

# City Council Minutes

## September 7, 2016



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

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September 7, 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**

Bryce Darnaski said the prayer.

John Snell 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.

**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.

**Mayor Merrill** said he wanted to do things a little different tonight. He went into the audience and proposed that everyone take an information sheet that he prepared with some ideas, questions and problems associated with Airbnb rentals. He would like to schedule a regular public hearing for discussion on the matter. He said he is not trying to squash the Airbnb issue; he is just trying to get all the facts and give everyone the opportunity to share their ideas. He would like everyone to consider all the various factors involved, like insurance. He said that he and the council members are not pro or con they are just looking for a balance.

**Mayor Merrill** invited everyone to come to the public hearing. They are welcome to send an email to him. One lady said that she prepared a three minute comment for tonight and another gentleman said he heard on the radio that the Mayor was taking public comment tonight. The Mayor clarified that he has gotten into trouble letting opposing views be heard when it wasn't on the agenda. John Snell said he understands that they have the right to give public comment and exercise their freedom of speech and now the Mayor is saying that they can't comment. Mayor Merrill said he is simply asking that they wait to give everyone a fair chance. Mr. Snell said he drove three hours to get here and present and anyone who is opposed also has a right to be here and speak their mind as well. Mayor said he would go ahead and allow comments but he would like to move it to later on the agenda. Mr. Snell would like his voice to be heard and put on the record. Mayor Merrill said that all letters also go into the minutes.

**Council Member Busby** indicated that he would like to hear the public comments from the people. He appreciates their efforts to be here and would like to move ahead with the public comments. He feels that they owe it to the patrons. When they do have a public hearing they will probably rehash many of the same things, but he would still like to move ahead with public comment right now.

**Mayor Merrill** said that is fine, if they want to wait and speak at the public hearing they can, but if they would like to speak tonight, that's fine, too. He doesn't want anyone to feel like their rights are violated.

**Council Member Busby** said he appreciates the Mayor's efforts as well, for putting this information together. He also wanted the people to know that it is better to hear comments in public forum rather than people coming to council members in private.

**Mayor Merrill** asked Attorney Zollinger for clarification on discussing an issue once a public hearing has been set. Attorney Zollinger indicated that things discussed here tonight cannot be legally considered at the public hearing. Once a public hearing has been set, the matter cannot be discussed in private or public comments. Anything said tonight will be in the minutes but will not be used in the public hearing unless it is presented again at the public hearing.

**Mayor Merrill** invited anyone who wanted to make a public comment to do so now and reminded them that their comments must be kept to three minutes and there will be no discussion from council on their comments at this time.

**Hilary Jensen** said Airbnb has a million dollar insurance policy that you use as a primary insurance not your home owners insurance. She has an Airbnb where she shares a room out of her home. She received a letter from the City and called the Zoning Compliance office. She said that sharing one room in your home does not classify it as a bed and breakfast or a boarding house according to the City of Rexburg Development Code. She was told not to look at the words of the definition, but to try to think about what is meant. She was also told that they don't want strangers in their neighborhood. She decided to dig deeper into the Development Code.

**Ms. Jensen** found that home occupations are allowed in the LDR1 zones as long as they follow the stipulations of chapter 4.10.a. Home sharing one to two rooms nightly in your home is exempt from bed and breakfast and boarding house definitions and therefore should be allowed with a business license in a home occupation form. The push back felt from the zoning office is unwanted under the development code. She believes such opinions will bias the approval of such forms. LDR1 wants to protect neighborhood environments yet understands that home occupations such as daycares, home accounting offices, etc. are part of our community. Home sharing is similar to daycares. She compared daycares to bed and breakfasts. She actually has less traffic than a daycare. People using Airbnb go through a detailed information sheet. They should be allowed to visit this area and enjoy some time here while bringing their kids to BYU-I. The hotels have to turn people away because they are full.

**Brian Lemon** believes anyone should be able to apply for a license through the city to host with Airbnb. Requiring hosts to apply for a license could help avoid an "anything goes free for all" approach to hosting. This application process could include inspection of the property. This licensing process would hold owners to a higher standard. The license could be revoked if the owner gets three strikes. There are benefits to this for the economy. The Chamber of Commerce could provide brochures to be placed in the rooms that advertise local shops, restaurants, etc. The income the owners receive helps the community as they make improvements to their home and spend their money locally.

**John Snell** is aware that people who have a business like this usually spend the money they earn right here in this economy. The term family says that everyone in the home must be related but that doesn't always fit like with foreign exchange students and hosting dancers or missionaries. He will send an email with more detail.

**Paul Mead** doesn't run an Airbnb but has stayed at them a lot. It's a whole new phenomenon. This brings a different kind of tourist to the area. By not allowing Airbnb, there is a whole group of tourists that we are closing the door on. When they were looking for a home here they had to stay in Idaho Falls because there were no rooms in Rexburg. He sees that we are turning away money by banning Airbnb. Airbnb is in every community worldwide. Don't try to re-invent the wheel. Look at what other communities are doing.

