

City Council Meeting

March 19, 2014

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Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

March 19, 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

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

Preston Ashcraft from Boy Scout Troop 214 led the pledge.

Brian Schmidt said the prayer.

Roll Call of Council Members:

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

Council Member Benfield asked to be excused.

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

Mike Olsen from Rexburg requested to eliminate parking on Barney Dairy Road by the Community Ball Fields. It is hard to see at sunset and the cars are up against the street. It causes a dangerous situation in the morning and the evening use of the ball fields. The issues will be discussed at the Traffic and Safety Committee.

Council Member Merrill said the City is working on parking in that area.

Presentations: – NONE

Committee Liaison Assignments for 2014:

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

Council Member Mann reported MYAB met tonight to plan an area high school **Black Light Dance** for about 1,000 people on April 18th at **THE ZONE** on Stationary Road off North 2nd East. The event is sponsored by the Mayor Youth Advisory Board. The Rexburg Days (Clean-Up) will be in May. Upper Valley Idol is a great event with all of the proceeds going to improve the Romance Theatre; many thanks to Mary and Daniel for their hard work on the performances. Daniel did a great job putting the event together. The prize money was provided by the Ferguson Foundation.

Mayor Woodland said the Upper Valley Idol event is held annually. He recommended people go to the event next year. If you like the American Idol on TV; you will like this event. The talent is very good.

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

Council Member Busby did not have a report.

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

Council Member Benfield was excused.

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

Council President Smith did not have a report.

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

Council Member Merrill reported the School Board and Parks and Recreation are working together to make new ball fields in Rexburg for Baseball. Winter sports are finishing up. Envision Madison will be talking about improving the Downtown Area; Also, Urban Renewal met to work with Sugar City and Rexburg to work on the North Interchange area boundaries.

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

Council Member Wolfe reported Planning and Zoning is working to improve the Development Code. There will be a public hearing tomorrow night for the rezoning on some Millhollow properties.

Mayor's Report:

Michael Jones from Targhee Regional Public Transportation Authority (TRPTA) requested \$9,000 in funds for the Rural Transportation program for 2015. They are requesting funds for “on demand” response service. Initially, they were going to apply for two grants; one for five buses to operate “on demand” service and one for fixed routes in Rexburg. The planned buses from UTA in Utah did not materialize yet for the fixed routes in Rexburg. They are still planning on getting those buses.

Council Member Busby asked about the ridership for Rexburg; Mr. Jones said they are at about 16,000 rides in 2013 on a Monday to Friday schedule. Council Member Busby was curious about where those rides were being services; he did not notice that many riders on TRPTA buses. Mr. Jones said they use five buses to take people to the hospital, doctors, etc. This service is funded by MEDICAIDE. The request tonight is for a letter of intent for \$9,000 for 2015. Mr. Jones thought the City of Rexburg provided \$7,000 for “on demand” service in 2014. They do have a new service running from St. Anthony to Rexburg.

Council Member Merrill asked about the people who call and ask for a ride; he asked if they were senior citizens. Do they have other options for rides. Mr. Jones indicated the “on demand” service is scheduled a day ahead at \$3.00 per ride; he did not have an answer for the reason people have for using the service. They have not done a study on the reason people use the service.

Council Member Smith ask what other entities provide matching funds. Mr. Jones said They do get funds from Rexburg, Madison County and Medicaid (which is not reliable) for the on demand service. They want to continue to build relationships with local government due to Medicaid's volatility.

Council Member Wolfe asked what percentage of the riders was from Medicaid. Mr. Jones said at least 1/2 of the rides are paid by Medicaid. Medicaid prefers multiple service providers in an area to guarantee service to the public. It takes a lot of training to provide Medicaid rides.

Council Member Mann asked about some of their riders including riders from Benchley Apartments and Village Gardens; He knew a lot of people depended on the service; He asked if Medicaid reimburses the City for the rides. Mr. Jones said no. Council Member Mann said the alternative to the on demand service is ambulance service or other people to come and pick them up to get to their doctor, etc.

Council Member Busby questioned the ceiling for the requests in future years. Will it continue to rise each year? Mr. Jones said their buses are getting old from 2008 and 2009. The buses have a useful life of five years or 150,000 miles. Some of their pickup hours are full; so they are looking to buy bigger buses. The funding level depends on the level of service Rexburg is willing to support. Mr. Jones indicated some times the buses are full requiring a delay in a pickup from 2:00 P.M. to 3:00 P.M... Council Member Busby asked what other entities pay for the five bus services. Mr. Jones said they receive \$100,000 from the City of Idaho Falls and small amounts from counties including Fremont County and smaller cities between here and Driggs. There are five buses here and two buses in Driggs. Council Member Busby asked for a list of contributors before Rexburg commits to funding 2015.

Council President Smith indicated the City Council has asked Amanda several times for a business plan; i.e. report on expenses. To date that information has not materialized. The overall numbers do not include a breakdown of the expenses and ridership each year. So often, we see only one rider on a bus. She indicated a need for the service. Mayor Woodlands said there should be phone records of calls from Rexburg.

Council Member Merrill said the request is 22% higher than last year's request. Mr. Jones said they plan on a 5% to 7% increase each year. They are saving for new buses plus they are doing more advertising. The goal would be to have the service provided by a private carrier. It is a service for the elderly and disabled; however, Mr. Jones said they do have other riders use the service. They plan to advertise the service in the Scroll.

Council Member Busby shared the same concern of Council President Smith concerning the lack of information being provided on the business plan and ridership. It comes in bits and pieces.

Council Member Busby moved to table the request until the requested information is provided; Council President Smith seconded the motion; Discussion: Council Member Wolfe asked Steve Oakey if any local provider could provide this service locally; Mr. Oakey said no, because private carriers can't compete with government funded services. Mr. Oakey talked about his 92 year old neighbor who pays taxes and who gets help from family to go places. Another lady came to his business where they discussed the issue. She provides transportation to a couple of older ladies through her church service. He said private service will never compete as long as the government subsidizes this service which infringes upon the voluntary service option that currently operate without pay much more efficiently than any other government subsidized service. Council Member Wolfe was concerned citizens would suffer without the service. He indicated other parties are trying to break into the market including future service to the handicapped community. Mr. Oakey said you will never see a private carrier providing this service as long as a government option is available. Council Member Wolfe's big concern was the City's obligation to its citizens and fulfill the need as best the City can fulfill it. Council Member Merrill agreed with Mr. Oakey preferring a private carrier to provide the service without government funding. Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Public Hearings:

A. 7:15 P.M. Rezone – 1042 West 7th South – Rural Residential 1 to Medium Density Residential 2
(The rezone request was recommended at the February 20th, 2014 Planning and Zoning Commission meeting for Low Density Residential Three (LDR3).

Rexburg Development Code: 3.6.010. Purposes and Objectives (LDR3)

The LDR3 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential. Two-family dwelling units are conditional uses within this zone, not to exceed more than one structure per lot (except detached garages and other outbuildings). The maximum density permitted in this district is eight (8) dwelling units per acre.

Staff presentation:



Lisa Ellis reviewed her proposal to change the zone. She now understands MDR2 is too high; however, she would like to have MDR1. Ms. Ellis reviewed her history over the past 20 years since she reviewed her property on the overhead screen. She mentioned a couple of developments including the Willowbrook and the Meadows. She feels she has been encroached upon. She heard after the last meeting that the neighbors less than six years up to 12 years got their way. She is a little taken aback because of that comment. Ms. Ellis and her neighbor are stuck there with the encroachment. She did not like the reduction from MDR1 to LDR3 which reduces her property value in 1/2. She did not understand how neighbors with less time in the area took precedent over her request. She and her neighbor are stuck in the area with their properties. Ms. Ellis indicated she deserves to get the most value from her investment on this property when and if she sells the property. It is not for sale now or tomorrow. She did not understand how the neighbor's opposition could cut the value of her property in 1/2. She requested MDR1.

Council Member Merrill feels strongly about personal property rights; however, the neighbors have property rights too. Thus, it is a balancing act or a suitable compromise.

Council Member Busby asked what zone was on her property before she was annexed. It was annexed as Residential One (RR1). Council Member Busby asked if they were opposed to the annexation. Ms. Ellis stated they (neighbors and the Widdison Addition) were concerned with a sidewalk requirement when they were annexed.

Community Development Director Val Christensen reviewed the Planning and Zoning Public Hearing. The Planning and Zoning Commission tried to match the Meadows Subdivision zoning which is just over 11 units per acre which is under the 16 allowed units per acre in MDR1. The Planning and Zoning Commission had a lot of discussion on what zone would allow a similar density to 11 units per acre. LDR3 with a Conditional Use Permit can go to twin home with 8,000 square feet (4,000 square feet per unit) per lot; it would come close to that same density as MDR1; 43,560 sq. feet per acre/4,000 sq. feet = 10.89 units per acre. That is where the Planning and Zoning Commission came to the LDR3 recommendation with a similar density without all of the MDR1 rights which would allow more units per building (four-plexes and greater with a Conditional Use Permit); also, a lot of area owners in single family units said they would accept an LDR3 Zone.

Council President Smith asked about some units in the first Willowbrook Subdivision being on septic systems. Yes. Council President Smith asked if they have a septic system failure, do they have to connect to City services; City Attorney Zollinger said they have to connect to the City if they are within 300 feet of the sewer line. Many of those homes are beyond 300 feet of the City's sewer line.

Mayor Woodland opened the public hearing.

Written correspondence:

1. Mike and Michelle King:

Mike and Michelle King
647 Blue Willow Circle
Rexburg, Idaho 83440
208-356-5529

March 14, 2014

Rexburg City Council
City Hall
35 North 1st East
Rexburg, Idaho 83440

Dear Rexburg City Council:

Subject: 1042 West 7th South

We strongly disagree and oppose the proposal to change the zone of the property at 1042 West 7th South to MDR2.

We have lived on Blue Willow Circle since October of 2000. Back then our one acre lot was not in the city limits, the Meadows town homes did not exist, and we were surrounded by farm fields and just a few houses. We would like to maintain what is left of our neighborhood.

We would like to express how important it is to have a proper buffer between our one acre single family property and the Meadows town homes that are already in place. It isn't just a colored zone map on a piece of paper. This is in our backyard. This is next door. We feel the LDR3 zone that the Planning and Zoning Commission recommended is a good compromise.

Please carefully consider the effect this would have on those of us who are staying here in Rexburg.

Thank you,



Mike & Michelle King

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2. David and Lindsey Barrus:

March 16, 2014

To City Council,

We are writing about the decision before you to rezone Ms. Ellis' property on 7th South in Rexburg. We support the planning and zoning recommendation to rezone her property to LDR3. We are opposed to rezoning the property to a density higher than LDR3 as has been requested by Ms. Ellis. We realize that Ms. Ellis has a Constitutional right to sell her property and try and get the most value she can out of it. We are not opposed to that. But we also realize that in her pursuit to increase the value of her property, there is the potential for harmful consequences to our property. We have a few concerns we would like to express, and we also have some questions that we would like City Council to answer in the meeting on March 19th.

Concerns

When we moved to Rexburg and bought our property at 1079 Arctic Willow Drive (northwest of Ms. Ellis property), we were grateful for the quiet nature of the area. The Meadows townhomes serve as a buffer between our home and Highway 20. We also realized that the Ellis and Hernandez property would be developed at some point. However, we never dreamed that there could potentially be apartments. We realize there are no current plans for development of Ms. Ellis' property, but we are concerned that having apartments nearby could potentially lead to a decrease or slower growth in our property values. If the Ellis' property is rezoned to allow apartments, we don't see how the City Council could deny, at some future point, a request from the Hernandez family to rezone their property to the same density as the Ellis property. We have concerns that apartments would lead to our home having less value than it currently does. We worry that the apartment complex won't be kept up due to the transient nature of the residents. We see that this has happened in other parts of Rexburg near residential neighborhoods.

We are also concerned about privacy issues. It is a great place to live right now, but if an apartment complex is three stories high there is the potential for a reduction in privacy.

Another concern we have is the state of 7th South. In a communication with a member of City Council, we got a distinct impression that one of the major purposes to approve a higher density would be the requirement placed on a future developer to improve 7th South. We have concerns that the City Council would make a rezoning decision based on the potential to improve a road. Is there a precedent for making a decision based primarily on a desire to fix a road? If it is a primary motivation for this development, will you do it for other, less desirable developments? What is your limiting principle? When do you allow changes to zoning based on a desire to improve a road and when do you not? In our opinion, this is a slippery slope and may not even solve the Meadows access problems.

We also have concerns about why the comprehensive plan was changed in the first place. We like how the city has constructed a comprehensive plan to help develop Rexburg in an orderly and logical way. The changing of the comprehensive plan to allow the development of higher density units on Ms. Ellis' lot makes no sense to us. Is it really that easy to change the comprehensive plan for a single citizen? Since you allowed it for one citizen, why not for the rest of the landowners of Rexburg? If we got a developer or someone that had influence and money, would you let us change the comprehensive plan to allow us the potential to rezone our lot so we can build apartments on it? We don't think you would because it makes no sense in the comprehensive plan. We hope that as you consider how Ms. Ellis' plot should be rezoned, you will know that your decisions have consequences and sometimes they are unintended including setting precedence for future zone changes.

Questions

We have a few additional questions that we would like City Council to answer in their deliberations on March 19th. Most of these questions have arisen from communications with a member of City Council.

