

# City Council Meeting

February 17, 2016

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



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

February 17, 2016

Mayor Jerry Merrill  
Council Members:  
President Sally Smith    Jordan Busby  
Donna Benfield         Tisha Flora  
Christopher Mann       Brad Wolfe

City Staff:  
Stephen Zollinger – City Attorney  
Matt Nielson – Finance Officer  
Blair D. Kay – City Clerk  
John Millar – Public Works Director  
Val Christensen – Community Development Director  
Scott Johnson – Economic Development Director

**7:00 P.M. City Hall – Pledge to the Flag**  
**Ben Dredge from Troop 346** led the pledge.  
**Allen Barwick** said the prayer.

**Mayor Merrill** welcomed the students from Madison High School, Sugar City High School, BYU-I and Boy Scouts to the meeting.

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

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

**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.

**Christopher Carr** read the letter below. He encouraged City Council, BYU-Idaho Housing Representatives and Apartment Complex owners to work together to come up with a solution for the overnight parking problems the university students are experiencing.

#### Overnight Parking in Rexburg

My name is Christopher Carr and I reside at 450 W 4<sup>th</sup> S. in Rexburg. Thank you for giving me a couple of moments to read this brief statement. I recognize this is a non-action item, my only purpose in being here is to raise awareness and start the dialog in solving a growing issue here in Rexburg.

I own and manage over 1,300 single student beds serving BYU-Idaho. That represents about 9% of all single student housing. When I purchased my first complex here, in 2008, BYU had a lot less students. They were in urgent need of more beds and they approached me about building new beds. At the time, I was told they needed thousands of new beds. I told them I couldn't provide thousands of beds, but I could provide another 250ish beds. They accepted my help as a partial solution to their problem and they found other ways of solving the rest of their problem of having a deficiency of beds. Ultimately, the problem was solved as they convinced others to build and they pitched in themselves and built hundreds of new beds.

Since that time, there has been an enrollment increase at the school, bringing thousands more students to Rexburg. Primarily, they need an education and that is why they come. Additionally, they need food, healthcare, housing, entertainment, and other things. The School & Community have come together to fulfill the increased needs of a student body that is growing every year.

Today, BYU-Idaho draws about 15,000 single students to Rexburg every semester. It is estimated those students bring about 10,000 cars. The issue I am addressing tonight is the 10,000 cars. During the day, those cars are parked at school, at restaurants, on city streets, at fast food establishments, at businesses, at their places of employment, at retail outlets in Rexburg, and at their apartments. While all these businesses appreciate the student's presence and spending power during the day, they and their vehicles are kicked out at night. Approved housing has taken on the burden of providing for the overnight storage of vehicles for these cars. This has to change.

Just as each complex provides a partial solution to the need for 15,000 beds, it also only provides a partial solution to the need for 10,000 overnight parking

stalls. BYU-Idaho has an entire department dedicated to housing management, balancing supply & demand and is responsible for finding, or building, additional housing for students should the current supply prove insufficient. Why are they not responsible for finding additional overnight parking stalls should the complexes they approved for development not provide enough? They know the math. They have the power. By increasing enrollment, approving appropriate new beds to house that enrollment, but not requiring the appropriate amount of overnight parking stalls, they are taking on the burden themselves of fulfilling the need for overnight parking for the students they bring to town. They have largely ignored this burden and refused to sell any random student an overnight parking permit to park in one of their thousands of parking stalls that sit empty overnight.

We are all in this together. Rexburg City, BYU-Idaho, and Approved Housing Complexes. In meetings I've attended with both the city and the school, I've found both entities pointing to Approved Housing as the only one responsible for creating this problem, and consequently, the only one responsible for solving it. This way of thinking must end.

I believe we can solve the overnight parking problem in Rexburg. We need all three parties involved in the process and we all need to share in the burden. Not one single new bed serving single students should be built in Rexburg until we have a comprehensive plan to tackle the overnight parking problem.

Thank you,

Chris Carr

[chris@edacreek.com](mailto:chris@edacreek.com)

**Mayor Merrill** explained the difference between elected and appointed officials to the high school students and university students attending the City Council meeting. He mentioned several of the appointed officials such as the City Clerk Kay and Chief Finance Officer Nielson. He said the City functions by having elected and appointed officials and many volunteers who serve on different City committees and boards. He expressed his appreciation for all of the work the volunteers give to the City.

**Presentation:** None

**Committee Liaison Assignments for 2016:**

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

**Council Member Mann** reported the Golf Board and Emergency Services Board have not met. He said Mayor Merrill asked him to serve as a City liaison on the Development Workshop Board; they will meet the first Tuesday of each month.

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

**Council Member Busby** reported his committees have not met. Mayor Merrill stated during his visit in Provo he learned one of the questions new businesses ask the Mayor of Provo are about their trails system instead of taxes.

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

**Council Member Benfield** reported the Mayor's Youth Advisory Board met last Wednesday, they took valentine cards to the Homestead and Carriage Cove assisted living centers. The Parks and Recreation Departments will meet on the 3<sup>rd</sup> of March. She will meet with the Rexburg Police Department later this week.

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

**Council President Smith** reported her committees have not met. Melanie Davenport has applied to be a on the Beautification Committee.

**Discussion:** **Council Member Busby** indicated Melanie Davenport is a member of the Planning and Zoning Commission too. Council President Smith said Ms. Davenport is also involved in the downtown vision discussions. Ms. Davenport is a great volunteer and serves on many City committees. Council President Smith encouraged those interested in serving on the Beautification Committee to apply.

**Council President Smith** moved to ratify Melanie Davenport as a member of the Beautification Committee; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

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

**Council Member Flora** reported the Madison School Board meets tomorrow. The Arts Council met last Thursday to discuss the upcoming Russian Orchestra Concert scheduled on February 24<sup>th</sup> at eight o'clock in the evening at the Rexburg Tabernacle. They are also

working on a Star Wars Concert for May 4<sup>th</sup>. The Arts Council also discussed their goals for the year. One of the goals included the sale of the old Tabernacle windows. They would also like to offer different art classes to the community and they will be working on a melodrama. They asked City Council Members to look for grants to help fund these projects.

**Council Member Flora** reported on the Museum of Rexburg; thanked Arts Director Jackie Rawlins for working hard in organizing and cataloging the artifacts at the museum. She said a Boy Scout will be building shelves to hold the museum artifacts. There was a Valentine event held at the Romance Theatre, the theme was the Great Gatsby. There is an event scheduled every weekend until May at the Romance Theater. There is a comedy act each month too. Mayor Merrill invited the public to the Orchestra Concerts; they are free to attend.