**Sue Robinson** who lives in the house on Shoshone that has become well known from its picture on the VRBO site, said she immediately shut it down when she found out the city didn't like it. She came in and talked to some city officials and had a wonderful visit. She understood and shut it down. She wants everyone to know that the people who stayed in her home paid top dollar and were highly screened. It's a beautiful home that is currently on the market right now for \$485,000 because she is selling and moving. Her home is bringing up the value of the homes in her neighborhood. She is offended by the attack on her home. She supports the Airbnb. She quit doing it, but she supports those who do. Family cannot be just blood related. She feels their rights are being violated. It's a wonderful experience to meet all these people who come into her home. As a single woman she feels safer staying in a VRBO or Airbnb when she travels.

**Mary Johnson** supports using Airbnb and feels like the items on the Mayor's list or more cons than pros. There are a lot of pros and she would like to see more of that on the list.

**Presentations:** New Positions

A. Todd Shannon – Media Relations/Marketing Coordinator

**Todd** introduced himself. He has been with the city for a few years as an intern. He is from Kennewick Washington. He is married with two little girls. He graduated from BYU-I in April in business management with an emphasis in marketing. Council Member Flora had him introduce his family.

B. Max Egbert – Building Maintenance Coordinator

Max was unable to be here tonight.

**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 but did not have a full quorum. Mike Farnsworth is doing a great job. Sales were up for August. It's great to have Mary Ivy back; she has been battling cancer. They have started an end of season pass for \$150 that is good through the end of the year. Emergency Services met last week. They discussed the Paid Call positions and 401K. They would like to be able to allow Paid Call employees to participate in the 401K plan. It would cost the city about \$3,000 per year. The Development Workshop met. It's a great facility. The City now rents The Zone from them. They do a great job of working with disabled people in the community and placing them in paying jobs.

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

**Council Member Busby** reported the Airport Board met today. They still have GDA doing more studies and hope to have some results soon. Traffic & Safety met. They are going to have Public Works Director John Millar talk about signage and traffic study patterns. They would like to put a Snow Removal 101 in the utility newsletter and also educate the public on what not to put on sidewalks.

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

**Council Member Benfield** asked what happens to people who don't remove snow from their sidewalks. Attorney Zollinger said they get a ticket. He wasn't sure the amount. Council Member Benfield said it might help to mention that in the newsletter.

**Council Member Benfield** reported the Police Department held a joint active shooter training with BYU-I. It went well. This Friday there will be 18,200 students coming back into town. The Police Department will be stationing officers at the South and Middle exits from 6 am to 10 am.

**Council Member Busby** said they are having a late start at the high school on Friday to help alleviate traffic.

**Council Member Benfield** reported that Officer Darrik Farmer is leaving Sunday for 10 weeks for Post Academy training in Boise. The Mayor's Youth Advisory Board met today. They had an opening social at The Craze. There are 50 members and the new chairman wants more social and fun things this year to keep the kids coming. The Recreation Department is having their grand kick off for The Zone with free lunch and games on Saturday, September 10<sup>th</sup> from 10:00 a.m. to 2:00 p.m. The Zone will be holding open gym nights on Mondays and Thursdays where people can play Volleyball, Soccer, Basketball, etc. The Duathlon, sponsored by Wolfe Lighting, will be Saturday, September 24<sup>th</sup> in conjunction with the Heritage Festival. Rexburg Rapids closed on August 27<sup>th</sup> and the Carousel closed on Labor Day. Council Member Benfield attended a reception at the Carousel and said it was fabulous. People can rent it exclusively for two hours in the summer time. It was the first reception, to her knowledge, that has been held there.

**Council Member Benfield** also reported that Parks Director, Greg McInnes said the parks had a typical summer but less vandalism this year. The Nature Park has been used more this year. Director McInnes believes it's because of the frisby golf that has grown more popular. The grass at Riverside Park is in but they have had 9 water line breaks so they may not be ready for soccer next spring.

**Council Member Busby** asked if the water lines are under warranty. Mayor Merrill said it should be and they will need to follow up on that.

**Council Member Benfield** reported that Parks Director McInnes ordered 10,000 bulbs to plant this fall. It should be beautiful next spring. Council Member Benfield went to a cloud seeding meeting. She sits on the Cloud Seeding Committee. She said that the City pays \$2,500 per year to be a part of it. Over the last 20 years, the program has presented a nine percent increase of water. The whole region benefits from this moisture.

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

**Council President Smith** reported the Legacy Flight Museum will meet in September. MEPI will meet next week. They will be reorganizing the officers. October 20 to 22 is the Business Start-up Weekend. This is a great thing with so many great ideas. A proclamation will be presented on that tonight. The Beautification Committee that is working on the Center Street plans is putting it on hold until spring.

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

**Council Member Flora** reported The Arts Council meets tomorrow. Madison School District had a successful start to the school year and they send a big thank you to the community for voting to extend the operational levy. It won by an 81 percent margin. Homecoming will be September 16<sup>th</sup> with parade down Main Street at noon and the homecoming game that night. The Arts Council has had more volunteers and four of those people have spent 80 to 100 hours each, re-painting parts of the Romance, bringing it back to the original design. Those volunteers are: Kirk Rawlins, Bill Hall, Gary Benson and Rob McKay.

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

**Council Member Wolfe** commented on the duathlon; he has been asked to participate and invited the council to join also. His company, Wolfe Lighting is sponsoring it. Planning & Zoning has met twice. They did a zone change for 3<sup>rd</sup> S 2<sup>nd</sup> E and approved a conditional use permit for some apartments there. Last week they had a public hearing for a rezone at 255 W 2<sup>nd</sup> N from LDR2 to HDR1. It was recommended to council.

