presentations:

City employees Shellie Tolman and Tom Anderson – Wellness Program

Tom Anderson presented a wellness plan proposal for the full time employees and spouses and children 16 years and older on the overhead screen.



Employee Benefits

- Weight Reduction
- Improved Physical Fitness
- Increased Stamina
- Lower Levels of Stress
- Increased well-being, self-image and self-esteem



Employer Benefit

- Increased productivity
- Reduced healthcare costs
- Decreased rates of illness and injuries
- Reduced employee absenteeism
- Improved employee morale & relations
- Enhanced retention of healthy employees



Brutal Facts of Worksites with Physical Activity Programs

- Reduced healthcare costs by 20 to 55%
- Increased productivity, up to 52%
- Reduced short-term sick leave by 6 to 32%



Wellness Proposals (2013). Benefits of worksite wellness programs.
<http://wellnessproposals.com/guide-to-worksite-wellness-programs/benefits-of-worksite-wellness-programs/>

Shellie said the hardest part is to get people involved. There needs to be a good incentive. She took input from the county's wellness program. It costs the employee \$10.00 to participate. It will be anonymous participation. With option one, the participant must lose 5% of their body weight, and keep it off for 2 months. There is a second option for those who do not need to lose 5% of their body weight. Option 2 requires the participant to exercise or strength train 30 min. a day, 5 days a week at least 80% of the time from May 1st to Sept. 4th, and they must maintain their weight from July 3rd to Sept. 4th. There will also be a "Biggest Loser Challenge" to see who can lose the most weight. Whoever loses the most weight, or is the "Biggest Loser", will win a lump sum of money and a prize package. There will also be raffle prizes each week. The county has had a lot of success with their program. She asked for a prize of one vacation day if the applicant's goals are met, with either option one or two.

City of Rexburg



BIGGEST LOSER WEIGHT CHALLENGE

START DATE: May 1, 2014 - END DATE: July 3, 2014

To earn the Big Reward (besides improved health) which is 8 hours Vacation time you must choose and complete one option and maintain through September 4, 2014

Option 1:

1. Weigh in every Thursday during contest dates (deviation must be pre-approved)
2. Lose 5% of your body weight
3. Keep your weight off (at least the 5%) from July 3 to September 4, 2014.

Option 2:

1. Weigh in every Thursday during contest dates (deviation must be pre-approved)
2. Exercise/strength train 30 min/day, 5 days/week at least 80% of the time from May 1-September 4
3. Maintain your weight from July 3 to September 4, 2014

Cost: \$10.00 cash or check due at weigh in.

Weigh in: Every Thursday starting May 1st, ending July 3, 2014 @ City Hall Weigh in between 8am and 5pm. To be entered in the weekly drawings for prizes you must have lost some weight or exercised 80% of the weekly requirement

There will be a 1st, 2nd, and 3rd place prizes for the most weight lost

Contact: Shellie Tolman – City Hall- shellie.tolman@rexburg.org 359-3020x 2302

Discussion: The City Council was positive about the proposal. There is a fund for the wellness program, and the \$10 participation fee will also go towards funding the program.

Council Member Wolfe moved to accept the Wellness Proposal as presented; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Committee Liaison Assignments for 2014:

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

Council Member Mann reported MYAB met and is working on the dance that will be this Friday night at the Zone in Rexburg. He expressed his thanks to Mary Flanary for her help with the Mayor's Youth group.

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

Council Member Busby was excused and he did not have a report.

C. Council Member Donna Benfield: *Police · Trails of Madison County · IBC · Teton Flood Museum Committee*

Council Member Benfield reported Trails of Madison County is working on the bike park. The Police Department received a positive note from a speeder who got a warning.

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

Council President Smith reported the Arts Council met; there are some concerns with safety requirements at the Romance Theatre. A person from Salt Lake City will come up and review the theatre for safety at no cost. Afterward, Roger Harris can give a report.

E. Council Member Jerry Merrill: *School Board · Parks & Recreation · Urban Renewal Agency*

Council Member Merrill reported on the land being evaluated for ball fields at the Madison Junior High School. There is a first draft of a contract to present to the school district. The parks are looking good; a new park location is being reviewed. The Teton Dam Marathon is coming up in June. Tom said 118 people have signed up at this date. Last year there was about 87 people signed up at this time; two years ago was similar to this year. Urban Renewal has not met.

F. Council Member Brad Wolfe: *Planning & Zoning · Beautification Committee*

Council Member Wolfe reported on the Planning and Zoning Commission meeting two weeks ago. Two Commissioners were retired with much appreciation for their service. Also, there are zone change items coming forward to City Council. The Chamber of Commerce has a Rexburg Vision Committee working on the downtown area for beautification and lighting.

Mayor's Report:

A. Approve replacement position in the Technology Coordination Services (TCS) Department.

Mayor Woodland reviewed the need to replace a position. It will need to be advertised.

Council Member Merrill moved to ratify the replacement position in the Technology Coordination Services (TCS) Department; Council Member Benfield seconded the motion; Discussion: The position will be hired on a grade 17; Council Member Smith asked if the additional

employee has made a difference to the City's information security; Technology Coordination Services Director Giles said yes. Council Member Merrill asked about the market having a shortage or surplus of candidates. Kelvin said there is competition. **Mayor Woodland** asked for a vote:

Those voting aye

Council President Smith
 Council Member Benfield
 Council Member Mann
 Council Member Merrill
 Council Member Wolfe

Those voting nay

None

The motion carried.

Tabled Requests:

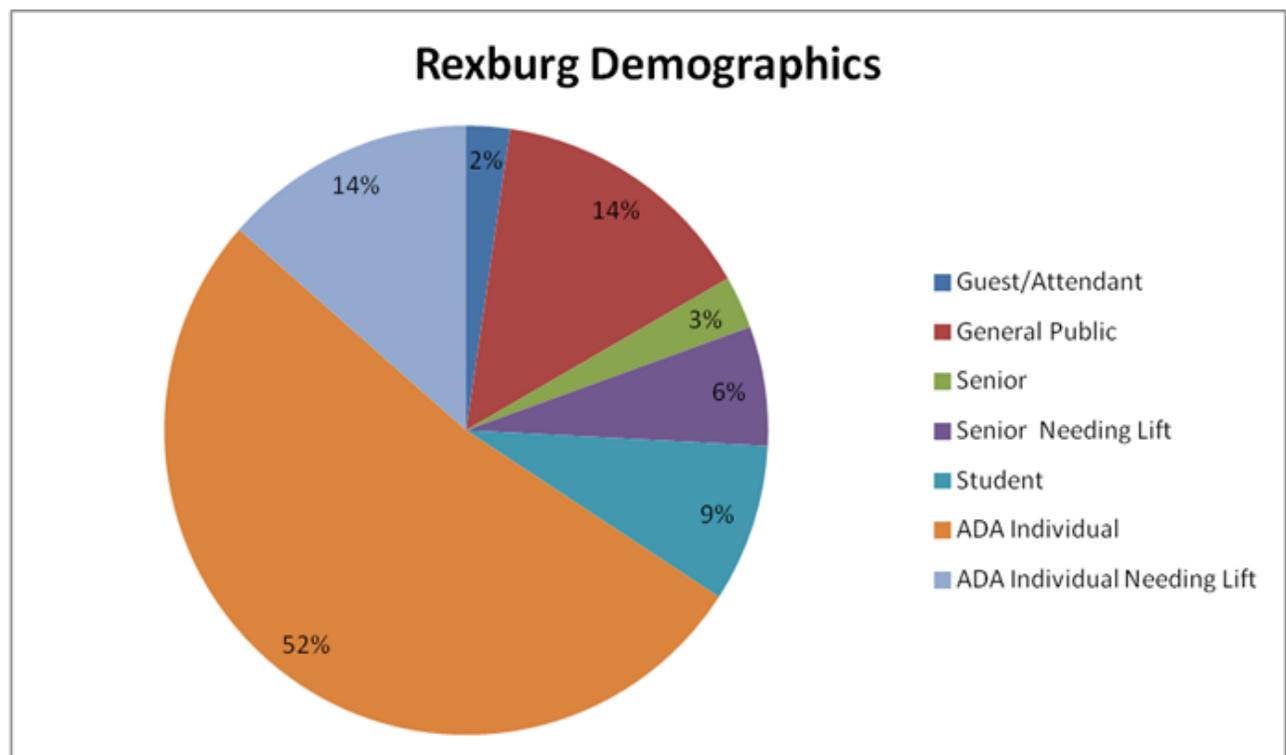
A. TRPTA request \$9,000 matching funds for an ITD Grant for bus services in 2015.

