

# City Council Minutes

## August 17, 2016



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

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

blairk@rexburg.org  
www.rexburg.org

Phone: 208.359.3020 x2313  
Fax: 208.359.3022

August 17, 2016

**Mayor Jerry Merrill**

**Council Members:**

Christopher Mann    Jordan Busby  
Donna Benfield      Tisha Flora  
Brad Wolfe            Sally Smith

**City Staff:**

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

### **6:30 P.M. City Hall Council Meeting**

**Sam Peterson** led the pledge.

**Gary Baird** said the prayer.

### **Roll Call of Council Members:**

**Attending:** Council President Smith, Council Member Benfield, Council Member Busby, Council Member Mann, and Council Member Wolfe.

Mayor Merrill and Council Member Flora asked to be excused.

**Public Comment:** not scheduled on the agenda (limit 3 minutes); issues may be considered for discussion on a future agenda. Please keep comments on point and respectful.

**Bryce Thueson** stated he is the president of the Indian Hills Neighborhood Association. His comment tonight is regarding Airbnb's. He thanked City Council for planning ahead and for outlining appropriate zones; for example, low residential verse high residential zones. There are two home owners in his neighborhood who are still renting their property on Airbnb, even though they have been asked to cease and desist.

**Mr. Thueson** shared an experience he had concerning Airbnb in his neighborhood. On the morning of the 16<sup>th</sup> of August he noticed two large fire trucks parked in a certain way that would only allow for one vehicle to get past them at a time. The Airbnb's have been taken into account as far as where they are appropriate; they are allowed in high residential areas that would allow for parking and other traffic issues involved with high density. He urged City Council to keep the zoning accordingly and to help his neighbors come into compliance with what is allowed in the low residential zone.

**Bryun Lemon** stated he doesn't have an Airbnb; however, wanted to share an experience he had with Airbnb. He said several weeks ago his close friends and family expressed their frustration regarding the city not allowing them to rent their home as an Airbnb. He explained he spoke with both groups the ones in favor and the ones opposed to Airbnb. They made it seem like it was all or nothing when in fact there are many options that could be explored. There are options that could maintain the integrity of the neighborhoods and penalize those abusing the Airbnb system. Those abusing the system make it a nightmare for neighborhoods by renting out to 20 to 30 people at a time. There are those who rent out to busloads of people and there are those that live out of the state who are reaping the money their Airbnb generates, causing the neighborhood to police their property with nothing in return.

**Mr. Lemon** said unfortunately these situations have soured the entire discussion for everyone. Those that would not abuse the system are unhappy about not being able to use Airbnb and the

ones abusing the system aren't even present. If everyone would come together and look at more options instead of being one sided. He believes compromises can be made to maintain what Rexburg has to offer.

**Gary Baird** stated he is the Vice President of the Indian Hills Neighborhood Association. He has lived in Rexburg for 15 years and has seen the immense growth Rexburg has experienced. He expressed his appreciation for City Council's willingness to take charge of the challenges that Airbnb has created.

**Mr. Baird** shared a personal experience he had 11 years ago when his neighborhood was zoned differently. The home next to his was purchased by an out of town developer for the express purpose of converting it into a duplex for student housing. He said they were able to change the zone to Low Density Residential One (HDR1) to prevent the duplex from being built. The issue isn't to allow or dis-allow short term rentals; it's where should they be allowed. The zones are already in place. The implantation of Airbnb's in low residential zone is the issue; bed and breakfast, boarding houses and short term rentals are already allowed in certain zones. He said what needs to happen is the enforcement of the zoning ordinances as they stand, short term rentals are not allowed in low residential zones. He explained if short term rentals were allowed in low residential zones it would change the whole composition of the neighborhoods. He is not opposed to Airbnb's as long as they are in the correct zone.

**Ilene Olsen** said she is part of the Indian Hills group. She also has a vacation home in St. George, Utah and doesn't rent it out. St. George is also dealing with Airbnb's in low residential zones and not just Rexburg.

#### **Presentations:**

**Council President Smith** presented Tim Solomon and Rex Erickson with a plaque in recognition of their service on the Urban Renewal Agency Board. She thanked them for their outstanding service on the board.