**Council Member Benfield** said the Chamber of Commerce is taking booth applications for Heritage Festival. It's free so please call the Chamber to sign up.

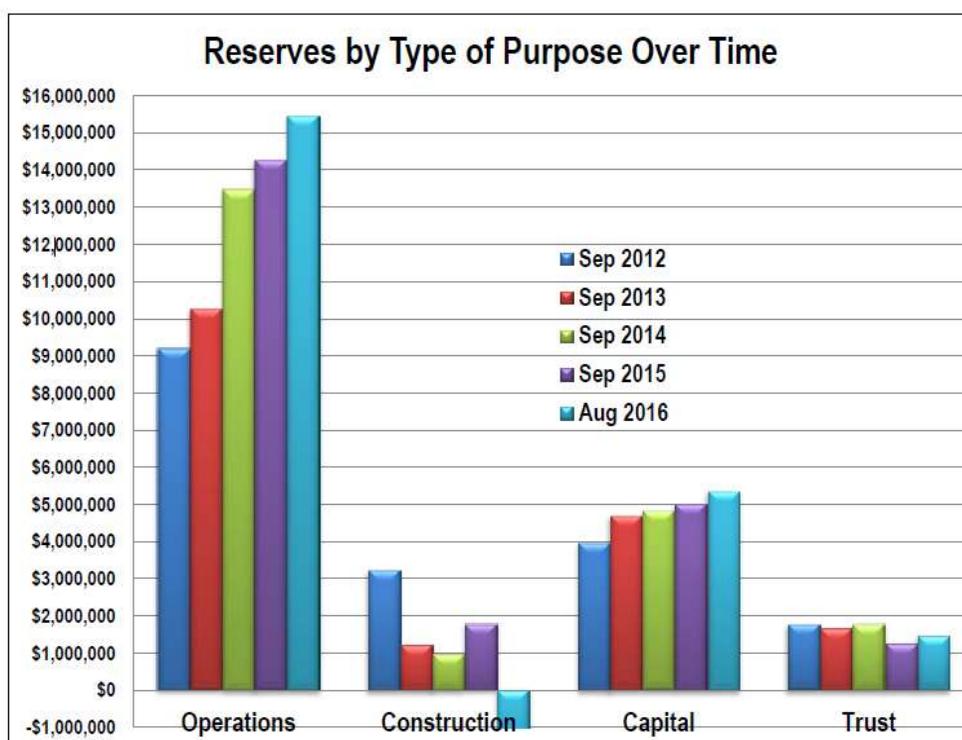
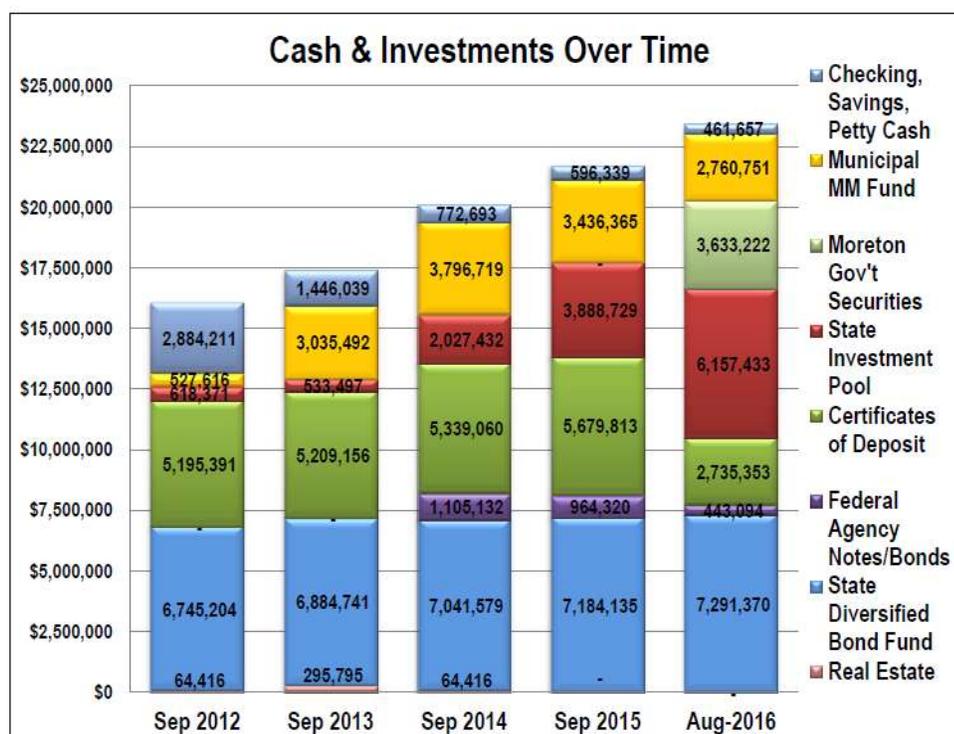
**Mayor Merrill** announced that the 23<sup>rd</sup> will be the opening ceremonies for Heritage Festival and there will be lots of great activities on the 24<sup>th</sup>.