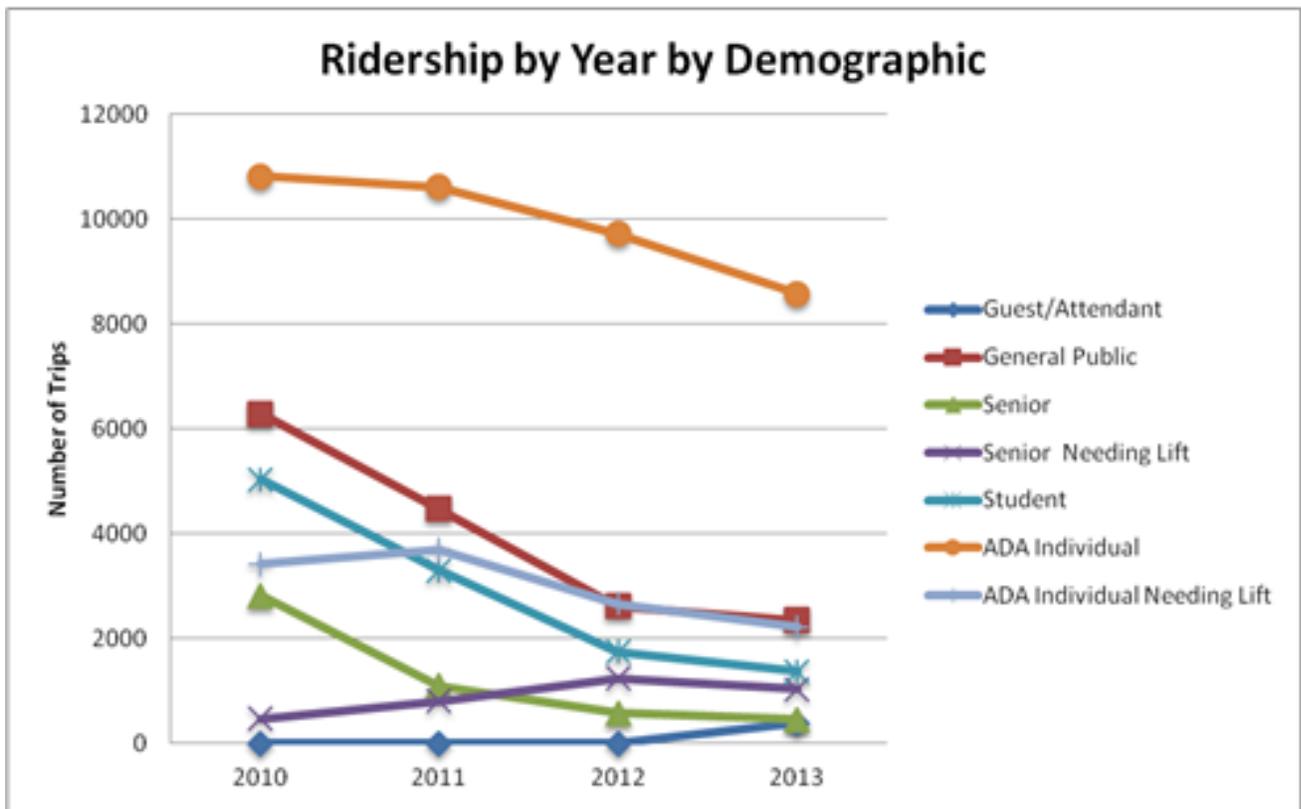
“The Rural 5311 Grant Application process has been completed and TRPTA grant for Rexburg service is in budget approval process. TRPTA is requesting \$9000 in local match from the City of Rexburg towards this service. However, local intent for Rexburg has not been given for the FY 2015 grant. TRPTA will need a “Letter of Intent” to support its service application by Wednesday, March 19, 2014. Thank you so much for your past support.”

Impact: *Historically, TRPTA has fully funded the Rexburg service with Medicaid revenue as match. Overall the last two years, the City has been a contributor to TRPTA's local match. Changes in TRPTA's ability to provide service due to lack of funding will diminish the community's ability to connect citizens to medical appointments, work and shopping opportunities.*

(Deferred to the next meeting)

Rexburg Strategy Ridership for FY 2013							
Guest/ Attendant	General Public	Senior	Senior Needing Lift	Student	ADA Individual	ADA Individual Needing Lift	Total Trips
382	2,356	460	1,041	1,380	8,577	2,222	16,418
2%	14%	3%	6%	9%	52%	14%	100%





Reduction in Trips: In an effort to be efficient and effective TRPTA:

- Eliminated Same day service in 2010.
- Eliminated the Intercity service between Idaho Falls and Rexburg in 2011.
- Trips were no longer given on credit or at a discounted rate
- Driver were paid for their actual works hour, which means hours and workforce were reduced
- Number of buses in production in 2009 (10) with 10 employees.
- By 2011 there were approximately 6 employees and currently 4 buses with 4 employees (still looking to replace one to go back to 5 buses and 5 employees)

Public Hearings:

A. 7:15 P.M. (City Attorney Zollinger indicated the applicant asked to withdraw the PUBLIC HEARING request; therefore Resolution 2014 – 02 was VOIDED) which would have amended the Comprehensive Plan Map at 1042 West 7th South from Single Family Residential land use to Low-Moderate Density Residential land use – Lisa Ellis
(On January 16th, 2014 in a public hearing the Planning and Zoning Commission recommended to deny the applicant's request by a (six to one vote) to amend the Comprehensive Plan Map.)

The following resolution was approved on the 5th of February, 2014; however, because a second public hearing was not held, the Resolution 2014-02 was voided upon the applicants withdrawal from a 2nd Public Hearing.

**RESOLUTION FOR AMENDING
VISION 2020 REXBURG COMPREHENSIVE PLAN MAP**

Resolution 2014 – 02 (VOIDED)

WHEREAS, on the 5th day of February, 2014, the City Council for the City of Rexburg was duly convened upon notice properly given and a quorum was duly noted; and

WHEREAS, in a Rexburg Planning and Zoning Commission meeting on the 16th day of January, 2014, the Planning and Zoning Commission held a public hearing, taking public comment for and against the proposal to amend the Comprehensive Plan Map. The public hearing ended with a split vote of six to one to deny the proposed Comprehensive Plan Map change to City Council; and

WHEREAS, in a subsequent City Council meeting on February 5th, 2014, the City Council reviewed the findings from the Planning and Zoning Commission Public Hearing held on the 16th of January, 2014; and after deliberations voted by a split vote of four in favor and two against the Comprehensive Plan Change proposal; and

WHEREAS, a comprehensive plan is a living document; an ongoing planning participation effort by the citizens of the community is encouraged to ensure changing conditions meet the needs of the community; and

WHEREAS, proposed changes to comprehensive plan map can change land use designations; and

WHEREAS, the following approved Land Use designation changes to the Comprehensive Plan Map are hereby set forth at approximately 1042 West 7th South from Single Family Residential land use to Low-Moderate Density Residential land use and more particularly described as follows:

Legal Description:

A portion of the Southwest Quarter of Section 25, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as follows:

Beginning at a point that is North 89°47'53" East a distance of 1107.00 feet along the section line from the Southwest corner of Section 25, and running thence North 0°11'35" West a distance of 151.62 feet; thence North 00°22'09" West 383.38 feet; thence North 89°47'53" East 207.27 feet; thence South 00°22'09" East 535.00 feet; thence South 89°47'53" West 207.74 feet to the point of beginning. Less county road right of way.

WHEREAS, the changes shown on the Comprehensive Plan Map dated February 05, 2014 have been approved by the City Council;

NOW THEREFORE, by resolution duly adopted on the date first above written, be it resolved by the Mayor and the City Council the following:

*The City of Rexburg does hereby accept and adopt the said Comprehensive Plan Map Land Use Designations in the **City of Rexburg Vision 2020 Comprehensive Plan.***

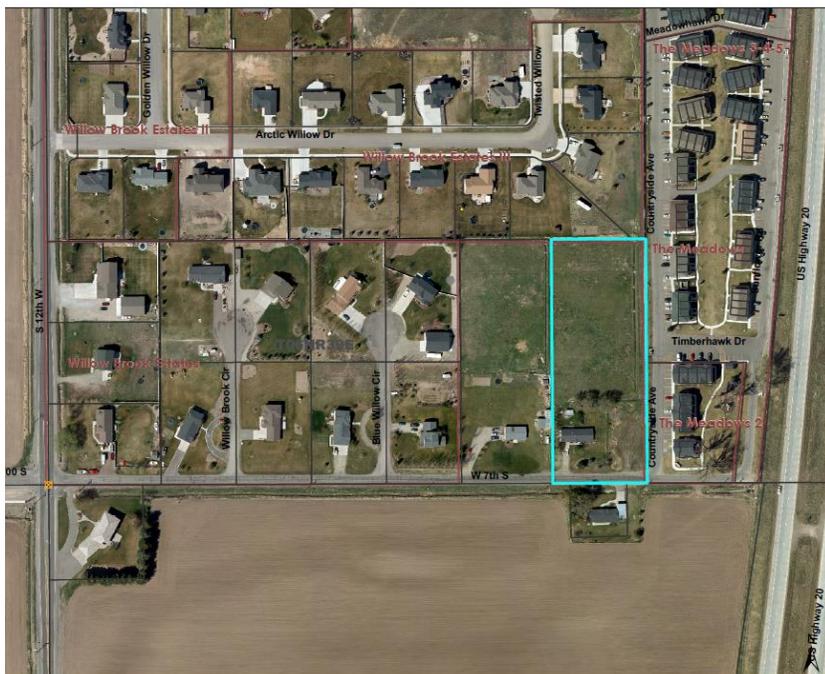
RESOLVED this 5th day of February, 2014; City Council, City of Rexburg, Idaho.

