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City Council Minutes – May 6, 2026

Mayor Jerry Merrill
Council Members:
Bryanna Johnson David Reeser
Colin Erickson Bill Riggins
Eric Erickson Alisha Tietjen

City Staff:
Spencer Rammell – City Attorney
Matt Nielson – Finance Officer
Keith Davidson – Public Works Director
Alan Parkinson – Planning & Zoning Administrator
Scott Johnson – Economic Development Director
Deborah Lovejoy – City Clerk

5:00 P.M. Combined Planning & Zoning and City Council Work Meeting Reviewing Proposed Development Code Amendments.

P&Z Administrator Parkinson explained that the goal is to go through the material that has not been reviewed. The group wanted to go back and review the changes that had been requested during the last meeting so everyone could see the current progress.

P&Z Administrator Parkinson mentioned the state legislators have introduced several bills as part of the state's attempt to address the housing crisis by directing communities on what actions to take regarding planning and zoning. Quite a few of those bills have been passed, and they are expected to seriously affect the city code. He said even if they finished the review this evening, they still needed to go back through the new state requirements to determine how those changes would affect the proposed code updates. Because of that, another work meeting will likely be needed before any changes are formally presented for approval.

P&Z Administrator Parkinson explained that some of the legislative changes involved short-term rentals. Under the new rules, the city could not require owner occupancy, parking requirements, licensing, or similar restrictions for short-term rentals.

A M E N D M E N T to 8.4 RESIDENTIAL BUSINESS DISTRICT (RBD)
Discussion regarding the proposal to remove the Residential Business District (RBD). The city only has two lots remaining under that designation, located next to what had once been Doctor Peterson's office and is now occupied by a physical therapy business. Those lots include Doctor Fulmer's office and the adjacent property. **P&Z Administrator Parkinson** explained that the district was removed in the past, but those two lots were accidentally left unchanged, which resulted in the city retaining the code solely for those properties. If that change is approved, the plan is to rezone those properties as mixed-use so they could continue to support both residential and commercial uses.

Discussion continued with a review of additional zoning updates. **P&Z Administrator Parkinson** explained that the rural residential designation was changed to Residential Estates (RE1) in those two areas, and the purpose of this section is to reflect the name change. He reviewed a chart that identified all the permitted uses that would be removed due to eliminating the RBD zone and other related changes. He explained that the upcoming pages only documented those removals, which is why the revisions appeared in red throughout the document.

Discussion involving updates connected to the Comprehensive Plan. **P&Z Administrator Parkinson** explained that this section mainly reflected changes to names and classifications. One topic that had previously been raised by Council Member C. Erickson involved adding LDR-3 into the intermediate and low-density residential categories. However, He decided to postpone that discussion until the end of the meeting. Aside from that topic, the remaining revisions simply reflected the updates that have been made throughout the review process.

P&Z Administrator Parkinson continued to review additional changes, including the continued removal of the RBD designation. He explained that the document served as a reference within the development code so that property owners and developers could determine which Comprehensive Plan designation matched the zoning classification they wanted to apply for.

3.07.010 Cell Tower Purpose And Objectives

Discussion involving regulations for cell towers. **P&Z Administrator Parkinson** explained that the city recently received several requests for new cell towers, and during the review process staff

discovered that the existing code is extremely difficult to interpret and manage. He commented that it would take several engineers to fully understand how to administer the current regulations. Because of that, the city's first attempt focused on streamlining the code and making it more effective in accomplishing the city's goals.

P&Z Administrator Parkinson outlined several issues the city wanted to address, including tower size, height limitations, separation distances, setbacks from property lines, clustering requirements, and determining which zoning districts should allow towers. Staff have already developed preliminary recommendations on those topics.

The proposed goals and objectives included protecting public health, safety, and welfare as the top priority. Additional objectives included preserving the visual character and appearance of the community while minimizing negative visual impacts through design standards, location requirements, landscaping, and screening.

Another major goal involved promoting co-location, meaning encouraging multiple providers to place equipment on the same tower rather than scattering separate towers throughout the city. **P&Z Administrator Parkinson** explained that standard towers could currently accommodate up to three carrier bands, with some towers supporting even more. The intent is to reduce the overall number of tower sites by encouraging shared infrastructure and use of existing structures whenever possible.

Council Member E. Erickson asked whether the city is coordinating with the county on the tower issue. He stated that there should be some level of consistency throughout the area because companies could simply place towers just outside the city limits if county regulations differed significantly from the city's approach. **P&Z Administrator Parkinson** responded that coordination would occur through the county process. Since the county would need to adopt corresponding changes, he said that he would meet with the county representatives to review the proposed regulations and discuss consistency between jurisdictions.

Discussion regarding the objective of locating towers in areas where negative impacts on the community would be minimized, particularly by avoiding residential areas whenever possible. **P&Z Administrator Parkinson** described a recent example in which a developer attempted to build on a narrow piece of property that already contained a cell tower. Because the regulations required a 100-foot separation distance, the developer was unable to make the project work on that parcel. The only remaining option would have been to acquire additional adjoining properties and redesign the development around the tower, which significantly complicated the project.

Commissioner Francis asked about the area near the water tower and whether it already served as a hub for multiple towers. P&Z Administrator Parkinson confirmed that many towers were located there because providers preferred placing towers on higher ground to achieve greater signal range. He also mentioned that the city currently has an application for another tower proposed near Walmart. Council Member C. Erickson commented that even with the existing tower placement in that area, there are dead spots near the junior high school. P&Z Administrator Parkinson explained that the terrain created signal shadows, and the proposed tower would help direct coverage back into areas where service is currently weak.

Commissioner Geddes asked who typically initiated requests for new cell towers within the city. P&Z Administrator Parkinson responded that requests generally came from one of two sources. In some cases, a telecommunications company such as Verizon directly requested approval for a new tower. In other cases, a private property owner is constructing the tower independently to lease space on the structure to telecommunications providers.

Council Member Reeser asked whether that included buildings and water towers. **P**&Z Administrator Parkinson responded that the city hoped to encourage providers to place additional arrays on existing towers whenever possible rather than constructing entirely new towers. Some existing towers currently only support one array, and adding additional equipment to those structures would reduce the need for more towers throughout the community.

P&Z Administrator Parkinson also explained that some antennas were mounted on top of buildings. For example, Cedars had a tower installation on its roof that consisted of a mast extending roughly 10 to 20 feet above the building. The proposed regulations included standards for those types of installations as well. He noted that there were generally two types of tower structures: monopoles and lattice towers. Monopoles consisted of a single vertical pole, while lattice towers used a three-cornered framework with crossbars between the supports. The city hoped to encourage greater use of monopolies because they are considered less visually intrusive and blend into the community more easily. However, he acknowledged that heavier equipment sometimes required lattice-style construction.