#### **Committee Liaison Assignments for 2015:**

A. Council Member Mann: *Golf Board · Emergency Services Board · GIS Oversight · Development Workshop*

**Council Member Mann** reported the committees have not met.

B. Council Member Busby: *· Airport Board · Traffic & Safety · Trails of Madison County*

**Council Member Busby** reported the committees have not met.

C. Council Member Benfield: *Police · MYAB · Parks & Recreation*

**Council Member Benfield** reported the Mayor's Youth Advisor Board had a successful registration day with over 40 applicants wanting to service on the board. They helped with Celebrate Youth yesterday. The event was a success with many people in attendance. They will begin with an open social on September 7<sup>th</sup> at the Craze Fun Zone to get to know the new members and get them excited about serving. The Police Department is working on the D.A.R.E. Golf Tournament to be held on Friday, August 19<sup>th</sup>. She said they are planning a barbecue in September and City Council will be invited. They are planning on showing several training scenarios at the shooting range.

**Council Member Benfield** reported the City Recreation Department is busy with putting together the fall races and recreation programs. The grand opening for the Zone will be on September 10<sup>th</sup>. There will be different sport camps held at the Zone. The sport camps include indoor soccer, basketball, volleyball, one day tournaments, and after school programs. She said she is excited about a \$250,000.00 grant that was applied for to help with the after school programs at the Zone. The application for the grant made it past the 1<sup>st</sup>

level. The next step is for Blue Cross of Idaho to come see the after school programs they have put together. The City Recreation Department attended the Celebrate Youth event. They gave out the extra t-shirts and medals from past races to those participating in the games at the event.

**Council President Smith** reported Mayor Merrill also attended the Celebrate Youth event and participated in the dunking tank contest.

D. Council Member Smith: *Legacy Flight Museum · Beautification Committee · M.E.P.I.*

**Council Member Smith** reported the committees have not met. M.E.P.I. will be meeting on the 2<sup>nd</sup> Monday in September. The Legacy Flight Museum will be meeting that week too.

E. Council Member Flora: *School Board · Rexburg Arts Council/ Museum of Rexburg*

**Council Member Flora** was excused.

F. Council Member Wolfe: *Planning & Zoning · Urban Renewal Agency · IBC*

**Council Member Wolfe** reported Planning and Zoning meet. There was a public hearing to rezone 263 & 267 West 4<sup>th</sup> South and 429 South 3<sup>rd</sup> West from Community Business Center (CBC) to High Density Residential 1 (HDR1). The Planning and Zoning Commission approved the rezone request unanimously. The rezone request will be presented to City Council later tonight.

**Council Member Wolfe** reported the Urban Renewal Agency meet to appoint two new committee members Randel Porter and Robert Chambers. They also held a public hearing to approve the loan for the North Interchange project. The widening of 2<sup>nd</sup> East and adding stop lights is part of that project. They hope to get started on the project soon.

**Staff Reports:**

A. **Finance:** Matt Nielson

**1. Monthly Finance Reports**

**Council President Smith** said Finance Officer Nielson was unable to attend tonight's meeting. If there are any questions regarding the finance reports, City Council may contact Mr. Nielson at a later date. She commented Finance Officer Nielson had some concerns with the low revenues at Rexburg Rapids, however; due to hotter temperatures the revenues are ahead of last year. The water usage at Rexburg Rapids is down, due to repairs on some of the fixtures.