SIGNED BY: Richard S. Woodland, Mayor

ATTEST: Blair D. Kay, City Clerk

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City Attorney Zollinger indicated Resolution 2014 – 02 was therefore VOIDED due to the lack of a seconded public hearing required by the City’s Development Code.

B. 7:30 P.M. (BILL No. 1113) Rezone 1042 West 7th South from Rural Residential One (RR1) to LDR3); (On February 20th, 2014 in a public hearing the Planning and Zoning Commission recommended by a (six to one vote) to Rezone the property from Rural Residential One (RR1) to Low Density Residential Three (LDR3) – Lisa Ellis



Mayor Woodland opened the public hearing for public input:

Applicant: Lisa Ellis reviewed her new proposal to change the zoning designation from Rural Residential One (RR1) to Low Density Residential Three (LDR3) as recommended by the Planning and Zoning Commission. She wanted to be a good neighbor and she is willing to compromise by asking for LDR3.

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Written correspondence:

Scott Hurst: I would like to go on record stating that I am in opposition to removing the second public hearing that is currently in place where it concerns the planning and zoning laws. I believe that people of this community need to have input when decisions about neighborhoods and construction and zone changes will impact them. Thanks

Scott Hurst Email Address:* hursts@byui.edu
503 Linden Ave City: Rexburg
ID Zip: 83440

(Refer to March 19th, 2014 City Council minutes for additional written input)

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Willowbrook Neighborhood

April 14, 2014

Dear City Council Members:

On April 16, 2014 we have the privilege of meeting with you on two different public hearing issues:

- 1) A comprehensive plan change request on 7th south
2) A change in zoning request on 7th south

As a neighborhood, we have had great concern over both requests for nearly two years. We have had neighborhood meetings, had many discussions, created neighborhood letters in opposition, and spent countless hours researching in order to present our collective feelings to both the Planning & Zoning commissioners and to the City Council members.

While we will have many representatives from our neighborhood at this meeting, it is not possible for each of us to be present because we are active community members with many obligations. Though we will not all be present, what will be presented this Wednesday from the Willowbrook neighborhood, represents the view of over 50 households.

These issues are important to us and will affect our lives. We are grateful for the opportunity to share our concerns, our requests, our solutions, and the hours we have dedicated to organize this presentation.

Jacob Price: 1105 Coyote Willow Way
Lori Price: 1105 Coyote Willow Way
Kevin Christensen: 645 Willow Brook Circle
Janet Christensen: 645 Willow Brook Circle
Dan Moldenhauer: 1049 Arctic Willow Drive
Teresa Moldenhauer: 1049 Arctic Willow Drive
Dr. Scott Wilkes: 1115 Arctic Willow Drive
Shelly Wilkes: 1115 Arctic Willow Drive
Jason Flora: 1133 W Arctic Willow Drive
Tisha Flora: 1133 W Arctic Willow Drive
Tyler Barton: 1076 Green Willow Drive
Sharee Barton: 1076 Green Willow Drive
Justin Taylor: 1094 Green Willow Drive
Natalie Taylor: 1094 Green Willow Drive
Les Hill: 1113 Golden Willow Circle

Terri Hill: 1113 Golden Willow Circle
Paul Scholes: 1118 Coyote Willow Way
Chandra Scholes: 1118 Coyote Willow Way
Wade L. Pugh: 1045 Arctic Willow Drive
Judith M. Pugh: 1045 Arctic Willow Drive
Troy Sakota: 524 Golden Willow Drive
Jill Sakota: 524 Golden Willow Drive
Alan Fransen: 1120 Green Willow Drive
Heidi Fransen: 1120 Green Willow Drive
Stacey Kunz: 676 Willow Brook Circle
Kevin Jones: 1132 Golden Willow Circle
Susan Jones: 1132 Golden Willow Drive
Mark Coglianese: 544 Golden Willow Drive
Amber Coglianese: 544 Golden Willow Drive
Dr. James Allen: 562 Golden Willow Drive

Katie Allen: 562 Golden Willow Drive
 Amy McCoy: 677 Willow Brook Circle
 Barry McCoy: 677 Willow Brook Circle
 Jonathan McOmer: 1116 Arctic Willow Dr
 Angela McOmer: 1116 Arctic Willow Drive
 Desarie Hill: 1114 Golden Willow Drive
 Derek Jensen: 1074 Arctic Willow Drive
 Sara Jensen: 1074 Arctic Willow Drive
 Neal Carter, Ph.D.: 441 Twisted Willow Way
 Katrina Carter: 441 Twisted Willow Way
 Darla McCoy: 642 Blue Circle
 Kelly McCoy: 642 Blue Circle
 Curt Mueller: 681 Blue Willow Circle
 Melodee Mueller: 681 Blue Willow Circle
 Steve Riding: 1181 Arctic Willow Drive
 Gaye Riding: 1181 Arctic Willow Drive
 Jacob Adams: 455 Twisted Willow Way
 Crystal Adams: 455 Twisted Willow Way
 Mark Pugh: 1058 Arctic Willow Drive
 Susan Pugh: 1058 Arctic Willow Drive

Rich Geddes: 1056 Green Willow Drive
 Tammy Geddes: 1056 Green Willow Dr
 David Barrus: 1079 Arctic Willow Drive
 Lindsey Barrus: 1079 Arctic Willow Drive
 Stacey Keele: 1029 Golden Willow Dr.
 Chantri Keele: 1029 Golden Willow Dr
 Zak Murray: 591 Twisted Willow Drive
 Noelle Murray: 591 Twisted Willow Drive
 Lane Hansen: 1092 Arctic Willow Drive
 Joseph Watson: 1167 Arctic Willow Drive
 Autumn Watson: 1167 Arctic Willow Drive
 Joe McWilliams: 523 Golden Willow Dr
 Angela McWilliams: 523 Golden Willow Dr
 Mike King: 647 Blue Willow Cir
 Michelle King: 647 Blue Willow Cir
 Rex Barzee: 1145 Arctic Willow Dr
 Jennifer Barzee: 1145 Arctic Willow Dr
 Eric Lybbert: 1148 Coyote Willow Way
 Nichole Lybbert: 1148 Coyote Willow Way
 Anne Muhlestein: Golden Willow Drive

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Public Testimony in favor of the proposal (5 minute limit): NONE

Public Testimony neutral to the proposal (5 minute limit):

Ms. Tisha Flora from Rexburg thanked Ms. Ellis for her willingness to compromise. She truly wants what is best for all that are involved. She has spent countless hours researching the City of Rexburg’s Development Code and the Idaho State Code. The process has been very difficult and educational. She realizes that she is not an expert and will still need future guidance from the City Council and City employees. Ms. Flora attended Chairman Dyer’s final Planning & Zoning meeting on April 3rd. Chairman Dyer presented a packet representing the City’s Development Code Summary Sheet at that meeting. Ms. Flora then presented a spreadsheet given to her by Planning and Zoning Chairman Winston Dyer. This Development Code Summary Sheet has helped her to better understand what an LDR3 zone would mean. She reviewed the density allowed by the zones being discussed tonight. Ms. Ellis’s property is currently zoned as an RR1, which allows only a single unit per acre. All of Ms. Ellis’s neighbor’s to the West are also zoned as RR1. RR2 zoning allows for 2 units per acre. All of Ms. Ellis’s neighbors to the north are zoned as RR2. The Meadows development to the East is zoned as Medium Density Residential One (MDR1) and can legally have 16 units per acre, but it currently has an average of 11 units per acre. That surprised Ms. Flora, because the Meadows has such a high population, she thought it would have been much higher than 11 units per acre. According to Chairman Dyer’s summary sheet, the maximum density for LDR3 is 10.9 units per acre. This concerned her, because according to the City of Rexburg’s Development Code, the maximum density for LDR3 is 8 units per acre. She did not understand the different zoning density’s allowed by LDR3 with Conditional Use Permits. In conclusion, she quoted Chairman Dyer’s recommendations for administering the code:

- “1. Know and understand the code. It is your bible and the instrument by which we function.
2. Always listen to both sides of the issue and thoroughly explore them. The citizens have the right and fervent desire to know that they have been heard, and that their input has been taken into due consideration.
3. Recognize and constantly reflect that your client is the public. That is who you are working for.
4. Lastly, look at your decisions 10 and 20 years down the road. What will it look like, and the impacts associated with it. I have found that if you follow these four points, you will make the right decision.”