Discussion then turned to federal requirements related to cell towers. **P&Z Administrator Parkinson** explained that many of the regulations are based on FAA and FCC standards. The city's role is to ensure that applicants demonstrate compliance with all applicable federal and electrical

requirements. He emphasized that tower applicants would need to provide proof that they meet FAA and FCC regulations before approval can be granted. The FAA requirements are described as especially important because they addressed issues such as proximity to airports, potential interference with flight paths, and whether proper lighting and warning systems are installed to alert aircraft.

Council Member Tietjen asked how frequently the FAA and FCC changed their regulations. **P&Z Administrator Parkinson** responded that he is unsure about the frequency of updates but explained that tower operators are required to remain current with FAA standards. He added that tower operators went through an annual renewal process and must demonstrate continued compliance with federal standards during that process.

P&Z Administrator Parkinson explained that the city intentionally did not want to become involved in determining how companies complied with FAA requirements. Instead, the city simply wanted applicants to certify that they meet those standards. In addition to federal requirements, the city would also require compliance with standard electrical and structural engineering regulations. Towers will need stamped engineering drawings so the city can verify that the structures are designed safely and will remain stable.

P&Z Administrator Parkinson further explained that if tower owners failed to maintain compliance, the city would provide a six-month period for them to either correct the violations or remove the tower entirely. Mayor Merrill asked whether the proposed regulations addressed landscaping and screening requirements, noting that the tower near Barney Dairy Road has both a chain-link fence and landscaping planted around it. P&Z Administrator Parkinson confirmed that landscaping and screening provisions are included in the code.

P&Z Administrator Parkinson noted that most tower sites included a small building or enclosure used to house cabinets and telecommunications equipment. Those structures would be required to comply with the city's building codes and form-based development standards. Applicants would also need to submit elevation drawings showing the proposed height of the tower, the placement of antenna arrays, zoning information for the property, and distances to adjacent properties so the city could fully evaluate the site plan.

Council Member C. Erickson pointed out that many tower sites also included backup generators and asked whether the city planned to regulate noise from those generators. P&Z Administrator Parkinso***n*** responded that generators would be required to comply with the city's noise ordinance.

P&Z Administrator Parkinson explained that all cell tower applications, regardless of location, would require a Conditional Use Permit (CUP). Every proposal would therefore come before both the Planning and Zoning Commission and the City Council for review and approval. He emphasized that city officials wanted the opportunity to evaluate each proposal individually and determine whether the proposed location is appropriate.

Council Member C. Erickson expressed concerns with cell towers being placed very close to property lines, potentially preventing neighboring landowners from developing their adjacent property in the future. He noted that a tower placed near a fence line could significantly limit the neighboring owner's building options. P&Z Administrator Parkinson explained that this issue had already generated significant internal discussion. One possible idea involved requiring a restrictive covenant or written acknowledgment from neighboring property owners confirming that they understood and accepted the impacts associated with a nearby tower installation.

P&Z Administrator Parkinson referenced the current tower application near Walmart. According to the applicant's engineer, the proposed tower is designed in a way that would cause it to collapse within its own footprint if it failed. The engineer is reportedly willing to formally stamp and certify plans guaranteeing that the structure would not fall beyond its designated area. He added that if the tower did fail outside of its approved footprint, the engineer would be legally liable for that failure.

Discussion continued regarding tower setbacks and protections for neighboring properties. **P&Z Administrator Parkinson** asked the group whether they wanted additional spacing requirements included in the ordinance or whether they preferred relying on engineered collapse designs. Commissioner Francis responded that, given modern engineering capabilities, allowing towers designed to collapse within their own footprint seemed reasonable because it still protected surrounding property owners without unnecessarily restricting development opportunities.

Discussion shifted to tower lighting requirements. **P&Z Administrator Parkinson** explained that towers can only include FAA-required lighting and cannot include additional decorative or artificial lighting.

Council Member Reeser asked whether the city considered requiring towers to be disguised as trees. P&Z Administrator Parkinson explained that the topic was discussed and is included as an option, although the city did not intend to require camouflage designs.

P&Z Administrator Parkinson also explained that advertising will not be allowed on towers. Telecommunications companies could display their own logos on equipment, but towers could not be converted into billboards or used for commercial advertising. The city is requiring the towers to be painted in neutral colors such as gray to reduce visual intrusion. He reviewed a section of the code addressing noncompliant towers. If a tower failed to comply with applicable codes and standards, it would need to be removed.

P&Z Administrator Parkinson reviewed the section of code addressing tower height restrictions. The height allowances will depend on the number of users the tower is designed to support, provided that a licensed engineer certified the structure's capacity. Towers designed for a single user would be limited to 90 feet. Towers intended for two users could reach 120 feet, while towers designed for three users could reach 150 feet. He noted that the city already had towers reaching 150 feet, including the tower near Barney Dairy Road. He clarified that the user term referred to separate providers such as Verizon and other carriers sharing the same tower.

Discussion regarding antenna types such as ground-mounted antennas. **P&Z Administrator Parkinson** explained that, although it is less common today, the city still has some amateur radio operators and a few users operating two-way radio systems. Because of that, the proposed ordinance included a maximum height limit of 30 feet for those types of ground-mounted antennas. He said the city did not want private antennas reaching heights comparable to commercial cell towers.

Council Member C. Erickson raised concerns about limiting antennas to 30 feet because the city has communication poles used by the school district, bus system, and police department that appeared taller than that. He worried that the ordinance might unintentionally restrict public safety communication infrastructure. P&Z Administrator Parkinson clarified that the 30-foot limitation is intended primarily for private users such as amateur radio operators, not for government or commercial communication systems. He noted that the code needed clearer distinctions between private, public, and commercial uses.

Discussion regarding mounted antennas placed on buildings. **P&Z Administrator Parkinson** explained that mounted antennas will be limited to no more than 30 feet above the top of the structure they are attached to. Mayor Merrill pointed out that on a four-story building, an additional 30 feet could still result in a total height of roughly 70 feet. P&Z Administrator Parkinson acknowledged that is a possibility but noted that such installations will remain significantly shorter than many freestanding towers. He added that one of the city's primary concerns with rooftop antennas involved structural safety. Building owners would need to demonstrate through engineering analysis that the structure could safely support the additional weight and equipment without risking collapse.