**CITY OF REXBURG**

FY 2016

**BUDGET SUMMARY REPORT**

10 months ending  
7/31/2016

Page 1

**EXPENDITURES**

	BUDGET	ACTUAL	83%	FORECAST
<b>OPERATING EXPENDITURES</b>				
Arts	510,700	222,957	44%	317,500
Building Maintenance	0	34	0%	2,000
Building Safety	1,423,900	549,020	39%	718,900
Customer Services	347,400	263,920	76%	321,500
Economic Development	238,300	196,159	82%	247,600
Emergency Services	3,116,800	2,248,941	72%	3,053,000
Financial Management	821,800	667,411	81%	819,300
GIS	416,700	326,895	78%	408,300
Golf Courses	448,300	320,164	71%	451,800
Human Resources	81,500	34,793	43%	56,800
Information Technology	451,900	333,090	74%	451,000
Legal Services	228,700	180,505	79%	221,500
Mayor & Council	289,100	242,047	84%	285,600
Miscellaneous: MYAB, Airport, Legacy Flight Museum	211,000	106,973	51%	150,200
Parks & Ball Diamonds	558,100	386,745	69%	552,200
Planning & Zoning	362,500	321,945	89%	264,200
Recreation Administration & Programs	511,200	404,835	79%	501,300
Rexburg Rapids	536,300	289,727	54%	442,400
<b>Police Department</b>				
Administration Division & Fund 09	1,156,700	877,776	76%	1,083,200
Patrol Division & Funds 13	2,128,700	1,699,904	80%	2,066,500
Investigations Division	653,600	528,121	81%	635,600
Community Services Division & Funds 08,11,14	573,500	445,495	78%	554,600
<b>Total Police Department</b>	<b>4,512,500</b>	<b>3,551,296</b>	<b>79%</b>	<b>4,339,900</b>
<b>Public Works</b>				
Shop	521,400	364,593	70%	497,300
Sanitation	1,870,700	1,555,973	83%	1,886,600
Water	2,321,500	1,883,330	81%	2,267,000
Wastewater	3,662,700	2,882,601	79%	3,529,500
Street Operations	2,194,900	1,625,675	74%	2,169,100
Street Repair Contracts	857,000	14,330	2%	255,000
<b>Total Public Works</b>	<b>11,428,200</b>	<b>8,326,502</b>	<b>73%</b>	<b>10,604,500</b>
<b>TOTAL OPERATING EXPENDITURES</b>	<b>26,494,900</b>	<b>18,973,959</b>	<b>72%</b>	<b>24,209,500</b>
<b>CAPITAL EXPENDITURES</b>				
General Fund Contingency	100		0%	200
Engineering	641,600	496,133	77%	631,500
Construction 06,30,31,32,39,41,42,44,46,49,51-58,82,85	25,455,400	4,974,759	20%	13,866,900
Contributed Capital	4,150,000		0%	2,200,000
Capital Reserve Funds 07,18,20,33,34,35,38	3,158,200	148,063	5%	478,800
LID Debt Service Funds 59-69	1,343,200	229,406	17%	959,100
Trust & RLF Funds 15,16,19,21,22,90,91	708,800	65,361	9%	98,400
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>35,457,300</b>	<b>5,913,722</b>	<b>17%</b>	<b>18,234,900</b>
Internal Transfers Out for Operations	3,336,800	466,600	14%	3,323,500
Internal Transfers Out for Capital	17,885,800	2,075,000	12%	11,639,000
<b>TOTAL EXPENDITURES FOR ALL FUNDS</b>	<b>83,174,800</b>	<b>27,429,281</b>	<b>33%</b>	<b>57,406,900</b>

**CITY OF REXBURG**  
**FY 2016**

**BUDGET SUMMARY REPORT**  
**10 months ending**  
**7/31/2016**

**REVENUES**

	BUDGET	ACTUAL	83%	FORECAST
<b>OPERATING REVENUES</b>				
County Road Tax	780,000	816,994	105%	844,000
Federal Grants	463,700	25,610	6%	455,300
Franchise Fees	1,578,900	1,252,825	79%	1,588,900
Fund Balances for Operations	1,376,600		0%	1,665,000
Interest	165,800	121,064	73%	157,000
Interfund Charges for Services	2,892,300	2,342,205	81%	2,844,200
Miscellaneous	864,200	586,739	68%	871,200
Operating Contributions	2,737,700	2,115,100	77%	2,486,200
Parks, Recreation, Museums, Arts, Golf	1,097,500	752,880	69%	1,083,600
Permits & Licenses	619,500	667,201	108%	746,800
Property Tax	4,081,500	4,021,686	99%	4,081,500
State Taxes & Grants	2,588,700	1,708,533	66%	2,585,900
Utility Charges	8,224,000	6,285,401	76%	8,534,400
<b>TOTAL OPERATING REVENUES</b>	<b>27,470,400</b>	<b>20,696,238</b>	<b>75%</b>	<b>27,944,000</b>
<b>CAPITAL REVENUES</b>				
Borrowing	5,958,000		0%	3,000,000
Capital Reserve Funds	6,924,800	1,450,771	21%	6,739,500
Construction Funds	6,594,500	283,647	4%	1,937,600
Contributed Capital	3,800,000	5,400	0%	2,130,500
Engineering Billings	644,400		0%	630,500
Fund Balances for Capital	5,899,700		0%	4,793,200
Grants	2,831,000	129,677	5%	624,500
LID Funds	447,800	37,893	8%	293,800
Trust Funds	1,364,400	765,991	56%	1,395,000
<b>TOTAL CAPITAL REVENUES</b>	<b>34,464,600</b>	<b>2,673,379</b>	<b>8%</b>	<b>21,544,600</b>
Internal Transfers In for Operations	3,354,000	466,600	14%	3,323,500
Internal Transfers In for Capital	17,885,800	2,075,000	12%	11,639,000
<b>TOTAL REVENUES ALL FUNDS</b>	<b>83,174,800</b>	<b>25,911,217</b>	<b>31%</b>	<b>64,451,100</b>