**Staff Reports:**

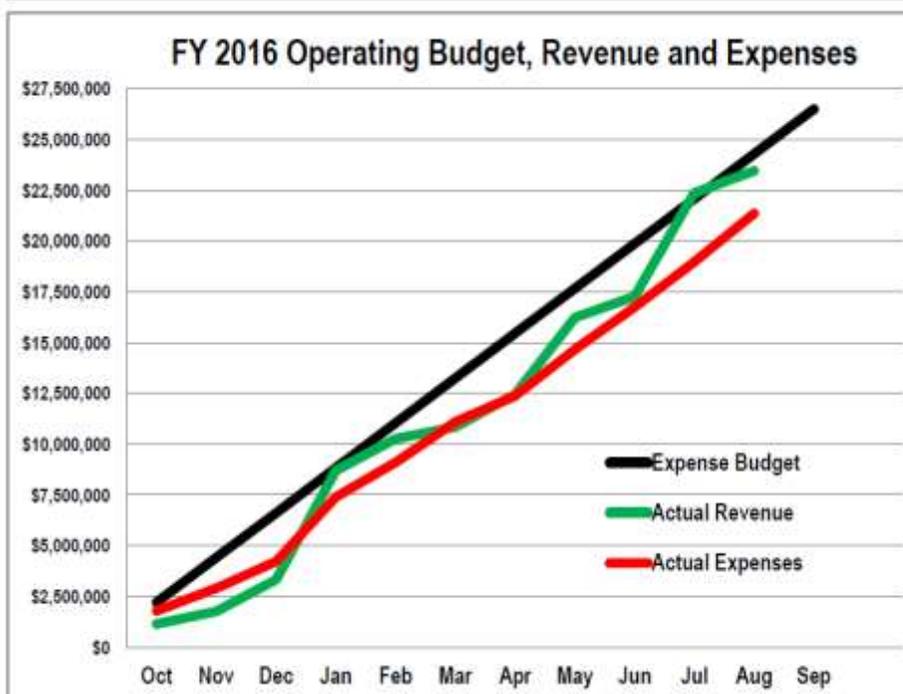
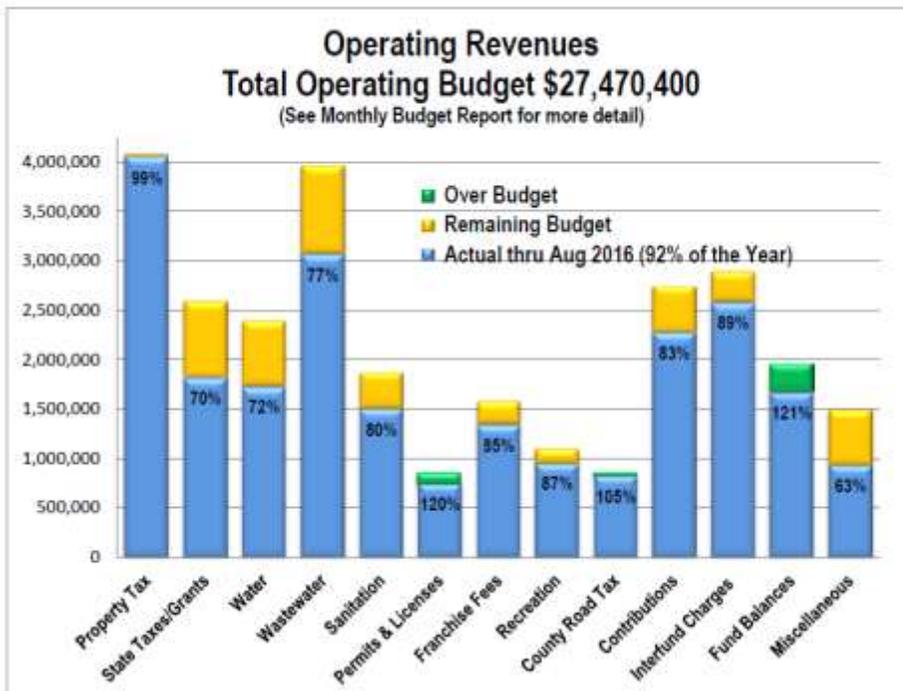
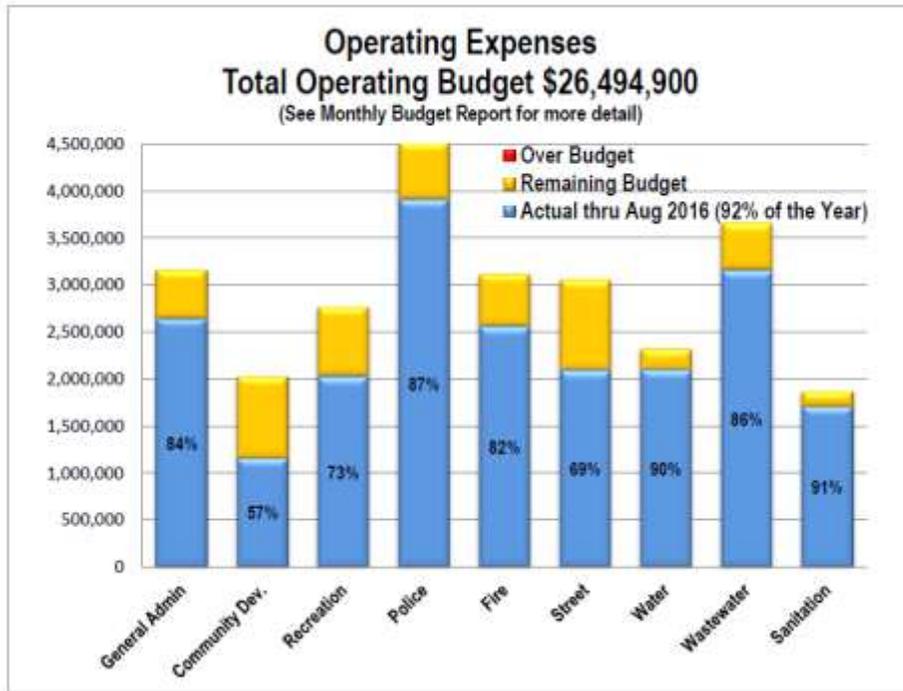
**A. Finance: - Matt Nielson**