She said she agreed with Chairman Dyer. She has full confidence in the City Council to use the Development Code, listen to the points of concern from both parties, and make the best decision for our city, its residents, and its future. She thanked them for their time, and will uphold the decision they make. See Chairman Dyer’s Development Code Summary Sheet below:

DEVELOPMENT CODE SUMMARY SHEET								
Zone	Predominate Use	Front Setback	Rear Setback	Side Setback	Minimum Lot Size	Maximum Residential Density	Permissible Lot Coverage	Maximum Building Height
Low Density Residential 1 (LDR1)	Single Family Homes	25' or 20'	25'	7.5' or 6'/ft	12,000 sq. ft.	3.6 units/acre	70%	30'
Low Density Residential 2 (LDR2)	Single Family Homes or duplex with a CUP	25' or 20'	20'	6' or 6'/ft	8,000 sq. ft. (Duplex + 2000)	8.7 units/acre	70%	30'
Low Density Residential 3 (LDR3)	Single Family Homes or duplex with a CUP	25' or 20'	20'	6' or 6'/ft	6,000 sq. ft. (Duplex + 2000)	10.9 units/acre	70%	30'
Medium Density Residential 1 (MDR1)	Condos, Townhomes and Apartments	25' or 20' (P&Z-15)	20'	6' or 6'/ft (max 10 no LDR)	1-4500 sq. ft., 2-6000 sq. ft.	16 units/acre	70%	30'
Medium Density Residential 2 (MDR2)	Condos, Townhomes and Apartments	25' or 20' (P&Z-15)	20'	6' or 6'/ft (max 10 no LDR)	1-4500 sq. ft., 2-6000 sq. ft.	20 units/acre	80%	30'
High Density Residential 1 (HDR1)	Apartments and Dormitories	25' or 20'	20'	6' or 6'/ft (max 10 no LDR)	6000 sq. ft., 3-7500 sq. ft., 4-9000 sq. ft.	30 units/acre	80%	55'
High Density Residential 2 (HDR2)	Apartments and Dormitories	25' or 20'	20'	6' or 6'/ft (max 10 no LDR)	6000 sq. ft., 3-7500 sq. ft., 4-9000 sq. ft.	1 brm - 42, 2 brm - 38, 3 brm - 34	80%	55'
Rural Residential 1 (RR1)	Single Family Homes and Agriculture	60' or 90' center	30'	10' or 6'/ft	1 acre	1 unit/acre	50%	30'
Rural Residential 2 (RR2)	Single Family Homes	25'	20'	6' or 6'/ft	1/2 acre	2 units/acre	70%	25'
Mixed Use 1 (MU1)	Apartments, Condos, Retail and Services	25' or 15'	20' or 5'	0 or 10'	8,000 sq. ft.	16 res. units/acre	90%	45'
Mixed Use 2 (MU2)	Apartments, Condos, Retail and Services	0	0	0	12,000 sq. ft.	40 res. units/acre	90%	55'
Neighborhood Business District (NBD)	Retail and Service	10'	Same as Adjacent	1 acre	NA	70%	45'	
General Business District (GBD)	Retail and Service	10'	0	10'	None	NA	100%	45'
Central Business District (CBD)	Apartments, Condos, Retail and Services	0	0	0	5000 sq. ft.	40 units/acre	100%	45'
Community Business Center (CBC)	Retail and Service	10'	0	0	None (5 acres)	NA	90%	65'
Regional Business Center (RBC)	Retail and Service	20'	0	0	None (20 acres)	NA	30%	75'
Light Industrial (LI)	Light Manufacturing, Wholesale Trade & Services	10'	0 or 20' next to res.	0	1/2 acre	NA	100%	55'
Heavy Industrial (HI)	Manufacturing, Warehousing and Storage	10'	0	0	1 acre	NA	100%	55'
Professional Office Zone (PO)	Professional Offices and Services	10'	Same as Adjacent	0 or 10' no Res	None (1 acer)	NA	80%	35'
Technology and Office Zone (TOZ)	High Tech Office and Call Centers	10'	0 or 20' next to res.	0 or 10' no Res	None (1/2 acre)	NA	80%	55'
Public Facilities (PF)	Parks, Gov. Buildings and Recreation	10'	0	0	10,000 sq. ft.	NA	60%	35'
Open Space (OS)	Parks, Equipmnet Bldgs under 1000 sq. ft.	0	0	0	None	NA	100%	Not ID
University Zone (UD)	University Buildings and Grounds	0, 1:1	0, 1:1	20'	None	Unlimited	60%	Unlimited
Transitional Agricultural 1 (TAG1)	Single Family Homes and Agriculture	50'	25'	10'	2 acres	1 unit/acre w/caretaker unit	30%	30'
Transitional Agricultural 2 (TAG2)	Single Family Homes and Agriculture	50'	25'	10'	2 acres	1 unit/acre w/caretaker unit	30%	30'
Residential Business District (RBD)	Services, Beauty, Books, Garment Repair	25' or 20'	20'	6' or 6'/ft	8000 sq. ft.	NA	70%	35'
Project Redevelopment Option	Applicant creates the rules for the zone. City Staff, the Planning and Zoning Commission and City Council review the request and in public hearing the zone is created.							

Ms. Teresa Moldenhauer from Rexburg presented a handout from the Willowbrook neighborhood to the City Council for consideration.

Written correspondence:

Willowbrook Neighborhood

April 15, 2014

Dear City Council Members:

We have heard of Ms. Ellis's request to forgo the Comprehensive Plan change. As a neighborhood we commend her courage and willingness to compromise. We feel so very grateful. She has been through so much in this process. This has been a long journey for all of us.

The decision before us now is the rezoning of 1042 West 7th South. We trust that the council members will make a decision that will be favorable for all. As was mentioned in our letter for the February 20th public hearing held by Planning & Zoning, we recommended a compromise of LDR3. As you head into making this final decision we would like to make sure everyone is educated on the decision. We honestly see both sides of this situation. This is why we have chosen to speak in a neutral position. We wanted, however, to take the chance while we have it to make a few informative points. This is our chance. We would like to explain why we recommended LDR3 and then quickly touch on two questions to consider in your decision.

When we went before the P&Z on February 20th, the Comprehensive Plan had already been changed; we were therefor looking at zoning options only in Low-Moderate Density Residential. These options included LDR1, LDR2, LDR3, MDR1, and MDR2. We educated ourselves on the density and the potential outcomes of each zone. We were so scared of the possibilities of the MDR's and the potential three story 20+ units an acre, that the LDR3 seemed a good compromise based on our limited knowledge, however, we did not fully understand the conditional use permits. We are still trying to learn more about them. These were the options we had at the time and this was the frame of mind we were in when we recommended the LDR3 option.

Now here are our two questions to consider? We present these questions with the spirit of compromise in mind.

1. IS LDR3 TOO HIGH DENSITY?

At the previous Planning & Zoning meeting many of the P&Z members themselves were surprised at our recommendation of LDR3. Here are two statements from that meeting.

Jedd Walker stated: "There are other areas where we want to see greater density developed first. This was NOT one of the areas."

Melanie Davenport stated the following: "I agree with a compromise, but I would be more comfortable with a lower density zone. There could still be quite a few homes or twin homes and would be more in keeping with the neighborhood. It does not make sense to take something rural and then put something, even an LDR3 zone, on that corner. It will change the light and the sound of the location from the rural residential perspective."

Currently the Meadows has 11 units per acre and the LDR3 zone allows up to 10.9 units per acre. This is equal to what exists in the Meadows. With such a gap between 1-.5 units an acre and 10.9 units an acre, is this an adequate buffer?

2. WHAT DOES THE DEVELOPMENT CODE SAY?

We have spent a large amount of time researching the different zones. The following are descriptions of the low-density zoning found in The City of Rexburg's development code:

The descriptions of an LDR2 & LDR3 zone are very similar and state:

"The LDR3/LDR2 zone is established to protect stable neighborhoods of detached single-family dwellings on **smaller lots.**"

The LDR2 & LDR3 zones are used to protect and buffer single-family dwellings on smaller lots. We do not live on smaller lots.

The description of an LDR 1 zone states:

"The LDR1 zone is established to protect stable neighborhoods of detached single-family dwellings on **larger lots.** The limited conditional uses allowed in this district shall be compatible with an atmosphere of large, landscaped lawns, low building heights, ample setbacks and side yards, predominantly off street parking, low traffic volumes, and low nuisance potentials."

The LDR1 was established for the purpose of buffering homes on larger lots. There are now over 50 homes in this neighborhood that this decision will effect. Our homes are on larger lots. LDR1 still allows Ms. Ellis to increase value and develop property.

As was stated earlier, we see both sides of this situation. We look forward to your discussion on the matter. We leave this decision in your hands, and we will support your decision.