**OPERATIONS SUMMARY**

<b>TOTAL OPERATING REVENUES</b>	<b>27,470,400</b>	<b>20,696,238</b>	<b>75%</b>	<b>27,944,000</b>
<b>TOTAL OPERATING EXPENDITURES</b>	<b>26,494,900</b>	<b>18,973,959</b>	<b>72%</b>	<b>24,209,500</b>
<b>--NET OPERATIONS</b>	<b>975,500</b>	<b>1,722,279</b>	<b>4%</b>	<b>3,734,500</b>

**CAPITAL SUMMARY**

<b>TOTAL CAPITAL REVENUES</b>	<b>34,464,600</b>	<b>2,673,379</b>	<b>8%</b>	<b>21,544,600</b>
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>35,457,300</b>	<b>5,913,722</b>	<b>17%</b>	<b>18,234,900</b>
<b>---NET CAPITAL TRANSACTIONS</b>	<b>-992,700</b>	<b>-3,240,343</b>	<b>-9%</b>	<b>3,309,700</b>

<b>TOTAL ALL REVENUES</b>	<b>83,174,800</b>	<b>25,911,217</b>	<b>31%</b>	<b>64,451,100</b>
<b>TOTAL ALL EXPENDITURES</b>	<b>83,174,800</b>	<b>27,429,281</b>	<b>33%</b>	<b>57,406,900</b>
<b>NET ALL REVENUES OVER EXPENDITURES</b>	<b>0</b>	<b>-1,518,064</b>	<b>-2%</b>	<b>7,044,200</b>

**CITY OF REXBURG**  
**TREASURER'S EXPENDITURE REPORT BY FUND**  
**FISCAL YEAR TO DATE ENDING 7/31/2016 @ 83% of the Fiscal Year 2016**