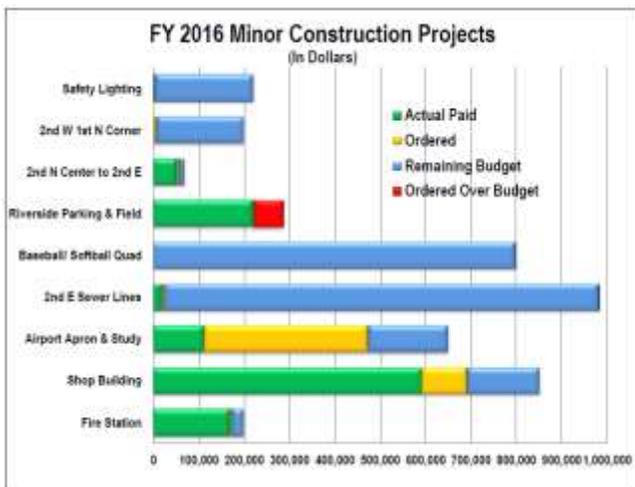
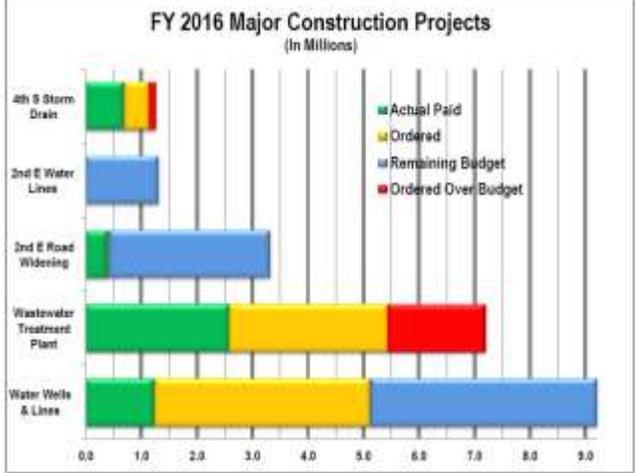
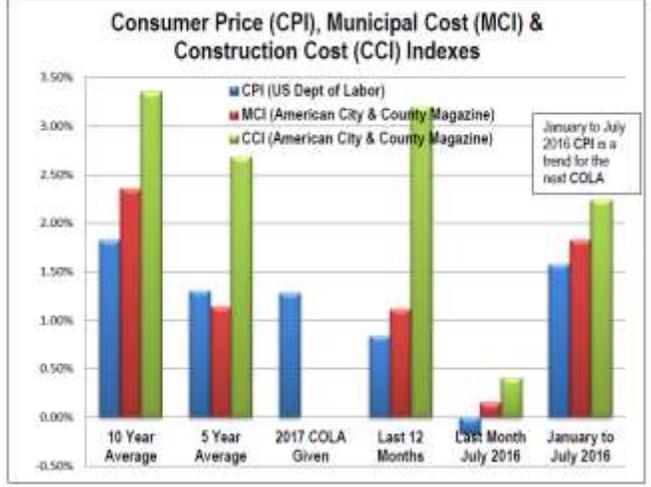
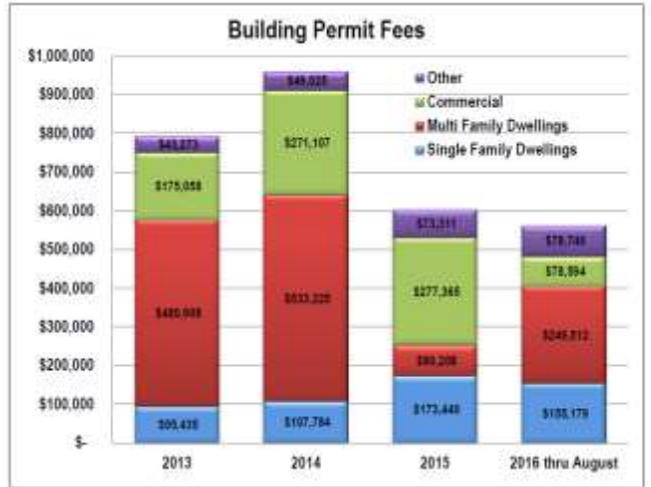
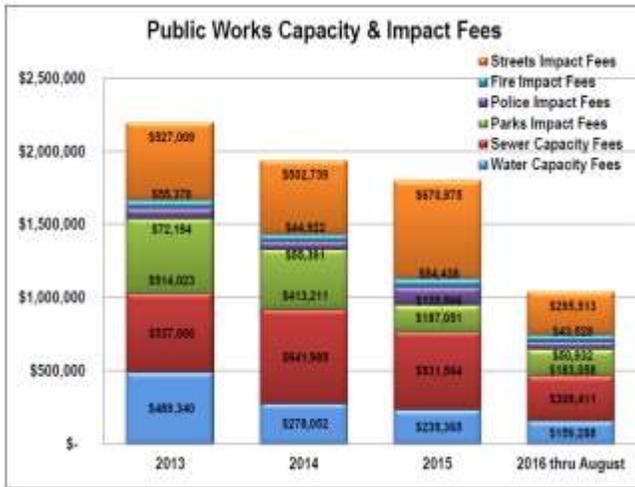
1. **Monthly Finance Reports** – CFO Nielson presented the dashboard report. He showed the graphs on the screen. The graphs show a comparison over the years. They also show the reserves over the years and the operating expenses and revenues. One graph shows the various fees and what we have collected. Officer Nielson showed what the CPI does over the years and some major construction projects.