- 1. It was explained to us in a communication with a City Council member that a future developer of Ms. Ellis' property would be required to improve 7th South. Will the developer that develops Ms. Ellis' property have to widen ALL of 7th South from 12th West to the dead end? Or just the portion of the road that borders the property?*
- 2. How does this potential improvement to 7th South solve the safety issue with the Meadows having only one entrance/exit? This is a concern that the Planning and Zoning brought up when they rejected the change to the Comprehensive plan in 2012.*
- 3. Why can't the city get a grant from the State or Federal government to improve 7th South?*
- 4. It was explained to us that one thing that could protect our privacy, if there were apartments, would be the requirement that the developer put in a tree barrier. If the city put this requirement on the property, can and will the city enforce that trees will always be there to ensure privacy?*
- 5. How will an apartment in a rural type area help my home value? This is one of our major concerns, and we would like to hear the members of City Council address this concern.*

We hope that members of City Council will provide answers to these questions and address our concerns.

We respect and admire the City Council. You have been elected to make hard decisions. We hope that you will take our concerns under consideration. We also hope that you know we have no animosity towards Ms. Ellis. We respect her desire to want to improve the value of her property. We hope that you, as the City Council, will also realize that long after Ms. Ellis has sold her property we, who purchased homes in Rexburg to be permanent residents, will be left with the consequences of your actions. We feel that a higher density, with the potential for apartments, could significantly lessen our privacy and our home's value. We

see the Ellis property being rezoned to a density that is the same as the Meadows as extending the Meadows. While there are townhomes and duplexes on the west side of Highway 20, there are no apartment buildings. We hope that it remains that way.

Please remember that your decision has consequences that impact Ms. Ellis and also her neighbors. Some of those consequences will be in the future.

Thank you for taking the time to read this letter and taking our concerns and questions under consideration.

Sincerely,

David and Lindsey Barrus
1079 Arctic Willow Drive

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3. Amber and Mark Coglianesse

March 18, 2014

Dear City Council Officials:

We are new to the issue of zoning. In fact, the zoning lingo of LDR1, LDR2 and comprehensive plans are new to our vocabulary. We have been made aware of the request Ms. Ellis is proposing for her property off of 7th south. Unfortunately, we will not be able to make the meeting on March 19, 2014. However, we do have some questions we have not been able to resolve on our own. We would appreciate your insight in helping us understand:

1. We moved into the Willowbrook neighborhood after the Meadows Development had been completed. However, many we have visited with and we personally agree the development has created a traffic and safety issue for that street. **Why would anyone want to change the zoning of a 2.5 lot to a higher density, on a dead end road, that already has traffic and safety issues?**
2. We can understand that Ms. Ellis would like to zone her property to provide her the maximum profit. However, we believe the development that has filled in around her has already increased the value of her land. **Why would anyone rezone a lot that has already INCREASED in value, at the risk of DECREASING the value of the properties around it?**
3. It seems to us that a comprehensive plan that a city paid an outside contractor to create should not be able to be changed without informing and providing an opportunity to speak with our elected City Council members? **Could you explain the process of how a unanimous recommendation from the Planning and Zoning Commission to deny, could be overturned AND the comprehensive plan changed without offering the public an opportunity to speak in front of the people we elect at City Council?**

We are grateful for any insight into these questions. We look forward to better understanding the process and learning more about the government of our city. Thank you for your service and the time it will take to respond.

Sincerely,

Amber and Mark Coglianesse

544 Golden Willow

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4. Daniel & Teresa Moldenhauer

March 18, 2014

Daniel & Teresa Moldenhauer
1049 Arctic Willow Dr.
Rexburg, ID 83440

Dear Rexburg City Council,

We are writing in opposition to the requested zone change at 1042 West 7th South from a Rural Residential 1 to Medium Density Residential 2. We realize that the property in question will be developed at some future point. We also realize that the zone change that is granted on this property will most likely eventually be granted to the Hernandez property directly to the west and borders the length of our lot. We want that development to be something that can benefit the current landowner, Ms. Ellis, as well as the existing homes surrounding it.

First of all we would like to make record of three points concerning the previous decision of the city council to change the comprehensive plan. We realize these points might not be addressed at this time, but wish to make record of our concerns.

- 1. We inquired of city workers if the City Council meeting held on February 5, 2014 would be a meeting that would give us an opportunity to speak. We were told it would not be open to individuals to speak. However, Mr. Dan Hannah was allowed to speak at length at this meeting representing himself as an individual. We are concerned and question why some individuals were granted an opportunity to speak while others were not.*
- 2. Although Mr. Hannah claimed to be speaking as an individual we feel it was a conflict of interest for him to speak extensively on why he felt the P&Z should have voted differently.*
- 3. We still feel confused and would like clarification on listed reasons why City Council did not take the recommendation of Planning and Zoning.*

Next we will list several reasons why we are in objection to the current zone change request.

- 1. PRIVACY- In granting a MDR2 zone, this property could potentially allow up to 20 units an acre. The height restriction is 30 ft. high. In such a small area we worry a developer would have to use that 30 ft. with three level multi-family units in order to get the most units per acre. We have 5 young children and are concerned about the possibility of tenants having the ability to look into our backyard.*
- 2. SAFETY- Under MDR2 the potential is there for 20 units an acre. That could mean 50 units in the 2.5 acre plot. We realize that with green space and other current requirements this might not be a realistic density. However, the possibility exists. This could mean 50 more families and 50-100 more vehicles traveling on a dead end road. A developer cannot adequately "fix" this road to justify the additional traffic and congestion.*
- 3. BUFFER- We feel this is the most important issue at hand. It is critical to zone the property to create an adequate buffer from the four family units that exist at 11 units an acre in the Meadows to the east, to the .5-.75 acre single family homes to the north, and the 1 acre lots to the west. We feel that by allowing MDR 1 or MDR 2, which allow four unit buildings, and density maximums from 16-20 units per acre that an adequate buffer would not be achieved. It is actually a higher density than the Meadows already is. We understand that as Mr. Hannah brought forward in the last meeting there is not an adequate buffer that already exists between a few homes in our Willowbrook subdivision and the Meadows. We did not choose to purchase one of these homes up next to the Meadows. There should have been a buffer put in place between the large lots and the Meadows. This problem was inherited and was not done under your control. However, moving forward you set the precedence on providing adequate buffers as this area grows. This is the purpose of the Comprehensive Plan.*

With our oppositions being stated may we add a suggestion that might serve as a better buffer than MDR2? In our research, LDR3 appears to be a zone to consider. It would resolve our concerns with privacy, safety, and an adequate buffer. It would allow Ms. Ellis further development on her property and yet would be an adequate buffer for the four units in the Meadows and the existing homes. It is not our first preference, but would be a compromise we could see appeasing those involved. We hope that you will carefully consider the best option.

Thank you for your time,

*Daniel Moldenbauer
Teresa Moldenbauer*

5. Willowbrook Neighborhood

March 18, 2014

Dear City Council Members and Officials:

The issue of the Ellis property discussed at the last City Council meeting was not the first time this proposed comprehensive plan for change has been brought to the Rexburg City Council or to the Planning and Zoning Commission. On August 2, 2012, Mr. Kevin Murray, a realtor from Idaho Falls, represented the Ellis and Hernandez properties and asked for a change in Rexburg's Comprehensive Plan for purposes of changing the zoning, thus increasing the properties' density. On this past occasion, the Willow Brook neighborhood was well represented by dozens of families, nine letters were read in the meeting, and a petition was presented with 157 signatures indicating opposition to the comprehensive plan change. At this meeting, the Ellis' request was unanimously denied as indicated in the following minutes from this meeting:

Val Christensen clarified that this request is to change the properties from Single Family Residential to Moderate-High Density Residential. The applicants feel this request is consistent with the use to the east. The City Engineer/Public Works has expressed concern about the availability of sewer to the subject parcels, additional traffic on a single access roadway, 7th South, and that it will be a problem if it at some time is blocked for any reason. The City Engineer/Public Works in his review stated that this is not a good use for the constricted access land.

Mary Ann Mounts said she believes as Public Works has said that it presents a real safety issue here. The road ends and does not go anywhere. She does not feel the requested change is doable.

Thaine Robinson said on the Comprehensive Plan Map, the Meadows property is not really congruent with the Rural Residential neighborhood to its west. The City kind of inherited that project from the County. He would not want to encroach upon the Rural Residential. If the property was LDR1 or LDR2 it might be a different issue. Traffic bottlenecks on West 7th South here. He does not see the situation getting better and does not want to add to it.

Jedd Walker said when looking at the community as a whole, he would hope that the density could be developed in the places that have already been designated for the best density before changing other areas. He would like to see those areas that the City has specified to be densified to be filled in first.

Chairman Dyer noted that the Commission has long struggled with this whole area west of the freeway. At the time, there were a number of development proposals coming forward—stable single family neighborhoods, large plats with varied uses, and small pieces of property that wanted to be added on two or three at a time to all of this, and with varying proposed densities. The Commission recognized that they needed to get a handle on the master planning of this area. The Commission spent a considerable amount of time and made a concerted effort through the comprehensive planning to get it all put together. They talked about leaving the buffer along the highway and then protecting the interests of the single family. Chairman Dyer felt that denial of this request was reasonable for these reasons and planning purposes; although, it is recognized that the applicants had a connective right to ask for this request.

The Chair wanted the record to reflect that he very much appreciates Mr. Walker's observation that the areas specified to be densified be filled in first. It is looking at part of a larger picture.

Thaine Robinson motioned to recommend to City Council to deny the Comprehensive Plan Map Amendment request for the properties at 1042 and 1068 West 7th South to change from Single Family Residential to Moderate-High Density Residential. Jedd Walker seconded the motion. None opposed. Motion carried.

A second request from the Ellis family was discussed in the January 2014 Planning & Zoning meeting. The issue of changing the comprehensive plan on the afore-mentioned property was presented, and both sides of this issue were again discussed. After hearing and taking both views under consideration, the Planning & Zoning officials felt, a second time, that the request for changing Rexburg's comprehensive plan to allow moderate-density zoning would not benefit the City of Rexburg, and they sent their recommendations to the City Council.

On February 5, 2014, at a non-public City Council hearing, Mr. Dan Hannah, a member of the Planning and Zoning Commission was allowed to speak. Though city attorney Mr. Stephen Zollinger explained that Mr. Hanna was acting as a citizen and not as a member of the Planning and Zoning

Commission, Mr. Hannah's words imply otherwise: "Had I had the information I have today, I would not have made the recommendations I did that night."

When Mr. Hannah referenced the decision made in Planning and Zoning, he was clearly acting as a representative for the entire Planning & Zoning commission, although the other commissioners were not present to defend their vote. Though he was allowed to speak at length on behalf of the Ellis property, voicing his support for the change, the Willow Brook representatives were not allowed to voice their opinions due to the closed nature of the meeting. The City Council then overturned the Planning and Zoning recommendation with no clear reason other than Mr. Hannah's representation of the Planning & Zoning Commission.

The property of concern stands as a buffer between the Meadows development and the Willow Brook neighborhoods, and it has been a point of dispute over the past couple years. As the Willow Brook neighborhood, we are willing to compromise and be a part of finding a resolution between the Ellis homeowners and the surrounding neighbors within the Rexburg community.

The Meadows is currently a moderate-density development as it has about 13 units per acre. The Ellis Family is vying to have their property rezoned to MDR2 or MDR1. Though this zoning change might appear as a buffer in theory, in reality, it is the same type of zoning that exists in the Meadows development.

As a neighborhood, we understand the Ellis' desire to increase the potential prospect of a future sale; thereby, we would propose to the City Council that they set this property as a Low Density zone. This would allow an increase of density for the Ellis family, but it would also create a buffer between the single-dwelling homes surrounding the property and the moderate density of the Meadows development. This zoning request also provides the rural Willowbrook neighborhood with conditions such as privacy fences and trees that would be appropriate to the security and safety of the residents who directly border this property.

Please consider our zoning recommendation as we feel that moderate-density zoning is not appropriate for the following reasons:

- 1. With the potential of 20 units per acre, this would increase the traffic on an already problematic road.*
- 2. This density change has already been denied due to safety concerns.*
- 3. The city of Rexburg has spent time and money developing a comprehensive plan that allows for moderate-density housing in areas that are still not occupied.*
- 4. If this property were allowed to become moderate-density housing, it will set a precedent for future development around the Willow Brook neighborhood.*
- 5. As citizens of the City of Rexburg, the Willow Brook residents purchased and invested in this neighborhood because of their understanding of rural residential zoning, which encompasses this area. They also expect that the integrity of rural zoning would be upheld by social contract through our governing officials.*
- 6. Willow Brook residents fully comprehend the negative impact this proposed zoning change could have on our country-like neighborhood. Many of the original Willowbrook neighbors have had their quiet country homes change as the Meadows were developed. Anytime moderate-density housing is added to an area, social and infrastructural problems exist. More housing units, especially four-family units added to this property is not the solution to the current situation.*

The Willow Brook community has been involved and will continue to be involved with the positive growth and expansion of the city of Rexburg in business, as volunteers, and in local government as proponents of finding resolutions to issues which occur with an increase in development.