#	FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET	END BAL.
48	AIRPORT CONSTRUCTION		111,891	0	111,891	649,700	17%	20,020
47	AIRPORT OPERATIONS	1,429		15,194	16,623	26,100	64%	-8,612
49	AIRPORT RESERVE			0		160,000	0%	185,000
36	ARTS PROMULGATION			28,600	28,600	210,700	14%	44,858
82	BROADBAND FIBER INITIATIVE			0		300	0%	
28	BUILDING SAFETY AND P&Z	365,353	139,692	365,920	870,965	1,786,400	49%	646,282
85	COMMUNITY SAFETY LIGHTING		4,567	59,970	64,537	295,300	22%	243,545
83	EI BUSINESS COMPETITION			11,622	11,622	12,500	93%	-6,746
19	FIRE DISTRICT		30,000	513,000	543,000	1,224,400	44%	725,284
21	FIRE EMPLOYEES TRUST		5,938	6,385	12,323	55,200	22%	29,991
20	FIRE IMPACT FEES			0		55,600	0%	83,958
18	FIRE JOINT EQUIPMENT			0		259,400	0%	379,815
17	FIRE OPERATIONS	1,051,280	24,582	1,091,076	2,166,938	2,775,500	78%	-506,749
37	FIRE PARAMEDIC CARE UNIT	42,788		39,215	82,003	421,700	19%	22,405
93	FIRE PIPES & DRUMS			1,460	1,460	9,800	15%	5,845
32	FIRE STATION ADDITION		169,442	0	169,442	200,000	85%	-101,901
01	GENERAL	3,436,963	290,675	3,019,918	6,747,556	10,630,900	63%	4,975,951
29	GEOGRAPHIC INFORMATION SYS.	163,007	5,123	158,765	326,895	416,700	78%	-44,561
51	GOLF COURSE CONSTRUCTION			3,177	3,177	30,100	11%	-616,470
50	GOLF COURSE OPERATIONS	464	35,750	283,950	320,164	448,300	71%	1,346,708
24	LEGACY FLIGHT MUSEUM		1,216	73,586	74,802	245,600	30%	79,954
53-58	LID CONSTRUCTION FUNDS		478,782	13,237	492,019	1,420,000	35%	-492,019
59-79	LID DEBT SERVICE FUNDS			115,625	115,625	514,300	22%	-258,884
45	MAYOR'S YOUTH COMMITTEE			3,025	3,025	6,800	44%	387
38	PARKS IMPACT FEES		13,912	0	13,912	470,000	3%	999,762
41	PARKS RIVERSIDE CONSTRUCTION		184,531	0	184,531	960,000	19%	-180,358
14	POLICE ANIMAL CONTROL	49,180	4,339	54,582	108,101	139,800	77%	-82,861
08	POLICE D.A.R.E.			9,470	9,470	20,500	46%	-1,903
09	POLICE DRUG INTERD./EDUC.			127	127	23,800	1%	20,407
07	POLICE IMPACT FEES			582	582	25,300	2%	-132,538
91	POLICE SHOP WITH A COP			13,024	13,024	38,000	34%	24,394
13	POLICE SMALL GRANTS	16,384	3,916	8,867	29,167	57,500	51%	5,953
03	RECREATION PROGRAMS	40,992	40,000	147,057	228,049	251,000	91%	-86,534
22	REVOLVING LOAN		6,716	1,119	7,835	31,000	25%	1,269,209
94	REXBURG ARTS COUNCIL TRUST			120	120	2,500	0%	120
81	REXBURG CULTURAL ARTS	14,520		51,173	65,693	93,900	70%	2,816
23	REXBURG RAPIDS	114,375	23,200	152,152	289,727	536,300	54%	132,223
40	ROMANCE THEATER	15,890	20,482	32,201	68,573	98,800	69%	-61,624
25	SANITATION OPERATIONS	165,610	120,000	1,270,363	1,555,973	1,870,700	83%	1,440,608
35	SEWER CAPITAL RESERVE			1,213,569	1,213,569	4,157,600	29%	2,431,604
27	SEWER OPERATIONS	348,283	916,670	2,651,429	3,916,382	8,474,000	46%	17,243,123
52	SEWER PLANT CONSTRUCTION		2,019,912	0	2,019,912	5,441,500	37%	477,169
31	SHOP CONSTRUCTION		483,249	0	483,249	851,000	57%	367,860
84	STREET 2nd EAST & MOODY RD CONST.		427,940	0	427,940	6,102,000	7%	-766,507
33	STREET IMPACT FEES			0		580,000	0%	295,513
44	STREET NEW CONSTRUCTION		38,664	0	38,664	3,073,900	1%	766,493
02	STREET OPERATIONS	388,482	285,440	951,753	1,625,675	3,334,500	49%	1,213,402
43	STREET REPAIR CONTRACTS		12,625	1,705	14,330	1,607,000	1%	536,941
04	TABERNACLE (Aud. & Museum)	24,972	25,023	35,826	85,821	131,500	65%	-76,740
05	TABERNACLE ORCHESTRA			2,869	2,869	7,500	38%	-5,132
39	TRAILS OF MADISON COUNTY			125	125	50,000	0%	-125
90	VETERANS MEMORIAL TRUST		596	0	596	6,000	10%	4,988
34	WATER CAPITAL RESERVE			0		1,596,300	0%	1,537,659
26	WATER OPERATIONS	246,510	500,000	1,136,820	1,883,330	12,091,600	16%	14,169,958
42	WATER PLANT CONSTRUCTION		979,268	0	979,268	9,196,000	11%	-979,268
<b>TOTAL</b>		<b>6,486,482</b>	<b>7,404,141</b>	<b>13,538,658</b>	<b>27,429,281</b>	<b>83,174,800</b>	<b>33%</b>	<b>47,320,673</b>