**CASH, INVESTMENTS AND RESERVES**



## OPERATING EXPENSES AND REVENUES





**B. Public Works: John Millar**

Public Works Director Millar said 4<sup>th</sup> South will be open tomorrow. It is almost complete. Mayor Merrill encouraged everyone to seek out those businesses as they have been way down. The Waste Water Project is on schedule and about 50 percent complete. The Water Project is behind schedule. They will be paving as they get each block done and should catch up through September. The new street shop is getting framing for new offices done now and should be done in 4 to 6 weeks.

**Council Member Wolfe** asked about the retention pond at the Eagle Subdivision area. Ted White said that the D.I.'s are covered and will need to be cleared.

**Council Member Busby** asked if the traffic lights are ready for all the traffic coming. Director Millar indicated that the lights can go into a flash mode and let police control traffic if needed. Chief Turman reported that the Idaho State Police will be patrolling Highway 20 and the Rexburg Police Officers will be at the off-ramps allowing right turn only. There will be two officers at the intersection of University and Yellowstone to override lights as needed. They will also stop traffic to help trucks and cars get out of Wilcox's and Burger King. Every business has been contacted to consider not scheduling deliveries that day if possible. Everyone is hoping for no accidents.

**C. Engineering:** Keith Davidson did not have anything.

**D. Community Development: Compliance Officer Natalie Powell** reported Sonic finished on schedule. Some projects are waiting valuation. Panda Express has been put on hold until spring due to high bids coming back. Freddie's has been approved to go into the lot at Ricks Ave and 2<sup>nd</sup> East just north of Mountain America Credit Union.

PERMIT NUMBER	PARCEL NUMBER	PROJECT NAME	PROJECT LOCATION	APPLICANT NAME	CONTRACTOR NAME	IMPACT FEES	BUILDING FEES	PUBLIC WORKS FEES	PROJECT VALUATION
<b>Building - Commercial</b>									
15-00577	RPRXBCA0242412	Madison County Sand Shed	529 Airport Rd	JRW & Associates	Barry Hayes Construction LLC	\$0.00	\$3,035.00	\$0.00	\$419,224.00
15-00290	RPRRXE10540090	Hemlock Cedars II - Parking Garage	W 2nd E	Headwaters Construction	Headwaters Construction	\$0.00	\$25,277.00	\$0.00	\$12,997,941.00 \$0.00
<b>Building - Single Family Residen</b>									
15-00511	RPRXBCA0240210	934 Pine Brook Ln - SFR	934 Pine Brook Ln	Karlchner Homes, Inc.	Karlchner Homes, Inc.	\$2,620.00	\$3,140.00	\$3,755.00	\$296,436.57
15-00505	RPRXEH4201922E	627 S Hidden Valley Rd - SFR	627 S Hidden Valley Rd	Richard Smith	Richard Smith	\$2,620.00	\$2,892.00	\$3,755.00	\$275,955.37
15-00509	RPRXBCA0210070	1115 Greenade Loop- SFR	1115 Greenade Loop	SDH Construction	SDH Construction	\$2,620.00	\$3,348.00	\$3,755.00	\$318,209.13
15-00445	RPRXBCA0207240	100 Margold St - Tiny Home	100 Margold St	Trevor Perbas		\$0.00	\$1,200.00	\$0.00	\$63,054.00
15-00432	RPRXBCA02000070	505 S Millhollow Rd - SFR	505 S Millhollow Rd	JSH Construction	JSH Construction	\$2,620.00	\$2,661.00	\$3,755.00	\$258,426.98
15-00443	RPRXBCA0200690	600 E 7th N - SFR	600 E 7th N	Beeley Construction	Beeley Construction	\$2,620.00	\$2,000.00	\$0.00	\$204,679.13
15-00551	RPRXDR0010020	1070 Washington Blvd - New SFR	1070 Washington Blvd	Karlchner Homes, Inc.	Karlchner Homes, Inc.	\$2,620.00	\$2,583.00	\$3,755.00	\$240,793.93
15-00552	RPRXDR0030020	1071 Washington Blvd - New SFR	1071 Washington Blvd	Karlchner Homes, Inc.		\$2,620.00	\$2,448.00	\$3,755.00	\$224,745.41
<b>Commercial Remodel</b>									
15-00518	RPR00SP030011	433 S Center St - Taylor Building II Project	433 S Center St	Steve Price - BYU-Mano		\$0.00	\$527.02	\$0.00	
15-00558	RPRXBCA0176201	840 N 2nd E #2 - New dance hall	840 N 2nd E #2	Ryan & Cyndie Leishman	Ryan & Cyndie Leishman	\$0.00	\$104.00	\$0.00	\$0.00
15-00291	RPRXBCA0192282	North McDonalds Remodel	175 Valley River Drive	Touk Architects	Construction Solutions Company	\$0.00	\$6,100.00	\$0.00	\$6.01
15-00489	RPRXBCA02004801	134 Madison Ave - JR High stadium upgrade	134 Madison Ave	JRW & Associates		\$0.00	\$1,470.00	\$0.00	
<b>Commercial Tenant Finish</b>									
15-00504	RPRXAMDL000030	Tenant Finish - Dental Office	345 N 2nd E	Tyler Filmore	Tyler Filmore	\$0.00	\$3,615.00	\$0.00	\$289,869.00
<b>Multi-Family Residential</b>									
<b>SFR Basement Finish</b>									
15-00537	RPRXSD0000010	247 Seagull Dr - Basement Finish	247 Seagull Dr	Linda Draper		\$0.00	\$794.00	\$0.00	\$23,280.00
<b>Single Family Residential Additi</b>									
						<b>\$18,340</b>	<b>\$67,533</b>	<b>\$22,530</b>	<b>\$16,025,126.78</b>