Council Member C. Erickson added that as taller buildings are built, rooftop communication equipment will likely become more common. He referred to larger cities such as New York, where antennas and communication equipment are frequently mounted on building corners and rooftops.

Council Member Reeser asked about antennas in residential areas. He asked whether the proposed code would allow a homeowner in a residential neighborhood to install a ham radio antenna extending 30 feet above the top of a house. He asked for clarification on whether any additional restrictions would apply to those types of antennas in residential zones.

Discussion regarding antenna height limits in residential areas. **Council Member Reeser** pointed out that the proposed language might unintentionally allow amateur radio operators to install antennas taller than intended. P&Z Administrator Parkinson acknowledged the concern and suggested clarifying the ordinance so that amateur radio or ham radio antennas would either be limited to 30 feet total height or specifically limited regardless of whether they are ground-mounted or attached to a structure. P&Z Administrative Assistant Saurey reminded the group that another section of the ordinance already addressed amateur radio antennas within the applicability section.

Council Member Riggins reviewed the ordinance language and noticed an inconsistency. One section stated that amateur radio towers under 70 feet are exempt, while another section discussed a 30-foot limitation. He pointed out that the ordinance appeared to allow up to 70 feet in one section while limiting installations to 30 feet elsewhere.

Council Member C. Erickson commented that 30 feet likely would not be sufficient for some communication systems. P&Z Administrative Assistant Saurey clarified that the 30-foot measurement referred to rooftop extensions above a structure, while the 70-foot standard referred to total height from the ground. She explained that the 30-foot rooftop standard existed and was copied into the section discussing ground-mounted antennas, which created confusion.

P&Z Administrative Assistant Saurey suggested that the city could simply remove the separate 30-foot ground-mounted restriction and instead rely on the existing 70-foot total height limit for amateur radio towers.

Discussion regarding how rooftop installations on taller buildings would affect overall heights. Commissioner Francis pointed out that buildings such as Cedars likely had floor heights greater than 10 feet, especially where commercial spaces occupied the lower floors. **P&Z Administrator Parkinson** agreed that some structures could be significantly taller before adding rooftop equipment. He reiterated that the 30-foot rooftop allowance applied specifically to cell tower equipment mounted on buildings, while private amateur radio installations would still be treated differently.

P&Z Administrator Parkinson also clarified that ordinary residential satellite dishes, such as Starlink systems, are not intended to be regulated under these provisions. Council Member Reeser asked whether homeowners will need permits for those types of systems. P&Z Administrator Parkinson explained that permits will not be required unless electrical work is involved, in which case electrical connections will still need to comply with code requirements. He added that most small antenna systems typically do not involve major electrical installations.

Discussion regarding compliance standards and tower separation requirements. **P&Z Administrator Parkinson** explained that towers will need to remain within required setbacks and separation distances. Under the proposed language, the base of a tower will need to be located at least a distance equal to 100 percent of the tower's height away from the nearest structure. He clarified that accessory structures related to the tower, such as equipment shelters or accessory antennas, will not be subject to that same separation requirement. He also explained that in commercial, industrial, and university zoning districts, the required separation distance could potentially be reduced if a licensed engineer certified through stamped plans that the reduced setback would still be safe. He emphasized that this flexibility will not apply in residential areas. The purpose of the residential separation standard is to ensure that if a tower collapsed, it could not reach a nearby home.

P&Z Administrator Parkinson further stated that towers should, whenever possible, be designed to collapse within the boundaries of the leased or owned parcel. Standard zoning setbacks for the underlying zoning district would still apply in addition to the tower-specific requirements.

Discussion returned to tower easements and restrictive lot covenants. **P&Z Administrator Parkinson** explained that if a tower owner did not have sufficient space within their own property to meet the required collapse zone or separation distance, they will need to obtain either an easement or a restrictive covenant from the neighboring property owner. That agreement would formally acknowledge that the neighboring owner understood and accepted the risks associated with the tower potentially extending into their property area.

P&Z Administrator Parkinson noted that those agreements would remain attached to the property permanently, even if ownership changed in the future. To illustrate the concept, he compared it to shared parking agreements between adjacent apartment developments. If one development relied on parking spaces located on another property to meet code requirements, the two owners would execute a restrictive covenant ensuring continued access to those parking spaces. That agreement would remain binding on future owners unless both parties agreed to terminate it. He said the city intended to use the same concept for tower separation areas.

Discussion continued with concerns about how the separation and setback language could affect neighboring property owners based on recent experiences in the city. Council President E. Erickson emphasized that the city needed to be careful to avoid situations where property owners are unaware of restrictions until after agreements have already been made, resulting in unintended loss of development potential. P&Z Administrator Parkinson agreed and stated that this is exactly the type of situation the code is designed to prevent.

Council President E. Erickson raised concerns about the wording of the separation requirement, pointing out that it defined separation as the distance from the base of the tower to the foundation of the nearest building, equal to 100 percent of the tower's height. He questioned whether the language only applied when a building existed nearby or whether it also applied to vacant land and property lines.

Council President E. Erickson further noted that the section referencing easements and restrictive covenants applied when separation requirements exceeded a parcel boundary but argued that this situation would only occur if there were an existing structure involved. He expressed uncertainty about whether the language correctly addressed situations involving only land without buildings. P&Z Administrator Parkinson responded that the intent of the provision is not limited to buildings and that it could apply to any portion of land or parcel boundary. He clarified that if the required 100 percent setback extended beyond the property line, then an easement or restrictive covenant would still be required, regardless of whether a structure existed on the adjacent property.

Council President E. Erickson continued to question the interpretation, explaining that the code appeared to define separation primarily in relation to buildings rather than property lines. P&Z

Administrator Parkinson reiterated that for a 150-foot tower, for example, the required separation distance would also be 150 feet from nearby structures, and if that distance extended beyond the parcel boundary, additional legal agreements would be necessary. Council President E. Erickson noted that if there are no buildings on an adjacent property, it is unclear whether the same restrictions would still apply. P&Z Administrator Parkinson maintained that the intent is to apply the setback requirement consistently, regardless of whether the neighboring parcel is developed or undeveloped.

The group acknowledged that the language might need further clarification to clearly distinguish between setbacks from structures and setbacks from property lines to avoid future confusion. Council President E. Erickson suggested that using "property boundary" instead of "nearest building" would be clearer. Others agreed that referencing the property line made more sense for enforcing separation requirements.

Discussion regarding screening and security requirements for tower sites. P&Z Administrator Parkinson explained that all tower facilities would be required to be fenced to prevent unauthorized access. In some cases, barbed wire or concertina wire would be allowed on top of fencing as an additional security measure, although it would not be mandatory. The city's preference is for visual buffering through either privacy fencing or landscaping such as shrubs to reduce visual impact. He referenced an existing example near Barney Dairy Road where landscaping was used to soften the appearance of the facility.