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

**B. Public Works:** John Millar

**C. Engineering:** Keith Davidson

**1. City Shop Fire Suppression Bids**

**City Engineer Davidson** explained the bids for the Fire Suppression System for the City Shop were postponed because one of the three bidders had a family emergency. He said he will need to pull City Council when the three bids come in.

**City Engineer Davidson** reported they are working on numerous construction projects throughout the city. The projects are moving along well. They will be reopening 5<sup>th</sup> West before school starts on Wednesday, August 24<sup>th</sup>. Council Member Busby asked how soon 5<sup>th</sup> West would be opened. City Engineer Davidson said they will reopen the road on Tuesday.

**City Engineer Davidson** reported the storm drain project on 4<sup>th</sup> South is moving along. He said they had originally planned to go around the roundabout, however; they will need to go through the middle of the roundabout. The project is on track; they should have it done before the BYU-Idaho students come back to town.

**City Engineer Davidson** reported the slurry seal project should be completed by tomorrow. He will be meeting with Bart Stevens tomorrow to see if his subdivision is interested in slurry sealing their roads.

**City Engineer Davidson** indicated the treatment plant project is on schedule with a completion date set for November. The water project is moving along well.

**Council Member Mann** expressed his concerns regarding South 4<sup>th</sup> West along the canal. He said a section of the road has eroded due to stagnant water. He asked when the road would be fixed. City Engineer Davidson said they have examined the road and feel a Local Improvement District needs to be created to repair that section of the road. The curb and gutter also needs to be repaired to get rid of the stagnant water problem.

**Council Member Busby** asked for the name of the subdivision Bart Stevens owns. City Engineer Davidson replied the name of the subdivision is Valley View. Council Member Busby asked how long the slurry seal contractors have been in town. They have been in town for a week and will be able to cover all of the city's slurry seal projects.

Discussion regarding the construction going on throughout the city.

**Mayor's Report:**

**Council President Smith** asked the City Council Members if they would be available on August 26<sup>th</sup> to meet with BYU-Idaho President Gilbert.

**Public Hearings:** NONE

**Items for Consideration:**

- A. **BILL 1151 - Rezone – 263 & 267 West 4<sup>th</sup> South and 429 South 3<sup>rd</sup> West –**  
Community Business Center (CBC) to High Density Residential 1 (HDR1) - Greg Nelson

**Mr. Nelson** presented the rezone request for 263 & 267 West 4<sup>th</sup> South and 429 South 3<sup>rd</sup> West from Community Business Center (CBC) to High Density Residential 1 (HDR1). The property was reviewed on the overhead screen.



**Council Member Busby** questioned the number of units that would be allowed on the .94 acres and if enough parking would be available. Greg Nelson replied there will be a total of 30 units. Council Member Busby said he will need parking for about 168 vehicles. Mr. Nelson said he will ask for 60% to 65% parking ratio.

**SUBJECT:** Rezone Application File #16 00485 - Greg Nelson

**APPLICANT:** Greg Nelson  
3896 East 600 North  
Rigby, ID

**PROPERTY OWNER(S):** Hannah and Jeffrey Bird – 267 West 4<sup>th</sup> South and 429 South 3<sup>rd</sup> West  
  
Helix, LLC - 263 West 4<sup>th</sup> South

**PURPOSE:** The request is to rezone from Community Business Center (CBC) to High Density Residential 1

**PROPERTY LOCATION:** 263 & 267 West 4<sup>th</sup> South, and 429 South 3<sup>rd</sup> West

**PROPERTY ID:** RPR000P0120230 , RPR000P0120190, RPR000P0121870

**COMPREHENSIVE PLAN:** Moderate-High Density Residential

**CURRENT ZONING:** Community Business Center (CBC)

**PROPOSED ZONING:** High Density Residential 1 (HDR1)

**SURROUNDING LAND USES AND ZONING:** Apartments, church, residential  
High Density Residential 1, Community Business Center

**APPLICABLE CRITERIA:** City of Rexburg Development Code (Ordinance No.1115)  
§ 6.13 *Amendments to this Ordinance*

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

**I. BACKGROUND**

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

A Comprehensive Plan Map Amendment was just approved for Moderate-High Density Residential for this property.