**Mayor's Report:**

**A. Ratify Proclamation 2016-04 for "Startup Weekend"** for a robust entrepreneurial community.

**PROCLAMATION No. 2016 – 04**

WHEREAS, as Mayor of the City of Rexburg, it is my privilege and responsibility to recognize those groups and citizens who have made outstanding achievements that reflect on the wellbeing and growth of the Rexburg community and its citizens; and

WHEREAS, Startup Weekend Rexburg will be held October 20<sup>th</sup> to October 22<sup>nd</sup> at Shops at North Point. Startup Weekend is a 54-hour long event where developers, designers, marketers, product managers, and startup enthusiasts come together to share ideas, form teams, build products, and launch startups.

WHEREAS, since 2007, over 200 Startup events have been held in 120 cities in 35 countries, Startup Weekend here in Rexburg was organized by the City of Rexburg, the Research and Business Development Center, the BYU-Idaho Entrepreneur Society, Madison Economic Partners, and many other local businesses; and

WHEREAS, the weekend's speakers and judging panel will be comprised of area entrepreneurs and educators.

NOW THEREFORE, I, JERRY MERRILL, the Honorable Mayor of the City of Rexburg, Idaho do hereby declare October 17<sup>th</sup> thru October 22<sup>nd</sup> as,

**"Startup Weekend"**

In Rexburg and do urge all citizens to join me in recognizing Startup Weekend Rexburg's organizers, judges, speakers, and participants for helping to build a robust entrepreneurial community in the City of Rexburg that will continue attracting jobs and new residents from around the globe.

**Mayor Merrill** mentioned that he went to a business startup weekend in Ogden last year. It was very interesting and it would be great if we could get a couple of ongoing businesses out of this startup weekend.

**Council Member Busby** moved to ratify **Proclamation 2016-04** and declare October 17<sup>th</sup> thru October 22<sup>nd</sup> as “Startup Weekend” for a robust entrepreneurial community; Council President 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**

**Public Hearings: none**

**Items for Consideration:**

A. **Ordinance 1150 amending the City of Rexburg Impact Area** (Ordinance 880 approved July 17, 2002); Madison County adopted the new Impact Area for Rexburg on September 06, 2016. County Ordinance 409 to be approved in September, 2016 – Staff

A public hearing for this Ordinance was held at the county and Planning and Zoning.

B. **First Read:** Those items which are being introduced for first reading:

1. **Ordinance 1150** Amending the City of Rexburg Impact Area

**Council Member Mann** motioned to approve **Ordinance 1150 amending the City of Rexburg Impact Area** (Ordinance 880 approved July 17, 2002); and consider it first read; 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**

C. **Ordinance 1152 – Approve the rezone of property at 255 and 259 West 2<sup>nd</sup> North** from Low Density Residential Two (LDR2) to High Density Residential One (HDR1) – Wesley Haws  
*(Planning and Zoning Commission unanimously recommended this rezone application to City Council for approval)*

**Wesley Haws** presented the zone change that he is asking for. He feels that this property would work for the small apartment complex that he wants to build. He indicated that this property is designated for HDR2 in the Comprehensive Plan. The property has an abandoned mobile home on it that the city condemned. The block has been Low Density Residential but half of the block is Light Industrial where the power station is located. The southern half of the block has been rezoned and some new apartments have recently been built there. Many of the houses around there are already duplexes and rentals. He said it fits into the plan to have a buffer between Light Industrial and High Density.

**Council Member Smith** commented that this is one that maybe should be looked at closer because LDR2 to High Density is a big jump. This may be an area where council should be proactive.