Council Member Reeser asked whether concertina wire would be required on all towers. P&Z Administrator Parkinson clarified that it would not be required. Instead, applicants could choose whether to install it, but all sites would still require at least a six-foot privacy fence if concertina wire were not used. The goal is to balance security concerns with aesthetic impacts and public safety.

P&Z Administrator Parkinson also explained that a four-foot-wide pervious surface will be required around tower sites. This would help with water drainage and retention while also providing a safety buffer around generators and electrical equipment to reduce fire risk and improve site maintenance access.

Council Member Riggins asked whether the six-foot fence would be installed around the outside perimeter. The response clarified that the fence would surround the compound and that an additional four-foot-wide buffer would be required outside the fence. He commented that the wording in the document is unclear and suggested revising the language so readers would better understand that the perimeter buffer extended beyond the security fence.
Discussion regarding landscaping around the compounds. Mayor Merrill asked whether the group preferred privacy fencing alone or if shrubs and landscaping should also be required to improve appearance. Council Member C. Erickson expressed concern about maintenance and watering because many sites did not have access to water and could become overgrown with weeds. The group noted that some locations used small drip irrigation systems, but newer requirements no longer allowed certain watering practices. P&Z Administrator Parkinson explained that irrigation often watered weeds as well as shrubs and could create fire hazards under certain conditions. Although the group agreed that shrubs around the compounds would improve appearance, they concluded that maintenance, fire risk, and upkeep concerns had influenced their decision.

3.07.90 Removal Of Abandoned Antennas And Abandoned And Nonconforming Towers

Discussion regarding a requirement stating that abandoned towers or structures must be removed and the site restored within six months after receiving notice from the City of Rexburg.

- The city did not want abandoned or dangerous structures remaining in place. Owners would need to either remove the structure or bring it back into compliance.
- Participants questioned how the city would determine whether a structure is abandoned. Indicators mentioned included lack of maintenance, neglected grounds, and missing antennas.
- An old radio antenna near the Rexburg Cemetery was referenced as a possible example of an abandoned or hazardous structure.
- The group discussed whether the ordinance should include a detailed definition of abandonment but decided there were too many variables to define every scenario.
- P&Z Administrator Parkinson clarified that the city has a definition of "abandoned" in its existing code definitions.
- Participants distinguished between "abandoned" and "condemned" structures:
- A condemned structure is physically unsafe or in danger of collapse.
- An abandoned structure is one that is no longer being used or maintained.
- The discussion concluded that structures not being maintained or actively used should ultimately be removed if owners failed to address the issue.

The group discussed how difficult it could be to determine whether a structure or sign is truly abandoned, especially when grandfathered properties remained inactive for long periods, but owners still intended to restore or reuse them.

- The group reviewed rules for damaged or destroyed antennas and structures:
- Owners could rebuild a damaged structure to the same standards without needing to comply with updated zoning requirements.
- Significant modifications, such as increasing height or size, would require a new application and approval process.
- Participants discussed notification and permitting requirements for repairs and rebuilding:
- Most maintenance, repairs, or rebuilding activities require building permits.
- Permits are necessary because the work often involves structural or electrical changes.

After concluding the tower discussion, the meeting shifted back to discussion of LDR 3. **P&Z Administrator Parkinson** reviewed the requested changes from earlier discussions to demonstrate transparency and show that staff had incorporated the commission's recommendations into the revised draft. He also anticipates additional work meetings because more revisions are necessary.

Low Residential	(RER1) ~~Rural~~ Residential Estate 1 (RER2) ~~Rural~~ Residential Estate 2 (TAG) Transitional Agriculture (LDR1) Low Density Residential 1 (LDR2) Low Density Residential 2 (LDR3) Low Density Residential 3

Discussion regarding Idaho state statutes that allowed cities to require development agreements during zone changes if a local ordinance authorized the practice. City Attorney Rammell explained that Development Agreements could create property encumbrances tied to the land. These encumbrances could remain attached to the property during future title searches. He said questions could arise about whether future property owners would still be legally bound by those agreements. He cautioned that poorly structured agreements could create legal disputes and emphasized the need for careful legal drafting.

City Attorney Rammell offered to research how other communities handled development agreements and suggested consulting attorneys and professional organizations such as AIC for additional guidance and best practices. Council President E. Erickson questioned whether development agreements could help manage zoning density issues? City Attorney Rammell clarified that density requirements might function more as zoning conditions than true development agreements. Council President E. Erickson agreed that development agreements warranted a more detailed discussion during a future work meeting to determine whether they could help address ongoing zoning and development concerns.

Discussion regarding LDR 3 and the challenges associated with residential density classifications**. P&Z Administrator Parkinson** explained that the city had originally considered moving the designation into low-density residential zones and later discussed placing it within both low-density and intermediate-density residential areas. Council Member C. Erickson expressed concern that moving the classification back down into low-density zoning would recreate the same problems the city had experienced previously.

Council Member C. Erickson explained that increasing density within lower-density neighborhoods pushed development intensity into areas the city intended to preserve as less dense residential communities. He believes the transition between zoning categories is too high of density and suggested that the city should explore a better solution, possibly by creating an intermediate approach rather than simply moving the designation between zoning levels. Commissioner Geddes agreed and noted that placing the classification in both zoning categories would not fully solve the issue either and could create new problems.

Discussion shifted to concerns about the long-term impact of density increases throughout the city. **Council Member C. Erickson** emphasized the importance of planning for future growth over the next twenty years and suggested that the city needed to analyze the issue more deeply before making additional zoning changes. P&Z Administrator Parkinson added how higher-density residential development across Highway 20 has increased traffic and created related concerns in surrounding areas.

Discussion regarding the definition of single-family residences. **P&Z Administrator Parkinson** stated that building code definitions already clearly identified what qualified as a single-family residence. Mayor Merrill cautioned that the Idaho Legislature has increasingly attempted to limit how much cities could regulate housing density and residential development. Council President E. Erickson explained that recent legislative proposals have nearly removed local authority over density regulations altogether.

P&Z Administrator Parkinson warned that a proposed state bill, which has passed the Idaho House but not the Senate, would significantly restrict local control over residential zoning if enacted.

According to the discussion, the bill would prohibit cities from limiting residential density below the highest density already allowed within the city. He explained that if the bill passed, every residential zone could potentially allow up to forty-two units, and cities will lose authority to regulate lot sizes, setbacks, and many parking requirements. He described the proposal as concerning and noted the growing pressure from state lawmakers and housing advocates to reduce local zoning restrictions.