With sincere interest and concern,

*Shane Berger: 583 Twisted Willow Dr.
Jacob Price: 1105 Coyote Willow Way
Lori Price: 1105 Coyote Willow Way
Kevin Christensen: 645 Willow Brook Circle
Janet Christensen: 645 Willow Brook Circle
Dr. Scott Wilkes: 1115 Arctic Willow Drive
Shelly Wilkes: 1115 Arctic Willow Drive
Jason Flora: 1133 W Arctic Willow Drive*

Justin Taylor: 1094 Green Willow Drive
Les Hill: 1113 Golden Willow Circle
Terri Hill: 1113 Golden Willow Circle
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
Dr. James Allen: 562 Golden Willow Drive
Katie Allen: 562 Golden Willow Drive
Amy McCoy: 677 Willow Brook Circle
Derek Jensen: 1074 Arctic Willow Drive
Sara Jensen: 1074 Arctic Willow Drive
Neal Carter, Ph.D.: 441 Twisted Willow Way
Darla McCoy: 642 Blue Circle
Tyler Barton: 1076 Green Willow Drive
Sharee Barton: 1076 Green Willow Drive
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
Wade Pugh: 1045 Arctic Willow Drive
Judith Pugh: 1045 Arctic Willow Drive
Mark Pugh: 1058 Arctic Willow Drive
Susie Pugh: 1058 Arctic Willow Drive

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6. Barrett McCoy

March 17, 2014

Rexburg City Council
City Hall
35 North First East
Rexburg, ID 83440

Rexburg City Council Members:

We disagree with and oppose the proposal to change the zoning of the property at 1042 West 7th South and the recent change in the comprehensive plan. A number of statements were made by Ms. Ellis and Mr. Hanna that we strongly disagree with, and it seems like some of these statements may have swayed the council's decision to reject the Planning and Zoning recommendations.

First: Ms. Ellis states that she has lived in her home for 20 years. My family and I have lived in our home for 13 years; others neighbors for longer. Basically, she only has a few years on most of her neighbors, so we don't believe that should be a factor in her favor. We have all "lived through this" just as she has. Mr. Hanna's quote at the Feb. 5 council meeting describes the effect on our neighborhood, the first edition of Willow Brook Estates, as well. "They have seen the development, they have seen the traffic, they have had the impact, they've had the noise, and they have had everything impact them without really any benefit to them." The Willow Brook homes on one acre lots off West 7th South were established before the Meadows were developed. Our homes were built on one acre county lots and were also annexed along with Ms. Ellis. This has repeatedly been stated incorrectly.

Second: Ms. Ellis is not being penalized for the developments around her. On the contrary, her land has value, just as our large lots do. Should her desire to maximize the money she is trying to make be of more importance than the value of the homes and lifestyles that her neighbors are struggling to preserve? There were poor decisions made in the past, and as Mr. Merrill rightly stated, making the area denser will not solve those problems. Regardless of mistakes made with the Meadows, it will still be compounding them by changing the density of Ms. Ellis' property. Two wrongs don't make a right.

Third: Why was Mr. Hanna allowed to speak at the Feb. 5 meeting? He claims it was to clarify a mistake he made in recommending the zone change be denied; whether he claims to be just a "private citizen", he is still a member of a ruling body in this matter, and no other "private citizens" were allowed to speak. Why was his opinion the only one presented? The decision to reject the Planning and Zoning recommendation appears to be based solely on his personal views and change of mind.

At the Feb. 5 council meeting Mr. Hanna asked, "But why penalize a property owner?" We feel our neighborhood should receive this same consideration. This situation has been continually referred to as a "mess". We are trying to preserve the value of our homes where we are planning to permanently reside. Please help us to maintain what is left of the integrity of the neighborhood that we chose to invest in.

Respectfully,

*Barrett McCoy
677 Willow Brook Circle*

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Public Testimony in favor of the proposal (5 minute limit):

Dan Roberts from Madison County spoke in favor the private property rights. There is no constitutional right to property value; so, you have to take care of it yourself. Government should not stand in the way of property owners having self-determination through negotiations. He does not have nor does he want to have neighbors. In order to fill that desire, he had to buy some property to avoid having neighbors. He has 10 children which may lower someone's property value. If we can protect property value; then, I can be told I could not have 10 children. Ultimately, we need to be very careful about life, liberty and property of the neighbor and not the value. We have no right to value, but we do have right to property. He asked the City Council to think long and hard about what Lisa Ellis is asking for; will it damage the life, liberty and property of a neighbor.

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

Steve Oakey from Rexburg asked Ms. Ellis about the City fees of \$1,600 for her application to change her zone and if her neighbor to the west of her could afford the same fee. Ms. Ellis said her neighbors could not afford to be combined with this request. They both have 2 1/2 acres each.

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

Crystal Adams from Rexburg was concerned with zoning when they bought property in Willowbrook; it was a secure and stable place for her children. They were frustrated with this request a year and a half later. When you make a pie and follow the recipe; you don't change the recipe before you put the pie in the oven; it changes the plan. She hoped the City Council would take the cumulative effort of the neighborhood into account when they make the decision. The foundation has been already made for this area to be rural single family subdivision with a country like feel.

Mayor Woodland expressed the Comprehensive Plan is a living document where changes are made from time to time. He wanted everyone to be aware of the changing nature of the document. It is a changing living document.

Natalie Taylor from Rexburg said she is opposed to the proposed zone change. Her observation was to do a zone change from RR1 to MDR1, required a Comprehensive Plan change. Her neighborhood was opposed to the Comprehensive Plan change in the January, 2014 meeting and the August, 2012 Planning and Zoning meeting. The January, 2014 Planning and Zoning Commission's Public Hearing resulted in a denial to recommend a Comprehensive Plan change. She reviewed the process where the City Council followed this decision with an approval to allow the Comprehensive Plan change by the City Council on February 05, 2014. The Planning and Zoning Commission backed up their reasoning before the decision to deny to Comprehensive Plan change was made.

Ms. Taylor indicated they have done transcripts of both meetings in January with Planning and Zoning and February with City Council to get more detail. She was confused why a Planning and

Zoning member (Dan Hanna) would stand up to speak in favor of the proposal at the City Council meeting. In the transcript; her impression was Mr. Hanna stood up to say he regretted his decision to deny the Comprehensive Plan change because the Planning and Zoning Commission got side tracked on issues like buffering, etc... Ms. Taylor wanted to believe everyone had the best of intentions with the decision; it was unclear why Mr. Hanna was allowed to speak because it was not a public hearing. After Mr. Hanna spoke using a lot of “we” language; the City Attorney did say Mr. Hanna was speaking for himself; not the Planning and Zoning Commission. In the City Council meeting, Council President Smith acknowledged Mr. Hanna was at the meeting from Planning and Zoning, asking him if he would like to clarify. She could see how the City Council felt he was representing a change of heart, so to speak, by the entire Planning and Zoning Commission. It was clarified in the subsequent Planning and Zoning meeting on February 20th that that was not the case.

Ms. Taylor then quoted from the transcripts from the Planning & Zoning meeting:

Chairman Dyer: *“Are we good? Does anyone have any questions?”*

Chuck Porter: *“I’ve got one. This will be... This will have to include the City Attorney and the City Council as well... you were probably part of this meeting that has been brought up several times about it not being public and someone out here made an excellent point about the comprehensive plan. I would like to know about this meeting how it came to be and what the circumstances were that the changes in the comprehensive plan were made, so as to make it that the comprehensive plan would now be ok to change that and go against it. Just because somebody asked for it, or have there been changes in the way the city has grown, or have things come about that would require the comprehensive plan to be changed? Who was in that meeting and why... I am curious about why it was not of a public nature?”*

Ms. Taylor said she understands that the meeting was not a public hearing and that is why they could not comment. She then continued to refer to the Planning and Zoning meeting saying that “Porter continued discussion and not only sounded, but looked frustrated with the circumstances that happened on February 5th during City Council. He was not the only one. Mary Ann Mounts was upset” Ms. Taylor then quoted again from the Planning and Zoning meeting:

Mary Ann Mounts: *(referring to Dan Hanna) He was not representing us. For those of you who think he was, he was not.*

Chairman Dyer: *but that is what was the public perception.*

Mary Ann Mounts: *I know, but that needs to be out there.*

Dan Hanna: *It is out there quite obviously.*

Mary Ann Mounts: *Not according to some of these letters.*

Stephen Zollinger: *If you read the City Council notes.*

Mary Ann Mounts: *No, I know it’s true, I’m just glad the audience gets to hear that too.*

Insert of Comprehensive Plan Change from Planning and Zoning Meeting on January 16, 2014:

Dan Hanna asked Mr. Zollinger to clarify the issue of plans regarding 7th South.

Stephen Zollinger said the issue is simply a subject of discussion at this time. City Engineers Keith Davidson and John Millar have met with Idaho Department of Transportation (ITD) and talked about infrastructure demands being made on the City’s streets. ITD will not look at a non-interchange overpass at this time (7th South alignment), but it will not be ruled out.

If the Heinz property to the south of the subject property develops, it could drive some further discussion. In the absence of that, 7th South would be looked at by Public Works and Engineering Departments simply for creating a more defined travel way and pedestrian access in acknowledgement of the fact that the Meadows contains close to 167 units, and there are many children who are walking to school. The issue remains a concern. Rexburg suffers from about a 13 million dollar deficit in their road budget at this time.

Dan Hanna said in the future a possible overpass over 7th South would create some much needed connectivity.

With increased development around the Ellis property, that property may become more valuable over time.

Waiting is not a penalty. Future growth may work to Mrs. Ellis’ advantage.

It is a question of timing.

Dan Hanna motioned to recommend to City Council to **deny** the Comprehensive Plan Map Amendment request for 1042 West 7th South (Lisa Ellis) to change from Single Family Residential to Low-Moderate Density Residential. **Jedd Walker** seconded the motion.

Chairman Dyer asked if Mr. Hanna wished to make any additional clarification to the record concerning the motion.

Dan Hanna stated that discussion as recorded in the minutes would explain the reason for the motion.

Stephen Zollinger clarified that if the Comprehensive Plan Map Amendment request was granted, and subsequent approval of the zone change to MDR2 was granted, there could be up to 20 units per acre (about 50 units) on the subject property.

Those in Favor:

Cory Sorensen

Jedd Walker

Dan Hanna

Winston Dyer

Gil Shirley

Melanie Davenport

Those Opposed:

Mark Rudd

Motion carried.

Ms. Taylor believed Dan Hanna's comments came from the position as being on the Planning and Zoning Board. She thought Mr. Hanna's vote had already been cast and she was confused how he had a change of heart and it was represented differently. She asked for clarification and if they were aware that it wasn't the stance of the Planning and Zoning Committee.

Mayor Woodland responded that the City Council was aware of what Planning and Zoning Committee had chosen to do and that Dan Hanna spoke for himself. Ms. Taylor said that in the transcripts Dan Hanna was invited to clarify at the request of Sally Smith. Ms. Taylor felt that it was implied that he was asked to clarify the position of the Planning and Zoning Board.

Council President Smith indicated Mr. Hanna had done additional research on the zoning of the properties in the area. He contacted Lisa Ellis to tell her he wanted to clarify his change of opinion in the City Council meeting to support her request.

Ms. Taylor was bothered that the Comprehensive Plan can be changed so easily after Planning and Zoning can be changed so easily. It is a tool for a vision. She understands change in five or ten years. She referred to the Meadows being inherited; however, she did not want to repeat the Meadows problems. This will set a precedent for others in that area.

Rex Barzee from Rexburg indicated MDR housing in that area is problematic due to the lack of road capacity, etc. He said this development will compound the traffic problem. Low density zoning development would be better for this area due to the lack of public facilities including stop lights, etc.

Shandra Skolls from Rexburg is opposed to the zone change. She said you have to respect the Comprehensive Plan without making changes. There is no demand for change in that area at this time. She made an investment in her home with the Comprehensive Plan she has hopes set with the document. Changes in the Comprehensive Plan disrespect the property owner's property. Investments are a plan and a hope. She wanted her property rights respected. It is not Lisa Ellis's right to request a zone change to increase her property value. It is the obligation of the City Council to protect the investments of others. If the change is to improve value; then, the neighborhood should be allowed to rezone to increase density. The elected officials have to listen to those people who elected them.

Tammy Geddes from Rexburg said the neighbors are in the position where the property owner once was. She said two public hearings on zone changes are desirable, and thanked them for having the second hearing. She thanked the council for answering her questions and helping her to better understand the procedure. She reviewed the reasoning for changing the Comprehensive Plan. She was concerned with the Planning and Zoning decision being overturned by City Council. The timing was off for this property being changed per the Planning and Zoning Commission discussion. She was concerned with Dan Hanna speaking to the decision at the Planning and Zoning Commission.

Discussion on conversations with City Council members on a previous City Council meeting.

Ms. Geddes referred to the zoning of the property and the profit motive. The profit has already been realized. She referred to the minutes from the previous meetings for planning and zoning. It will compound the issues Ms. Ellis did not like. There are other important matters to take care of in the city.

Angel Mcomber, from Rexburg, is a woman who is overly involved in the school. She is concerned with the growth of students at Burton Elementary School. We are American's Family Community and the density for schools needs to be considered. She asked if the School District is consulted on these zone changes.

Mayor Woodland said the school district has to act on their own issues (float their own boat).

Council Member Mann said the school district is responsible to educate. They have to find a way with their tax money.

Ms. Mcomber talked about the difference between LDR3 and MDR1 explaining the step down is very significant. Her opposition is to MDR1.

Curt Muller from Rexburg said he opposed the annexation to the City. The Meadows was built; thus, they lost their rural setting. Zone changes need to be made for the people as a whole; not for one property owner. He did not want to add to the density of the area by adding to the mistake on a dead-end road. Other subdivisions are not limited to one access. His yard is getting littered by beer cans, etc. Would you want 150 apartments plus in your back yard?

Tisha Flora from Rexburg read a statement.

Dear Mr. Mayor and City Council officials:

My name is Tisha Flora and I live at 1133 West Arctic Willow Drive. I brought my notes because I have never spoken in front of my City officials and to be quite honest, it is truly out of my comfort zone. My life usually entails maintaining my household of six children and our foreign exchange student from Germany. I consider myself a regular person who can be seen volunteering in the schools, in the community, and trying to sneak vegetables in strange casseroles so my children have a healthy diet.

Tonight I am forced out of my regular routine on the issue that stands before us. In order for you to understand my stance, I need to paint a quick picture of why I am here.