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

**Council Member Wolfe** reported Planning and Zoning did not meet; however, they will meet tomorrow night. There is a Planning Taskforce meeting to discuss improvements to the Development Code such as the parking code, building heights, etc. The Urban Renewal Agency will meet informally tomorrow with the bank to look at funding by the North Interchange.

**Mayor Merrill** indicated the Planning Taskforce will be discussing parking regulations. He mentioned a situation where his daughter-in-law was working at Washington University and she had to park a mile away and walk down a steep hill to get to her job. He stated we are fortunate in many ways; however, recognized there are parking issues.

**Staff Reports:**

**A. Finance:** Matt Nielson

**1. January Monthly Reports**

**Chief Finance Officer Nielson** reviewed the Expenditures Summary Budget Report which shows each department's expenses. The total operating expense is at 28% with 33% of the year concluded. He mentioned Planning and Zoning expenditures are at 46% which is slightly higher due to the cost of two different downtown studies. The GIS Department is also slightly higher at 38% due to the cost of the annual maintenance agreement. Council Member Busby questioned the reason why the Human Resources expenditures are at 0%. The total expense for the Human Resources Department is \$286.00, it is not enough to reach 1% the other reason the City has not hired for this position. The total Capital expenditures are at 5% and the total expenditures for all funds are at 12% spent.

**Chief Finance Officer Nielson** reviewed the Operating Revenues Budget Report. The City has brought in about 33% in revenues. He mentioned the Property and County Road taxes are at 57% and 60% which is high because the funds are received at the beginning of January. The Capital Revenues are at 4% and the total of all revenues is at 13%. He indicated overall the City's Capital Revenues are higher than the expenditures. When the City revenues and expenditures are compared the City has brought in \$467,285.00 more than what has been spent. He said in the previous budget report these were at a negative, because we were waiting to receive the funds from the property taxes.

Discussion:

**\*\*Budget Summary Report:**

**CITY OF REXBURG**  
FY 2016

**BUDGET SUMMARY REPORT**  
4 months ending  
1/31/2016

Page 1

**EXPENDITURES**

**OPERATING EXPENDITURES**

	BUDGET	ACTUAL	33%	FORECAST
Human Resources	81,500	286	0%	81,500
Mayor & Council	284,100	103,311	36%	284,100
Economic Development	238,300	84,253	35%	231,000
Arts	479,700	75,514	16%	409,000
Customer Services	347,400	107,220	31%	347,400
Information Technology	439,500	151,372	34%	439,500
Financial Management	821,800	293,977	36%	842,500
Legal Services	228,700	75,641	33%	228,700
Planning & Zoning	239,000	109,209	46%	239,700
Building Safety	1,423,900	222,738	16%	1,423,900
GIS	416,700	156,750	38%	416,700
Emergency Services	3,107,000	893,596	29%	3,107,600
Golf Courses	448,300	101,065	23%	448,300
Parks & Ball Diamonds	548,600	116,596	21%	548,600
Recreation Administration & Programs	449,200	93,065	21%	442,700
Riverside Aquatic Center	536,300	13,981	3%	536,300
Miscellaneous: MYAB, Airport, Legacy Flight Museum	211,000	15,337	7%	209,100
<b>Police Department</b>				
Administration Division & Fund 09	1,151,700	371,950	32%	1,105,600
Patrol Division & Funds 13	2,128,700	727,483	34%	2,128,700
Investigations Division	653,600	224,562	34%	653,600
Community Services Division & Funds 08,11,14	564,000	165,533	29%	564,000
<b>Total Police Department</b>	<b>4,498,000</b>	<b>1,489,528</b>	<b>33%</b>	<b>4,451,900</b>
<b>Public Works</b>				
Shop	521,400	153,918	30%	521,400
Sanitation	1,870,700	609,116	33%	1,870,700
Water	2,321,500	727,033	31%	2,321,500
Wastewater	3,662,700	1,106,401	30%	3,662,700
Street Operations	2,042,700	691,000	34%	2,046,300
Street Repair Contracts	857,000	1,705	0%	857,000
<b>Total Public Works</b>	<b>11,276,000</b>	<b>3,289,173</b>	<b>29%</b>	<b>11,279,600</b>
<b>TOTAL OPERATING EXPENDITURES</b>	<b>26,075,000</b>	<b>7,392,612</b>	<b>28%</b>	<b>25,968,100</b>

**CAPITAL EXPENDITURES**

General Fund Contingency	168,500		0%	168,500
Engineering	641,600	200,287	31%	641,600
Construction 06,30,31,32,39,41,42,44,46,49,51-58,82,85	21,846,000	1,325,118	6%	24,825,091
Contributed Capital	4,150,000		0%	4,150,000
Capital Reserve Funds 07,18,20,33,34,35,38	3,078,200	1,605	0%	2,998,200
LID Debt Service Funds 59-69	1,343,200		0%	1,343,200
Trust & RLF Funds 15,16,19,21,22,90,91	706,300	27,900	4%	701,400
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>31,933,800</b>	<b>1,554,910</b>	<b>5%</b>	<b>34,827,991</b>
Internal Transfers Out for Operations	3,173,000	302,400	10%	3,174,300
Internal Transfers Out for Capital	15,854,100	75,000	0%	15,769,100
<b>TOTAL EXPENDITURES FOR ALL FUNDS</b>	<b>77,035,900</b>	<b>9,324,922</b>	<b>12%</b>	<b>79,739,491</b>