Sincerely,

The Willowbrook Neighborhood

3

Jacob Price: 1105 Coyote Willow Way	Christina White: 583 Twisted Willow Drive
Lori Price: 1105 Coyote Willow Way	Angie McOmber: 1116 Arctic Willow Drive
Kevin Christensen: 645 Willow Brook Circle	Derek Jensen: 1074 Arctic Willow Drive
Janet Christensen: 645 Willow Brook Circle	Sara Jensen: 1074 Arctic Willow Drive
Dan Moldenhauer: 1049 Arctic Willow Drive	Neal Carter, Ph.D.: 441 Twisted Willow Way
Teresa Moldenhauer: 1049 Arctic Willow Dr	Katrina Carter: 441 Twisted Willow Way
Dr. Scott Wilkes: 1115 Arctic Willow Drive	Darla McCoy: 642 Blue Circle
Shelly Wilkes: 1115 Arctic Willow Drive	Kelly McCoy: 642 Blue Circle
Jason Flora: 1133 W Arctic Willow Drive	Curt Mueller: 681 Blue Willow Circle
Tisha Flora: 1133 W Arctic Willow Drive	Melodee Mueller: 681 Blue Willow Circle
Tyler Barton: 1076 Green Willow Drive	Steve Riding: 1181 Arctic Willow Drive
Sharee Barton: 1076 Green Willow Drive	Gaye Riding: 1181 Arctic Willow Drive
Justin Taylor: 1094 Green Willow Drive	Jacob Adams: 455 Twisted Willow Way
Natalie Taylor: 1094 Green Willow Drive	Crystal Adams: 455 Twisted Willow Way
Les Hill: 1113 Golden Willow Circle	Mark Pugh: 1058 Arctic Willow Drive
Terri Hill: 1113 Golden Willow Circle	Susan Pugh: 1058 Arctic Willow Drive
Paul Scholes: 1118 Coyote Willow Way	Rich Geddes: 1056 Green Willow Drive
Chandra Scholes: 1118 Coyote Willow Way	Tammy Geddes: 1056 Green Willow Dr
Wade L. Pugh: 1045 Arctic Willow Drive	David Barrus: 1079 Arctic Willow Drive
Judith M. Pugh: 1045 Arctic Willow Drive	Lindsey Barrus: 1079 Arctic Willow Drive
Troy Sakota: 524 Golden Willow Drive	Stacey Keele: 1029 Golden Willow Dr
Jill Sakota: 524 Golden Willow Drive	Chantri Keele: 1029 Golden Willow Dr
Alan Fransen: 1120 Green Willow Drive	Zak Murray: 591 Twisted Willow Drive
Heidi Fransen: 1120 Green Willow Drive	Noelle Murray: 591 Twisted Willow Drive
Stacey Kunz: 676 Willow Brook Circle	Lane Hansen: 1092 Arctic Willow Drive
Kevin Jones: 1132 Golden Willow Circle	Joseph Watson: 1167 Arctic Willow Drive
Susan Jones: 1132 Golden Willow Drive	Autumn Watson: 1167 Arctic Willow Drive
Mark Coglianes: 544 Golden Willow Drive	Joe McWilliams: 523 Golden Willow Dr
Amber Coglianes: 544 Golden Willow Drive	Angela McWilliams: 523 Golden Willow Dr
Dr. James Allen: 562 Golden Willow Drive	Mike King: 647 Blue Willow Cir
Katie Allen: 562 Golden Willow Drive	Michelle King: 647 Blue Willow Cir
Amy McCoy: 677 Willow Brook Circle	Rex Barzee: 1145 Arctic Willow Dr
Barry McCoy: 677 Willow Brook Circle	Jennifer Barzee: 1145 Arctic Willow Dr
Jonathan McOmber: 1116 Arctic Willow Dr	Eric Lybbert: 1148 Coyote Willow Way
Angela McOmber: 1116 Arctic Willow Drive	Nichole Lybbert: 1148 Coyote Willow Way
Desarie Hill: 1114 Golden Willow Drive	Anne Muhlestein: Golden Willow Drive
John McOmber: 1116 Arctic Willow Drive	John Parkinson: 561 Twisted Willow
Dr. Scott White: 583 Twisted Willow Drive	Allison Parkinson: 561 Twisted Willow

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 Mayor Woodland mentioned that he noticed two names on the list that he didn't think had signed. He said that you have to be very careful about petitions.

Ms. Teresa Moldenhauer said that she could verify that they had gotten permission from all who had signed.

Public Testimony opposed to the proposal (5 minute limit):

Chandra Scholes from Rexburg asked to recognize that the City Council and Planning and Zoning represent the community as a whole and not just one individual. Also, she requested that when issues are brought up on an individual basis, that they be carefully considered for the purposes of the City and not on an individual basis of need. When we face financial issues, the City Council and Planning and Zoning should not be the place to go for notice. It is the wrong reason. At this moment there is not a need for the zone change.

Danielle Spencer from Rexburg lives at the Meadows and expressed her concern for safety with just one entrance/exit. She is concerned that future development at Ms. Ellis's property with LDR3 zoning would add to traffic issues in that area. She recommended LDR1 for Ms. Ellis's property, which would allow almost four units per acre. That would be twice as much as the units to the north and would be more of a buffer. LDR1 is meant to protect stable dwellings with large yards and low traffic. A higher density zoning would not lower traffic. She wanted to speak of the integrity of Ms. Teresa Moldenhauer, who spoke before and presented the list of neighbor's names. She is a woman of integrity, and knows for a fact that she would not put anyone's name on the list that did not agree to it.

City Attorney Zollinger explained the problem with petitions. Sometimes people just sign because they don't know how to say no. In this case the list of names represents the neighborhood as an association, which is appropriate.

Mike King from Rexburg has owned his home for 14 years, and he does not want a higher density bordering his property. He is asking that the City Council please consider an appropriate zone for a buffer to single family housing.

John McOmber was opposed to the LDR3 Zone. He owns a security alarm system business and has been in the business for many years. He said that the proposed zoning in his eyes as an alarm salesman would be a gold mine for him because the density of the property would require security. He asked for zoning similar to single family zoning; He asked for a buffer.

Neal Carter reiterated concerns for higher density and for the lack of infrastructure to handle the proposal. He did not think there was infrastructure to support the proposal. He asked to weigh the needs of the many versus the few. As this issue is considered, they need to carefully judge what the neighborhood needs. What does this area do for Rexburg as a whole? Changing things around to satisfy a few people will probably cause problems for more people.

Natalie Taylor did not understand why a buffer needs a buffer. Why is it not going to be homes like the adjoining homes? She reviewed the schools being at capacity; road capacity; it is a chain reaction increasing density above their expectations when they built their home. There is a bigger picture. Whatever decisions are made, they have to live with them. They have a great neighborhood full of a lot of great contributors.

Discussion: on nine homes being located against the Meadows after their subdivision has been built out.

Michelle King reviewed the eleven lots that were developed before the Meadows was developed. If the City Council is considering the homes that were built after the Meadows they should also consider those that were built before the Meadows.

Staff Recommendation:

Community Development Christensen reviewed the density discussion for the 2.5 acre lot. LDR3 allows 6,000 square foot lots without a Conditional Use Permit. That would allow for 18 units to be built on the property. LDR3 allows 27 units with a Conditional Use Permit. The 30 foot height rule

is the same in all LDR Zones. The Meadows is at approximately 11 units per acre with open space; however, without the open space at the front of the development; the rear of the development is at about 16 units per acre. The effective use of open space can help with density. As far as buffers go, LDR3 has more differences between it and other zones besides just the density. Conditional Use Permits are not a given either. They have to come back for another public hearing for a Conditional Use Permit. So that may or may not happen. The buffer is the use which would not allow multi-family units. It would only allow twin homes or duplexes. Without the Conditional Use Permit, 6000 sq. feet per unit, with 7.26 units per acre is allowed. Staff recommendation indicates no sewer line unless attached to Willowbrook or the Meadows.

STAFF Review:

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SUBJECT: Rezone Application File #13 00533 – Lisa Ellis

APPLICANT: Lisa Ellis
1042 West 7th South

PROPERTY OWNER(S): Same as above

PURPOSE: Request is to rezone from Rural Residential 1 to Medium Density Residential 2

PROPERTY LOCATION: 1042 West 7th South
Rexburg, ID 83440

PROPERTY ID: RPRXBCA0255791

COMPREHENSIVE PLAN: Requesting concurrently with this rezone request, for the Comprehensive

Plan Map designation to be changed from Single Family Residential to Low-Moderate Density Residential

CURRENT ZONING: Rural Residential 1

PROPOSED ZONING: Medium Density Residential 2

SURROUNDING LAND USES AND ZONING: Residential, farmland
Rural Residential 1, Rural Residential 2, Medium Density Residential 1

APPLICABLE CRITERIA: City of Rexburg Development Code (Ordinance Code 1026)

§ 6.13 *Amendments to this Ordinance*

AUTHORITY: § 6.13 (E) *“The Commission may recommend that the amendment be granted as requested, that it be modified, or that it be denied”*

I. BACKGROUND

The Rexburg Development Code allows for the Commission to make recommendations to the City Council regarding whether or not the property should or should not be rezoned based on the criteria found in section §6.13.

II. SITE DESCRIPTION

The total area involved in this re-zoning request is identified as approximately 2.55 acres, which if approved will result in changing Rural Residential 1 (RR1) into a Medium Residential 2 (MDR2) Zone.

III. ANALYSIS

If approved, this rezone will result in changing Rural Residential 1 (RR1) into a Medium Residential 2 (MDR2) Zone. The request would require the Commission and City Council to review the proposal against one set of criteria, for the request to rezone. Below, staff has provided all the criteria listed by Ordinance 1026 (Development Code) that are required to be addressed, followed by staff's analysis of each criterion.