Because this is not part of my everyday life, nor do I pretend to know proper procedures in a city government, I called and spoke to Blair Kay. He has always been so kind to me and he helped me understand the procedure used here in the City of Rexburg. When I asked Mr. Kay if a comprehensive plan change was a public hearing in the past, he said that it has always been that way in the past and he was unsure why it was not a public hearing on Feb 5th; he then referred me to Mr. Stephen Zollinger. I called and spoke with Mr. Zollinger about the Comprehensive plan meeting, which happened on Feb 5th, and about the proper procedures. Mr. Zollinger did acknowledge that he was quite uncomfortable with Dan Hanna speaking and that possibly a law change was needed to prohibit such from happening. Mr. Zollinger also said that the reason the meeting on Feb. 5th was not a public meeting was that by law, the City was only required to have one public hearing. Upon further questioning, he said there was no reason for us to repeat that meeting because the City Council would vote exactly the same way whether Dan Hanna was had presented or not. I also asked if the procedures for zone changes was the same as the comprehensive plan changes and Mr. Zollinger said that they have changed the process to only include one public hearing in both instances, but for some reason it was only put on the books for comprehensive plan changes and not for zones changes. What I am telling you is also confirmed by Mr. Zollinger himself in the minutes transcribed in the P&Z meeting that has been given to you beforehand by Mrs. Taylor. I was also told that it would be put on the books and that zone changes will also only have one public hearing. So, potentially, we as a group will be the last ones to have a public hearing with the City Council in regards to a zone change. I worry that this process change of only having one public hearing will cost the citizens and the tax payers in the City of Rexburg a lot of money in court fees. People will pay a ridiculous amount of money to have their voices heard, and why not keep disagreements out of court by allowing a second public hearing in front of our governing board, where these disagreements can be talked about for free?

I have obviously not been the only one who has been bothered by this topic nor with the recent comprehensive plan change.

In February I began seeking counsel from many sources. I called the Attorney General's office multiple times, not out of anger, but really trying to understand proper procedure, knowing that I was not educated in this area. I also spent time with the Idaho Statute library and the lawyers there who provide interpretation of Idaho State codes for citizens just like me. In order to fully understand what transpired over the past two months, I also obtained the auditory recordings of these meetings and spent hours transcribing them and comparing them to the actual minutes published on Rexburg.org.

Finally, I spent hours reading Idaho Statutes. I would like to give you a couple of them for your reference as I wrap up my thoughts on this zone change decision that lay before us.

First, I would like you to view Exhibit A:

This is the Conflict of Interest law found in Title 67, chapter 65 67-6506 and I read from the highlighted section:

A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities, which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.

So for example, if one of you happened to be friends with Ms. Ellis or even have some type of family relationship with her, even to the second degree, that conflict of interest would need to be disclosed prior to the start of deliberations. This law carries a significant consequence if broken. At the beginning of the February 20th P&Z meeting, Chairman Dyer asked specifically if any of the Commissioners had any potential or perceived conflicts of interest regarding the hearing that needed to be declared. There were none.

HOWEVER, On February 5th, when Mr. Dan Hanna spoke it seems that there were several possible conflicts of interest.

#1: It appeared that Mr. Hanna used his position as a Planning & Zoning commissioner to speak for Ms. Ellis, the applicant, and we feel this is a conflict of interest. This can be seen in the transcribed notes that we have available for your convenience.

Conflict of Interest #2: Mr. Hanna owns a property management company as well as a title company and while we are not assuming he has personal interest in this property, the potential increase for himself or even a business partner is considered a conflict of interest.

Conflict of Interest #3: Mr. Hanna is married to Cathy Heinz. Cathy's Uncle Blair Heinz owns the property directly across the street from Ms. Ellis and Sally Heinz is in full support of both the Comprehensive plan change as well as the zone change, indicated by her letters sent to P&Z. This relationship is within the 2nd degree found in the aforementioned Idaho code.

Now, I don't know Mr. Hanna and I would like to believe the best about him and maybe Mr. Hanna has no other interest in this property than his desire to help Ms. Ellis. However, because that Feb 5th meeting was not a public hearing and he was allowed to speak by our legal counsel, it causes us to question if there were ulterior motives. In essence however, you were not protected, though I believe you to be innocent. This just leads me to the importance of two public hearings and my final reasons for my opinion about the moderate zone change in question:

In Title 67, Chapter 65: 67-6509 The Local Land use and Planning talks about proper procedure for Recommendations, Adoptions, Amendments and Repeals of the Comprehensive Plan. Mr. Zollinger was correct that by law there only needs to be one public hearing. However, what he must have overlooked is that if the City council or governing board does NOT take the recommendation of planning and Zoning, then the City Council

cannot adopt the change to the Comprehensive plan unless another public hearing is held. Please see the red-highlighted wording of this Idaho State Law as I read:

Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

On February 5th, when Sally Smith introduced Dan Hanna, Mr. Hanna and Sally Smith should have been advised that Dan Hanna not be allowed to speak due to the conflict of interest law. Second, at the conclusion of the Feb 5th meeting and if you, as our City Officials, truly would have made the same decision to overturn the recommendation of the Planning & Zoning commission, then as City Council members, you should have also been advised that another public hearing had to be scheduled before the change to the Comprehensive plan could be adopted.

Now, I turn this over to you and feel fully confident in our good city council members to make this procedure right. It is not your fault that you were not made aware of these laws. NOW, With all of this information presented here tonight I am unclear how to move forward. Do we need to redo the February 5th meeting because of the Conflict of Interest law or do we hold the necessary public hearing required because the recommendation of Planning & Zoning was not taken. Our neighborhood goal is to have this process done in a legal manner. These people before you are the PTO president, business owners, volunteers, the builders of this city and we are not here to point fingers, but to have a process that is fair and just. We now turn this decision over to you and I will be so grateful to go back to taxiing children and hiding vegetables in their dinners.

Exhibit A

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6506. Conflict of interest prohibited. A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. **A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.**

History:

[67-6506, as added by 1975, ch. 188, sec. 2, p. 515; am. 1999, ch. 396, sec. 4, p. 1102; am. 2006, ch. 213, sec. 1, p. 644.]

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled by the

commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

*(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. **Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.***

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643.

Ms. Flora requested two public hearings for zone changes; and a redo of the Comprehensive Plan change.

Ms. Flora asked: Before I sit down, do you have any questions for me?

Rebuttal by applicant:

Ms. Ellis appreciated the comments and participation of the neighbors. She stated that she doesn't know any of those who stood up and spoke, and that they don't know her, or the reason she is trying to get this zone change to try and secure her future.

Mayor Woodland closed the public hearing for deliberations.

Deliberations:

Council Member Wolfe asked for legal counsel.

Community Development Director Christensen reviewed the acreage of 2.5 acres which allows 40 units in MDR1; LDR3 would allow 27 units with a CUP; without a CUP would allow 18 units. The analysis the comprehensive plan was changed, so it does allow the request. He read the public works analysis. Access to water is not an issue. For wastewater, there is no sewer line on 7th South. An arrangement would have to be made to access lines at Willow Brook or the Meadows. There has been no evaluation done to see if there is adequate depth with existing lines to serve the proposed developments. They are concerned with any significant increase in traffic, because there is only one outlet to serve the area, with the existing traffic from the Meadows.

Staff recommendation was to process the zone change.

Council Member Wolfe asked if the developer would have to have to do upgrades to city services to develop the property including water, sewer, and street connections.

Council Member Busby asked if the staff recommendation was to grant the change. Community Development Director Christensen said at the time, yes. There wasn't anything negative about it at the time.

City Attorney Zollinger said he never had read the section of the state code and after doing so it should be reconsidered. There was not a conflict of interest from Dan Hanna's input at that time.

Council Member Busby moved to table for a second public hearing on the Comprehensive Plan per code; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Break at 8:52 P.M.

B. 7:45 P.M. (BILL No. 1112) for the creation of Local Improvement District No. 44, ("L.I.D. No. 44") – Keith Davidson

Staff presentation:

City Engineer Keith Davidson presented the proposal to create LID44 to improve street, curb and gutter, and sidewalk in several areas of the City. He reviewed the changes proposed for 2nd West going up to 1st North intersection including the widening of that street at a cost of about \$900,000. Green Haven Drive will have a complete reconstruction done in the Cresthaven Subdivision. Other patches will be done in localized areas and a few other parcels included in the LID where a driveway, curb and gutter failure has occurred. Additionally, an overlay is planned for 2nd East from 3rd South to 2nd South. There are a few other local properties; one with a missing sidewalk, one without curb and gutter on 2nd North and 2nd East, and one carry over from LID 43 to LID 44. Those are the areas for discussion tonight.

Mayor Woodland recused himself because he lives in the neighborhood.

Council President Smith began conducting the meeting.

Council Member Merrill was concerned with patching the sunken areas now and then having to redo it at a later date. He asked Keith if we go with this plan, are you confident to a degree that future repairs will connect to these repair without elevation changes. City Engineer Keith Davidson explained subdivisions on the hill built in the 1970's with sidewalks against the curb have erosion due to runoff. It is hard to identify problems without a complete reconstruction of the street. Curb, gutter, and sidewalk have limited life. There are limited funds for street reconstruction for the entire City. Because the streets in Cresthaven are lower volume roads, deteriorated areas that are impacting the street have been identified for repair. Then the streets could have an overlay which would be the best use of the overall City funds.

Council Member Mann asked "what if we didn't do it?" As he drove around the subdivision, he was wondering how much of the repairs are cosmetic. Are we doing more damage to Green Haven Court by putting it off for a year? What if we delayed the work in Cresthaven for a year and then do a bigger project next year combining the two years together. How much damage is due to runoff or is it other damage. Green Haven only has four houses, so, can the repairs be delayed?

Engineer Davidson did not anticipate a lot more damage by waiting one more year. They have been in there patching different holes, etc.; however, there is uneven pavement due to frost heaves through the winter time. Other areas where pavement has been patched into the holes may see a little bit more settling through a year. Probably not a lot more settling in those areas; however, patching has been done on some areas to allow residents to access their driveways due to pavement settling over the years.

Council Member Busby said Option One would be a better fix; however, City Engineer Davidson said they looked at balancing the cost to the neighbors too; therefore Option One was not a complete reconstruction of Cresthaven; only those areas that met the criteria for replacement of curb and gutter and sidewalk. The best fix would be to go in and narrow the street and install a seven foot green strip and move the sidewalk away from the curb; thus helping with the erosion issue where the water channelizes across the sidewalk against the curb and erodes out from underneath the curb, gutter, and sidewalk. Those are some of the issues we face. It is not only Cresthaven Subdivision with this condition; other subdivisions on the hill have the same problems.

Council Member Busby said it would take a whole year's budget plus to do a complete reconstruction costing each resident \$6,000. It would also add a burden to the residents.

Council President Smith indicated the Public Hearing would be split into separate discussions:

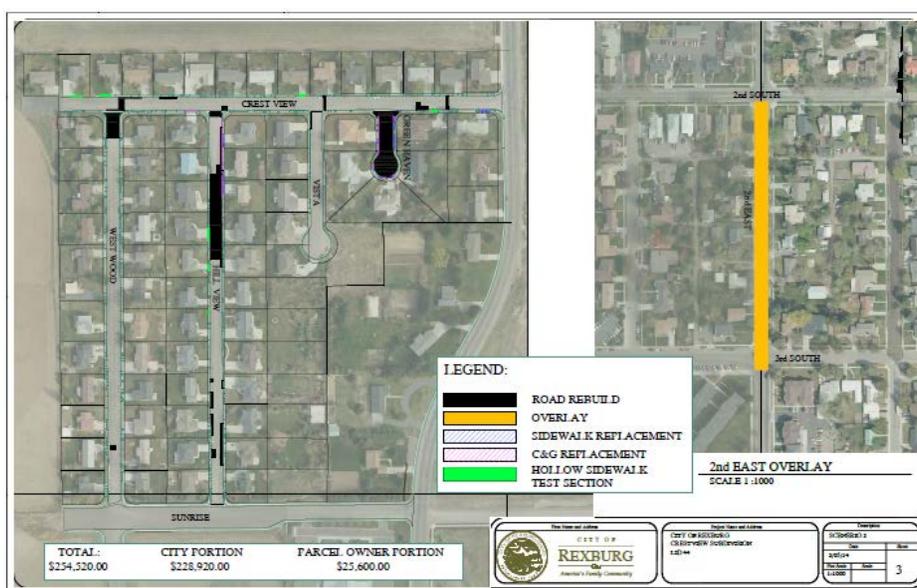
Council President Smith opened the public hearing.

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

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

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

LOCATION ONE: Cresthaven Subdivision (Three Options were presented)



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

Steven McGary from Rexburg appreciated the opportunity to identify the problems in Cresthaven with street, curb, gutter, and sidewalk. He was opposed to a patch job for the neighborhood in Option Three where only 11 residents would be affected. The streets are in really bad shape. Try driving into my driveway or some of the other neighbors driveways. They have become quite the navigators swerving in and around the dips and the swells in the street. It is really interesting to watch cars drive up our street. Where there are 74 residents with two or three cars it becomes a high traffic area plus other commercial traffic.



Mr. McGary indicated getting in and out of the driveway has become a challenge. His sidewalk has broken off again; it gets deeper and deeper every year with this year getting even worse. He has replaced the front bearings on his van two times. He pickup has been damaged too. You have to get into a dip before driving up onto his driveway. Two years ago he came before City Council and shared pictures of the sunken curb, gutter, and driveway and drain. The main issue is erosion. Sure they live on a hillside; however, if the original LID had been done correctly, we would not have near the problem. We are always going to have some issues; we understand that; that is just the way it is.