**CITY OF REXBURG**  
FY 2016

**BUDGET SUMMARY REPORT**  
4 months ending  
1/31/2016

Page 2

<b>REVENUES</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>33%</b>	<b>FORECAST</b>
<b>OPERATING REVENUES</b>				
Fund Balances for Operations	1,276,600		0%	1,217,300
Property Tax	4,081,500	2,314,985	57%	4,081,500
Interest	165,800	36,184	22%	166,800
State Taxes & Grants	2,561,200	471,674	18%	2,561,200
Miscellaneous	724,200	372,954	51%	711,400
Utility Charges	8,224,000	2,727,127	33%	8,224,000
Permits & Licenses	619,500	240,718	39%	619,500
Franchise Fees	1,578,900	430,649	27%	1,578,900
Parks, Recreation, Museums, Arts, Golf	1,089,500	57,241	5%	1,100,900
County Road Tax	780,000	466,739	60%	780,000
Operating Contributions	2,706,200	607,350	22%	2,692,100
Interfund Charges for Services	2,892,300	936,844	32%	2,892,300
Federal Grants	453,900	25,371	6%	453,900
Reimbursements			0%	
Contingent Revenues for Operations			0%	
<b>TOTAL OPERATING REVENUES</b>	<b>27,153,600</b>	<b>8,687,836</b>	<b>32%</b>	<b>27,079,800</b>
<b>CAPITAL REVENUES</b>				
Fund Balances for Capital	3,646,900		0%	3,665,500
Contributed Capital	3,800,000	5,400	0%	3,805,000
Engineering Billings	644,400		0%	644,400
Construction Funds	6,594,500	110,863	2%	6,789,200
Capital Reserve Funds	6,047,100	487,901	8%	6,366,600
Grants	2,352,100	0	0%	2,745,300
LID Funds	447,800	29,969	7%	447,800
Trust Funds	1,364,400	453,492	33%	1,365,400
Borrowing	5,958,000		0%	5,958,000
<b>TOTAL CAPITAL REVENUES</b>	<b>30,855,200</b>	<b>1,087,625</b>	<b>4%</b>	<b>31,787,200</b>
Internal Transfers In for Operations	3,173,000	-23,047	-1%	3,174,300
Internal Transfers In for Capital	15,854,100		0%	15,769,100
<b>TOTAL REVENUES ALL FUNDS</b>	<b>77,035,900</b>	<b>9,752,414</b>	<b>13%</b>	<b>77,810,400</b>
<b>OPERATIONS SUMMARY</b>				
TOTAL OPERATING REVENUES	27,153,600	8,687,836	32%	27,079,800
TOTAL OPERATING EXPENDITURES	26,075,000	7,392,612	28%	25,968,100
<b>---NET OPERATIONS</b>	<b>1,078,600</b>	<b>1,295,224</b>	<b>4%</b>	<b>1,111,700</b>
<b>CAPITAL SUMMARY</b>				
TOTAL CAPITAL REVENUES	30,855,200	1,087,625	4%	31,787,200
TOTAL CAPITAL EXPENDITURES	31,933,800	1,554,910	5%	34,827,991
<b>---NET CAPITAL TRANSACTIONS</b>	<b>-1,078,600</b>	<b>-467,285</b>	<b>-1%</b>	<b>-3,040,791</b>
<b>TOTAL ALL REVENUES</b>	<b>77,035,900</b>	<b>9,752,414</b>	<b>13%</b>	<b>77,810,400</b>
<b>TOTAL ALL EXPENDITURES</b>	<b>77,035,900</b>	<b>9,324,922</b>	<b>12%</b>	<b>79,739,491</b>
<b>NET ALL REVENUES OVER EXPENDITURES</b>	<b>0</b>	<b>427,492</b>	<b>1%</b>	<b>-1,929,091</b>

**\*\*Cash Investment Balance Report:**

Chief Finance Officer Nielson reported the City is investing about \$22,410,575.00. The largest investment is with the State Diversified Bond Fund which is 32% of the City's Portfolio. He indicated the State Diversified Bond Fund's returns have decreased, since last year they were at about 2.3% average return. This year they are at 1.6% to 1.95% return. The City's short term investments are going up slightly and the long term investments are slightly decreasing. He said after discussion with Mayor Merrill the City is considering moving some of the Zion investments that are collateralized into a format similar to that of Moreton Asset Management Advisors. He said he believes this type of format investment would yield a higher return. He stated they are trying to figure out how much funds could be moved while considering the City's projects and still manage the cash flow. There is a possibility of transferring about two million by moving the funds from other investments. He said another option is to use several CDs that will mature this summer to

reinvest or use as cash flow. The State Diversified Bond Fund functions by investing the funds for three to five years and after that they need a thirty day notice to liquidate the funds.

**Council Member Busby** asked if the other accounts can be liquidated. Chief Finance Officer Nielson indicated most of them are, however not all accounts are liquidated. The City’s policy has been to wait until the funds reach maturity. The City’s CDs can be withdrawal from without penalties. Chief Finance Officer Nielson indicated after checking Zions Capital Investments references he will meet with the Investment Committee to review the numbers and obtain a recommendation.

<b>CITY OF REXBURG</b>		<b>CASH &amp; INVESTMENT BALANCE REPORT</b>	
FY 2016		Page 3	
<b>CASH &amp; INVESTMENTS*</b>	<b>BALANCE AS OF 1/31/2016</b>	<b>Percentage of Portfolio</b>	
Bank of Commerce Legacy Flight Museum Checking	33,100	0.15%	
Beehive Credit Union CD	250,000	1.12%	
Cash On Hand	1,050	0.00%	
Citizens Community Bank CDARS	2,735,231	12.21%	
Citizens Community Bank Checking (RLF)	104,473	0.47%	
Idaho Central Credit Union CD	250,000	1.12%	
Idaho Central Credit Union Savings	25	0.00%	
Moreton Asset Management Government Securities	3,611,307	16.11%	
Real Estate Investments (Streets)		0.00%	
State Diversified Bond Fund	7,217,180	32.20%	
State Local Government Investment Pool–City	2,871,421	12.81%	
State Local Government Investment Pool–Fire District	434	0.00%	
Wells Fargo Bank Drug Fund Checking	19,841	0.09%	
Wells Fargo Bank Fire District Checking & Savings	9,221	0.04%	
Zions Bank Collateralized Acct	2,331,121	10.40%	
Zions Bank Direct Auction-Agencies	665,637	2.97%	
Zions Bank Direct Auction-CD	200,000	0.89%	
Zions Bank General Checking	2,090,169	9.33%	
Zions Bank Payroll Checking	20,365	0.09%	
<b>TOTAL</b>	<b>22,410,575</b>	<b>100.00%</b>	

**\*\*Treasurer’s Expenditure Report by Fund:**

**Chief Finance Officer Nielson** reviewed the bid negatives and positives; the General Fund is high due to the lack of spending capital. Council Member Benfield asked about the golf course construction expenditure. He explained the golf course has not been able to pay down their loan for the past three years. This is the first year the City and Madison County have budgeted money from the general fund to assist in paying back the loan. Chief Finance Officer Nielson asked City Council to keep in mind the golf operations expenditure is an enterprise type of fund which means their assets are included. He said by removing the assets, the golf course is \$80,000.00 in the negative. This is typical because the golf course hasn’t opened yet which means they have to cash flow until then.