Criteria Rezone Requests (§6.13):

a. *Be in conformance with the City's Comprehensive Plan and the City Development Code.*

If successful in a previous public hearing, the applicant will have the Preferred Land Use Map property currently identified as Single Family Residential recommended for change to Low-Moderate Density Residential. The requested Medium Density Residential 2 zone is allowed in the Low-Moderate Density Residential land use area as per the Rexburg Comprehensive Plan.

b. *The capacity of existing public streets, water and sewer facilities, storm drainage facilities, solid waste collection and disposal, and other utilities.*

The City Engineer has concerns about added traffic to 7th South due to one access point. Also, he has questions about how sewer access will be accomplished.

c. *The capacity of existing public services, including but not limited to, public safety services, public emergency services, schools, and parks and recreational services.*

The City Engineer did not voice a concern. The appropriate Impact Fees will be collected prior to the issuance of a Building Permit.

d. *The potential for nuisances or health and safety hazards that may adversely affect adjoining properties.*

Staff has reviewed and does not feel the change will have a negative effect.

e. *Recent changes in land use on adjoining properties or in the neighborhood of the map revision.*

None

f. *Meets the requirements of the Comprehensive Plan.*

See paragraph a.

IV. STAFF RECOMMENDATION

If the Planning and Zoning Commission determines that all of the criteria are met, Staff requests that the Planning and Zoning Commission recommend that the City Council process the requested zone change.

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Public Works Director Millar reviewed the streets capacity; 18 or 27 units would not maximize capacity. The issue is a single access to the development, and that will be an issue with any of the zones discussed. The only conflict would be if there was an accident or blockage on that road. A street light on 7th S. and 12th W. is not on the radar for the next 20 years.

Public Works Director Millar's Staff Report:

Comprehensive Plan Map Amendment Application File #13 00532 and Rezone Application File # 13 00533– Lisa Ellis

Review Comments From Public Works Department:

1. Water: Access to adequate water for any type of development is not a problem.
2. Wastewater: There is no sewer line in 7th South and an arrangement would be required to access the sewer lines in Willowbrook or The Meadows. There has been no evaluation done to determine if there is adequate depth with the existing lines to serve the proposed development.
3. Streets: We are concerned with any significant increase in traffic due to the fact that there is only one outlet to serve this area and the existing traffic with The Meadows. This 2.5 acres could develop a significant increase in traffic and additional related problems.

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Council Member Wolfe asked about density; 27 units would be the maximum amount allowed on the property with a Conditional Use Permit. Community Development Director Christensen reviewed the density allowed by the zones. MDR2 allows 20 units per acre, MDR1 allows 16 units per acre, but LDR's are not determined per acre. They determine density for LDR's by lot size.

Council Member Merrill reviewed LDR3 without a Conditional Use Permit allowing 18 units per acre; with a Conditional Use Permit, LDR3 could allow 27 Units per acre. A Conditional Use Permit would require a public hearing.

Community Development Christensen indicated the height of a building is measured up to the top of the wall and does not include the roof. A 30 foot height could allow for three stories; usually done on a hill with a walkout basement. He discussed the two story home as the norm for the 30 foot height allowance. LDR3 would be single family homes with ability to have a duplex.

Rebuttal by applicant: Ms. Ellis thanked Ms. King for expressing that the number of homes (11) were there before the Willows Development was developed. She has given up on the request to change the Comprehensive Plan. She did have empathy for Chandra Scholes whose husband recently lost his job. She thanked the City Council for their time and asked that they consider her rezone carefully.

Mayor Woodland closed the public hearing for deliberations.

Deliberations:

Council Member Mann expressed his sympathy to Ms. Ellis. He also expressed his concern saying the Planning and Zoning decision was made after the City Council changed the Comprehensive Plan without a public hearing. He is not sure the Planning and Zoning Commission would have voted for an LDR3 if the City Council had not overridden it. He recommended an LDR1 Zone.

Council Member Wolfe said they have all learned from the discussion; Planning and Zoning made the recommendation for an LDR3 Zone in a spirit of compromise. He was concerned with going against the Planning and Zoning decision.

Council President Smith reviewed how things will look down the road in 20 years. The property across the street to the south is zoned for mixed use which is the highest zoning possible. She said there are people wanting a stable neighborhood where they can live. She agreed with Council Member Wolfe to accept the Planning and Zoning recommendation.

Council Member Merrill appreciated the situations of Ms. Ellis and Ms. Scholes; however, he wanted to consider the land use versus situations. He said both Ms. Ellis and the neighbors should have equal consideration.

Council Member Benfield apologized for missing the last meeting. She reviewed her vote to change the Compressive Plan. It is a future look at the area; however, it does not say she would vote for a zone change. She really looks at neighborhoods and neighborhood associations and knows of their importance. She supports neighborhoods and would consider LDR3 as a compromise.

Council Member Merrill said the City Council will have to consider the Hernandez property in the future.

Council Member Merrill moved to approve the rezone of 1042 West 7th South from Rural Residential One (RR1) to Low Density Residential Three (LDR3) and first read BILL No. 1113; Council President Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Merrill
Council Member Wolfe

Those voting nay

Council Member Mann

The motion carried.

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Items for Consideration:

A. Review Sign Ordinance 1027 – Staff

ORDINANCE NO. 1027

AN ORDINANCE REPLACING ORDINANCE 908, FOR THE REGULATION OF “ON” AND “OFF” PREMISE SIGNS IN REXBURG. ADOPTING SECTIONS I THROUGH VII WITH THE ATTACHED SCHEDULE (A) AND (B) INCLUDING THREE SPREADSHEETS ALONG WITH THE CURRENT CITY OF REXBURG BUILDING CODE REGULATING SAFE SIGN CONSTRUCTION, WITH ADDITIONAL PROVISIONS RELATING TO SIZE AND HEIGHT OF SIGNS IN VARIOUS ZONES FOR THE CITY OF REXBURG, IDAHO; REQUIRING COPIES OF SAID CODE TO BE KEPT IN THE REXBURG CITY BUILDING DEPARTMENT AND THE CITY CLERKS OFFICE; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND FOR SEVERABILITY; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

SECTION II: ALLOWABLE SIGN AREAS FOR WALL SIGNS (INCLUDING PROTRUDING SIGNS & ROOF SIGNS)

- 1. Maximum Area of Wall Sign Allowed = 10% of the area of the building wall for walls located within 0 ft. to 100 ft. from the street ROW (right-of-way) line.***
- 2. Maximum Area of Wall Sign Allowed = 12% of the area of the building wall for walls located within 100 ft. to 200 ft. from the street ROW (right-of-way) line.***
- 3. Maximum Area of Wall Sign Allowed = 14% of the area of the building wall for walls located more than 200 ft. from the street ROW (right-of-way) line.***
- 4. Wall banners up for 60 days or less are considered temporary; all others are considered permanent as shall adhere to applicable sign standards. These banners must be logged and recorded with the City of Rexburg to assure time and condition limitations are being followed. These banners may be up with permanent wall signs as long as the coverage does not exceed 20% of wall. This 20% coverage is the total of the permanent and temporary signs combined. Any banners up for more than sixty (60) consecutive days are considered permanent and must adhere to permanent sign standards. These banners will be covered as aforementioned in maximum area (depending on distance from right-of-way (ROW) of wall signs and must have a sign permit. A business wishing to have an area for wall mounted banner signs that allow interchangeability of promotional signs may do so by providing a tasteful, permanent looking frame that does not include strings or other temporary looking devices. These “permanent” banner sign locations shall be counted towards maximum wall sign allotment, and does not include the wall banner 20% provision. All framed banners shall be sized appropriately for the frames so that there shall be no gaps between sign and frame edging and so that the banner does not overhang the frame in any way.***

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Compliance Officer Natalie Powell reviewed the 10% rule for signage on the face of a building.

- 1. Maximum Area of Wall Sign Allowed = 10% of the area of the building wall for walls located within 0 ft. to 100 ft. from the street ROW (right-of-way) line.***

There have been complaints about some businesses signage and Officer Powell would like to know how to best handle them. There are basically two options. Either they enforce the current 10% rule that is in the code, or they can change the code. She asked for the City Council Member’s thoughts and opinions.

Council Member Wolfe reviewed the sign ordinance and he thought that the code as written refers more to signs that are being built, and obstruction of traffic. Windows are maybe only mentioned twice. He proposed to consider windows differently than signs that are put on the exterior of

buildings. The sign Ordinance was modified not that long ago and a lot of work was put into it. He thinks the window space could be considered in a different category. He indicated three businesses that may be out of compliance.

Council Member Merrill was not supportive of the sign code. He understands the purpose of it and is on the Beautification Committee. He wants to encourage and educate the businesses to have good signs, but he struggled with telling businesses what to do with their businesses.

Mayor Woodland said we could end up with a free for all.

Council Member Mann respectfully disagreed with Council Member Merrill. He was also concerned that signs could get out of hand. He was not supportive of window signage blocking the total window area. He wanted to have equal signage that is inviting. He referred to signage in other cities that have become unattractive and the cities are trying to clean it up. There does need to be an enforceable sign ordinance.

Council Member Wolfe does not want to get rid of the sign ordinance. He also did not want to change the sign code just for one business; however, maybe the windows could be in a different category than the walls.

Council Member Smith supported the 10% rule for signage on the face of the building, and thinks that the windows should be included in that rule.

Council Member Merrill asked if the Beautification Committee could be involved.

City Attorney Zollinger said temporary signage is allowed to draw attention to the business for a short period of time. Making windows part of the wall would allow more buildings built with excess window space to take advantage of the signage space.