Mr. McGary indicated the First LID 27 for Cresthaven was done July 17, 1991. He made first payment in Oct 1992. The LID was not completed properly. Council Member Merrill asked about the LID time frame. He read the LID 27 Heading:

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 27 FOR REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY, TO BE GRADED, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT SIDEWALKS, CURBS, GUTTERS, DRIVEWAYS, DRAINAGE FACILITIES, OFFSITE STORM SEWER AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.

Insert From LID 27:

=====

McGary property on LID 27 in 1992.
Ordinance 738; Ordinance 740

Legal Description CREST HAVEN SUB
LOT 1 BLOCK 4

The following properties will be included in the LID for replacement of driveways between the property line and the curb and gutter. Certain areas will also include the replacement of curb and gutter that is contiguous to the driveway.

CREST HAVEN SUBDIVISION:

- Block 1 Lots 1-13
- Block 2 Lots 1-12
- Block 3 Lots 1-24
- Block 4 Lots 1-24
- Block 5 Lots 1-5

DATED: September 2, 1992

=====

*Minutes of City Council Meeting
7/15/92
7:30 P. M.*

*State of Idaho) County of Madison(ss
City of Rexburg)*

Present were the following:

Mayor: Nile Boyle

Councilman:

Jim Flamm

Nyle Fullmer

Glen Pond

Farrell Young

Brad Liljenquist

Excused: *Bruce Sutherland*

Clerk: Rose Bagley

Attorney: J. D. Hancock

Finance Officer: *Richard Horner*

Pledge to the flag.

...
RE: 800 P.M. - PUBLIC HEARING FOR LID. 27 TO SET THE FINAL ASSESSMENT ROLL. (CORNELL AND CRESTHAVEN)

Mayor Boyle asked if there was any conflict of interest on their property with anyone on the city council. Brad Liljenquist stated that he did have property in the area involved and would have a possible conflict of interest.

The mayor stated that if you declare the conflict of interest you can then sit on the council.

The mayor stated that we started this last year and went to bid late in the year and the bid came in high, more than the amount that we had notified the property owners, so we did not accept the bid last fall.

This spring we proceeded and put the bids out and got some pretty low bids. All the amounts are less than the amount given last fall. Tonight we will set the final assessments. The amounts have been revised since the notices were sent out. John Millar said there were a couple of addition errors which have been corrected.

Brad Liljenquist stated that there were some lots that were not assessed on the drainage and asked John to explain it. Brad Liljenquist, Wayne Loosli, and Douglas Sundberg, the property owners that have frontage on 2nd East, were left off. John said the reasoning was those property owners paid an LID on 2nd East and paid a portion of the drainage on that street, and it was determined by the CITY where they had participated on 2nd east they would waive the participation on this portion. Brad stated that decision was made before he heard about IT.

Rich Woodland-145 Crestview Drive - Did I understand that some of those on 2nd East were eliminated from the LID on drainage. Brad don't you have frontage on Crestview. Brad stated that he is on a corner lot and has frontage on 2nd East and Crestview.

RE: DISCUSSION OF CITY PORTION OF SIDEWALK COSTS

Joe Romney- 53 Millhollow Drive- The notice that was sent out is different than the revised one you sent out. He talked to several people here and mayor Boyle about the city participation on the sidewalk and was told it would be 50% of the cost, and asked if that amount would be taken off the amount shown. The mayor told him the amount had already been taken off. John Millar said the policy is the city pays \$5.40 a square yard or for sidewalk replacement and that amount has been backed off the original cost. The CITY also pays half on curb and gutter replacement up to a maximum of \$5.00 a square foot.

Joe Romney asked what the total cost was for a square yard. John explained the cost. Joe said that isn't 50%. It was optional that they replace their sidewalk and he would not have done it if he had known it wasn't 50% participation. This figures 30%. He stated he had been told by the Mayor it was 50%. John Millar said that sidewalk had been removed. He wondered how binding it was because the mayor told him it was 50%. John said we could bill him for the removal that has been done and then let him replace it on his own. Joe said he was relying on the 50% participation.

Brad Liljenquist stated that his understanding was the city would pay 50% of putting the sidewalk back in, but not for removing the sidewalk. The mayor said we don't pay any of the removal. Joe said he thought he had talked to everyone he was supposed to before it was removed and was told it was 50% to take the sidewalk out and put back in. He was not told 30%, he was told 50% and nothing about not paying to take the sidewalk out. Joe said under the circumstances the city should pay 50%.

Glen Pond - It is unfortunate that we have the misunderstanding, but we can't make an exception for you without making an exception for the ones we have done in the past.

Rich Woodland- The people in Cresthaven were told the cost would be 50%. Let's get it straight, if you can't come up with the money right the first time and if you can't bid it right, why tack it onto us later, and then conveniently let a City Council member out of his frontage on the same street. It is a trashy way to be treated. The mayor told him every amount is less than the amount given last year. Rich stated it was represented to us one way and now tonight, it is a totally different ball park figure.

Rich said he is not worried about the figures given last year, he is worried about now.

Nyle Fullmer - He had to agree if we represented that we would pay half, he had a hard time for us to say now we are not going to. Farrell Young stated that we did say 50% right in a meeting. Brad Liljenquist said he had a problem with it to, in fact he told most of his neighbors that the city would pay 50% because that is the understanding he had got from the meetings we had here. Nyle Fullmer said he thought we needed to adjust it. Jim Flamm said we need to look at our policy. Farrell Davidson has a standard price he can get the work done for which is \$5.40. He is working with a budget and when that budget is gone there isn't anymore.

Richard Horner stated it has been 50% of the replacement, but we don't pay for removal. Brad said that has not been made clear before. Farrell Young said we need a written policy on it. Joe Romney- He thought the lower bid is commendable and request that the entire cost of the sidewalk be shared 50%.

RE: MOTION PASSED THAT THE CITY PAY 50% OF COST OF SIDEWALK & CURB AND GUTTER FOR L.I.D. #27

A motion was made by Farrell Young that the city pay 50% of the sidewalk and curb and gutter costs on this project and establish a written policy and adjust the assessments. Seconded by Jim Flamm. All aye. John Millar said the figures will be adjusted.

...

A motion was made by Nyle Fullmer to approve the LID as it is written now, but that we postpone the overlay of the Crest View Addition until we can find out about the storm drainage and get some proposals from John and have some more neighborhood meetings and public meetings on extending the storm drainage and see if we can pursue that and get it ready to go either later this year or next year. Seconded by Glen Pond. All Aye.

End of INSERT of July 15th, 1992 City Council minutes.

=====

Mr. McGary said it was obvious the LID was not completed properly. Three years ago he came before City Council to address the same issues and suggested we do something about it. At the time, money was short; the City Council said we will keep looking at it and we will save money. Now, here we are three years later; essentially the structures for the LID lasted 18 years; being completed in 1992 with damages appearing in 2008 and 2009. It may have been incidental with the stock market crash in 2008. The market has come back; but his sidewalk has not come back.

Discussion indicating the street failure was due to the original street construction was not up to current code. Mr. McGary said the City did get his LID funds for the repairs to fix the street. He reviewed the discussion from Engineer Davidson on March 5th at City Council:

City Engineer Davidson said Option three would do spot repairs or minimal reconstruction at a cost of \$234,520. This would repair sections of the street where the curb and gutter had settled and the City did temporary repairs by filling the holes with asphalt; the entire subdivision would have a street overlay to help extend the life of the streets.

Mr. McGary asked why a person would expect spot repairs of minimal reconstruction of sections of the street curb and gutter to last longer than did the filling of the holes with asphalt. He did not think that would happen due to the water coming from the erosion upstream and under the curb and gutter is the source thereof. If the real problem is not fixed; the minimal reconstruction will be a waste of time and money. It is apparent the City Engineer is not convinced that the minimal reconstruction will be successful. In the City Council meeting two weeks ago, Council Member Busby asked City Engineer Davidson if the residents would be charged with an LID later to reconstruct the entire subdivision:

Council Member Busby asked if the residents would be charged with an LID later to do the entire subdivision; Engineer Davidson said these repairs on Option 3 would take care of the problem for these property owners. Future LID work would not impact these residents. The City has criteria to follow to do work on the curb and gutter. These properties would not need curb and gutter repairs in the future.

His answer was quote: *Option 3 would take care of the problem for these (11) property owners. Future LID work would not impact these (11) residents. The City has criteria to follow to do work on the curb and gutter. These properties would not need curb and gutter repairs in the future.*

Mr. McGary was not convinced his repair work would match up with a future LID; or could you get the street level the same. If you have to take the whole street out, you will have a street level lower than the level of the spot patch on the McGary property. He said it appears the minimal street repairs will not correct the problems and eventually a full reconstruction of the entire subdivision will be required. Why not do it now. Let's get rid of the idea of doing a patch job for around \$234,000 because we would have to most certainly do it again anyway. Lastly, he asked about the estimated cost and the allocation.

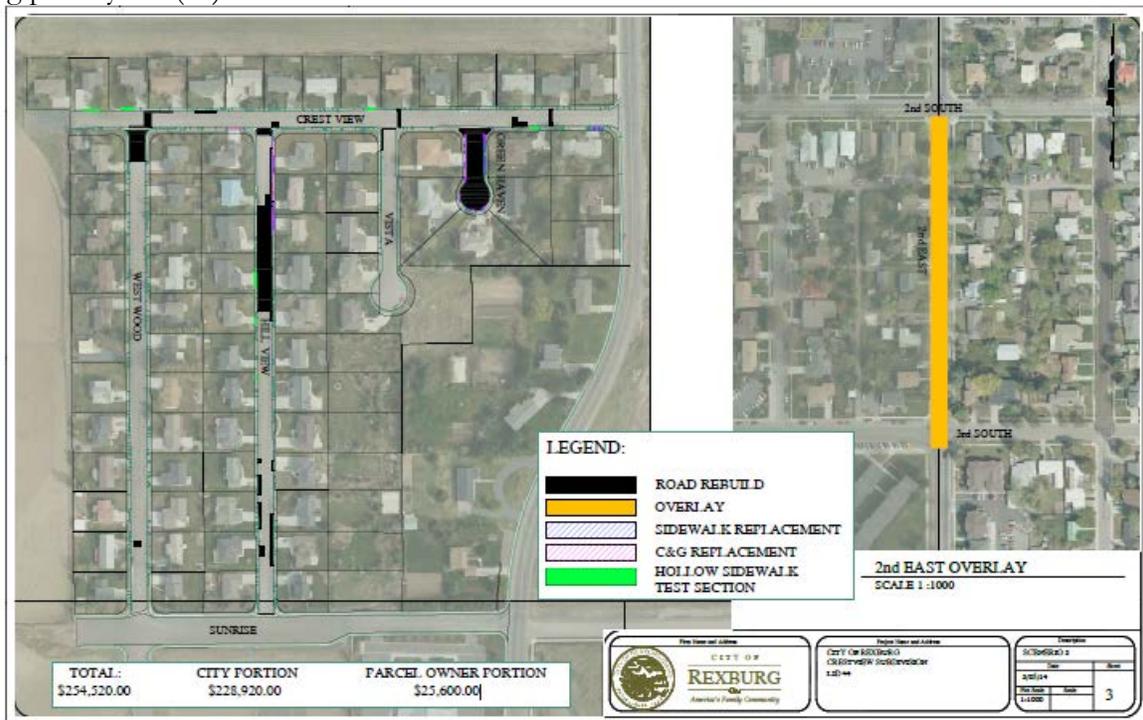
Mr. McGary indicated that due to the street failures, he will have to replace his driveway for an estimate of \$4,000 for 6-9 yards of concrete. He said the City's estimate for the patch repair would be \$3,900. He does not approve of Option Three; he recommends Option One, a full reconstruction of Crestview Subdivision.

Council Member Busby asked if neighbors were on board with Option One to narrow the streets with a green strip and setback for the sidewalks at an estimated cost of \$6,000 per household amortized over a 10 year period for about \$50.00 per month. Mr. McGary said no one has stood up in favor of the minimal reconstruction proposal as presented. He did send an email to the neighborhood explaining his proposal.

Council President Smith asked to review the three options again on the overhead screen.

Discussion on the estimated costs for each option:

Option Three would cost about \$254,520 in total with \$228,920 being paid by the City and \$25,600 being paid by the (11) residents.



Written correspondence:

March 18, 2014

City of Rexburg
Madison County, Idaho

Re: L.I.D. No. 44
Debra A. Keller
985 Green Haven Circle

For your records, Dean and Debra Keller object to the estimated \$3,900 being assessed to our property for sidewalk, curb, and gutter as part of L.I.D. No. 44 for the following reasons:

1. The curb, gutter, and sidewalk in front of our home is in better condition than most of the curbs, gutters, and sidewalks in our subdivision. They would only need to be replaced if the City tears them out to replace Green Haven Road. The road needs to be replaced because the City didn't enforce engineering standards in place at the time to ensure proper materials and compaction were used when the road was constructed.
3. The proposed \$3,900 cost includes replacement of all of our curb but only a few sections of our sidewalk. This would leave the rest of our sidewalk and property vulnerable to further erosion. How can ALL of the curb be removed without damaging ALL of the sidewalk? The cost does not address road elevation issues which cause our vehicles to scrape bottom when pulling in and out of our driveway. The proposed assessment is much higher than other properties on Green Haven.
3. Removing and replacing the existing curb and gutter in front of our home would not benefit us by improving access to our home or by increasing the value of our property. Therefore, we do not consider it to be an "improvement" to our property.
4. We pay approximately \$2,000 per year in property taxes which should cover the cost of maintaining roads, including those in our neighborhood.
5. The Notice of Hearing states that the City is paying approximately 86 percent of the overall \$1,386,682 cost of the L.I.D., but we are being asked to pay 75 percent of the proposed cost for our property.
6. We do not believe that the proposed LID is a permanent fix for us or for anyone else in our neighborhood.