P&Z Administrator Parkinson described attending a national planning conference where Utah and Idaho were highlighted as states aggressively pursuing legislation intended to address housing affordability. During the conference, one presenter explained that reducing lot sizes alone had not solved affordability problems because developers responded by building larger multi-story homes on smaller lots, which still resulted in expensive housing rather than affordable starter homes. He explained that these outcomes were part of the reason state legislatures have begun intervening more aggressively in local zoning regulations.

Discussion regarding why growth on the other side of Highway 20 had been limited and what concerns existed. Council Member C. Erickson explained that connectivity is a major issue because a freeway ran through the middle of the area. Council President E. Erickson added that emergency services struggle to get across efficiently. Mayor Merrill added the preservation of agricultural land had also been discussed as one reason for increasing density within the city limits rather than expanding outward.

- **Council Member Reeser** said the lack of amenities on the west side of town and agreed that limited commercial development had slowed growth in the area.
- **Commissioner Geddes** explained that businesses and amenities needed to come first before additional residential growth could successfully occur.
- **Council Member Reeser** suggested that zoning changes allowing more commercial development could have encouraged investment and amenities.
- **P&Z Administrator Parkinson** compared the issue to a "chicken and egg" problem, where population growth and infrastructure each depended on the other happening first.
- School growth challenges were used as an example, noting that school districts struggled to build infrastructure ahead of population growth because bonds were difficult to pass.
- **Commissioner Geddes** noted that WinCo and other businesses had chosen to develop in different areas despite demand for services on the west side of town.
- **Council President E. Erickson** emphasized that businesses could not be forced to locate in specific areas, even when amenities were needed there.
- Traffic congestion, road construction, and poor connectivity created significant access problems for residents west of Highway 20.
- public opposition to previous development proposals, with some residents opposing medium-density residential projects and others opposing both residential and commercial growth altogether.
- **P&Z Administrator Parkinson** acknowledged that some community members wanted amenities while also resisting changes to their neighborhoods.
- Commercial development near the highway would have benefited the city by attracting travelers and increasing economic activity.
- The discussion concluded that Rexburg faced ongoing challenges balancing growth, transportation access, commercial development, neighborhood concerns, and higher-density housing decisions.

Commissioner Francis stated that leaving LDR 3 zone option available within low-density zones made sense. P&Z Administrator Parkinson asked whether the group supported allowing LDR3 in both low-density and medium-density zones or only in low-density areas. Mayor Merrill responded that if LDR3 development is allowed in low-density zones, it could already be built in any higher-density zoning category as well.

Commissioner Geddes explained that the City Council had previously experienced repeated problems with LDR3 developments, which is why they had shifted it to the medium-density residential zoning categories. She said that the prior City Council made that change based on experience and concerns that had arisen over time. She expressed concerns that reversing the decision would undo the reasoning and lessons learned from those earlier planning decisions. P& Z Administrator Parkinson said they will continue the LDR3 zone designation discussion at a future work meeting.

Adjournment 6:24 P.M.

6:30 P.M.
Council Member Reeser said the prayer.
Council Member E. Erickson led the pledge.

Roll Call of Council Members:
Attending: Council Member Tietjen via Zoom, Council Member C. Erickson, Council Member Reeser, Council Member Riggins, Council President E. Erickson and Mayor Merrill.

Council Member Johnson did not attend the meeting.

Welcome New Employees: Joshua Heaton – Ice Rink Facility Manager; Brennon Batton – Streets/Sanitation Depts.

Brennon Batton introduced himself. He said he has lived in St. Anthony since 2023 and is grateful for the opportunity to work for the City of Rexburg. **Joshua Heaton** did not attend the meeting.

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

Sherry Barton explained that, as a citizen who tries her best to stay informed about matters within the city, she had several questions regarding the rezoning process. She asked whether it is legal for incorrect zoning and comprehensive plan maps to have been displayed on the city's website before and during a rezoning hearing. She also questioned whether a hearing could be reopened if incorrect information had been used and displayed on screen while zoning decisions were being made.

Sheri Barton further explained that the city's webpage stated that a quorum of five commissioners is required for Planning and Zoning meetings. She noted that commissioners who attended virtually needed to have been able to clearly hear the proceedings, and participants in the hearing needed to have been able to hear them as well. She questioned what should have happened if one commissioner only responded approximately ten percent of the time and if background noise from the commissioner's microphone made it sound as though the person was attending a loud party or entertainment venue. She asked whether a Planning and Zoning meeting could be reopened if those circumstances occurred. She stated for the record that she and others came away from the process feeling unheard and dismissed.

City Attorney Rammell explained that concerns raised by constituents regarding the rezoning hearing process and an analysis had been conducted to review the issues that were presented. He said that no concerns regarding the quorum issue had previously been brought to his attention and stated that this had been the first time he had heard about it. He noted that the meeting had started a few minutes late because several commissioners had been on vacation. However, he explained that calls were made to confirm that the commissioners participating virtually were able to hear and participate in the proceedings.

City Attorney Rammell addressed concerns regarding the zoning and comprehensive plan maps displayed during the hearing. He explained that the issue related to an online GIS display layer rather than the underlying legal zoning designation that had already been adopted by ordinance. He stated that the legally controlling action had been the ordinance previously adopted and recorded by the city. He further explained that the comprehensive plan maps and associated GIS data were maintained internally through GIS and shapefile processes and were periodically amended over time. The publicly displayed GIS maps served only as visual reference tools and had not been controlling legal documents.

City Attorney Rammell said based on his review, the substantive discussion during the hearing had accurately reflected the actual land-use designation and the application being considered. He explained that the proposal had been evaluated under the correct designations and applicable legal standards. He concluded by stating that there had been no indication that public notice had been defective, that the body had lacked jurisdiction, or that deliberations had been based on incorrect legal standards. As a result, he stated that he had advised Mayor Merrill and would make the same recommendation to the City Council that there had been no legal basis to determine whether the hearing or meeting had been invalid.

Brent Harris stated that he had attended the same public hearing. He explained that he had been concerned by comments made at the end of the hearing by one of the Planning and Zoning Commissioners who had participated through Zoom. He stated that the commissioner had referred to people who testified during the hearing as hypocrites and had used additional language that he believed had been inappropriate. He explained that, in his opinion, the individuals who testified against the proposal had been polite and respectful throughout the hearing, as they had been asked to be. He further stated that he believed the commissioner who participated virtually had acted rudely. While he acknowledged that disagreement among participants is acceptable, he expressed that calling members of the public hypocrites is not appropriate and should not have occurred.