Compliance Officer Powell reviewed the rule for temporary wall banners. Wall banners up for 60 days or less are considered temporary; all others are considered permanent as shall adhere to applicable sign standards. They try to police that rule by reminding them gently that their signs may be wind or sun damaged.

Council Member Benfield was supportive of the sign code which allows for temporary signage. She worries that if they change the code now, it would not be fair to businesses that they previously denied signs to that did not comply with the code in the last six months. We need to live with the ordinance we have.

Mayor Woodland referred to Austin, Texas's signs which are small or limited.

Compliance Officer Powell expressed that the City Council has high standards, but others may not have those same standards. Businesses on Main Street are wall to wall and without a sign ordinance, it may diminish the value of property.

Council Member Mann moved to uphold the Sign Ordinance as written; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

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

Those voting nay

Council Member Merrill

The motion carried.

B. Resolution 2014-08 - Ratify Rural Planning Organization (RPO) Cooperative Agreement between the City of Rexburg, Sugar City, and the Idaho Transportation Department – Staff

1. **Cooperative Agreement:**

COOPERATIVE AGREEMENT

**REXBURG
MADISON COUNTY
PARTIES**

This agreement is made and entered into this _____ day of _____ 2014, by and between the IDAHO TRANSPORTATION DEPARTMENT, hereafter called the State, and the CITY OF REXBURG, hereafter called the City. The City and the State have formed, along with Madison County and Sugar City, the Madison County Rural Planning Organization to coordinate transportation planning and infrastructure investments by its members. This Cooperative Agreement extends the Charter of that Organization to direct the expenditures of certain State funds by the City.

PURPOSE

The State has need to upgrade the existing pedestrian facilities associated with both state highways (S.H. 33 and U.S. 20) within the City, to study increasing congestion at the intersection of those two highways, and to establish long range plans that coordinate transportation infrastructure improvements within Madison County. This agreement provides for funding certain activities by the City that will meet the State's needs through local projects, studies and plans.

Authority for this agreement is established by Section 40-317, Idaho Code.

The Parties agree as follows:

SECTION I That the State will:

1. Review and approve project submittals, including plans, specifications, proposals, and change orders for the construction of pedestrian improvements, conducting studies and forming plans.
2. Authorize the City to administer the work.
3. Process requests for re-imburements of costs incurred by the City related to the following work:
 - a. Fifty percent of all costs related to the pedestrian improvements shown on Exhibit 1, up to a maximum of Two Hundred and Fifty Thousand Dollars;
 - b. One Hundred percent of the costs associated with traffic modeling and congestion studies performed in support of the City of Rexburg & Madison County Transportation Study and Master Plan update;
 - c. One Hundred and Forty Five Thousand Dollars to support the Envision Madison long range community planning process.

SECTION II That the City will:

1. Provide opportunity to the State to approve the design of upgrades to the pedestrian facilities prior to the beginning development of those projects.
2. Provide for the design of and award contracts for construction of said improvements.
3. Submit all plans, specifications, proposals, and any change orders to the State for review and approval.
4. Acquire permits from the State for all work by local contractors within the State's Right of Way.
5. Following completion of the work, submit an itemized statement to the State requesting reimbursement as outlined in Section I.
6. Negotiate with the State to update the City-State Memorandum of Understanding for Maintenance of State Facilities.
7. Maintain the improved pedestrian facilities in accordance with that Agreement.
8. Update the City of Rexburg & Madison County Transportation Study and Master Plan, and submit an itemized statement to the State requesting reimbursement as outlined in Section I.
9. Oversee expenditures in the Envision Madison long range community planning process, then submit a statement to the State requesting reimbursement as outlined in Section I.
10. Incorporate the City of Rexburg & Madison County Transportation Study and Master Plan update and the Envision Madison long range community planning process into their transportation and capital investment plans.

SECTION III General:

1. This Agreement shall become effective on the first date mentioned above, and shall remain in full force and effect until amended or replaced upon the mutual consent of the State and the City.

EXECUTION

This Agreement is executed for the State by its Chief Engineer, and executed for the City by the Mayor, attested to by the City Clerk, with the corporate seal of the City of Rexburg.

**IDAHO TRANSPORTATION DEPARTMENT
APPROVED BY:**

Chief Engineer

APPROVED AS TO FORM:

Deputy Attorney General

RECOMMENDED:

District Engineer

CITY OF REXBURG

by _____
Mayor

ATTEST:

City Clerk

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2. **RPO CHARTER**

Madison County RPO

Madison County Rural Planning Organization

Charter

9/26/2013

Charter

Establishment, Purpose and Service Area

SECTION 1 – NAME

There is established an organization to be known as the Madison County Rural Planning Organization (MCRPO).

SECTION 2 – PURPOSE AND GENERAL RESPONSIBILITIES

1. To complete the activities necessary to maintain a comprehensive, cooperative and

This Charter defines the membership, functions, duties and responsibilities of the Madison County Rural Planning Organization.

continuing multi-agency rural infrastructure planning program, including the development and maintenance of the MCRPO Plan.

2. To promote public participation in the infrastructure planning process through public outreach.

3. To exercise leadership and initiative in planning the development of an efficient, cost-effective, integrated infrastructure in Madison County, Idaho.
4. To make recommendations to accomplish the goals developed within the MCRPO Plan.

SECTION 3 – SERVICE AREA

The service area encompasses all of Madison County, Idaho.

SECTION 4 – MEMBERSHIP

Initial membership in the MCRPO will include representatives from Madison County, City of Rexburg, City of Sugar City, Brigham Young University – Idaho and Idaho Transportation Department District 6.

EXECUTION

This Agreement is executed for the State by its Chief Engineer, and executed for the City of Rexburg by the Mayor, the City of Sugar City by the Mayor, and Madison County by the County Commissioners and attested to by the Clerks of the same, with the corporate seals of the Cities and County.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Chief Engineer

RECOMMENDED:

District Engineer

APPROVED AS TO FORM:

Deputy Attorney General

CITY OF REXBURG

by _____
Mayor

CITY OF SUGAR CITY

by _____
Mayor

ATTEST:

City Clerk
MADISON COUNTY

ATTEST:

City Clerk

by _____
County Commissioner Chairman

ATTEST:

County Clerk

=====

Mayor Woodland explained the RPO. It was formed at the request of the Idaho Transportation Department. It can possibly help the City receive funding for streets.

Public Works Director Millar reviewed the MPO for cities over 50,000 residents allowing federal funding. ITD asked the area to develop an RPO. It is a forum to meet with ITD on the needs of the area. This is a request to formalize the organization. This will help coordinate issues with the County, Sugar City, BYU-I and Rexburg. He explained another agreement with 50% funding from ITD; Rexburg’s work can be in kind work including ADA compliant corners, etc. Center and 1st East street lights were installed on Main Street under this agreement. ITD would like to do a computer model of the Transportation study, and they will pick up 100% of the cost. The next item from ITD is \$150,000 and it will be contributed to Envision Madison.

Discussion:

Council Member Wolfe asked if Public Works Director Millar saw any negative sides to this agreement. Public Works Director Millar indicated the last ITD agreement they did was very successful.

Council Member Mann moved to approve Resolution 2014-08 to ratify the **Rural Planning Organization (RPO)** between the City of Rexburg, Sugar City, and the Idaho Transportation Department and the **Cooperative Agreement**; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

C. (BILL 1109) Amending Ordinance 1063 to adopt portions of the International Fire Code 2012 - Staff

ORDINANCE NO. 1109

AN ORDINANCE REPEALING ORDINANCES 1063, 1096 AND ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITION, COPYRIGHTED BY THE INTERNATIONAL CODE COUNCIL; REQUIRING COPIES OF SAID CODE TO BE KEPT IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND FOR SEVERABILITY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Discussion:

City Attorney Zollinger reviewed the changes to the new ordinance and recommended that it be adopted or at least first read. Some of the changes include: a rule that no more than five single family dwellings could be accessed from a single driveway; if a building is four stories or more, it must have a full stairway that goes up to the roof; fire trucks must be able to get within 45 ft. of a building.