Debra A. Keller
985 Green Haven Circle
Rexburg, ID 83440

Option Two for a partial reconstruction would cost about \$604,067 in total with \$407,567 being paid by the City and \$196,500 being paid by the residents.



Option One for a full reconstruction would cost about \$939,658 in total with \$690,258 being paid by the City and \$249,400 being paid by the residents.



Engineer Davidson said Option Four was not presented to install a green strip between the sidewalk and street which would narrow the street to 30 feet with 10 foot travel lanes with parking on one side of the street. Mail Boxes would be reinstalled in the green strip for an expected life of 20 to 40 years. The new street construction calls for a fabric to be installed with a larger aggregate.

Richard S. Woodland asked how long this fix would last. Engineer Davidson said it would take some soil testing to see what is under everyone's sidewalks. This would narrow the streets to 40 feet with parking on one side of the street.

Discussion on erosion between the street drains and the sidewalk, curb and gutter. This leaves holes under the curb. New street construction allows for fabric to help stabilize the street material.

Mr. McGary asked what rate of participation the City pays. He is paying \$3,900 of the total which is almost 80% of the cost of the proposal; what is the city paying? Engineer Davidson explained the City participates at \$7.70 a lineal foot for curb and gutter and \$1.75 per square foot for the sidewalk for about \$969.00 of City participation. Mr. McGary said he has paid that once before; so, he suggested the City pay a little bit more this time. He suggested 40% To 50% City participation, rather than to have to repay again and repay again.

Council Member Merrill asked for a ball park number on the sidewalk setback on Option Four. Engineer Davidson said a ball park would be \$6,000 per parcel.

Discussion: **Engineer Davidson** said corner properties are assessed based on access to the street. If the resident uses the street to access their property; it is subject to the LID. A property with three sides exposed to the street was used as an example; of the three sides, the property owner used two sides to access their lot; therefore, they would be assessed the street frontage for two sides.

Dr. Jeff Zollinger from Rexburg said if you are going to do it; do it right. He said a temporary repair will be revisited again. When he built his home, he took out the existing curb and gutter because it was on dirt; he replaced it with two or three feet of fill underneath. Currently, his curb and gutter is where it should be and the road is disappearing. The majority of the curb and gutter is on the dirt. The subdivision residents paid to repair it once and it failed; If we do it again, he recommended buying the best and do it only once.

Council Member Merrill asked on the repairs being discussed, wouldn't we be doing similar to what Jeff did, which is taking out the old and putting in fill. Dr. Zollinger explained Vista Drive has held up because it was built the right way; the rest of the place has very little fill under the streets and no fill under the sidewalks, curb and gutter. If you just repair it, we will be back here again; only next time we will be mad.

Karla Groom, from Rexburg, said she was not one of the 11 homeowners; she had to replace her driveway because it is hollow underneath her sidewalk and driveway; she was told to wait for these city repairs of the curb and gutter. She wanted to have it done right because she has paid for it once. Last time they requested to have it done right too; however, it did not happen. We need to make sure whatever we do we need to do it right. She does not want to have to replace her whole driveway again which she is going to have to do at this point.

Robert Barrett from Rexburg explained his curb and sidewalk are fine; however, the street is sinking. You can shine a flash light in the hole under his driveway and see only air. You can't see anything in the whole under the street.

Andy Bradbury from Rexburg said there is erosion under his sidewalk; he wants to see the street done right. He was also concerned about the price that was quoted for 40 feet of sidewalk at \$2800.

Council Member Merrill said residents can get their own bids to do the work. Engineer Davidson said it is important to get the City Spec bid. They do estimate a little high; however, the estimate comes with the required gravel underneath the sidewalk.

Discussion on the economies of scale for having the work done at the same time.

Mr. McGary said his sidewalk, curb and gutter estimate did include adding new fill and the removal of old fill.

Joseph West in Rexburg did their sidewalk, curb and gutter and driveway a number of years ago; it has held up fine; he would participate on an entire subdivision upgrade of the streets.

Cerina Kugath from Rexburg said her driveway is extremely cracked. If she pays to fix the sidewalk, curb and gutter, she would like to fix her driveway too. She has a really steep driveway. She

has to remove gravel from her grass now from the street sanding; her budget is tight with missionary expenses expected too in the near future. She does not want to invest in a temporary fix and expect a redo in the future. Money is important to everyone; however, she really has to analyze her spending; they have 10 children and they follow a budget very careful. She trusts the City Council to make the right decision.

Brian Schmidt from Rexburg has a dip in the street by his house. He supports the larger fix even though it costs more. He gave an example of a concrete pad not matching the driveway. He was concerned a patch may not match the driveway or street.

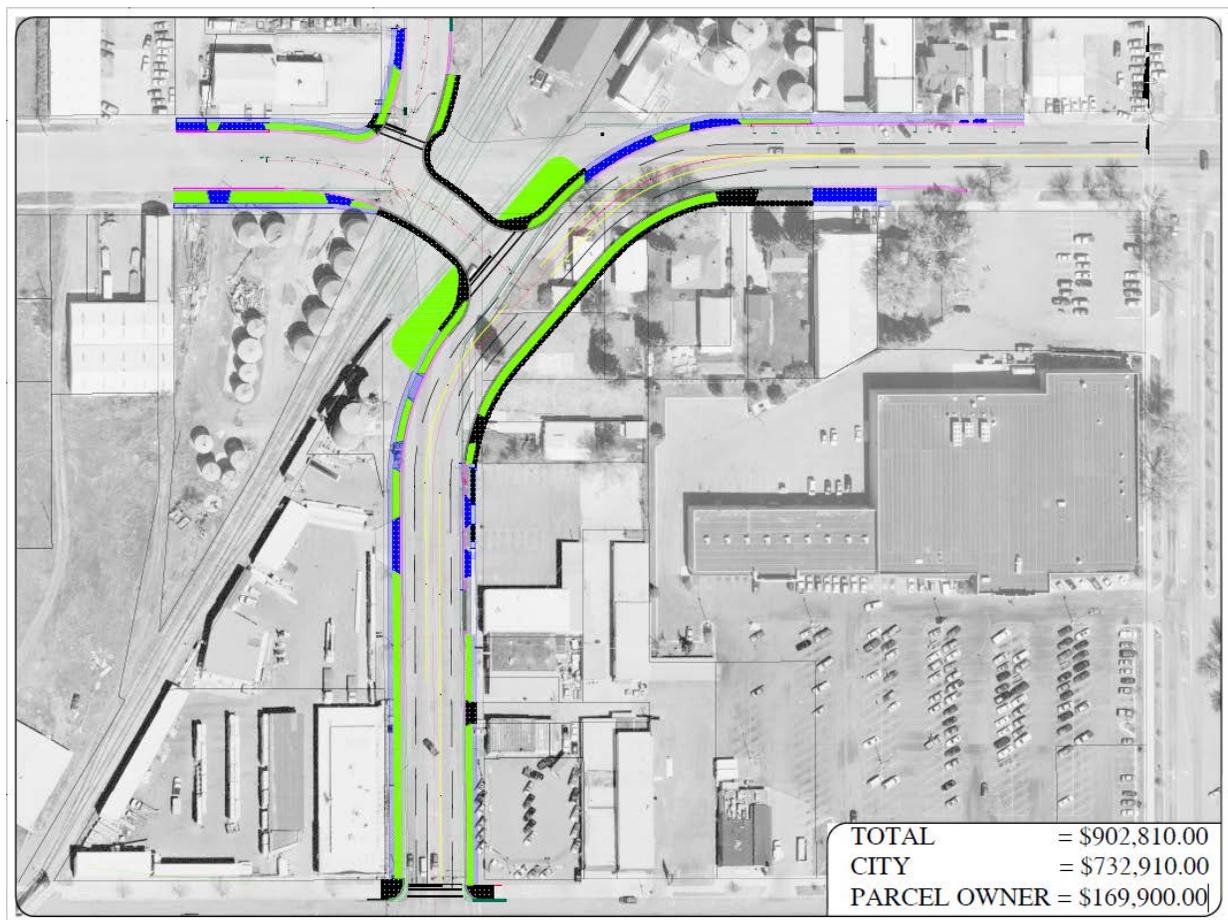
Mark Sutherland from Rexburg did not receive a price quote in the mail; he has a large black spot or asphalt which has settled each year. They purchased their home two years ago. His neighbors told him the asphalt patch has settled the year prior 12 inches in one winter. It never comes back up from frost heaves. He has been watching the patch in front of his house disappear and the McGary's driveway disappear, and the Kugath's driveway and sidewalk disappear, along with dozens of other neighbor's street access. Erosion is taking the street faster than they can repair it. He grew up in Utah where they had the sidewalk buffer; he did not know why the buffer was there until this issue came up. He supports narrowing the streets to create a buffer to fix the seepage problem causing sink holes on the edge and the center of the streets. His sink hole is about 30 feet long in front of his house. There is a problem on every street. He is on the street with Option Two. There is another sink hole on the other end of the subdivision on Westwood about 10 feet square. He supports doing the real fix like everyone knows is done right. He said most of the residents support the real fix to repair the street with current specs even if it is next year.

Council President Smith moved the discussion to the second area of LID44.

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

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

LOCATION TWO: 1st North and 2nd West (Redo the Corner and Railroad Intersection)



Council Member Wolfe reviewed the railroad crossing with the new design. Are there any changes to the railroad tracks? City Engineer Davidson explained there will be only one crossing point with a stop sign which avoids stopping on the tracks. The spur can't be taken out.

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

Mr. Dave Mickelsen was opposed of course. It saddened him to get a billing for \$20,000 on the 5th of March for this street modification without any input. He had not been involved in any choices for the road, the corner, or any of the proposed options for this LID. The first he heard of it was the 5th of March. As a property owner, he expected a say in or a discussion. Can we do this this way; or can we do it that way. He was not given an opportunity; but yet he was handed a \$20,000 bill. It saddened him.

Scott Cambell from Thomas, Idaho, purchased Steiner Elevator seven years ago. He has three parcel (one – grain bins by Mickelsens, two – two grain bins north of BMC West, and the third is a triangle piece on the west side of the railroad where they segregate seed by variety. These properties are adjacent to this intersection. His concern is this: The railroad has been in this community for well over 100 years; they use the railroad to ship their products. Madison County produces approximately 7 billion bussells of grain a year. A semi truck holds about a 1,000 bushels of grain; or 7,000 semi truck loads of grain leaving this community annually. A rail car will hold about three semi loads; so, we ship about ½ of the grain by rail and ½ by semi. They have a loading facility on the west side of their building where they load both rail cars and semi trucks. He was concerned with the modifications to the railroad crossing where they load and unload semi trucks and railroad cars. The semi trucks come in on 2nd North and go between the railroad tracks on a dirt road to load between the railroad tracks pulling out to the South making a left hand turn to head east. His concern was with safety. They are zoned industrial usage. He was concerned with the plan having sidewalks that will attract pedestrain traffic. He gave an example last week of two little girls watching the demolitioin construction going on across the street from his location. He was concerned with the traffic coming around that corner; they are not looking for pedestrians. The cars want to get around the corner as fast as they can. He did not know whose children they were; he wished he could have notified the parents of their danger. The way the plan is now, there is sidewalks along the proposed intersection in front of his property that will attract children to the area where traffic is not looking for children. He did not think that was appropriate for property with an industrial usage.

City Engineer Davidson said the Traffic and Safety Committee is looking for one pedestrian crossing at the site. Mr. Cambell said it is a safety improvement over the existing situation. It is a good approach to cross the railroad tracks at a 90 degree angle. They can not move the railroad. They segregate the wheat by class in two locations; one in town and one north of Rexburg. The other options for farmers are Newdale, Ririe, and Idaho Falls. There is a traffic issue for farmers to move their product out on the road 15, 20 or 30 miles to market their crops.

Council Member Merrill asked Mr. Cambell if he had considered moving his business north of Rexburg. Mr. Cambell said it would be a lot more inconvient for farmers west and south of town. Two thirds of his storage capacity is here in town.

John Hymas from Rexburg purchased property at 36 North 2nd West near the corner. After he purchsed his property, he install curb, gutter, etc... He was like Mr. Mickelsen being unaware of the proposed street improvements. The City will take care of some of curb and gutter; however, he has to replace other curb and gutter down the street. He will lose two feet of his property. He was opposed to having a lein on his property; however, he would make payments without a lein on his property. He is willing to work with the city to move forward. He wanted more notice on these changes to allow for property owner input.

Discussion on an LID requiring a lein on property in the LID.

Council President Smith said the City tries to have a five year plan for street reconstruction. This street work was discussed in City Council and published in the paper; however, the City will do a better job to notify residents. They know how important it is to residents.

Tom Tanner from Rexburg is at the same location as Mr. Hymas. He was concerned with safety and parking; his parking lot is the only place to park on the entire street. Engineer Davidson said there is not parking associated with this reconstruction. Mr. Tanner mentioned BMC West customers come into the area and park on his side of the street to go to BMC West. He said pedestrians will be crossing a four lane street to get to a business. Safety is going to be a major issue. It was noted that BMC West is going to add parking for their customers by taking out a building on their lot.