**Council Member Mann** questioned the amount of money available in the Parks Impact Fee account. Chief Finance Officer Nielson explained some of the funds were collected from park impact fees; however, the construction of the baseball quads hasn’t started, this will use up most of the funds. Chief Finance Officer Nielson also clarified the construction that has been done at Riverside Park has its own construction fund and monies haven’t been transferred because most of money will be returned by Urban Renewal.

**Chief Finance Officer Nielson** mentioned the revolving loan fund is at about 1.3 million dollars with about \$600,000.00 available for loans. He said a \$50,000.00 loan to Grand Peaks Medical for the new improvements to the building on South 1<sup>st</sup> East was issued last month. The loan is for five

years at 4% interest with a guarantee from the property owner. The loan was approved by the loan committee at the Development Company. The City contracts them to administer its loans.

**Chief Finance Officer Nielson** reviewed the Street Repair Contracts and Street Operation funds. He said there is about 2 million dollars combined. The funds are available for the completion of street projects scheduled this summer.

**Mayor Merrill** asked if the 12 million dollar loan is included in the figures discussed. Chief Finance Office Nielson indicated it is not because the loan has not been collected and it would be difficult to cash flow a 12 million dollar project.

CITY OF REXBURG								
TREASURER'S EXPENDITURE REPORT BY FUND								
FISCAL YEAR TO DATE ENDING 1/31/2016 @ 33% of the Fiscal Year 2016								
#	FUND	WAGES	CAPITAL	OTHER	TOTAL	BUDGET	BUDGET %	END BAL.
48	AIRPORT CONSTRUCTION		72,073	0	72,073	170,800	42%	-611,011
47	AIRPORT OPERATIONS	1,343		4,258	5,601	26,100	21%	-5,891
49	AIRPORT RESERVE			0	0	80,000	0%	185,000
36	ARTS PROMULGATION			10,400	10,400	210,700	5%	63,058
82	BROADBAND FIBER INITIATIVE			0	0	300	0%	0
28	BUILDING SAFETY AND P&Z	140,314	44,723	146,911	331,948	1,662,900	20%	660,222
85	COMMUNITY SAFETY LIGHTING		3,616	24,169	27,785	295,300	9%	195,052
83	EI BUSINESS COMPETITION			0	0	12,500	0%	-3,124
19	FIRE DISTRICT			367,000	367,000	1,224,400	30%	611,557
21	FIRE EMPLOYEES TRUST		5,938	4,879	10,817	55,200	20%	28,866
20	FIRE IMPACT FEES			0	0	55,600	0%	25,331
18	FIRE JOINT EQUIPMENT			0	0	259,400	0%	303,598
17	FIRE OPERATIONS	406,524	15,719	422,597	844,840	2,765,700	31%	-679,925
37	FIRE PARAMEDIC CARE UNIT	34,493		14,208	48,701	421,700	12%	55,377
93	FIRE PIPES & DRUMS			575	575	9,800	6%	5,330
32	FIRE STATION ADDITION		134,907	0	134,907	200,000	67%	-67,366
01	GENERAL	1,377,290	162,869	1,247,005	2,787,164	10,503,900	27%	4,581,117
29	GEOGRAPHIC INFORMATION SYS.	67,456	3,807	85,487	156,750	416,700	38%	-21,900
51	GOLF COURSE CONSTRUCTION			1,168	1,168	30,100	4%	-629,461
50	GOLF COURSE OPERATIONS		14,300	86,765	101,065	448,300	23%	1,262,132
24	LEGACY FLIGHT MUSEUM		1,216	3,171	4,387	245,600	2%	55,276
53-58	LID CONSTRUCTION FUNDS		54,573	1,717	56,290	1,420,000	4%	-56,290
59-79	LID DEBT SERVICE FUNDS			0	0	514,300	0%	-151,183
45	MAYOR'S YOUTH COMMITTEE			1,059	1,059	6,800	16%	2,353
38	PARKS IMPACT FEES		1,605	0	1,605	470,000	0%	894,244
41	PARKS RIVERSIDE CONSTRUCTION		98,592	0	98,592	960,000	10%	-98,592
14	POLICE ANIMAL CONTROL	19,612		17,721	37,333	130,300	29%	-32,803
08	POLICE D.A.R.E.			2	2	20,500	0%	-935
09	POLICE DRUG INTERD. EDUC.			70	70	23,800	0%	19,941
07	POLICE IMPACT FEES			0	0	25,300	0%	-161,334
91	POLICE SHOP WITH A COP			13,024	13,024	38,000	34%	17,518
13	POLICE SMALL GRANTS	11,640	2,166	5,997	19,803	57,500	34%	-13,176
03	RECREATION PROGRAMS	9,177		20,173	29,350	189,000	16%	-12,300
22	REVOLVING LOAN		3,452	0	3,452	31,000	11%	1,260,794
94	REXBURG ARTS COUNCIL TRUST			0	0	0	0%	1,000
81	REXBURG CULTURAL ARTS	5,417		21,502	26,919	93,900	29%	-1,146
23	REXBURG RAPIDS	2,424		11,557	13,981	536,300	3%	179,545
40	ROMANCE THEATER	4,577	7,192	12,495	24,264	83,100	29%	-24,164
25	SANITATION OPERATIONS	66,574	48,000	494,542	609,116	1,870,700	33%	1,545,127
35	SEWER CAPITAL RESERVE			0	0	3,279,900	0%	3,219,028
27	SEWER OPERATIONS	141,701	366,668	598,032	1,106,401	7,402,500	15%	18,323,869
52	SEWER PLANT CONSTRUCTION		151,718	0	151,718	3,000,000	5%	342,999
31	SHOP CONSTRUCTION		309,955	0	309,955	212,000	146%	541,154
84	STREET 2nd EAST & MOODY RD CONST.		380,652	0	380,652	6,102,000	6%	-719,220
33	STREET IMPACT FEES			0	0	580,000	0%	73,744
44	STREET NEW CONSTRUCTION		1,580	0	1,580	3,023,900	0%	773,776
02	STREET OPERATIONS	151,862	194,622	344,516	691,000	3,199,500	22%	624,741
43	STREET REPAIR CONTRACTS			1,705	1,705	1,607,000	0%	549,566
04	TABERNACLE (Aud. & Museum)	8,497		14,825	23,322	116,200	20%	-20,877
05	TABERNACLE ORCHESTRA			1,008	1,008	7,500	13%	-4,479
39	TRAILS OF MADISON COUNTY			125	125	50,000	0%	-125
90	VETERANS MEMORIAL TRUST		30	0	30	6,000	1%	5,488
34	WATER CAPITAL RESERVE			0	0	1,596,300	0%	1,429,750
26	WATER OPERATIONS	92,867	200,000	434,166	727,033	12,091,600	6%	14,442,419
42	WATER TANK AND WELL		90,352	0	90,352	9,196,000	1%	-90,352
	<b>TOTAL</b>	<b>2,541,788</b>	<b>2,370,325</b>	<b>4,412,829</b>	<b>9,324,922</b>	<b>77,035,900</b>	<b>12%</b>	<b>48,873,318</b>

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

**2. Adopt the 401 K Document Restatement Plan (Required every 6 years); last updated in 2009.**

**Chief Finance Officer Nielson** reviewed the 401 K Restatement Plan and the matching fund from the City. A City employee can start at a 1% contribution to begin the plan with 1,000 hours of service for a year. He reviewed the Supplementary Amendments and stated the reason for these amendments. There are three employees working in the Fire Department that are exempt from social security. He said the City has figured out a way to address the matching funds for them because the City doesn't have to pay social security for these three employees. He gave an example

of the matching fund calculations, if that employee contributes 2.76% the City will match 100% of such deferrals, if the employee contributes 4% the City will match 2%.

**Chief Finance Officer Nielson** continued to review the 401 K Restatement Plan. He said an employee can't request an early retirement withdrawal they will have to wait until the age of 65 years before the employee can withdraw; however, they can request a 401 K loan. An employee can request a loan of up to 50% of their balance and the loan would have to be paid back within five years. The interest rate for the loan is calculated by prime plus two and they can't have more than one loan at a time. The City doesn't necessarily endorse loans, because ideally it's better for the City to have a higher amount invested to maintain lower fees.

**Chief Finance Officer Nielson** mentioned the maximum IRS limit of \$18,000.00 on a pre-tax salary deferral basis. The plan also allows employees who are age 50 or older to catch up by contributing \$6,000.00 in addition to the regular salary deferrals.

**Chief Finance Officer Nielson** said the City's 401 K Plan has a five year vesting period which means after the employee has contributed to the plan for five years they would receive what they contributed and the City's match.

**Chief Finance Officer Nielson** recommended City Council to approve the change of when a City employee can start making contributions to the City 401 K Plan. The employee currently has to wait a year before they can start to contribute to the plan. He is recommended allowing City employees to start contributing after six months of being hired.

**Chief Finance Officer Nielson** indicated Mayor Merrill and he are the trustees of the City's 401 K Plan. Council Member Mann questioned the reason why a City employee couldn't start contributing immediately after being hired. Chief Finance Officer Nielson explained there are two requirements to be able to contribute to the plan, the first the employee has to be 21 years of age, and have 1000 hours of work time.

**Chief Finance Officer Nielson** said the City's 401 K plan allows City Elected Officials to participate in the plan. He also mentioned the fees involved to administer the plan. The cost to administer the plan is \$1,200.00 per year. He asked City Council to approve the amendments to the plan as written.

Discussion:

**City of Rexburg Salary Reduction Plan**

**SUPPLEMENTARY AMENDMENTS**

City of Rexburg is the employer maintaining the City of Rexburg Salary Reduction Plan (“the Plan”) at this time. The Plan’s principal documentation consists of (a) the Rudd & Company Prototype Defined Contribution Plan Basic Plan 03 (the *Lead Document*), and (b) an Adoption Agreement dated effective January 1, 2016, whereby the Lead Document was adopted for the Plan, per the parameters specified in that *Adoption Agreement*.

City of Rexburg resolves to amend and hereby amends the Plan pursuant to the authority reserved to the employer to do so in section 3.8.1(a) of the Lead Document, in the following ways:

1. Notwithstanding any provisions included in the Lead Document or the Adoption Agreement, this Plan is not intended to be subject to the provisions of ERISA, and any language in the documents referring to ERISA provisions are to be ignored. This has been the intent since the plan was established.

2. Effective for the payroll check issued January 15, 2014, and all paychecks thereafter, in addition to the Matching Contribution provisions elected in Part II.D. of the Adoption Agreement, the Plan will include a special matching provision for firemen and other employees of the City not covered by Social Security. These employees may elect salary deferrals at a rate up to 2.76% and will receive a matching contribution of 100% of such deferrals. If these employees elect salary deferrals in excess 2.76%, such deferrals would be subject to the regular matching provisions in Part II.D. of the Adoption Agreement (currently a match of 50% of deferrals up to 4% of compensation, for a maximum regular match of 2% of compensation). Under this provision, affected employees who defer at least 6.76% of compensation would receive the maximum match of 4.76% (100% of the first 2.76%, plus 50% of the next 4%).

3. The Plan may receive one-time contributions from the Employer on behalf of eligible employees for refunds received by the Employer for the Employer’s share of FICA taxes paid in prior years.

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City of Rexburg Salary Reduction Plan

For each affected employee, this one-time contribution, when combined with all other employer and employee contributions made to the Plan for the plan year, may not exceed the lesser of \$50,000 or the employee’s gross compensation for the year.

City of Rexburg recognizes that these amendments render the Plan to be an individually designed plan rather than a prototype. Nevertheless, City of Rexburg hereby delegates to Rudd & Company PLLC authority to act as agent of City of Rexburg in making amendments to the Plan, but only to the extent of amending provisions of the Lead Document other than Articles 2 and 3 of Part 2 and Article 2.4.4., as to which City of Rexburg reserves to itself the exclusive right and authority to amend. Thus, it is City of Rexburg’s intent that when Rudd & Company PLLC might amend any aspect of the Lead Document (other than Articles 2 and 3 of Part 2 and Article 2.4.4.), those amendments made to the Lead Document by Rudd & Company PLLC shall effectively be made to the Plan.

Per the terms of section 3.8.2. of the Lead Document, the amendments effective hereby will be made by delivery to the Trustees of a copy of this resolution of City of Rexburg which sets forth the amendments.

\_\_\_\_\_  
Mayor Jerry L. Merrill

\_\_\_\_\_  
Date

3. **Adopt the Retirement Restatement Plan;** The Full Plan binder is available in City Hall at the Chief Finance Officer's office.



RUDD & COMPANY, LLC

certified public accountants | business consultants

February 9, 2016

City of Rexburg  
Attn: Matt Nielson  
35 N. 1<sup>st</sup> East  
Rexburg, ID 83440

Re: Retirement Plan Restatement

Dear Matt:

We have enclosed a loose-leaf binder containing the plan documentation for your company's restated 401(k) plan, which will be effective January 1, 2016. This restatement brings the plan up to date with all the statutory and regulatory changes since the last mandatory restatement six years ago.

Signatures are required in a number of places, which I have marked with tabs. Please get these signed as soon as possible. This is your original plan documentation, so you should keep it in your company's permanent records after signing (retain the prior binders as well). In addition, you will need to follow up with several items:

- 1) **Signature Pages to Return to Us.** In addition to the signatures needed in your plan binder, we also need you to get signed the separate group of signature pages (in the front pocket of the binder) and return them to us in the enclosed envelope. These are needed so that we have executed signatures in our plan records.
- 2) **Summary Plan Description.** A complete copy of the Summary Plan Description must be provided to all employees eligible to participate in the plan. It should also be provided in the future to those employees who become eligible at that time. **Please keep a record of the dates that the copies are provided to the participants,** as the IRS or Department of Labor may require such documentation in an audit situation. We can also provide a .pdf copy upon request.
- 3) **Participant Forms.** American Funds provides you with enrollment packets, and distribution and other forms are found on their website. Please contact us before initiating any distributions from the plan.

We appreciate the opportunity to assist you with your retirement plan. Let me know if you have any questions.

Sincerely,

J. Brian Hill, CPA, CFP

Enclosures

IDAHO FALLS | REXBURG | DRIGGS | BOZEMAN | WEST YELLOWSTONE | HELENA

# SUMMARY PLAN DESCRIPTION FOR CITY OF REXBURG SALARY REDUCTION PLAN

## INTRODUCTION

Effective July 1, 1985, City of Rexburg established the City of Rexburg Salary Reduction Plan for the exclusive benefit of all eligible employees and their beneficiaries with the intention to provide a measure of retirement security for your future.

This Summary Plan Description reflects the plan options as of January 1, 2016.

This Summary Plan Description is a brief description of your plan and your rights and benefits under the plan and is not intended to cover every plan provision. This Summary Plan Description is not meant to interpret or change the provisions of your plan. A copy of your plan is on file at your employer's office and may be read by you, your beneficiaries, or your legal representatives at any reasonable time. This plan is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA). If you have any questions regarding either your plan or this Summary Plan Description, you should ask your plan administrator. If any discrepancies exist between this Summary Plan Description and the actual provisions of the plan, the plan shall govern.

## PARTICIPATION IN YOUR PLAN

In order to take advantage of the opportunities provided by your plan you must participate in the plan. There may be certain restrictions to your eligibility and participation. The following is information about how you can participate in the plan.

### Who may participate?

As an employee of City of Rexburg you may participate in the plan, once you have met the eligibility requirements.

### Who is considered an employee?

An employee is an individual who performs services for the employer as a common law employee, a self-employed individual who is treated as an employee, or a leased employee.

### Are any employee groups ineligible to participate?

The following individuals are not eligible for participation in the plan:

1. Non-resident aliens with no U.S. source income.

### What types of contributions are available in the plan?

There are 4 different contribution types available in the plan:

1. Employer Non-Elective: This is also known as a profit sharing contribution. Your employer may, at its discretion, make a profit sharing contribution to the plan.
2. Elective Deferrals: This type of contribution is also known as a 401(k) contribution or a salary deferral contribution.
3. Employer Matching: In order to share in matching contributions, you must be making salary deferrals to the plan. Matching contributions, if any, are based on your salary deferrals.
4. Rollovers: You may make rollovers to this plan as described in the question "Does the plan accept rollovers?" in the "Contributions" section.

### What are the requirements to be eligible to make salary deferrals?

To be eligible to make a salary deferral contribution you must have attained age 21 and completed one (1) year of service. This requirement is not satisfied until the last day of the 12-month period. For more information, see "What is a year of service for eligibility purposes?". Once you have met this requirement, you will enter the plan on January 1st or the date 6 months later, coincident with or next following satisfaction of the eligibility requirements.

### What are the requirements to be eligible for employer profit sharing contributions?

To be eligible to receive an employer Non-Elective contribution you must have attained age 21 and completed one (1) year of service. This requirement is not satisfied until the last day of the 12-month period. For more information, see "What is a year of service for eligibility purposes?". Once you have met this requirement, you will enter the plan on January 1st or the date 6 months later, coincident with or next following satisfaction of the eligibility requirements.

### What are the requirements to be eligible for matching contributions?

To be eligible to receive a matching contribution you must have attained age 21 and completed one (1) year of

-3-

service. This requirement is not satisfied until the last day of the 12-month period. For more information, see "What is a year of service for eligibility purposes?". Once you have met this requirement, you will enter the plan on January 1st or the date 6 months later, coincident with or next following satisfaction of the eligibility requirements.

### How do I start contributing salary deferrals?

To contribute to your plan, your employer will ask you to complete a salary deferral agreement. It is here that you tell your employer how much of your income you wish to defer to your plan. These contributions will be deducted from your paycheck on a pre-tax basis. You do not have to complete a salary deferral agreement to receive an employer profit sharing contribution.

## CONTRIBUTIONS

As a plan participant, you can contribute your pay on a tax-deferred basis (that is, before federal income taxes are deducted). Your employer may also make contributions to the plan.

### YOUR CONTRIBUTIONS TO THE PLAN:

When you enroll in the plan, you may make your salary deferrals on a pre-tax basis. You will also select the percentage or dollar amount of your pay to be deducted as a pre-tax salary deferral. Your employer will deduct the amount you've elected from your paycheck in accordance with procedures established by your employer.

### What are pre-tax salary deferrals?

Pre-tax salary deferrals are deducted from your pay before federal income taxes are calculated. This reduces your taxable income by the amount you have elected to save under the plan. Since your taxable income is reduced, you pay less in current federal income taxes. This money is accumulated on a tax deferred basis until it is distributed from the plan. You should consult your plan administrator or tax advisor regarding treatment of salary deferrals for purposes of state and local taxes. See "Distributions" for additional information on tax consequences when you withdraw your money from the plan.

### Are there limits to how much I can contribute?

You must contribute at least 1% of your compensation.

The IRS limits the maximum amounts that can be contributed on a pre-tax salary deferral basis. For 2016, that limit is \$18,000. For future tax years, the limit is subject to cost-of-living increases as published by the IRS.

If you are age 50 or older, you may be able to contribute in excess of this limit. See "What are catch-up contributions?" below.

### What are catch-up contributions?

All employees who are eligible to make salary deferrals under this plan and who are age 50 or older before the close of a plan year, are eligible to make catch-up contributions. The catch-up contributions are in addition to the regular salary deferrals mentioned above. The IRS limits the amount that can be contributed as a catch-up contribution. For the 2016 tax year, that limit is \$6,000. For future tax years, the limit is subject to cost-of-living increases as published by the IRS.

Discussion:

**Council Member Smith** moved to adopt the 401 K Document Restatement Plan and the Retirement Restatement Plan as presented; Council Member Busby seconded the motion; Mayor Merrill asked for a vote:

#### Those voting aye

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

#### Those voting nay

None

**The motion carried**

**B. Public Works:** John Millar

**Public Works Director Millar** indicated all projects are moving forward as planned. The City Street Department has been working on snow removal and patching the pot holes.

**Council Member Busby** asked for a review of the street maintenance plan to see if some streets need to be moved forward based on the pending list. He is concerned with South 5<sup>th</sup> West, this street is heavily trafficked and he doesn't believe it's on the five year maintenance plan. He asked Council President Smith when the City Council drive around is scheduled. She replied the driver around is scheduled for May 4<sup>th</sup> and this area should added to the list of areas needing looked at.

**Council Member Benfield** asked for a report on the process to test Rexburg's drinking water. Public Works Director Millar reported the City follows the DIQ and EPA requirements. Their requirements are well established. The City is required to publish the test data results each year. This annual report is available on the City's website. The report will indicate if there are any concerns

with lead, cooper or other elements in the City water. The report will list the City’s test data and the required EPA limits. He mentioned the lead tests indicate non-detected, because the lead levels are so low.

**Council Member Busby** asked about the City having any lead pipes. Public Works Director Millar replied the City has several lead pipes. He said there was a period of time when a lead goose neck pipe was used to connect the main line to the service line. This type of pipe is generally two feet long. The City’s water isn’t reactive enough to dissolve the lead in the pipes. The City’s water is more basic with hard water. The older homes with the lead pipes have been tested and have passed with no lead violations.

**Council Member Benfield** questioned whether the City’s Water Department routinely tests the schools water. Public Works Director Millar said the district health department and DEQ are responsible for routinely test the local schools and other locations water.

**Mayor Merrill** and Public Works Director Millar will be meeting in Pocatello tomorrow on water mitigation.

**C. Engineering:** Keith Davidson

- Approve bid for purchasing pipe** for the WTR-02-16 Rexburg Water Project (Pipe).

**HD Fowler** was low bid from dealer suppliers at \$728,822.

HD Fowler				
Item Description	Unit	Quantity	Price per Unit	Amount
6"	LF	400	\$ 10.25	\$ 4,100.00
8"	LF	20000	\$ 14.40	\$ 288,000.00
10"	LF	3000	\$ 18.90	\$ 56,700.00
12"	LF	7000	\$ 23.90	\$ 167,300.00
14"	LF	7300	\$ 29.14	\$ 212,722.00
<b>Apparent low bid</b>				<b>\$ 728,822.00</b>
HD Supply				
Item Description	Unit	Quantity	Price per Unit	Amount
6"	LF	400	\$ 9.88	\$ 3,952.00
8"	LF	20000	\$ 14.18	\$ 283,600.00
10"	LF	3000	\$ 19.05	\$ 57,150.00
12"	LF	7000	\$ 24.17	\$ 169,190.00
14"	LF	7300	\$ 30.12	\$ 219,876.00
				<b>\$ 733,768.00</b>
Ferguson Waterworks				
Item Description	Unit	Quantity	Price per Unit	Amount
6"	LF	400	\$ 11.50	\$ 4,600.00
8"	LF	20000	\$ 15.75	\$ 315,000.00
10"	LF	3000	\$ 18.95	\$ 56,850.00
12"	LF	7000	\$ 22.10	\$ 154,700.00
14"	LF	7300	\$ 31.60	\$ 230,680.00
				<b>\$ 761,830.00</b>

Discussion:

**Council Member Busby** questioned the difference in cost between the three bids. He asked about the quality and if that determined the price difference. City Engineer Davidson stated the pipes are the same quality the difference in cost depends on the supplier.





**Mayor Merrill** reported the Baseball Board met and asked the City to allow Alton Hansen and his two sons to manage the baseball league under the City's control. Council Member Benfield asked for detail regarding Mr. Alton's duties. Mayor Merrill indicated Mr. Alton will manage the baseball league with support from the City's Parks and Recreation Departments. Mayor Merrill said they discussed some of the issues, the league was experiencing in trying to keep the program available. One of issues was keeping past league managers they moved on to other activities.

**Mayor Merrill** reported on "Starts with Hello" week. The week included reading a proclamation at the Madison High School regarding the "Start with Hello" campaign. They also ate lunch at various elementary schools. On Wednesday they greeted the Highland people at the basketball game. The purpose of "starts with Hello" is to engage people in face to face conversation and away from their electronic devices. Mayor Merrill declared Rexburg to be the friendliest City in America.

**Mayor Merrill** mentioned a Coordination Council was appreciative of help received from our Technical Department.

**Council Member Wolfe** indicated there will be a public hearing tomorrow night at the Planning and Zoning meeting regarding Comprehensive Plan change for 1<sup>st</sup> North and the 400 block.

**Public Hearings:**

**Items for Consideration:**

**A. Renew the Sunset Clause** for the proposed development at 424 West 2<sup>nd</sup> South concerning a rezone from Light Industrial and Medium Density Residential two (2) to High Density Residential One (1).

**\*\*Findings of Fact for Brickyard Rezone Project:**

*Rezone Brickyard*

*Approximately 424 West 2<sup>nd</sup> South*

1. On June 12, 2012, Cory Sorensen presented to the City of Rexburg Planning & Zoning Coordinator a request and application for a zone change for the property located at approximately 424 West 2<sup>nd</sup> South, in Rexburg, Madison County, Idaho to be rezoned from Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1).

2. On June 13, 2012, the City Clerk sent the Notice of Public Hearing to be published in the local newspaper on June 16 and June 30, 2012. A notice was posted on the property and sent to all property owners within 300 feet of the above mentioned property.

3. On July 5, 2012 Cory Sorensen presented to the Planning & Zoning Commission for the City of Rexburg, the Request for a Rezone for the property at approximately 424 West 2<sup>nd</sup> South, in Rexburg, Madison County, Idaho to be rezoned from Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1).

**Dan Hanna** motioned to recommend to City Council approval of a rezone for the property located at approximately 424 West 2<sup>nd</sup> South to change from Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1), to include five conditions:

1. There shall be surface parking only - no parking structure;
2. No access onto 5<sup>th</sup> West;
3. Buildings will not exceed 40 feet in height;
4. Maximize landscape around the perimeter of the property; and
5. Thirty-six (36) month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time.

**Scott Ferguson** seconded the motion. **Dan Hanna** amended the motion to change the condition "buildings not to exceed 40 feet in height" to "**buildings not to exceed four stories**". **Scott Ferguson** seconded the amended motion.

**Those in Favor:**

Scott Ferguson  
Thaine Robinson  
Winston Dyer

**Those Opposed:**

Marilyn Rasmussen

Richie Webb  
Dan Hanna

**Motion carried.**

**4. On September 19, 2012** in a City Council public hearing **Council Member Merrill** explained referring back to the comprehensive plan goals shown beforehand; the focus is to provide housing for University residents as close to the University as possible. This will allow them to walk to the University. This is a good proposal because it addresses the concerns, issues, and goals of the community. There is no other piece of property that is large enough to house this amount of people along with being in close proximity to the University. The development needs specific conditions. Discussion on the amount of feet the buildings should be from the city right-of-way. Planning and Zoning recommended 80 ft. from the city right-of-way.

**Council President Mann** asked if a traffic study has been done for the project. Community Development Director explained the developer decided not to move forward with a traffic study until after the rezone was approved. The traffic study is needed to approve the development of the project.

**Council Member Busby** asked where the developer will plan for snow storage. The development plans will undergo a hard review to ensure it conforms to requirements.

**Council Member Merrill** explained that the possibility of the project plans changing into something undesirable is a concern for him and other residents. Community Development Director Christensen explained conditions along with design standards in the development ordinance limit undesirable change. Configuration of buildings may change; however, the project must still meet conditions and requirements.

**Council Member Busby** expressed there is concern with how this development will affect Kennedy Elementary School and the Madison School District.

**Council Member Smith** moved to re-zone property at approximately 424 West 2nd South from Light Industrial and Medium Density Residential Two to High Density Residential One including the five conditions recommended by Planning and Zoning:

1. There shall be surface parking only - no parking structure;
2. No access onto 5th West;
3. Buildings not to exceed four stories;
4. Maximize landscape around the perimeter of the property;
5. Thirty-six (36) month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time;
6. Buildings a minimum of 80 ft. off of the city right-of-way; and
7. Landscape buffering to be more specific rather than general when the plan is reviewed.

**Council Member Sutherland** seconded the motion; Discussion: Council Member Merrill requested to add an additional condition. **Council Member Merrill** moved to amend the motion as to include:

8. Trees to be no farther than 40 feet apart on the perimeter.

**Council Member Sutherland** seconded the amended motion; Discussion: Council Member Busby asked Community Development Director Christensen about the egress on the east side of the property. Community Development Director Christensen explained once the traffic study is completed the city engineer will determine whether or not an egress is required on the east side of the property. Discussion on adequate access for the Fire Department into the property and the traffic study that will be done on the project. The development plans will be reviewed in every aspect to meet city standards and requirements. Mayor Woodland asked for a vote:

**Those voting aye**

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

**Those voting nay**

Council President Mann  
Council Member Benfield

**The motion carried.**

**City Attorney Zollinger** reviewed the proposal on the overhead screen. The original Sunset Clause has lapsed; therefore, the developer is asking for a renewal of the sunset clause to move forward with housing for BYU-Idaho. Planning and Zoning recommended a one year renewal of the sunset clause.

**Council Member Flora** asked for the conditions; City Attorney Zollinger indicated the conditions will remain the same; also, Mayor Merrill asked about weed control on this property. The development will begin this year by the end of June, so, weeds should not be a problem.

**Council Member Busby** asked about the development having adequate parking, due to one of the conditions being no parking structure. He stated a lot has been learned by the Mesa Falls Apartment complex regarding parking issues. City Attorney Zollinger indicated this development will be more in line with the Madison Park Apartments these types of developments don't tend to have the same parking issues.

**Council Member Busby** asked for a traffic study to ensure safety for Kennedy School on 5<sup>th</sup> West. City Attorney Zollinger indicated the traffic will be directed to the University towards the east. Pedestrian access will be directed to 1<sup>st</sup> South and 2<sup>nd</sup> South.

**Council Member Busby** indicated his concern regarding the reason why this sunset clause was overlooked and what is needed to be done so that it doesn't happen again. City Attorney Zollinger said the proper software has been implemented to avoid this type of situation.

Discussion:

**Council Member Mann** moved to renew the Sunset Clause with the same conditions for one year for the proposed development at 424 West 2nd South concerning a rezone from Light Industrial and Medium Density Residential two (2) to High Density Residential One (1); Council Member Busby seconded the motion; Discussion: Council Member Busby wanted to learn from the past project on South 5<sup>th</sup> West concerning traffic flow. City Attorney Zollinger indicated the new software will remind Staff of the end of the Sunset Clause. Mayor Merrill asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

**Calendared Bills and Tabled Items:**

**A. LAND USE ACTION – BILLS RECOMMENDED/APPROVED IN A LAND USE PUBLIC HEARING PROCEDURE: – NONE**

**B. BILL Introduction: – NONE**

**C. First Reading: – NONE**

**D. Second Reading:** Those items which have been first read:

**1. BILL 1141 Creation of LID 46**

**AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 46; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; APPOINTING AN ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE WORK; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS AUTHORIZED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITTED THEREBY AND THE METHOD OF ASSESSMENTS;**

**PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.**

Discussion: concrete for sidewalks came in at 30-40% less than the city engineer's estimates.

**Council Member Benfield** moved to consider BILL 1141 for the Creation of LID 46 second read ; Council Member Busby seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

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

**Mayor's Business:**

**Mayor Merrill** reported on the new Human Resource Director position: Five candidates were interviewed out of 14 or 15 candidates; the decision is pending. Amanda Ely with TRPTA asked for a work meeting to discuss their processes for March 16<sup>th</sup> at 5:30 P.M...

**Council Member Mann** asked about the plans for a Motel Six. He would like to know if they are still interested in building in Rexburg. City Attorney Zollinger said the Motel Six branch has very specific building designs. They will be meeting with the City to make sure their design specifications agree with City's development codes.

**Council Member Busby** asked about the Artco entrance with a turn arrow to Artco; Public Works Director Millar said a new through arrow going north to Wal-Mart will be painted as soon as weather permits. Discussion on the new Wal-Mart 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 February 03, 2016 meeting
- b. Approve the City of Rexburg Bills

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

**Those voting aye**

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

**Those voting nay**

None

**The motion carried**

**Adjourned at 8:20 P.M.**

APPROVED:

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Jerry Merrill, Mayor

Attest:

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Marianna Gonzalez, Deputy City Clerk