Staff Reports:

A. Finance: - Matt Nielson

1. Approval of Budget Adjustment for Ice Rink Facility Contribution - Action Item

Finance Officer Nielson explained that the city received the final appraisal for the donated facility, which is valued at $5,144,000. He said he will complete the required IRS tax forms in coordination with the donor during the following week. He will have the deed recorded to officially transfer ownership of the property into the city's name. Finance Officer Nielson added that the proposed budget adjustment is

required under GASB accounting rules, even though no money has physically changed hands. The adjustment would allow the city to record the donated facility as a contributed capital asset and recognize the corresponding contributed revenue for accounting purposes.

Dept: RECREATION-ICE RINK Fiscal Year Affected: 2026

Expense Accounts to Receive **Increased Budget:**

Account:	01449-5771	Amount:	5,144,000	Name:	CONTRIBUTED ICE RINK FACILITY-EXP
Account:		Amount:		Name:	
Account:		Amount:		Name:	
		TOTAL:	5,144,000		

Accounts Where Budget is **Coming From:**

Account:	01449-3778	Amount:	5,144,000	Name:	CONTRIBUTED ASSET-ICE RINK-REV
Account:		Amount:		Name:	
Account:					
		TOTAL:	5,144,000		

Net Expense less Revenue: - (This must be zero)

Coming From:
Contingency:
Other Expense:
New Revenue: 5,144,000
TOTAL INCREASE 5,144,000

put back into contingency to carryover

Reason for the Increase:

The Neutral Zone Ice Rink Facility was donated to the City of Rexburg on 12-31-25.
The appraisal performed on 12-31-25 by Mark Liebel Appraisal Services showed a final opinion of value for the facility located at 52 W 2nd N at $5,144,000.
The GASB rules require the city to post a revenue and expense to show the contributed asset in the books and this budget adjustment will make it so the city is not over budget for this contribution.

Council Member C. Erickson moved to approve the Budget Adjustment for the Ice Rink Facility; Council Member Riggins seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

2. **Resolution No 2026-06** Amending the City's Procurement Procedures - Action Item

Finance Officer Nielson explained that the matter included two parts, including a resolution that would eventually require a formal motion from the City Council. However, the official stated that he would first review the summary document instead of reading through the full resolution. He said the procurement document has been in the city handbook for many years and has been used as guidance for employees responsible for purchasing and bidding on behalf of the city.

Finance Officer Nielson stated that the state updated two major statutes governing the purchasing of services, personal property, and public works construction projects during the previous year. As a result, the city has updated its procurement procedures to align with the revised state requirements. One of the major changes involved significantly increasing the dollar limits that determined when formal public bidding and publishing requirements became necessary. The first three sections of the policy reflected long-standing city practices that have remained in place for more than twenty years. One significant change is that purchases under $10,000 no longer required formal bids. However, the city still intended to maintain a preference for purchasing locally whenever possible. If local bids were received but significantly lower pricing could be obtained elsewhere, either the mayor or the Chief Finance Officer could approve the purchase from another vendor.

Finance Officer Nielson described similar updates related to public works projects. For purchases or projects between $10,000 and $50,000, the city required three oral or written quotes or bids. Exceptions could only be approved by either the Chief Finance Officer or the mayor, typically in situations involving major price differences or urgent timing needs. He explained that, for public works projects under $50,000, the Public Works Director has authority to approve exceptions. He noted that some exceptions are necessary because time-sensitive projects need to be completed quickly or because contractors were identified through previous bidding processes.

Council Member Tietjen asked what would happen if the city could not obtain three quotes for a purchase or project and could only secure one or two bids. Finance Officer Nielson responded that this situation occurred frequently. He explained that city staff always attempted to obtain three quotes, but sometimes vendors were unresponsive or only a limited number of vendors were available. He stated that if staff could demonstrate they made a reasonable effort to obtain three quotes, exceptions can be granted.

Council Member Tietjen asked whether those exceptions required approval from either the Chief Finance Officer or the mayor. Finance Officer Nielson confirmed that they did. He explained that the employee responsible for procuring the item would send documentation by email to the Chief Finance

Officer or the mayor. The approval would then be documented through written email records that were forwarded to accounts payable to ensure the city maintained proper documentation of the approval process.

Finance Officer Nielson reviewed the largest changes to the procurement policy. He explained that the threshold for semi-formal bidding under state law had increased to projects between $100,000 and $250,000. He noted that the previous threshold had begun at $50,000. He added that under the semi-formal bidding process, the city could solicit bids through methods such as emails or phone calls to vendors. Once bids are received, the city will either accept the lowest qualified bid or reject all bids entirely. He explained that projects exceeding $250,000, which previously required formal bidding at amounts over $100,000, would now require formal public advertisement procedures. He said those projects must be publicly advertised in the newspaper. In addition, the city also posted those larger projects on its website and maintained vendor lists to distribute bid opportunities directly to contractors and suppliers.

Finance Officer Nielson explained that these expanded advertising efforts are intended to maximize competition and ensure the city receives as many bids as possible for large procurements and construction projects.

Bidding Requirements for Purchases or Leases

Amount	Services & Personal Property (IC 67-2806)	Public Works Construction Projects (IC 67-2805)
Under $10,000 Per City Policy Res. 2026-06	None; consider local preference, except due to large price differences approved by Mayor or Chief Finance Officer (CFO).	None; consider local preference, except due to large price differences approved by Mayor or Chief Finance Officer (CFO).
$10,000-$50,000 Per City Policy Res. 2026-06	3 Oral or written quotes; consider local preference, except due to large price differences approved by Mayor or CFO.	Construction work may be purchased without a bid with the approval of the Public Works Director (PWD) when time is of the essence, the availability of bids is limited, and the cost is less than $50,000
$50,000-$100,000 Per City Policy Res. 2026-06	3 Oral or written quotes; consider local preference, except due to large price differences approved by both the Mayor and CFO.	3 Oral or written quotes; consider local preference, except due to large price differences approved by the Mayor and CFO and PWD.
$100,000-$250,000 Per State Law	**Semi-formal bidding:** Issue written requests for bids by electronic or physical delivery methods describing goods or services desired to at least 3 vendors. Allow 3 days or more for written response. Objections must be submitted no later than 1 business day PRIOR to bid. **Accept qualified low bid or reject all bids.** I.C.§67-2806(1)	**Semi-formal bidding:** Issue written requests for bids by electronic or physical delivery methods describing goods or services desired to at least 3 vendors. Allow 3 days or more for written response. Objections must be submitted no later than 1 business day PRIOR to bid. **Accept qualified low bid or reject all bids.** I.C.§67-2805(1)
Over $250,000 Per State Law	**Formal Competitive Sealed Bidding Process: Publish bid 2x** at least 2 weeks in advance of bid opening. Make bid specifications available; Objections must be submitted no later than 3 business day PRIOR to bid opening. May request bid security/bond; Open sealed bids in public at designated place and time; Select qualified bidder submitting the lowest bid price complying with bidding procedures and meeting the bid specifications. Can reject all bids IF able to purchase more economically in the open market; Council approval. I.C.§67-2806(2); I.C.§67-2803 Exclusions	**Formal Bidding:** 2 Options Category A & B **Category A-** Open to all licensed contractors. **Publication requirements 2x** at least 2 weeks in advance of bid opening. Written objections allowed 3 business days PRIOR to bid. May request bid security/bond. Open sealed bids in public at designated place and time. Select qualified bidder submitting the lowest bid price complying with bidding procedures and meeting the bid specifications. **Category B-** Open to pre-qualified contractors. After pre-qualification is determined, the bidding process is done in the same manner as Category A to include filing objections. Council Approval. I.C.§67-2805(2)