**Community Development Department  
STAFF REPORT**

**I. BACKGROUND**

*The lot adjacent to the Rocky Mountain Power substation has been in a state of condemnation by the Fire Department for the last few years. The mobile home that was moved onto the parcel was done so without city approval. There were other issues with the trailer and the utility hook ups. The Rexburg Development Code allows for the Commission to make recommendations to the City Council regarding whether or not the property should or should not be rezoned based on the criteria found in section §6.13. Case No. 16 00533 Page 2*

**II. SITE DESCRIPTION**

*The total area involved in this re-zoning request is identified as approximately .8 acres, which if approved will result in changing the zone from Low Density Residential 2 (LDR2) to High Density Residential 1 (HDR1).*

**III. ANALYSIS**

*If approved, this rezone will result in changing the zone from Low Density Residential 2 (LDR2) to High Density Residential 1 (HDR1). The request would require the Commission and City Council to review the proposal against a set of criteria established for the request to rezone. Below, staff has provided all the criteria listed by Ordinance No. 1115 (Development Code) that are required to be addressed, followed by staff's analysis of each criterion.*

*Criteria Rezone Requests (§6.13):*

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

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

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

*The City Engineer concerns are as set forth in the Staff review below.*

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

*The City Engineer did not have concerns.*

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

*In most cases medium density residential is recommended as a buffer between low density residential and high density residential. High density residential has already been allowed in this block in a recent zoning change. Also the Council and the Commission recently changed the Comprehensive Plan land use from Moderate-High to Low-Moderate in the blocks surrounding this block. Considering these recent changes, Staff feels that the request should be allowed.*

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

*The Comprehensive Plan was changed in the surrounding blocks from Moderate- High to Low-Moderate Density. On the southwest corner of this block, the zoning was changed to High Density Residential.*

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

*See paragraph a.*

**IV. STAFF RECOMMENDATION**

*Staff continues to see this area as one where demand for increased density growth exists, and where single family residential remains viable, but not as desirable as in the past. With respect to this particular property, it Case No. 16 00533 Page 3*



**Mr. Haws** doesn't believe that was taken into consideration when the southern part of the block was rezoned High Density.

Discussion about Medium Density 1 verses Medium Density 2 and about buffering.

**Council Member Flora** stated that High Density Residential can go up to 55 feet and she thinks that should be taken into consideration.

**Mr. Haws** showed council that additional property that he would like to buy.

**Attorney Zollinger** said this is High Density Residential jumping over Low Density Residential no matter how you slice it. Public Works is concerned with stretching High Density Residential further onto Low Density Residential roads. If council approves this then Public Works will have to start making adjustment.

**Mr. Haws** indicated that this is the first he had heard of it.

**Council Member Wolfe** said after the public hearing there was no opposition or comments against this rezone.

**Attorney Zollinger** explained the consequence of zoning this property High Density Residential and what can be built. If this parcel gets bigger, a large high rise apartment could be built.

**Council Member Flora** asked if two separate lots owned by one person, can be merged into one property. Attorney Zollinger said yes the properties can become one.

**Council Member Busby** asked why staff concerns were not addressed in the minutes. Attorney Zollinger would like to know as well since that meeting was very contentious. Public Works and Legal were concerned.

**Council Member Smith** moved to approve **Ordinance 1152 to rezone property at 255 and 259 West 2<sup>nd</sup> North** from Low Density Residential Two (LDR2) to Medium Density Residential Two (MDR2).; 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**

**Mr. Haws** has the option of declining this or coming forward with a Conditional Use Permit.

D. **“LAND USE ACTION”** – Bills Recommended/Approved in a Land Use Public Hearing Procedure (Recommend Suspension of the Rules):

**1. Read Ordinance 1152**

**Council Member Busby** moved to consider **Ordinance 1152 to rezone property at 255 and 259 West 2<sup>nd</sup> North** from Low Density Residential Two (LDR2) to Medium Density Residential Two (MDR2) first read; Council Member Benfield seconded the motion: Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith

**Those voting nay**

None

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

**The motion carried**

**Calendared Bills and Tabled Items:**

- A. **BILL Introduction:** – NONE  
B. **Second Reading:** Those items which have been first read: – NONE  
C. **Third Reading:** Those items which have been second read: - NONE  
1. **BILL 1147 amending Appropriation Budget 2016**

**Council Member Flora** moved to consider Bill 1147 for Appropriation Budget 2016 third read; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

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

**The motion carried**

**Mayor's Business:** Mayor Merrill appreciated Eric Conrad for setting up the lunch with President Gilbert. They talked about things happening at BYU-I. They are coordinating on many items. The Heritage Festival coming up is all about growing together. Council Member Mann thought it was interesting about the coming housing shortage. Council Member Busby thanked Eric Conrad for setting it up and their partnership.

**Consent Calendar:** The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

- A. Minutes from August 17<sup>th</sup>, 2016 meeting;  
B. Approve the City of Rexburg Bills

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

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

**The motion carried**

**Council Member Benfield** motioned to go into executive session per Idaho State Code 74-206 (F) *To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of*

*legal counsel at an executive session does not satisfy this requirement;* Council Member Wolfe seconded the motion; Mayor Merrill asked for a roll call 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**

**Council moved into executive session at 8:40.**

**Executive session ended at 9:30.**

**Events Manager, Jeff Crowther** asked council for a few minutes to consider setting up a policy for renting or loaning out city facilities and equipment and providing assistance. He gets a lot of private groups that want to put on races or other events and request assistance from the City Recreation Department. His idea is to set up an application process and limit the number of events they can do. He would also like to set forth a designated 5K race route that everyone uses instead of each group mapping out their own route.

**Adjourned at 9:40 P.M.**

APPROVED:

\_\_\_\_\_  
Jerry Merrill, Mayor

Attest:

\_\_\_\_\_  
Mary Flanary, Deputy City Clerk