Kelly McKamey in Rexburg commented on his concern on the process is going and how it went through Rexburg Redevelopment Agency without notifying the property owners of the changes. He accidentally found out when the Rexburg Redevelopment Agency was meeting. He raced over to the meeting where he saw the map two months ago. He does not live there; but he does shop there. He does not have any reason to be there except as a customer. It bothered him that Richard Horner brought the map to the Redevelopment Agency meeting. Mr. McKamey got a copy; however, the guys that are going to be paying \$20,000, \$30,000 or \$40,000 don't get a copy until the bill shows up? That is ridiculous. The other thing that amazed Mr. McKamey was the whole process. He had a problem with the process of how the Redevelopment Agency is running; and how some of the things are operating. If Mr. Horner is going out to make sure everyone in the Urban Renewal District is buying into the proposal so we can get some more money in the Rexburg Redevelopment Agency to be able to do what they need to do; but he did not take the time to go over here to these guys who have been paying taxes for years; and they just found out that they not only are going to be paying money, but they are going to lose their parking and Mickelsons is going to lose their parking as well. I'm sorry, I guess I have a problem with how it seems we keep hearing and we keep hearing from everbody, Steve Zollinger, the Mayor, and from Council President Smith that everything is above board; nothing is done underhanded; everything is made public; and yet there still seems to be these gaps where really affected people don't know; and things seem to be not as above board, not as clear as it really should be. He was not accusing those involved (you guys) specifically; he was just saying he can feel their pain where he found out two months ago accidentally. If Mr. McKamey was them, he would be a whole lot more hopping mad than they are; at least they are more able to contain it than he could. He urged them as a City Council to look at how things are operating and say you know what we don't need social engineers to say you should sell your grain bins and you lose your parking. That really grates on a lot of people.

City Engineer Keith Davidson indicated bad curb and gutter and missing sidewalks are on LID44.

LOCATION THREE: MISCELANEOUS PROPERTIES



City Engineer Keith Davidson indicated properties with deteriorating sidewalk, curb and gutter are in LID 44 including 184 East 2nd North; 5 East 1st North, and 175 West 1st South.

Rebuttal by applicant: - NONE

Council President Smith closed the public hearing for deliberations.

Deliberations:

Council Member Mann appreciated the input from the Cresthaven neighborhood; he suggested saving money from this year's street budget to do the entire project next year. He still is not sure how to approach the intersection on 2nd West and 1st North; He discussed other properties that have had sidewalk improvements.

Council President Smith asked City Engineer Davidson if the Cresthaven project could be built in one or two years. It could probably be done in one year, but not this year. He suggested having a neighborhood meeting.

Council Member Busby asked Mr. Mickelson what he would do differently; Mr. Mickelson would review a mud hole behind Broulins. He said to take two feet of his glass shop property to leave parallel parking. City Engineer Davidson said they are reviewing that possibility.

Council Member Wolfe asked if the street could be closed across the railroad tracks. That would move traffic into an intersection with no signal. It would also be a fire hazard to cut off traffic to that area, because fire trucks would have to go around instead of being able to drive through that intersection.

Council Member Mann moved to approve the creation of LID44 and first read **BILL No. 1112** for the creation of Local Improvement District No. 44, ("L.I.D. No. 44") without Cresthaven Parcels being included; Council President Smith seconded the motion; Discussion: Council Member Busby asked if the City's contribution could be higher; He asked to sit down with Mr. Mickelson and review the parking; Council Member Wolfe concurred to seek a solution before the final reading; Council President Smith asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Mayor Woodland rejoined the City Council on the Dias.

C. 8:00 P.M. Resolution 2014 – 07 (new and amended fees on the City's Master Fee List)
– Richard Horner

Staff presentation:

Finance Officer Horner reviewed the additions and changes to the City's Master Fee List. The different departments have presented these fees to be added or modified. If the fee increase is over 5% they have to have a public hearing; however, some of the fees went down or they are less than a 5% increase.

RESOLUTION NO. 2014-07

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, ADOPTING A NEW RATE SCHEDULE FOR CERTAIN FEES.

WHEREAS, the City Council desires to maintain the overall quality of life experienced by its constituents; and

WHEREAS, the City Council desires to set certain fees so that they cover the cost of the services provided through the payment of those fees;

NOW THEREFORE, be it resolved by the Mayor and the Council of the City of Rexburg, effective March 20, 2014, that the fees in attached list shall be charged as specified:

CITY OF REXBURG MASTER FEE LIST				3/6/14	
Dept	Category	Type	Current Fee	Changed	Proposed Fees
Airport	Tie Down Fee	Monthly Tie Down Fee for unutilized planes-After 120 days			\$ 100.00000
Fire	Impact Fee	Multi Family or Dormitory per unit	\$ 69.43000	8/1/09	\$ 88.00000
Fire	Impact Fee	Non-Residential per 1,000 square feet	\$ 59.88000	8/1/09	\$ 76.00000
Fire	Impact Fee	Single Family per unit	\$ 184.61000	8/1/09	\$ 234.00000
Golf	Daily Fees	Foot (Soccer) Golf Age <13			\$ 3.00000
Golf	Daily Fees	Foot (Soccer) Golf Age 13+			\$ 5.00000
Golf	Daily Fees	Foot (Soccer) Team Tournament Fee Maximum			\$ 250.00000
Golf	Daily Fees	Jefferson Hills Season Pass Holder Daily Rate-9 or 18 Holes			\$ 10.00000
Golf	Daily Fees	Links at Teton Peaks Season Pass Holder that are a resident of Teton County WY/ID can play the Rexburg Courses Free (Our Season Pass Holders can play the Links at Teton Peaks Golf Course Free)			\$ -
Golf	Daily Fees	Soccer Ball Rental			\$ 2.00000
Golf	Discount	College Discount Rate @ Muni/Teton-\$ 2 off any adult daily rate		3/1/14	
Golf	Discount	Referral Discount of 10% off Pass Rate for Pass Holder and New Pass Holder		3/1/14	
Golf	Discount	Veterans Discount of 10% off daily rates		3/1/14	
Golf	Passess	End of Season Pass-Sept thru Nov or until Closed for Winter		3/1/14	\$ 141.51000
Parks	Impact Fee -Parks	Dormitory per unit	\$ 1,117.21000	8/1/09	\$ 1,122.00000
Parks	Impact Fee -Parks	Multi Family per unit	\$ 458.85000	8/1/09	\$ 509.00000
Parks	Impact Fee -Parks	Single Family per unit	\$ 800.00000	8/1/09	\$ 888.00000
Police	Animal Control Facility	Adoptions -Cats includes neutering, vaccination, microchip & license	\$ 70.00000	12/2/10	\$ 75.00000
Police	Animal Control Facility	Microchip only - no other service provided			\$ 25.00000
Police	Construction Permit	For Parking Configuration Approval Per Year			\$ 75.00000
Police	Copies	Copy of CD's and DVD's (No charge if tape provided)	\$ 1.25000	previous	\$ 5.00000
Police	Copies	Copy of Video Tapes (No charge if tape provided)	\$ 2.50000	previous	\$ 5.00000
Police	Evidence/Property Storage	Storage of Vehicles, Trailers and similar items per day	\$ 20.00000	2/21/07	\$ 25.00000
Police	Fingerprinting	Non-Residents Fee	\$ 10.00000	previous	\$ 15.00000
Police	Fingerprinting	Residents Fee			\$ 10.00000
Police	Impact Fee	Multi Family or Dormitory per unit	\$ 55.26000	8/1/09	\$ 70.00000
Police	Impact Fee	Non-Residential per 1,000 square feet	\$ 227.71000	8/1/09	\$ 287.00000
Police	Impact Fee	Single Family per unit	\$ 100.88000	8/1/09	\$ 127.00000
Police	Moving Permit	Permit to Move a House per officer per hour	\$ 30.00000	previous	\$ 50.00000
Police	Parking Permit	[O] Owner Residential Discretionary Annual (2 Free per Residence)	\$ 35.00000	8/5/09	\$ 75.00000
Recreation	Programs	Camp - Week Long Summer Day Camps per person			\$ 70.00000
Recreation	Programs	Drama per person			\$ 90.00000
Recreation	Programs	Foot Golf (Soccer) per person			\$ 50.00000
Recreation	Programs	Kickball League per team			\$ 200.00000
Recreation	Programs	Pottery per person			\$ 60.00000
Recreation	Programs	Rod Building per person (plus materials) per person			\$ 75.00000
Recreation	Programs	Symphony Music per person			\$ 90.00000
Street	Impact Fee	Multi Family or Dormitory per unit	\$ 691.66000	8/1/09	\$ 819.00000
Street	Impact Fee	Non-Residential Per trip per day	\$ 18.06000	8/1/09	\$ 21.38000
Street	Impact Fee	Single Family per unit	\$ 864.57000	8/1/09	\$ 1,024.00000
Wastewater	In-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 1,295.00000	8/1/09	\$ 1,295.00000
Wastewater	In-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 697.00000	8/1/09	\$ 758.00000
Wastewater	In-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 206 gpd	\$ 5.18000	8/1/09	\$ 6.89000
Wastewater	In-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 1,700.00000	8/1/09	\$ 1,305.00000
Wastewater	In-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 1,700.00000	8/1/09	\$ 1,419.00000
Wastewater	Out-of-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 1,942.50000	8/1/09	\$ 1,943.00000
Wastewater	Out-of-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 1,045.50000	8/1/09	\$ 1,137.00000
Wastewater	Out-of-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 206 gpd	\$ 7.77000	8/1/09	\$ 10.34000
Wastewater	Out-of-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 2,550.00000	8/1/09	\$ 1,958.00000
Wastewater	Out-of-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 2,550.00000	8/1/09	\$ 2,129.00000
Wastewater	Sugar and Teton Fee	Capitalization Fee per gallon per day	\$ 6.04000	8/1/09	\$ 7.50000
Wastewater	Work Order Charges	Camel (Sewer vacuum truck) per hour including 2 personnel	\$ 250.00000	previous	\$ 400.00000
Water	In-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 405.00000	8/1/09	\$ 420.00000
Water	In-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 637.00000	8/1/09	\$ 316.00000
Water	In-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 1771 gpd	\$ 0.99000	8/1/09	\$ 1.05000
Water	In-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 1,650.00000	8/1/09	\$ 1,860.00000
Water	In-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 1,650.00000	8/1/09	\$ 1,860.00000
Water	Out-of-City Utility Fee	Capacity Fee per Dormitory Apartment	\$ 607.50000	8/1/09	\$ 630.00000
Water	Out-of-City Utility Fee	Capacity Fee per Multi Family Apartment	\$ 955.50000	8/1/09	\$ 474.00000
Water	Out-of-City Utility Fee	Capacity Fee per Non-Residential gallon per day over 1771 gpd	\$ 1.49000	8/1/09	\$ 1.58000
Water	Out-of-City Utility Fee	Capacity Fee per Non-Residential Minimum	\$ 2,475.00000	8/1/09	\$ 2,790.00000
Water	Out-of-City Utility Fee	Capacity Fee per Single Family Dwelling	\$ 2,475.00000	8/1/09	\$ 2,790.00000

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 19th DAY OF MARCH, 2014.

CITY OF REXBURG
Madison County, Idaho

By _____
Richard S. Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

Mayor Woodland opened the public hearing.

Written correspondence: – NONE

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

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

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

Rebuttal by applicant: – NONE

Mayor Woodland closed the public hearing for deliberations.

Deliberations:

Council Member Mann moved to approve Resolution 2014 – 07 to create new city fees and amended existing fees on the City’s Master Fee List as presented; Council Member Mann clarified that they reviewed the fees at the last council meeting. Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Items for Consideration: – NONE

Staff Reports:

A. Public Works: – John Millar

1. **Approve bid for seal coating of 99,000 square yards of city streets.** Sealed bids are to be submitted to the City of Rexburg at P.O. Box 280, 35 North 1st East, Rexburg, Idaho, 83440 prior to March 19, 2014 at 3:30 p.m. Upon a fee of \$25.00, a copy of the CONTRACT DOCUMENTS may be obtained at Rexburg City Hall. Please contact Joel Gray at joelg@rexburg.org or by phone 372-2331 or 716-1331 during normal business hours.

2014 Seal Coating Bids

Bidder	Type III Slurry Seal Bid Amount	Chip Seal Bid Amount	Microsurface Bid Amount
Intermtn Slurry Seal	\$ 164,340.00	\$ 211,860.00	\$ 258,390.00
HK Contractors	\$ 190,080.00	\$ 237,600.00	\$ 270,270.00
TMC Contractors	\$ -	\$ 279,180.00	\$ -

Public Works Director Millar said they had three bidders. He reviewed the different options or types of seal coating; he recommended type three (Slurry Seal). The bid went to Intermountain Slurry Seal for \$164,340.

Discussion on removing Cresthaven from the bid; however, other streets could be substituted. Slurry seal has been done on 7th South and Harvest Heights.

Council Member Busby moved to approve the low bid for seal coating of 99,000 square yards of city streets with substitutions for Cresthaven; Council Member Wolfe seconded the motion; Mayor Woodland asked for a vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Public Works Director Millar discussed the upcoming transportation study. They met with the consultant and they are putting together a cost proposal. ITD, Madison County, Sugar City and the City of Rexburg were represented in that meeting. They will be negotiating a fee.

Council Member Busby asked about access to University Blvd in the future with new development. He said 5th West is being impacted with more traffic from new developments. The Mesa Falls Apartments will have an exit on to University Boulevard.

Public Works Director Millar said there was a pedestrian accident on 7th South going towards the Temple. Speed was not a factor. There is low visibility of the flashing crosswalk lights because of the sun.

B. Finance Department – Richard Horner

Finance Officer Horner reported that he added a third page to the Budget Summary Report that is a Cash Balance Report.