Council Member Riggins questioned whether adequate protections and oversight measures remained in place for purchases under $10,000, particularly regarding exceptions related to large price differences. He raised concern whether there are sufficient review or whether multiple levels of approval and accountability existed within the process. Finance Officer Nielson explained that all purchases still have to be included in the approved city budget, which provided an additional layer of oversight through the City Council's budget adoption process. He emphasized that employees are still strongly encouraged to obtain multiple bids and that requests are frequently denied unless additional quotes are secured. He added that the updated procedures did not allow employees to bypass oversight or simply award contracts to preferred vendors.

City Attorney Rammell explained that although the revised policies allowed for greater flexibility than before, the city intended to increase internal scrutiny and oversight to ensure proper use of public funds. Department heads have been informed that additional internal checks and reviews will accompany the updated procurement limits. He noted that the City Council consistently emphasizes the importance of responsible spending and accountability for taxpayer dollars, and city staff intends to maintain strict internal controls despite the higher thresholds permitted under state law.

Council Member C. Erickson emphasized that purchases move through a chain-of-command review process before approval. He explained that spending requests are carefully evaluated at multiple levels within each department and that the process involved significant oversight and accountability. The city treats taxpayer funds very seriously and that expenditures are reviewed carefully before approval is granted.

Mayor Merrill stated that, since the discussion involved bidding and procurement procedures, he wanted to address recent Facebook posts regarding the city's tree grant and allegations involving his landscape company. He explained that the claims suggesting his company has performed work related

to the city's tree grant are not true. He stated that, since taking office, his company has not bid on any city projects in any capacity. He further stated that he wanted to make the clarification publicly and officially for the audience and the record. He emphasized that his company has not benefited in any way from city business during the time he had served on the City Council or as mayor.

Resolution No 2026 - 06

A RESOLUTION AMENDING THE CITY'S PROCUREMENT PROCEDURES; DECLARING THAT ANY PERSONAL PROPERTY PURCHSAES OF $10,000 TO $100,000 SHALL REQUIRE THREE (3) COST QUOTES FROM DIFFERENT VENDORS WHENEVER POSSIBLE, LOCAL PREFERENCE CONSIDERED EXCEPTING LARGE PRICE DIFFERENCES APPROVED BY MAYOR OR CFO OR BOTH WHEN COST EXCEEDS $50,000; EXCLUSIONS TO THIS POLICIY ALIGNING WITH IDAHO CODE §67-2803; ALLOWING FOR PUBLIC WORKS CONSTRUCTION PROJECT PURCHASES WITHOUT A BID WITH APPROVAL OF THE PUBLIC WORKS DIRECTOR WHEN CIRCUMSTANCES WARRANT OR THE AVAILABILITY OF BIDDERS IS LIMITED AND THE COST IS LESS THAN $50,000; REQUIRING THREE (3) COST QUOTES FROM DIFFERENT VENDORS WHENEVER POSSIBLE, FOR PUBLIC WORKS CONSTRUCTION PROJECTS BETWEEN $50,000 TO $100,000, LOCAL PREFERENCE CONSIDERED EXCEPTING LARGE PRICE DIFFERENCES APPROVED BY THE MAYOR, CFO, AND THE PUBLIC WORKS DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, officials of the City of Rexburg (the "City") have determined that purchasing protocols for the City are necessary for the proper handling of public monies and that failure to follow bidding rules and laws is usually wasteful and sometimes illegal per state law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO:

Section 1. Services and Personal Property

Unless otherwise provided for in City Policies:

a. Purchases of $10,000 to $50,000 shall be required that price quotes, oral or written, from three (3) different vendors be sought whenever possible, except for parts and repairs on equipment and except in emergencies. Purchases must be approved by Mayor or Chief Financial Officer (CFO).

b. Purchases of $50,000 to $100,000 shall require price quotes, oral or written, from three (3) different vendors be sought whenever possible, except for parts and repairs on equipment and except in emergencies. Purchases must be approved by Mayor and Chief Financial Officer (CFO).

c. All purchases shall have consideration of local preference, except due to large price differences approved by the Mayor or Chief Finance Officer (CFO) or both individuals.

d. Purchases over $100,000 shall follow procedures set forth by Idaho State Code §67-2806.

Section 2. Public Works Construction Projects

a. Construction Projects of $10,000 to $50,000 may be purchased without price quotes or bids with the approval of the Public Works Director (PWD) when time is of the essence and the availability of the bids are limited.

b. Construction Projects of $50,000 to $100,000 shall require price quotes, oral or written, from three (3) different vendors. Purchases must be approved by the Public Works Director (PWD), Mayor and Chief Financial Officer (CFO).

e. All construction project purchases shall have consideration of local preference, except due to large price differences approved by the Mayor or Chief Finance Officer (CFO) or Public Works Director (PWD) or all individuals.

f. Consturuction Projects over $100,000 shall follow procedures set forth by Idaho State Code §67-2805.

Section 3. Bidding Procedures and Enforcement

Purchases of more than $10,000 may not be split into parts to avoid having to obtain price quotes for the purchase. Failure to bid purchases as required may result in the loss of purchasing authority and could lead to discipline up to and including termination.

Supervisors have additional rules for purchases of over $10,000 in the Supervisor's Handbook. All other purchasing rules and procedures outlined in the Employee Handbook and Supervisor's Handbook remain unchanged.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval.