Council Member Wolfe moved to repeal Ordinances 1063, Ordinance1096, approve the amendments to the Fire Code and consider BILL 1109 first read to adopt the International Fire Code 2012 with amendments; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

D. (BILL 1115) to Amend the Development Code (Ordinance No. 1026) to simplify the code by removing conflicts – Staff

Community Development Director Christensen reviewed the proposed changes to the Development Code on the May 21st City Council agenda. He reviewed the following changes to the code:

SIGNIFICANT CHANGES TO THE DEVELOPMENT CODE SUMMARY

Section #	Explanation of Change
2.21	Combined <u>Nursery Schools</u> and <u>Day Care Centers</u> to same definition. Listed zones that allowed

	use.
2.21	Added definition of <u>Drainage Plan</u> .
2.21	Added definition of <u>Grade</u> for sign height.
2.21	Added definition of <u>Short Plat</u> . The Subdivision ordinance was added as a Chapter 12.
2.21	Added definition of <u>Substantial Commercial Cluster</u> .
3.4.025+	Changed language for <u>Conditional Use Permits (CUP)</u> from <u>shall</u> be to <u>may</u> be permitted. Also took CUP requirements out of <u>Permitted Use</u> section and created its own section.
3.4.150+	Added paragraph about <u>Highway 20 Corridor Site Plan Requirements</u> .
3.5.090+	Added language to allow for <u>projections into setback areas</u> .
3.7.020+	Language added to allow up to <u>twenty four (24) units per building</u> instead of only <u>four (4) units</u> .
3.7.100+	Changed <u>Allowable Building Height</u> from <u>thirty (30) feet</u> to <u>forty (40) feet</u> if not adjacent to a Low Density Residential Zone.
3.7.130+	Added new requirement for <u>large housing projects to demonstrate pedestrian connection</u> to BYUI and a Substantial Commercial Cluster.
3.9.100+	Language added to allow <u>unroofed terraces, enclosed stair and elevator</u> structures on top of building without adding for their additional height.
3.11.025+	Added <u>Day Care Centers</u> and <u>Nursery Schools</u> as permitted or conditional uses throughout document.
3.11.100	The <u>building height in the Rural Residential 1 zone</u> was lowered from thirty (30) feet to twenty five (25) feet to match the height in the Rural Residential 2 Zone.
3.13.100+	Added language to require <u>minimum side yard when roof sloped to face neighboring property</u> .
3.14.05+	Added <u>Call Centers</u> to be allowed with Conditional Use Permit (CUP).
3.14.100	Added language to require <u>ten (10) feet of front yard when minimum percentage required for mixed use is lowered with a CUP</u> .
3.15.20	<u>Allow gas pumps at convenience stores</u> in Neighborhood Business District.
3.19.025+	Language to allow City Council to wave requirement of <u>Single Ownership and Control</u> .
3.20.020+	<u>Caretaker dwellings</u> to be allowed as per the Planning and Zoning Commission in Industrial Zones.
4.13+	Language to allow smooth faced <u>concrete block, tilt-up concrete panels, prefabricated steel panels and vinyl siding</u> from building sides that are not visual from street or public parking.
4.14	Changes to the <u>Commercial Lighting Standard</u> . Overseen by Brett Stoddard.
5.1	<u>New parking lot</u> or additions require building permit.
5.2	The Planning and Zoning Commission can approve <u>parking to be farther than 200'</u> with a CUP.
5.5	Residential <u>tandem parking</u> to be allowed when both spaces can be assigned to same dwelling unit.
5.8	<u>Call Center Parking</u> requirements added.
5.9	Language to provide <u>additional parking in Central Business District (CBD)</u> if new use requires more parking than traditional retail.
6.14	Language added to require/request a <u>Public Hearing at City Council</u> when the Council rules differently than the Planning and Zoning Commission recommendation from their Public Hearing and to allow the Planning and Zoning Commission to require additional Public Hearing at City Council for any reason.
Chapter 12	Inclusion of the completely revised <u>Subdivision</u> Section. (eliminating Ordinance 658) Overseen by John Millar.
Chapter 13	Inclusion of the completely revised <u>Mobile/Manufactured Home</u> Section (eliminating Ord.548). Overseen by Natalie Powell.
+	The plus sign indicates that the change also takes place in a succeeding section(s).

Council Member Benfield asked for an explanation of Section 5.9; Community Development Director Christensen explained the original downtown site was designed for retail; however, call centers need more parking spaces. Call Centers in the downtown area were surveyed for parking needs; they needed parking for 60% of their employees because most employees are married students living outside the area. This new code would require additional parking above current retail parking spaces for call centers located in the downtown area.

Council Member Wolfe asked about 6.14 saying “requires” versus “requesting”. It should say request.

Roger Harris indicated that Alpine Jewelers provided a \$350 clock for the Tabernacle. He was recognizing the contribution by Alpine Jewelers for the record.

Staff Reports:

A. Public Works: – John Millar

1. Discuss a proposed land exchange at W 3rd North between 2nd West and the railroad tracks.



Public Works Director Millar explained the proposal to exchange property (about 6/10 of an acre) with David Beck to allow for a trail system in exchange for redoing the concrete foundation of the sand building. The sand shed is 53 ft. by 85 ft. building and the City will have to pay to move it. The path is 10 feet wide with a 15 foot right-of-way. The owner would get access to the trail system.

Council Member Merrill moved to approve the **land exchange** at West 3rd North between 2nd West and the railroad tracks to go to public hearing; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Council Member Merrill asked about the asphalt walkway along the river behind Citizens Community Bank. The City is in charge of maintaining it, and it has a lot of damage from tree roots that needs to be taken care of.

2. Request to surplus a recyclable asphalt pile north of 4th West behind the animal shelter – it could be reclaimed as asphalt pavement (RAP).



Public Works Director Millar said there were 19,000 cubic yards of material to be removed. RAP is now required in laying down asphalt. The value would be determined by a bid process.

Council Member Benfield moved to approve the request to **surplus a recyclable asphalt pile** north of 4th West behind the animal shelter; Council President Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Other projects:

Council President Smith reminded the City Council of the drive around on May 1st to review city projects.

B. Finance Department – Richard Horner

C. Parks Department – Greg McInnes

A. Dog Park discussion

Parks Director McInnes handed out pros and cons to a dog park. He would support the City Council's decision; however, he indicated there are both positives and negatives to consider.

Pros:

- Dog Socialization Advantages
 - Excellent source of dog-dog social interaction
 - Dogs are able to be off leash.
- People Socialization Advantages
 - Excellent source of human social interaction**
 - Dog-oriented people can meet and interact
 - Doggy play dates can be arranged
- Physical and Mental Stimulation Advantages
 - Excellent source of off-leash exercise for active dogs**
- Dog parks allow dogs to get adequate physical and mental exercise, thereby lessening destructive and annoying behaviors in general which can benefit society as a whole

Cons:

- For People
 - Potential of danger from aggressive dogs
 - Potential of danger of physical injury from dog-related hazards
 - Potential of lawsuits arising from dog fights
 - Potential for parasites
- For Dogs
 - Potential of danger from aggressive dogs
 - Intact dogs may create problems
 - Potential for parasites and disease
 - Potential for lack of impulse control and over-excitement
 - Not appropriate for small and large dogs at the same time
 - Potential for injury
- For the Community
 - Some people will not understand the concept and will abuse the park**
 - Won't pick up after their dog
 - May leave dog unattended
 - Abundance of trash
 - Potential for strong odor
- Allow their dog to indulge in inappropriate behavior (i.e. treats and toys)
- Some people will not be educated enough about their dogs to know if a dog park is appropriate for their dog
- Potential for noise
- Potential liability issues

This pros and cons list is compiled from my experiences in Arizona dealing directly with a dog facility and my own personal research from the internet.

Parks Director McInnes reviewed a handout with pros and cons to a dog park with concerns of noise and smells. He was neutral to the dog park; however, his personal history of dog parks was listed in the handout. He referred to his experience with Quale Dog Park in Mesa, Arizona. The park was closed due to defecation; then reopened with new rules.

Council Member Mann indicated a dog park in Eagle Park area would work.

Parks Director McInnes said Eagle Park has been used for a dog park; however, it is becoming cluttered with dog feces. He would prefer having a place to get the dogs out of the main city parks.

Council Member Mann would like to see City Park funds used to build a dog park.

Council Member Benfield would like to get some suggestions before making a decision. Parks Director McInnes will seek out some possible dog park locations for the City Council to review during the May 1st drive around.

Calendared Bills and Tabled Items:

A. "LAND USE ACTION" – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE:

1. **(BILL No. 1113) Rezone 1042 West 7th South** from Rural Residential One (RR1) to Low Density Residential Three (LDR3).

Council Member Merrill moved to approve the rezone of 1042 West 7th South from Rural Residential One (RR1) to Low Density Residential Three (LDR3) and first read BILL No. 1113; Council Member Smith seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

*Council President Smith
Council Member Benfield
Council Member Merrill
Council Member Wolfe*

Those voting nay

Council Member Mann

The motion carried.

B. BILL Introduction: – NONE

C. First Reading: Those items which are being introduced for first reading:

1. **(BILL 1109) Amending Ordinance 1063 to adopt portions of the International Fire Code 2012 – Staff**

Approved and 1st Read under Item C above in Items for Consideration:

Council Member Wolfe moved to repeal Ordinances 1063, Ordinance 1096, approve the amendments to the Fire Code and consider BILL 1109 first read to adopt the International Fire Code 2012 with amendments; Council Member Merrill seconded the motion; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

*Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe*

Those voting nay

None

The motion carried.

D. Second Reading: Those items which have been first read: – NONE

E. Third Reading: Those items which have been second read:

1. **(BILL No. 1112)** for the creation of Local Improvement District No. 44, ("L.I.D. No. 44")

Council Member Mann moved to approve the creation of LID 44 and third read BILL 1112 for the creation of LID 44; Council Member Wolfe seconded the motion; Discussion: Council Member Merrill asked if property owners were accepting of the improvements to 1st North and 2nd West. Public Works Director Millar said they were accepting of the LID. Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

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 April 02, 2014 meeting
- B. Approve the City of Rexburg Bills

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

Those voting aye

Council President Smith
Council Member Benfield
Council Member Mann
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Council President Smith reminded City Council of the drive around on May 1st at 8:00 A.M.

Adjourned at 10:00 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk