

City Council Minutes

December 07, 2016

35 North 1st 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

December 07, 2016

Mayor Jerry Merrill

Council Members:

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

City Staff:

Stephen Zollinger – City Attorney
Matt 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

Johny Watson said the prayer.
Canon Roach led the pledge.

Roll Call of Council Members:

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

Santa Claus (Brad Wolfe) made a surprise appearance and brought caramel apples to the council and caramel pretzels to the staff and audience.

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.

Presentations:

Committee Liaison Assignments for 2016:

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

Council Member Mann reported the golf board met last night. They have a new restaurant at Teton Lakes called Redds. The Golf Board has decided to raise the fees for next year by \$20.00 for a season pass and .50 cents for 9 holes to cover capital improvements and equipment. He also commented about Mayor Merrill's father passing away and sends his condolences. He showed a picture of his own father who was born on Dec 7th, 1918 and was in Pearl Harbor at the age of 23 on December 7th 1941 when the Japanese attack happened 75 years ago today. He was not injured in the attack and went on to serve 7 years in the war. He returned home, got married and raised a family and never talked about the war. He passed away 45 years ago.

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

Council Member Busby reported his committees will meet in January. Mayor Merrill reported that the on line safety video that the college students made has done very well.

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

Council Member Benfield had Chief Turman come forward to report on Shop with a Cop coming up this weekend. He also introduced Darrik Farmer who just graduated November 28th from the police academy in Boise. He earned some awards there and represented the city very well. This Saturday at 6 a.m. is the annual Shop with a Cop. They have 80 kids participating. This affects about 250 people. About 80 to 100 officers will be there. Chief Turman invited everyone to come watch the parade. This involves five counties: Madison, Fremont, Jefferson, Clark and Teton and 11 different law enforcement agencies. Walmart has been a huge partner in this. They donate coats, boots, hats, gloves, etc. Paul Mitchell Academy donates haircuts for the whole family and helps with wrapping presents. Each child gets a large gift bag with a blanket, wrapped presents, boots, etc. Valerie Cobay donates Christmas stockings for each child. The Craze donates laser tag for each family. Each child also gets a gift card to Walmart. This program is possible because of great members of the community that donate money, food and toys. It's a wonderful program.

Council Member Benfield reported that the Mayor's Youth Advisory Board just held their annual Santa at the Carousel. There were about 600 people in attendance. It was a successful event and lots of fun for those who went. She thanked Mary Flanary for helping with that.

Recreation had their first season at The Zone and it has been very successful. They are obtaining feedback through a survey to see what can be improved on. The Winter Recreation Guide is out. There are three new part time coordinators.

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

Council President Smith reported her committees have not met but will meet in January

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

Council Member Flora reported the school board saved quite a bit of money and are surprising their faculty and teachers with Christmas bonuses. The first annual Rexburg Tree Festival did well; she thanked those who donated trees. She thanked Brad Wolfe for being Santa. Many departments within the city came together to make the festival a success. The proceeds go to the Family Crisis Center. The total came to around \$4,000.

Council Member Flora showed pictures of the new display at the museum that was designed by some engineering students from the university. It is a projector over a sand table that projects mountains and water areas onto the sand and people can make the water move down stream. It is very educational and interactive. The tabernacle and museum will be closed December 19th to 23rd to have the boiler worked on.

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

Council Member Wolfe reported that everything that has been discussed at Planning and Zoning is on the agenda tonight. Urban Renewal will be helping to fund several projects such as, the lighting on Main Street and a traffic study by the south McDonalds.

Staff Reports:

A. Finance: - Matt Nielson

CFO Nielson did not have a report but wanted to ratify a new person to the Golf Board. Council Member Mann asked council to approve the appointment of Eva Wright to the Golf Board. Attorney Zollinger said it has to be a joint appointment with the county. Council Member Mann explained that this is a City appointment and has already been okayed with the committee.

Council Member Busby moved to ratify Eva Wright to the Golf Board; Council Member Mann seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
Council Member Flora

Those voting nay

None

Council Member Benfield
 Council Member Mann
 Council Member Wolfe
 Council Member Busby

The motion carried

B. Engineering: Keith Davidson

1. LID46 Engineering Report

LOCAL IMPROVEMENT DISTRICT 46												
4th South - 4th West to 1st West (City Only on 4th W between 1st S and 4th S and 3rd W between 4th S												
Item #	No.	Dir	Street	Company/ I. Name	Street Reconstruction	Cost	Engineering	City Participation	Property Owner Final Cost	Initial Property Owner Estimated Cost as Mailed 1/21/16	Bill Increase (Decrease)	
							12%					
1	359	W	4th S	Cardons LLC		\$ 4,446.88	\$ 533.63	\$ 1,522.85	\$ 3,457.66	\$ 19,600.00	\$ (16,142.34)	
2	Approx. 341	W	4th S	Curtis		\$ 2,095.22	\$ 251.43	\$ 822.85	\$ 1,523.80	\$ 3,600.00	\$ (2,076.20)	
3	335	W	4th S	Curtis		\$ 2,487.92	\$ 298.55	\$ 799.23	\$ 1,987.25	\$ 4,500.00	\$ (2,512.75)	
4	430	S	3rd W	H O P E MANAGEMENT C/O		\$ 3,454.90	\$ 414.59	\$ 1,300.25	\$ 2,569.24	\$ 6,500.00	\$ (3,930.76)	
5	Approx. 315	W	4th S	H O P E MANAGEMENT C/O		\$ 2,682.80	\$ 321.94	\$ 987.00	\$ 2,017.74	\$ 5,300.00	\$ (3,282.26)	
6	440	S	2nd W	NB Tuscany Place DST		\$ -	\$ -	\$ -	\$ -	\$ 400.00	\$ (400.00)	
7	376	W	4th S	CAPELLA Corp		\$ 2,957.90	\$ 354.95	\$ 1,114.75	\$ 2,198.10	\$ 5,500.00	\$ (3,301.90)	
8	368	W	4th S	Smith		\$ 2,736.00	\$ 328.32	\$ 1,057.00	\$ 2,007.32	\$ 4,900.00	\$ (2,892.68)	
9	358	W	4th S	Lee		\$ 3,198.10	\$ 383.77	\$ 1,043.00	\$ 2,538.87	\$ 5,700.00	\$ (3,161.13)	
10	356	W	4th S	Page		\$ 4,007.60	\$ 480.91	\$ 1,592.50	\$ 2,896.01	\$ 6,700.00	\$ (3,803.99)	
11	344	W	4th S	Central Storage LLC		\$ 5,869.70	\$ 704.36	\$ 1,540.00	\$ 3,034.06	\$ 10,200.00	\$ (5,165.94)	
12	322	W	4th S	STORAGEBAY RENBURG LLC		\$ 3,399.70	\$ 407.96	\$ 1,225.00	\$ 2,582.66	\$ 6,100.00	\$ (3,517.34)	
13	Approx. 312	W	4th S	Smith		\$ 2,870.00	\$ 344.40	\$ 698.25	\$ 2,516.15	\$ 5,000.00	\$ (2,483.85)	
14	Approx. 308	W	4th S	Smith		\$ 1,260.38	\$ 151.25	\$ 446.60	\$ 963.03	\$ 2,500.00	\$ (1,534.97)	
15	345	S	3rd W	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints		\$ 729.26	\$ 87.51	\$ 277.38	\$ 539.40	\$ 1,600.00	\$ (1,060.60)	
16	256	W	4th S	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints		\$ 3,686.54	\$ 442.38	\$ 1,447.78	\$ 2,681.15	\$ 12,400.00	\$ (9,718.85)	
17	246	W	4th S	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints		\$ 3,519.82	\$ 422.38	\$ 1,382.33	\$ 2,559.87	\$ 11,300.00	\$ (8,740.15)	
18	236	W	4th S	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints		\$ 4,572.12	\$ 548.65	\$ 1,743.88	\$ 3,376.90	\$ 13,200.00	\$ (9,823.10)	
19		W	4th S	City of Renburg	\$ 1,268,590.79	\$ 1,268,590.79	\$ 253,718.16	\$ 1,522,308.95	\$ -	\$ -	\$ -	
							12%					
25	309	S	4th E	Bowen		\$ 5,296.18	\$ 635.54	\$ -	\$ 5,931.72	\$ 8,600.00	\$ (2,668.28)	
26	310	S	4th E	Blatter Family Trust		\$ 210.50	\$ 25.26	\$ -	\$ 235.76	\$ 400.00	\$ (164.24)	
27	320	S	4th E	Clark		\$ 1,599.80	\$ 191.98	\$ -	\$ 1,791.78	\$ 2,700.00	\$ (908.22)	
28	330	S	4th E	Wood Estate Trust		\$ 1,431.40	\$ 171.77	\$ -	\$ 1,603.17	\$ 2,300.00	\$ (696.83)	
29	424	S	4th E	Davis		\$ 294.70	\$ 35.36	\$ -	\$ 330.06	\$ 500.00	\$ (169.94)	
30	428	S	4th E	Fullmer		\$ 1,515.60	\$ 181.87	\$ -	\$ 1,697.47	\$ 2,500.00	\$ (802.53)	
31	442	S	4th E	Leishman		\$ 1,359.83	\$ 163.18	\$ -	\$ 1,523.01	\$ 2,300.00	\$ (776.99)	
32	175		Rosewood Dr	Sampson		\$ 3,377.69	\$ 405.32	\$ 630.00	\$ 3,153.01	\$ 2,400.00	\$ 753.01	
WAIVER OF HEARING SENT - ADDED TO LID 46 LATER												
33	1109		Greenside Loop	Wood		\$ -	\$ -	\$ -	\$ 2,780.00		\$ 2,780.00	
34	826		Punbrook Ln	Cruz		\$ -	\$ -	\$ -	\$ 4,500.00			
35	221	S	1st E	Davenport		\$ 4,290.00	\$ -	\$ 1,365.00	\$ 2,925.00			
36	235	S	1st E	Davenport		\$ -	\$ -	\$ -	\$ -			
37	235	S	1st E	Davenport		\$ -	\$ -	\$ -	\$ -			
						Totals	\$1,341,941.33	\$ 262,005.42	\$ 1,543,304.57	\$ 67,922.18	\$ 146,700.00	\$ (86,202.82)
									CITY SHARE	\$ 1,543,400		
									PROPERTY OWNER SHARE	\$ 67,922		
									TOTAL ESTIMATED COST	\$ 1,611,400		

City Engineer Davidson reported on LID 46 which encompasses the storm drain line that was installed down 4th West and 4th South. He indicated that their estimates came in high. There ended up being some sidewalks and driveways that didn't need installed at this time so everything came in quite a bit lower than expected.

Council Member Busby asked about line 19. Engineer Davidson said that includes the storm drain line. Councilman Busby also asked about the 12 percent engineering fee. Engineer Davidson indicated that that is the standard fee.

2. **Resolution 2016 – 14 to set the public hearing date for LID46 final assessment roll** on January 4th at 7:00pm.

City Engineer Keith Davidson asked for council to approve **Resolution 2016 – 14** for fixing the time and place for a public hearing to accept the Engineering Report for LID46 by City Council.

RESOLUTION NO. 2016-14

A RESOLUTION OF THE CITY OF REXBURG, IDAHO, FIXING THE TIME AND PLACE OF HEARING ON THE LOCAL IMPROVEMENT DISTRICT NO. 46 ASSESSMENT ROLL; PROVIDING FOR PUBLICATION AND MAILING OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Local Improvement District Number 46 ("L.I.D. No. 46") of the City of Rexburg (the "City") was created by Ordinance No. 1141 adopted by the City Council (the "Council") on March 02, 2016; and

WHEREAS, in accordance with Ordinance No. 1141, the improvements within L.I.D. No. 46 have been completed, and the City Engineer, as engineer for L.I.D. No. 46, has submitted a report showing in detail the total cost and expenses of the improvements, the dollar amount thereof payable from assessments, and a form of assessment roll showing the amount chargeable to each lot or parcel of property subject to assessment within L.I.D. No. 46.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, as follows:

Section 1: The form of assessment roll for L.I.D. No. 46 prepared by the City Engineer shall be filed in the office of the City Clerk, where it shall be available for public inspection during normal business hours.

Section 2: **Wednesday, the 4th day of January 2017, at the hour of 7:00 pm**, at the regular meeting place of the Council, City Hall, 35 N 1st E, Rexburg, Idaho, is hereby fixed as the date, time, and place when and where the Council will meet in open session for the purpose of considering the City Engineer's report on the assessment roll and hearing any objections to the assessment roll by the owners of property within L.I.D. No. 46.

Section 3: The City Clerk shall give notice of the hearing specified in Section 2 above by publication of notice in the official newspaper of the City, once a week for two successive weeks, the first such publication being at least fifteen (15) days before the date fixed for hearing objections to the assessment roll. The City Clerk shall also, not less than fifteen (15) days before the date fixed for hearing objections to the assessment roll, mail notice of the hearing to each owner of property, if known, or his or her agent, if known, within the limits of L.I.D. No. 46, addressed to such person at his or her post office address, if known, or, if unknown, to the main post office in the City of Rexburg, Idaho. The mailed notice shall state the amount of the individual assessment as shown on the preliminary assessment roll.

Section 4: The owner or owners of any property which is assessed in said assessment roll, whether named in said assessment roll or not, may, within the time specified in the notice before the date and time fixed for the hearing, file with the City Clerk his or her objections in writing to said assessment.

Section 5: This resolution shall take effect and be in force from and after its passage and approval. DATED this 7th day of December 2016.

CITY OF REXBURG
Madison County, Idaho

By _____
Mayor Jerry L. Merrill

ATTEST:

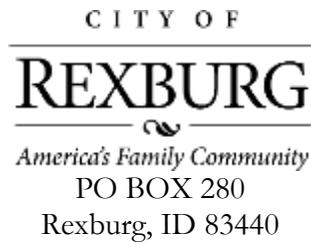
City Clerk Blair D. Kay

EXHIBIT "A"

(See attached Notice of Hearing on Assessment Roll)

EXHIBIT "B"

LID 46 Final



Madison County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 46

NOTICE OF HEARING ON ASSESSMENT ROLL

<Name>
 <Mail Address>
 <City, State, Zip>

NOTICE IS HEREBY GIVEN that on the 4th day of January, 2017, at 7:00 pm., the City Council (the "Council") of the City of Rexburg, Idaho (the "City"), will hold a hearing on the assessment roll for Local Improvement District Number 46 ("L.I.D. 46) at City Hall, 35 N. 1st East, Rexburg, Idaho. The assessment roll is on file in the office of the City Clerk at the above address, and is available for inspection by the public.

In order to expedite any changes to the amount assessed, any disagreement with that amount should be discussed with City Hall staff before the hearing, if possible.

At the hearing, the Council will hear and determine all objections to the regularity of the proceedings in making assessments, the correctness of assessments, and the amount levied on particular lots or parcels in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvements.

Each owner or owners of any property which is assessed in the assessment roll, whether or not named in the assessment roll, may, until four (4) P.M. on the 3rd day of January, 2017, file with the City Clerk objections in writing to said assessments.

The assessment for the property with reference to which this notice is mailed is as follows:

- *Property Address: <Service Address>**
- *Item #: <Item #>**
- *The amount of your final assessment is: \$ <Amount>**

DATED this 7th day of December, 2016

CITY OF REXBURG
 (s) *Matthew Nielson*, City Treasurer

Questions about this assessment should be directed to:

Finance Questions:

Deborah Lovejoy
 Accounting Clerk
 208-372-2347
deborahl@rexburg.org

Engineering Questions:

Joel Gray
 City Engineer
 208-372-2331
joelg@rexburg.org

Discussion:

Council Member Flora moved to approve **Resolution 2016 – 14** to set the public hearing date for **LID46 final assessment role on January 4th at 7:00pm.**; Council Member Smith seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried

3. **Resolution 2016 – 15 Update Engineering Standards and specification as adopted by Resolution 2008 – 17 and set forth in the current edition of the Idaho Standards for Public Works Construction and Supplemental Conditions - Standard Drawings & Specifications, as the City of Rexburg’s minimum Standard Drawings & Specifications and any additions, amendments or addendums thereto established by the City Engineer.**

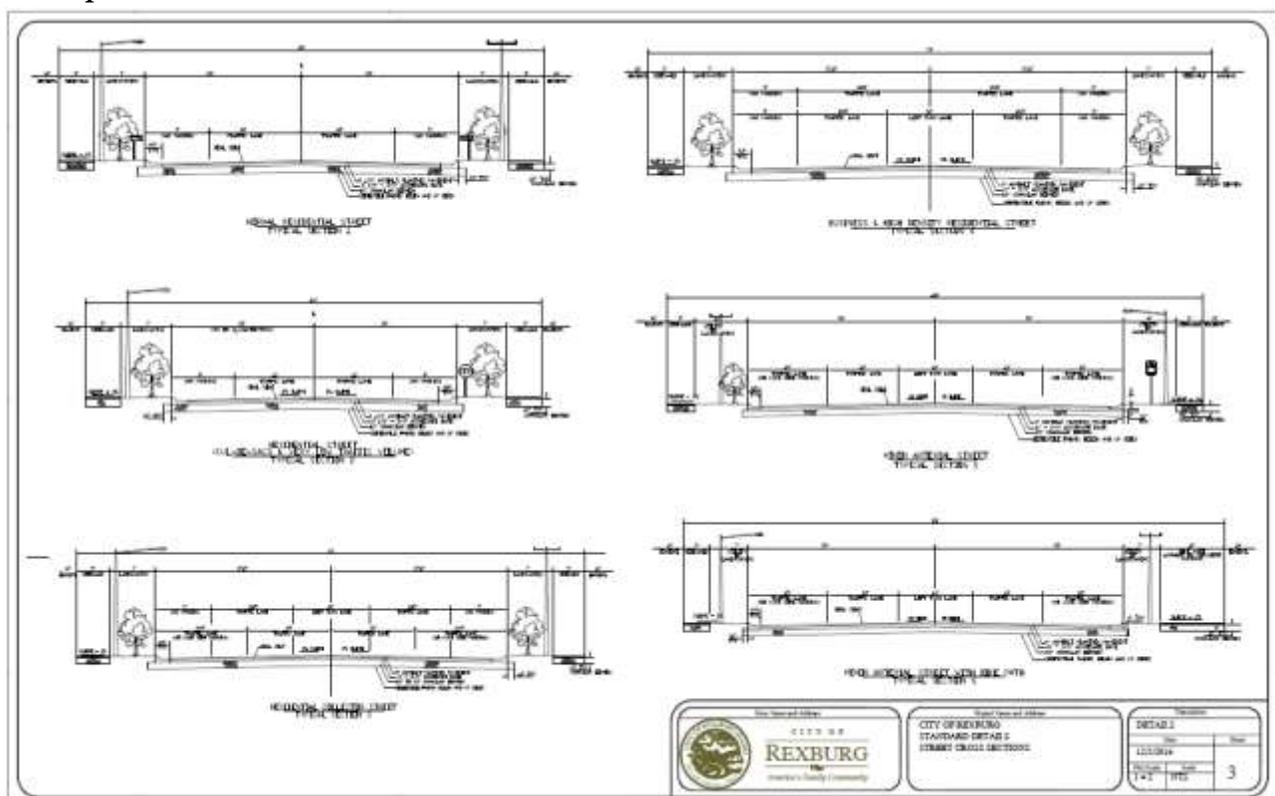
TABLE OF CONTENTS	
PAGE NO.	SHEET TITLE
1	COVER SHEET
2	TABLE OF CONTENTS
3	ROAD CROSS SECTIONS
4	ROAD CROSS SECTIONS
5	UTILITY PLACEMENT
6	RESIDENTIAL CURB & GUTTER
7	COMMERCIAL CURB & GUTTER
8	STREET CUT DETAIL
9	PEDESTRIAN EMPHASIS OVERLAY LIGHTING
10	SINGLE TRASH ENCLOSURE
11	DOUBLE TRASH ENCLOSURE
12	1" & 1" WATER METER DETAIL
13	1 1/2" - 2" WATER METER DETAIL
14	3" - 6" WATER METER DETAIL
15	INFILTRATOR DETAIL

CITY OF REXBURG
STANDARD DETAIL 2
STREET CROSS SECTIONS

TABLE OF CONTENTS

Revision	Date
1	1/1/16
2	1/1/16

Example of Some of the street Cross Section



Council Member Mann brought up the traffic in front of Maverick on West Main. It's still 45 mph and people are allowed to turn left onto Main. It's very problematic. Also, the corner by the High School needs some serious study since the new stadium and other businesses will be built in that area. Davidson said they met with the state about putting in a traffic light on 12th West. The road speed in front of Maverick has to be set by the state.

Council Member Flora explained the problems with traffic coming out of Maverick and turning left onto Main Street. With two lanes of traffic backed up at the traffic light, there is poor visibility for someone turning left.

C. Community Development: Review the building permits for November - Natalie Powell



CITY OF REXBURG
America's Family Community

Building Valuation Report

From: 11/01/2016 To: 11/30/2016

Building Safety Department
35 N. 1st E.
Rexburg, ID 83440
Phone: (208)-359-3020
www.rexburg.org

PERMIT NUMBER	PROJECT NAME	PROJECT LOCATION	APPLICANT NAME	IMPACT FEES	BUILDING FEES	PUBLIC WORKS FEES	PROJECT VALUATION
Building - Single Family Residence							
15-00540	650 Canyon Springs Dr - SFR	650 Canyon Springs Dr	Higley Development, LLC	\$2,530	\$2,779	\$3,705	\$257,499.95
16-00545	670 Canyon Springs Dr - SFR	670 Canyon Springs Dr	Higley Development, LLC	\$2,620	\$2,547	\$3,755	\$240,953.74
16-00669	601 Canyon Springs Dr - SFR	601 Canyon Springs Dr	Higley Development, LLC	\$2,620	\$2,933	\$3,880	\$271,930.41
16-00699	635 Eaglewood Dr - SFR	635 Eaglewood Dr	Higley Development, LLC	\$2,620	\$3,335	\$3,880	\$316,061.81
16-00746	1239 Stone Dr - SFR	1239 Stone Dr	Shay Higley Construction	\$2,620	\$4,137	\$3,880	\$446,118.62
Commercial Remodel							
16-00563	BYUI Rigby/Biddulph Remodel	470 Physical Plant Way	BYU Idaho	\$0	\$1,634	\$0	\$69,772.08
Commercial Tenant Finish							
16-00773	Season's 8 Tenant Build-out	36 Professional Plaza	Headwaters Construction	\$0	\$611	\$0	\$47,000.00
Multi-Family Residential							
16-00334	The Roost - Bldg #1 - MFR	486 S 3rd W	Jonathan McMullen	\$11,220	\$10,352	\$6,835	\$1,187,956.00
16-00481	Campus Courtyard 2 Bldg 7 (21 Units)	273 S 5th W	Jared Sommer	\$35,175	\$12,924	\$23,100	\$1,446,643.66
16-00482	Campus Courtyard 2 Bldg 8 (21 Units)	273 S 5th W	Jared Sommer	\$35,175	\$12,924	\$23,100	\$1,446,643.66
Single Family Residential Remodel							
16-00749	402 S 4th E - Deck Replace and Shed Roof	402 S 4th E	John Wilson	\$0	\$143	\$0	\$9,500.00
				\$94,580	\$54,319	\$72,135	\$5,740,079.93

Compliance Officer Powell reviewed Building Valuation Report noting a total project valuation of \$5,740,079.93.

Discussion about new buildings by Madison Gymnastics; Gorilla Performance and Gravity Factory.

Mayor's Report: Mayor Merrill reported that he attended the Rexburg Tree Festival and the Martial Arts Academy ribbon cuttings. He also attended the Eastern Idaho Legislative Forum where they talked about issues facing the legislature this year. Our city will be hosting the forum next year so they wanted to be prepared. He and HR Director Terri Hill have been reviewing the CIO (Chief Information Officer) applications. We received about 80 applications. He and some other staff members attended the Urban Renewal meeting where presentations were made for the Center Street Project. The High Five Advisory Committee met to get direction on where they want to go with that grant.

Council Member Benfield asked about how that grant is split. She heard that it's split three ways. Mayor Merrill said it is up to the committee how the grant will be split. They would like to use some of it as seed money to go after other types of grants. There are 20 people on the committee from several organizations. **Attorney Zollinger** explained that the main three key players: City, School and Hospital will work together to decide how to spend the money but there is no set allocation of how the money is split. He and Scott attended the INL reception in Idaho Falls. They talked about how cities can help with STEM education, etc. The RPO meeting was at BYUI today with President Gilbert. They are working with the university and the INL to bring good jobs to the area. The audit is going on right now at City Hall. The new POS system that was installed at the carousel has helped increase revenue.

Public Hearings: – NONE

Items for Consideration:

A. **Conditional Use Permit at approximately 267 West 4th South** to allow a lowered number of parking spaces down to a 62% ratio per applicant request through the use of the Pedestrian Emphasis Overlay (PEO), Ordinance No. 1021, in the High Density Residential One (HDR1) Zone – JRW & Associates (*Planning and Zoning recommended this proposal with a split vote (8-1) with three conditions including complying with section 6.12B of the Development Code;*)

- 1) *Protect the sewer service to the old R-Skating building just to the east of the subject property;*
- 2) *Snow removal shall be taken offsite;*
- 3) *A parking management plan which incorporates clear disclosures through the contracting process, parking availability, and the parking configuration, shall be reviewed and approved by City staff.*

Johny Watson presented the project. The owners would like to maximize the number of units they can build but would need a lower parking ratio of 60 to 65 percent. They feel that this would be adequate and manageable. He reviewed the plans on the screen. There will be 30 units with 6 students in each unit and 112 parking spaces with 8 percent visitor parking.

Discussion about snow removal and street lighting.



Community Development Department:

STAFF RECOMMENDATION

Staff can support this request if the requirements identified in Chapter 9 are properly addressed. They are as follows:

- a. The parking ratio per student within “Area 1” as identified on the attached exhibit map shall be reflective of a market demand as determined by the applicant or land owner, but may in some cases be reduced to zero parking spaces. However, other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11. **Staff feels that 62% is adequate due to the proximity to the university, commercial and recreational areas.**
- b. The parking ratio within the area identified as “Area 2” on the exhibit map shall be a minimum of 0.5 spaces per student. Other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11. **N/A**
- c. Parking areas (parking spaces and maneuvering areas) shall not be located within the required front yard. **This project meets this requirement.**
- d. Existing parking areas that are located within the required front yard shall be eliminated and restored to landscaping that includes the use of trees and shrubs. **N/A**
- e. In order to be eligible for the reduced parking ratios as permitted herein, the resulting structure must have ten (10) dwelling units or more. However, structures with fewer than ten (10) dwelling units may apply for a conditional use permit in order to qualify for reduced parking. This ordinance is not intended nor shall apply to any structure originally constructed as a single-family or duplex residential structure. Furthermore, all underlying zoning standards shall apply (e.g. dwelling density, permitted land uses, etc.). **This project meets this requirement.**
- f. Landscaped areas shall, through the use of trees and shrubs, deter the use of the required front yard as parking during the winter months when vehicles are not allowed to be parked overnight on City streets. **This project meets this requirement.**
- g. Landscaped front yards and other required buffer yards shall be delineated from parking areas by high-back curbing that will further discourage parking in the front yard. **This project meets this requirement.**
- h. Each property that utilizes this parking reduction shall clearly specify on all rental contracts or agreements whether or not a vehicle parking space is provided for that individual tenant. **Rental contracts will be required to be reviewed by the City Attorney.**
- i. Bicycle parking, shall be provided on a ratio of One (1) space per every ten (10) resident beds, as follows:
 - i. Spaces may be in an open-air environment, but shall be placed on a hard surface such as concrete, asphalt, pavers, or other.
 - ii. A hard surface, such as concrete, asphalt, pavers, or other, shall connect bicycle storage area to either the internal parking lot, or a public right-of-way. Surface shall be a minimum of 5-feet in width or 6-feet in width if vehicle overhang will occur.
 - iii. Spaces shall have lighting that is motion activated. Lighting shall in no way shine on to adjacent rights-of way or adjacent property, but shall be directed downward on to bicycle storage only. The City’s lighting ordinance shall govern any other aspects not anticipated by this section.
 - iv. Parking areas shall not be located within the required front yard setback.
 - v. Signs shall be placed conspicuously that state that moped parking is allowed in areas of bicycle parking.
Signs shall clarify that mopeds include either pedals, or have engines under 50cc.

Bicycle parking meeting the above requirements must be shown on plans.

- j. One vehicle parking space shall be provided for on-site management and must be the City's full-size parking space standard. **This requirement will be required prior to a building permit being granted.**
- k. Parking shall be provided for guest parking at eight percent of occupancy. Guest parking shall be marked with signage that is clearly visible during all seasons of the year. These spaces shall not be included in the parking contract required to be entered into (see section #8 above). Guest parking spaces shall be the City's full-size parking space standard. **This requirement will be required prior to a building permit being granted.**
- l. All sidewalks located along property shall be eight-foot minimum, installed and maintained per City standards. **This requirement will be required prior to a building permit being granted.**
- m. By utilizing this parking reduction provision, the property owner, and future property owners agree to participate in a joint sidewalk maintenance agreement with other property located in the PEZ overlay that may be established in the future. Sidewalk maintenance shall include repairs as needed, and snow removal and deicing, as needed. **The P&Z Commission may want to comment on this requirement.**
- n. Sidewalks shall be maintained for safe passage during all seasons of the year. In the case of snow removal and deicing, this safe passage must be insured by 6:00 A.M. every morning and continue until 10:30 P.M. **This requirement should be part of the CUP agreement.**
- o. Property owners are encouraged to work with adjacent property owners to allow pedestrian access easements over property if a more direct route for pedestrians to BYU-I campus can be achieved. **N/A**
- p. Lighting fixtures on the property shall not exceed 15-feet in height. This would include wall mounted lights as well as parking lot lights and walkway lights. Any lighting that exists at the time a property wishes to implement this PEO parking standard shall be brought in to compliance with this standard and any other lighting standards per the City's lighting ordinance. **This requirement will be required prior to a building permit being granted.**
- q. Every dwelling unit shall have a minimum of 150 square feet of gross floor area for every person living in dwelling unit. **This requirement will be required prior to a building permit being granted.**
- r. No applications for expansion of the PEO boundaries shall be accepted for five (5) years from the passage of this ordinance in the hopes that infill will be maximized within the boundaries. The current boundaries coincide with a quarter mile (1/4) radius, a distance with the strong likelihood of pedestrian activity. When the boundaries are revisited, if it is determined that this ordinance has been effective but needs more time to maximize infill then the boundary should not be expanded. **N/A**
- s. Qualifying developments cannot reduce their existing parking space ratio except to proportionally allow for additional on-site buildings, or for the restoration of required yard. **N/A**
- t. Qualifying developments shall be subject to future proportional share of pedestrian and vehicle enhancements implemented to facilitate movement to and from campus or businesses. This ordinance shall take effect and be in force from and after its passage and publication as required by law. **This requirement should be part of the CUP agreement.**

Public Works Review:

Conditional Use Permit Application
File #16 00706 – JRW & Associates

Requesting a Conditional Use Permit to allow a lowered number of parking spaces – to 62% per applicant request – through the use of the Pedestrian Emphasis Overlay (PEO), Ordinance No. 1021.

Property Location: Approximately 267 West 4th South

1. Public Works staff concurs with comments made in the Community Development staff report.
2. Protect the sewer service to the old R-Skating building just to the east of the subject property.

Fire Department Review:

Conditional Use Permit Application
File #16 00706 – JRW & Associates

Requesting a Conditional Use Permit to allow a lowered number of parking spaces – to 62% per applicant request – through the use of the Pedestrian Emphasis Overlay (PEO), Ordinance No. 1021.

Property Location: Approximately 267 West 4th South

The CUP application request was reviewed. There were no Fire Department comments at this time.

Discussion:

Council Member Wolfe moved to approve **Conditional Use Permit at approximately 267 West 4th South** to allow a lowered number of parking spaces down to a 62% ratio per applicant request through the use of the Pedestrian Emphasis Overlay (PEO), Ordinance No. 1021, in the High Density Residential One (HDR1) Zone including complying with three conditions recommended by Planning and Zoning including complying with section 6.12B of the Development Code; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

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

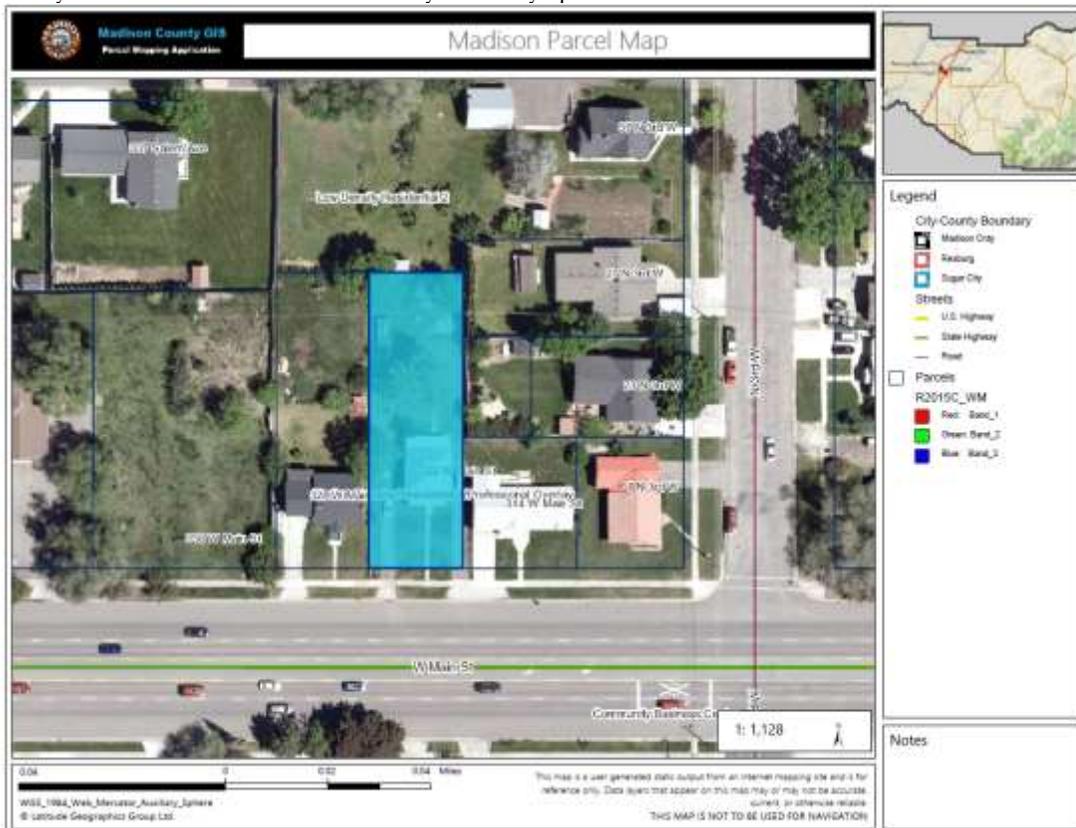
Those voting nay

None

The motion carried

- B. **Conditional Use Permit at 322 West Main** to allow per the Rexburg Development Code Section 3.7.025, a “Bed and Breakfast Inn” (a structure containing guest room(s) where lodging, with or without meals, is provided on a daily rate basis, and a manager maintains a residential presence on site or on an adjacent lot.) – Danny Hebdon (Planning and Zoning recommended this proposal with a unanimous vote including complying with section 6.12B of the Development Code:)

Danny Hebdon asked council if they had any questions.



Discussion:

Community Development Report:

Staff recommends that this use be granted if the applicant provides adequate parking in the rear of the building and meets all of the requirements of the Development Code and the Building Code. It is a change of occupancy and will require a building permit.

Public Works Report:

Staff recommends that this use be granted if the applicant provides adequate parking in the rear of the building and meets all of the requirements of the Development Code and the Building Code. It is a change of occupancy and will require a building permit.

Fire Department Report:

Property Location: 322 West Main

The CUP application request was reviewed. There were no Fire Department concerns at this time.

Staff Report – Natalie Powell reported that this type of business is allowed in this zone with a conditional use permit. With the manager being nearby there should be fewer complaints.

Council Member Busby asked about parking. Mr. Hebdon said they put additional parking in the back. Council Member Busby asked if the issues brought up in Planning & Zoning were addressed. Mr. Hebdon said yes, they are working with the neighbors. Council Member Wolfe said the neighbors were not against it they just had concerns.

Discussion:

Council Member Busby moved to approve the **Conditional Use Permit at 322 West Main** to allow per the Rexburg Development Code Section 3.7.025, a “Bed and Breakfast Inn” (a structure containing guest room(s) where lodging, with or without meals, is provided on a daily rate basis, and a manager maintains a residential presence on site or on an adjacent lot including complying with section 6.12B of the Development Code); Council Member Smith seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried

C. **Resolution 2016 – 12 Comprehensive Plan Map Amendment** at approximately 801 West 7th South from Commercial to Moderate-High Density Residential – Bron Leatham and Bob Conger

Bron Leatham reviewed the proposed change to the Comprehensive Plan Map at 801 West 7th South. He believes this is a good location for Moderate-High Density development. They will be addressing the concerns brought up by staff by doing a traffic study. Golden Beauty drive will eventually connect to 7th South. The other concern was good connectivity to the university for pedestrian access. They plan to put a beltway that will run between their road and along the railroad tracks. It would run the whole length from 7th South down to University Blvd.

Discussion about traffic, infrastructure, etc.

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

Resolution 2016 - 12

WHEREAS, on the 7th day of December, 2016, the City Council for the City of Rexburg was duly convened upon notice properly given and a quorum was duly noted; and

WHEREAS, in a Rexburg Planning and Zoning Commission meeting on the 1st day of December, 2016, the Planning and Zoning Commission held a public hearing, taking public comment for and against the proposal to amend the Comprehensive Plan Map. The public hearing ended with a unanimous vote to recommend the proposed Comprehensive Plan Map change to City Council; and

WHEREAS, in a subsequent City Council meeting on the 7th of December, 2016, the City Council reviewed the findings from the Planning and Zoning Commission's Public Hearing held on the 1st of December, 2016; and

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

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

WHEREAS, the following approved Land Use designation changes to the Comprehensive Plan Map from Commercial to Moderate-High Density Residential at approximately 801 West 7th South in the City of Rexburg, Madison County, Idaho and more particularly described as follows:

Legal Description:

Commencing at a point on the Section line 361.50 feet North 89°46'28" East of the Northwest corner of the Northeast Quarter of Section 36, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 00°21'58" East 773.00 feet; thence South 89°46'28" West 361.50 feet to the Quarter section line; thence South 00°21'58" East 545.50 feet (547 feet record) along said line; thence North 89°49'19" East 522.08 feet (523.5 feet record) to the West railroad right-of-way line; thence North 30°08'08" East 1153.06 feet along said right of way; thence South 89°46'28" West 193.41 feet; thence North 00°22'00" West 292.00 feet; thence North 89°46'28" East 18.00 feet; thence North 00°22'00" West 32.00 feet to the Section line; thence South 89°46'28" West 570.42 to the point of beginning. Less county road right of way.

WHEREAS, the changes shown on the Comprehensive Plan Map dated December 07, 2016 have been approved by the City Council;

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

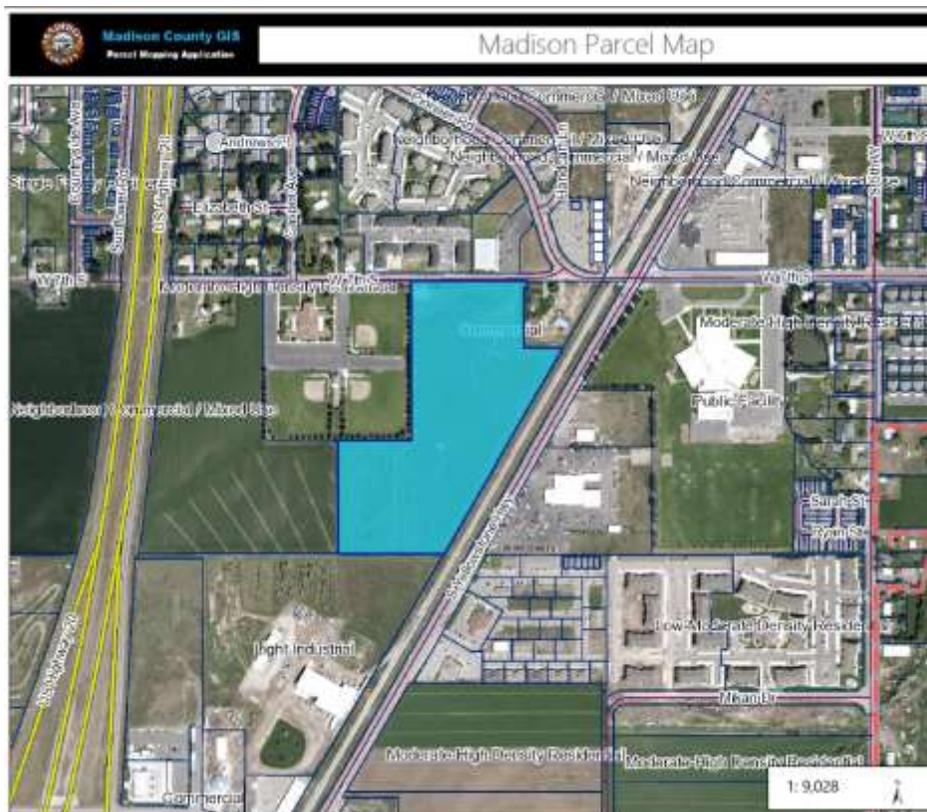
The City of Rexburg does hereby accept and adopt the said Comprehensive Plan Map Land Use Designations in the ***City of Rexburg Vision 2020 Comprehensive Plan***.

RESOLVED this 7th day of December, 2016; by the City Council, City of Rexburg, Idaho.

SIGNED BY: Jerry Merrill, Mayor

ATTEST: Blair D. Kay, City Clerk

ATTACHMENT: AMENDED COMPREHENSIVE PLAN MAP 12-07-2016



Community Development Department:
RECOMMENDATION

Staff is not opposed to High Density Residential in this area. However, there are many concerns that must be taken into consideration prior to the zoning of this area for High Density Residential. Please see the Public Works Staff Review Comments that are provided.

The Planning and Zoning Commission should take testimony in the public hearing to determine if this change to the comprehensive plan map will be in the best interest of the community.

Public Works Staff Review Comments:

File #16 00737 – Bron Leatham and Bob Conger
 Requesting to change the Comprehensive Plan Map land use designation from Commercial to Moderate-High Density Residential
 Rexburg, ID 83440

Property Location: Approximately 801 West 7th South

Due to a significant change in population in this overall area, a thorough evaluation of the effect on traffic patterns on 7th South and University needs to be evaluated. The density changes could result in an inability to move traffic generated in this overall area so that major transportation facility modifications may be required. Where this acreage and the properties west and south will also eventually be developed, it is the opinion of Public Works that Urban Renewal should be approached to ascertain if funding of a transportation study could be obtained.

A transportation network that serves the entire area between 7th South and University and the railroad and US-20 should be analyzed for the best access within the developing land and how the area will interconnect with existing arterials.

The overall connectivity for pedestrians should also be analyzed. This review should look at connections to existing pathways, sidewalks or trails. The lighting for safe corridors for vehicles and pedestrians should also be evaluated.

Water and wastewater facilities are generally adequate for the development of this overall area, but there will need to be extensions of utility lines into the properties to facilitate any development. There has been some discussion with Rocky Mountain Power about their lack of reserve capacity in this area to supply high density growth.

In an area this large some space should be incorporated for parks, commercial, and related support facilities.

It is the opinion of Public Works that the area bounded by 7th South, the railroad, University and US-20 should be evaluated as a whole for modifications to the city Comprehensive Plan.

Discussion:

Council Member Smith moved to approve **Resolution 2016 – 12** for a Comprehensive Plan Map Amendment at approximately 801 West 7th South from Commercial to Moderate-High Density Residential; Council Member Busby seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

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

Those voting nay

None

The motion carried

D. **Resolution 2016 – 15 to update the City of Rexburg Engineering Standards** adopted by Resolution 2008 – 17; including minimum Standard Drawings & Specifications and any additions, amendments or addenda thereto established by the City Engineer.

(Discussed under Staff Reports)

E. **Resolution 2016 – 16 Approve the change in meeting times for City Council and Planning and Zoning** from (7:00 P.M.) to (6:30 P.M.) The effective date for City Council is immediate and Planning and Zoning would be January, 2017.

RESOLUTION NO. 2016-16

BY THE COUNCIL:

A RESOLUTION BY THE REXBURG CITY COUNCIL DESIGNATING THE TIMES FOR REGULARLY SCHEDULED CITY COUNCIL MEETINGS AND PLANNING AND ZONING MEETINGS; AND PROVIDING AN EFFECTIVE DATE FOR THE NEW MEETING TIMES.

WHEREAS, the Rexburg City Council (“City Council”) recently changed their meeting times from 7:00 P.M. to 6:30 P.M. on a trial basis on the first and third Wednesdays of each month; and

WHEREAS, the Rexburg Planning and Zoning Commission has expressed a desire to change their meeting times from 7:00 P.M. to 6:30 P.M. for their regularly scheduled meeting times on the first and third Thursdays of each month; and

WHEREAS, the earlier starting time for each entity will allow better meeting access to the public for city business items;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO THE FOLLOWING:

1. The regularly scheduled Rexburg City Council meetings will begin at 6:30 P.M. on the first and third Wednesdays of each month; and
2. The regularly scheduled Rexburg Planning and Zoning meetings will begin at 6:30 P.M. on the first and third Thursdays on each month.

ADOPTED by the Council of the City of Rexburg, Idaho, this 7th day of December, 2016.

APPROVED:

Jerry Merrill, Mayor

ATTEST:

Blair D. Kay, City Clerk

- F. **Council Member Mann** moved to approve **Resolution 2016 – 16 changing the meeting times for City Council and Planning and Zoning** from (7:00 P.M.) to (6:30 P.M.) The effective date for City Council is immediate and Planning and Zoning would be in January, 2017; Council Member Flora seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

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

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 (Recommend Suspension of the Rules): – NONE

BILL Introduction: – NONE

- B. **First Reading:** Those items which are being introduced for first reading: – NONE

- C. **Second Reading:** Those items which have been first read: - NONE

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

Mayor’s Business: **Next council meeting on the 21st will be at 7 a.m.** Also, the hours for City Hall will change to 7:30 a.m. to 5:30 p.m. Monday thru Thursday and 7:30 a.m. to 12:30 p.m. Friday starting January 3rd, 2017. Council Member Busby would like to hear comments from the public and not actually set it in stone until we see how it works. Council Member Smith commented that the hours also need to work for the employees. It troubles her that working mothers can’t be there when their kids leave for school or get home from school. She would like to be sensitive to that and make sure the hours work for them.

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 November 16th, 2016 meeting;
- B. Approve the City of Rexburg Bills

Council Member Busby moved to approve the Consent Calendar containing the minutes and city bills; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

Those voting aye

Council President Smith
 Council Member Flora
 Council Member Benfield

Those voting nay

None

Council Member Mann
Council Member Wolfe
Council Member Busby

The motion carried

Adjourned at 8:05 P.M.

APPROVED:

Jerry Merrill, Mayor

Attest:

Mary Flanary, Deputy City Clerk