CITY OF REXBURG
FY 2014

BUDGET SUMMARY REPORT
5 months ending 2/28/2014

Page 1

EXPENDITURES	BUDGET	ACTUAL	25%	FORECAST
OPERATING EXPENDITURES				
Mayor, Council	281,000	111,582	40%	285,100
Economic Development	208,800	87,881	42%	204,200
Cultural Arts	218,400	102,488	47%	275,000
Customer Services	295,600	127,722	43%	304,700
Information Technology	405,800	152,997	38%	405,500
Financial Management	788,600	346,978	44%	785,000
Legal Services	221,600	90,294	41%	213,400
Planning & Zoning	160,600	62,052	39%	160,500
Building Safety	760,000	231,820	31%	645,300
GIS	429,000	170,218	40%	431,300
Emergency Services	3,800,400	975,616	26%	3,266,100
Golf Courses	470,900	126,800	27%	457,000
Parks & Ball Diamonds	1,241,300	133,754	11%	608,400
Recreation Administration & Programs	338,700	83,707	25%	362,200
Riverside Aquatic Center Operations	474,100	22,264	5%	377,400
Miscellaneous: MYAB, Airport, Legacy Flight Museum	170,800	32,346	19%	126,100
Police Department				
Administration Division & Fund 09	1,066,600	458,883	43%	1,060,500
Patrol Division & Funds 13	1,903,500	785,546	41%	1,907,000
Investigations Division	642,200	266,928	42%	643,900
Community Services Division & Funds 08,11,14	537,100	200,110	37%	536,600
Total Police Department	4,149,400	1,711,467	41%	4,148,000
Public Works				
Public Works Director & Engineering	584,000	199,242	34%	575,800
Shop	464,900	154,357	33%	469,700
Sanitation	1,666,800	624,717	37%	1,666,600
Water	1,974,700	741,162	38%	1,984,800
Wastewater	3,781,900	1,379,951	36%	3,969,400
Street Operations	1,898,300	642,646	34%	1,867,000
Street Repair Contracts	1,435,000	15,957	1%	1,456,200
Total Public Works	11,805,600	3,758,032	32%	12,009,500
TOTAL OPERATING EXPENDITURES	26,216,600	8,328,018	32%	25,064,700
NON-OPERATING EXPENDITURES				
General Fund Contingency	67,900		0%	
General & Street Fund Transfers	1,845,500		0%	1,845,500
Construction 06,30,31,32,36,39,41,42,44,46,49,51-58,82,85	10,902,900	708,273	6%	11,549,700
Contributed Capital	3,600,000		0%	3,600,000
Capital Reserve Funds 07,18,20,33,34,35,38	7,993,500	583,663	7%	4,495,600
LID Debt Service Funds 59-69	271,200		0%	271,200
Trust & RLF Funds 15,16,19,21,22,90,91	809,500	322,398	40%	703,100
TOTAL NON-OPERATING EXPENDITURES	25,490,500	1,614,334	6%	22,465,100
TOTAL EXPENDITURES FOR ALL FUNDS	51,707,100	9,942,352	19%	47,529,800

CITY OF REXBURG
FY 2014

BUDGET SUMMARY REPORT
5 months ending 2/28/2014

REVENUES	BUDGET	ACTUAL	25%	FORECAST
OPERATING REVENUES				
Fund Balances for Operations	1,179,100	0	0%	920,900
Property Tax	3,385,200	1,915,956	57%	3,385,200
Interest	163,200	8,226	5%	128,200
State Taxes & Grants	2,066,200	540,547	26%	2,088,300
Miscellaneous	587,400	258,365	44%	537,300
Utility Charges	7,599,800	2,985,461	39%	7,858,400
Permits & Licenses	634,600	568,778	90%	734,100
Franchise Fees	1,526,600	445,573	29%	1,536,600
Parks, Recreation, Museums, Arts	1,103,700	76,396	7%	1,084,400
County Road Tax	650,000	421,313	65%	680,000
Operating Contributions	3,567,800	883,918	25%	2,984,000
Interfund Charges for Services	3,627,400	1,243,342	34%	3,627,400
Fund Transfers for Operations	1,081,300	0	0%	1,081,300
Federal Grants	752,200	2,100	0%	752,200
Reimbursements	0	0	0%	0
Contingent Revenues for Operations	0	0	0%	0
TOTAL OPERATING REVENUES	27,924,500	9,349,975	33%	27,398,300
NON-OPERATING REVENUES				
Contributed Capital	3,600,000	0	0%	3,600,000
Construction Funds	10,412,500	0	0%	11,606,400
Capital Reserve Funds	7,993,500	1,094,539	14%	7,675,100
LID Funds	271,200	131,847	49%	271,200
Trust Funds	750,000	433,446	58%	1,704,900
Fund Transfers In	755,400	305,100	40%	1,060,500
TOTAL NON-OPERATING REVENUES	23,782,600	1,964,932	8%	25,918,100
TOTAL REVENUES ALL FUNDS	51,707,100	11,314,907	22%	53,316,400

OPERATIONS SUMMARY				
TOTAL OPERATING REVENUES	27,924,500	9,349,975	33%	27,398,300
TOTAL OPERATING EXPENDITURES	26,216,600	8,328,018	32%	25,064,700
---NET OPERATIONS	1,707,900	1,021,957	2%	2,333,600

NON-OPERATIONS SUMMARY				
TOTAL NON-OPERATING REVENUES	23,782,600	1,964,932	8%	25,918,100
TOTAL CAPITAL EXPENDITURES	25,490,500	1,614,334	6%	22,465,100
---NET CAPITAL TRANSACTIONS	-1,707,900	350,598	2%	3,453,000

TOTAL ALL REVENUES	51,707,100	11,314,907	22%	53,316,400
TOTAL ALL EXPENDITURES	51,707,100	9,942,352	19%	47,529,800
NET ALL REVENUES OVER EXPENDITURES		1,372,555	3%	5,786,600

CITY OF REXBURG
FY 2014

CASH BALANCE REPORT

	BALANCE AS OF
CASH & INVESTMENTS	1/31/2014
Bank Of Commerce Legacy Flight Museum Checking	1,058
Beehive Credit Union CD	243,028
Cash On Hand	1,050
Citizens Community Bank CDARS	3,700,423
Citizens Community Bank Checking	500,595
Fire District Cash & Investments	826,860
State Diversified Bond Fund	6,884,741
State Local Government Investment Pool	1,409,352
Wells Fargo Bank Police Checking	13,095
Zions Bank Collateralized Acct	5,649,301
Zions Bank General Checking	1,150,739
Zions Bank Payroll Checking	15,390
TOTAL	20,395,632

The City has a CD at Beehive Credit Union; Savings through Citizens Bank, etc. The money is calateralized or insured.

Council Member Mann asked about the CD that the City has at Beehive Federal Credit Union; those are funds that the City thought would do better in a CD. There will be more CD's done with other banks for diversification.

Council Member Merrill said he appreciated Finance Officer Horner's work on the Urban Renewal Agency.

Discussion on providing notice to property owners before the meeting for an LID. They try to have plans finalized before giving notice.

Treasurers Report for five months ending February 28th

CITY OF REXBURG								
TREASURER'S EXPENDITURE REPORT BY FUND								
FISCAL YEAR TO DATE ENDING 2/28/14 @ 42% of the fiscal year 2014								
#	FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET	END BAL.
48	AIRPORT CAPITAL		474		474	1,424,000	0%	-7,206
47	AIRPORT OPERATIONS	2,209		4,970	7,179	21,500	33%	-26,724
36	ARTS PROMULGATION			-		142,500	0%	89,760
82	BROADBAND INITIATIVE		14,117		14,117		0%	283
28	BUILDING SAFETY/P&Z	162,582		131,291	293,873	920,600	32%	667,504
85	COMMUNITY SAFETY LIGHTING		178,243	23,998	202,241	276,400	0%	25,722
83	EI BUSINESS COMPETITION			13,016	13,016	11,200	116%	-9,036
92	FIRE ARCHER EMPLOYEES			-		12,500	0%	9,498
19	FIRE DISTRICT			292,050	292,050	655,900	45%	1,038,844
18	FIRE EQUIPMENT		11,156	-	11,156	621,000	2%	408,919
20	FIRE IMPACT FEES			-		54,700	0%	58,927
17	FIRE OPERATIONS	509,633	9,464	456,074	975,171	2,698,000	36%	-183,122
21	FIRE PAID CALL			18,391	18,391	39,700	46%	19,129
37	FIRE PARAMEDIC CARE UNIT			444	444	1,102,400	0%	110,806
93	FIRE PIPES & DRUMS			1,637	1,637	16,800	10%	5,855
32	FIRE STATION ADDITION		346	-	346		0%	-346
01	GENERAL	1,606,265	146,603	1,346,552	3,099,420	9,759,500	32%	3,402,120
29	GEOGRAPHIC INFORMATION	77,930	2,789	89,499	170,218	429,000	40%	-39,702
51	GOLF COURSE CONSTRUCTION			-		60,000	0%	-626,615
50	GOLF COURSE OPERATIONS	258	18,835	107,707	126,800	470,900	27%	1,285,004
24	LEGACY FLIGHT MUSEUM	42		7,440	7,482	129,200	6%	25,457
56	LID CONSTRUCTION		52,715	488	53,203	1,300,000	4%	-53,203
60	LID DEBT SERVICE			-		271,200	0%	-215,522
45	MAYOR'S YOUTH COMMITTEE			342	342	3,500	10%	1,862
38	PARKS IMPACT FEE		190,947	-	190,947	541,800	35%	779,898
14	POLICE ANIMAL CONTROL	20,384		19,087	39,471	101,800	39%	-27,811
08	POLICE D.A.R.E.			-		18,800	0%	-10,523
09	POLICE DRUG ENFORCEMENT		23,000	70	23,070	20,700	111%	2,847
13	POLICE GRANTS	9,862		5,446	15,308	62,200	25%	-6,722
07	POLICE IMPACT FEES			-		40,000	0%	-67,839
03	RECREATION	5,128		21,896	27,024	176,100	15%	-2,186
22	REVOLVING LOAN FUND		720	-	720	59,500	1%	1,261,795
81	REXBURG ARTS COUNCIL	9,173		21,073	30,246	63,800	47%	-13,154
23	REXBURG RAPIDS	488		21,776	22,264	474,100	5%	144,581
41	RIVERSIDE PARK CONSTRUCTION			-		300,000	0%	81,514
40	ROMANCE THEATER	11,383	3,846	20,889	36,118	65,000	56%	-35,843
46	SEWER & WATER LINE EXTENSION		480	-	480	1,000,000	0%	-480
35	SEWER CAPITAL RESERVE			381,483	381,483	3,411,000	11%	2,800,447
52	SEWER PLANT CONSTRUCTION		250,841	-	250,841	3,500,000	7%	1,077,299
91	SHOP WITH A COP				9,598	19,100	50%	11,304
33	STREET IMPACT FEES			-		325,000	0%	202,886
44	STREET NEW CONSTRUCTION		10,104	-	10,104	2,300,000	0%	-10,016
02	STREET OPERATIONS	190,030	16	452,600	642,646	2,653,700	24%	-64,674
43	STREET REPAIR CONTRACTS		15,217	740	15,957	1,435,000	1%	-15,957
04	TABERNACLE (Audtrm./Museum)	6,182	2,493	26,257	34,932	82,100	43%	-7,116
05	TABERNACLE ORCHESTRA		434	757	1,191	7,500	16%	-7,214
39	TRAILS OF MADISON COUNTY			119	119	100,000	0%	-119
25	UTILITY (Water, Sewer, Garbage)	360,179	796,431	1,787,278	2,943,888	9,023,400	33%	29,985,058
90	VETERANS MEMORIAL			-		6,000	0%	5,412
34	WATER CAPITAL RESERVE			-		3,000,000	0%	1,475,612
42	WATER TANK AND WELL		175,787	-	175,787	2,500,000	7%	-175,787
TOTAL		2,971,728	1,905,058	5,253,370	10,139,754	51,707,100	20%	43,371,426

Citizens are invited to inspect the detailed supporting records of the above financial statement.

Calendared Bills and Tabled Items:

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

Deferred to a future date pending a rehearing of the Comprehensive Plan change with a new Public Hearing: (BILL No. 1113) Rezone – 1042 West 7th South – Rural Residential 1 to Medium Density Residential 2 (The rezone request was recommended at the February 20th, 2014 Planning and Zoning Commission meeting for Low Density Residential Three (LDR3).

B. BILL Introduction: – NONE

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

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

Motion from the Public Hearing above: “Council Member Mann moved to approve the creation of LID44 and first read BILL No. 1112 for the creation of Local Improvement District No. 44, ("L.I.D. No. 44") without Cresthaven Parcels being included; Council President Smith seconded the motion; Discussion: Council Member Busby asked if the City’s contribution could be higher; He asked to sit down with Mr. Mickelson and review the parking; Council Member Wolfe concurred to seek a solution before the final reading; Council President Smith asked for a vote:

Those voting aye

- Council President Smith
- Council Member Mann
- Council Member Busby
- Council Member Merrill
- Council Member Wolfe

Those voting nay

None

The motion carried.”

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

C. Third Reading: Those items which have been second read: – NONE

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 March 05, 2014 meeting
- B. Approve the City of Rexburg Bills

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

Those voting aye

- Council President Smith
- Council Member Mann
- Council Member Busby
- Council Member Merrill
- Council Member Wolfe

Those voting nay

None

The motion carried.

City Attorney Zollinger asked for an **Executive Session per Idaho State Statute 67:2345)** (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but

imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

Council Member Busby moved to go into executive session per **Idaho State Statute 67:2345**) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council Member Mann seconded the motion; Mayor Woodland asked for a roll call vote:

Those voting aye

Council President Smith
Council Member Mann
Council Member Busby
Council Member Merrill
Council Member Wolfe

Those voting nay

None

The motion carried.

Executive Session: 10:56 P.M.

Executive Session ended: 11:39 P.M.

Adjourned at 11:39 P.M.

APPROVED:

Richard S. Woodland, Mayor

Attest:

Blair D. Kay, City Clerk