**II. SITE DESCRIPTION**

The total area involved in this re-zoning request is identified as approximately .94 acres, which if approved will result in changing the zone from Community Business Center (CBC) to High Density Residential 1 (HDR1).

**III. ANALYSIS**

If approved, this rezone will result in changing Community Business Center (CBC) to High Density Residential 1 (HDR1). The request would require the Commission and City Council to review the proposal against one set of criteria, for the request to rezone. Below, staff has provided all the criteria listed by Ordinance No. 1115 (Development Code) that are required to be addressed, followed by staff’s analysis of each criterion.

Criteria Rezone Requests (§6.13):

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

The Comprehensive Plan identifies the land use designation for the property as Moderate-High Density Residential.  
The High Density Residential 1 (HDR1) zone is allowed under this designation.

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

The City Engineer did not have a concern.

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

The City Engineer did not have concerns and will coordinate with the developer in gaining access to City infrastructure.

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

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

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

None.

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

See paragraph a.

**IV. STAFF RECOMMENDATION**

If the Planning and Zoning Commission determines that the change is in the best interest of the City of Rexburg and the adjoining neighborhoods are not adversely affected, Staff is unaware of any outstanding issues that would prevent the Planning and Zoning Commission from acting upon this request as they determine.

**Council Member Wolfe** moved to approve the Rezone of 263 & 267 West 4<sup>th</sup> South and 429 South and 429 South 3<sup>rd</sup> West from Community Business Center (CBC) to High Density Residential 1 (HDR1); Council Member Busby seconded the motion; Discussion: The City Council discussed the option of suspending the rules for Ordinance 1151 while approving the request to rezone the property. Council President Smith asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

- BILL 1151 “LAND USE ACTION”** – Bills Recommended/Approved in a Land Use Public Hearing Procedure (**Recommend Suspension of the Rules for 3<sup>rd</sup> Reading**):

**Council Member Busby** moved to suspend the rules for BILL 1151; Council Member Wolfe seconded the motion; Council President Smith asked for a roll call vote:

**Those voting aye**

Council President Smith  
Council Member Benfield

**Those voting nay**

Council Member Busby  
Council Member Wolfe  
Council Member Mann

**The motion carried.**

**Council Member Wolfe moved** to consider BILL 1151 approved and third read; Council Member Busby seconded the motion; Council President Smith asked for a vote:

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

**The motion carried**

**Calendared Bills and Tabled Items:**

- A. **BILL Introduction:** – NONE
- B. **First Read:** Those items which are being introduced for first reading– NONE
- C. **Second Reading:** Those items which have been first read:
  - 1. **BILL 1147 Amending Appropriation Budget 2016**

**Council Member Mann moved** to approve Amending the Appropriation Budget 2016 from \$76,726,000 to \$83,174,800; an additional amount of \$6,448,800 which includes budget transfers from uncompleted budget items in 2015 (new revenue) and consider BILL 1147 second read; Council Member Benfield seconded the motion; Council President Smith asked for a vote:

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

**The motion carried**

**Mayor's Business:**

**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 August 3<sup>rd</sup>, 2016 meeting; Planning and Zoning minutes from August 4<sup>th</sup>, 2016;
- B. Approve the City of Rexburg Bills

**Council Member Busby moved** to approve the Consent Calendar containing the minutes and the city bills; Council Member Wolfe seconded the motion; Council President Smith asked for a vote:

<b><u>Those voting aye</u></b>	<b><u>Those voting nay</u></b>
Council President Smith	None
Council Member Mann	
Council Member Wolfe	

Council Member Benfield  
Council Member Busby

**The motion carried**

APPROVED:

**Adjourned at 7:08 P.M.**

Attest:

\_\_\_\_\_  
Council President Smith

\_\_\_\_\_  
Marianna Gonzalez, Deputy City Clerk