Passed by the City Council and approved by the Mayor this 6th day of May 2026.

_____
Jerry Merrill, City of Rexburg Mayor

ATTEST:

_____
Deborah Lovejoy, City Clerk

CERTIFICATE

I, Deborah Lovejoy, City Clerk, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2026 - 06 adopted at a regular meeting of the City Council held on the 6th day of May 2026, and that the same is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 6th day of May 2026.

_____
Deborah Lovejoy, City Clerk

Council President E. Erickson asked whether the purpose of the proposed procurement policy changes are to streamline the purchasing process. He observed that the revisions appear to loosen some of the previous requirements and asked whether the existing system had created problems. Finance Officer Nielson responded that there are several reasons for the changes. The previous $5,000 threshold for bidding requirements had become inefficient over time because it remained unchanged for many years. Due to inflation, he stated that an item that once cost $5,000 would now likely cost closer to $12,000.

Finance Officer Nielson continued to explained that obtaining two or three bids is difficult, particularly for specialized items and public works projects. He stated that there were situations in which city staff already knew the most qualified vendor or solution, but significant time was still spent attempting to obtain additional bids solely to satisfy the policy requirements. He noted that involving the mayor, Public Works Director, and Chief Financial Officer in approval decisions allowed experienced staff members who regularly handled those categories of purchases to exercise informed judgment when exceptions are necessary. He said the most important reason for the revisions is to ensure the city's procurement policy aligned with updated state law requirements, which changed significantly from the city's previous policies.

Council President E. Erickson moved to approve **Resolution No 2026-06** Amending the City's Procurement Procedures; Council Member Reeser seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

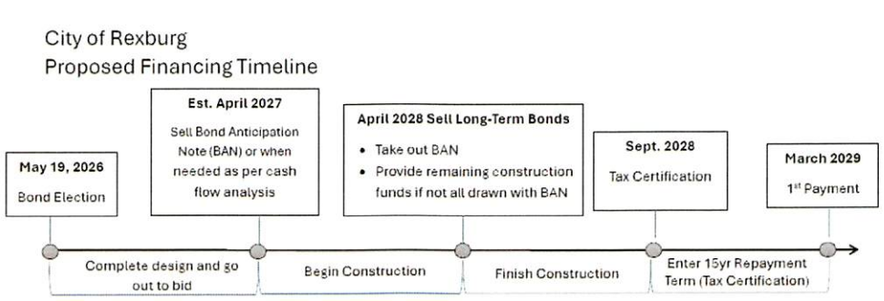
The motion carried.

B. Police: - Joshua Rhodes & Gary Hagen

1. Police Facility Bond

Finance Officer Nielson explained that the city had mailed informational flyers to residents and the mailers directed residents to the city's webpage for additional information. He addressed confusion surrounding the "2028 tax year" referenced in the ballot proposal. He explained that many residents asked questions about the timeline and that there is some misunderstanding about how property tax years functioned. He clarified that property taxes are identified by tax year even though payments occur later. As an example, he explained that taxpayers who made their first-half property tax payment in December 2025 are paying for the 2025 tax year, with the second-half payment due in June 2026. The proposed bond would not affect taxpayers until the 2028 tax year. Residents would first receive notification in November 2028, with the first payment due in December 2028 and the second-half payment due in June 2029. He emphasized that this timeline is important because several existing bonds, including multiple school district bonds and the library bond, are scheduled to expire around that same period. He explained that the city intentionally structured the timing so those older bonds would roll off and reduce the overall property tax burden on residents. He said there would only be one year in which both the new bond and the library bond would overlap before the library bond expired in 2028.

Finance Officer Nielson outlined the anticipated project timeline if voters approve the measure. He explained that the first year following approval would primarily involve design work, cost estimating, and the bidding process. The city has been setting aside reserve funds and will evaluate cash flow needs as construction approaches. If necessary, the city could use a bond anticipation note to assist with short-term cash flow during construction. He estimated that construction could potentially begin between spring and summer of 2027 to ensure that major earthwork could be completed before winter weather arrived. The city will formally certify the bond in September 2028, and the city's first principal and interest payment would not occur until March 2029. He said he understands the timeline is important for both the City Council and the public because it demonstrated how the city plans to minimize the long-term tax burden while still accomplishing the project goals identified through the public survey process.



Finance Officer Nielson explained that the decision to use a 15-year bond term instead of a 20-year term is intended to reduce the long-term financial burden on taxpayers. He stated that extending the repayment period by an additional five years would have significant increase the total amount of interest paid over the life of the bond. Although a 20-year term would have slightly lowered annual payments, officials determined that the relatively small yearly savings did not justify the millions of dollars in additional interest costs. He estimated that the annual difference between the 15-year and 20-year repayment options amounted to approximately $15 to $25 per household each year. The reduction in yearly costs is not worth extending the repayment period and increasing overall interest obligations. As a result, the city chose the 15-year repayment schedule to minimize long-term costs while still maintaining manageable annual payments for taxpayers.

Council Member Riggins asked how the expiration of other bonds and levies will affect taxpayers' overall financial obligations in the coming years. Finance Officer Nielson explained that Madison School District bonds totaling approximately $40 million and $19.5 million are scheduled to expire between 2025 and 2027, reducing annual taxpayer obligations by more than $1.6 million. In addition, the Madison Library bond, which accounts for approximately $283,000 annually, is also scheduled to expire. He noted that even if the school district's supplemental levy is renewed by voters, taxpayers would still see a significant reduction in existing debt obligations by 2028. He estimates that the new police facility bond repayment would total approximately $1.37 million annually. As older bonds expired, the reduction in those obligations will help offset the impact of the new police bond, thereby lessening the overall tax burden on residents.

C. Public Works: - Keith Davidson

1. Approval of surplus 1997 Ford Ranger XL 2WD Single Cab Pickup and EZ-GO Battery Operated Golf Cart- Action Item

Public Works Director Davidson informed the City Council that there are two items the city would like to surplus. A 1997 Ford Ranger pickup truck and an E-Z-GO battery-operated golf cart. The items will be disposed of according to city procedures.





Council Member C. Erickson moved to approve the surplus of a 1997 Ford Ranger XL 2WD Single Cab Pickup and EZ-Go Battery-Operated Golf Cart; Council Member Riggins seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

2. Approval of Local Improvement District 55 Construction Bids - Action Item

Public Works Director Davidson reviewed the bids received for Local Improvement District (LID) 55. A total of four contractors submitted bids for the project. JM Concrete submitted the lowest bid at $3,294,540. He added that the final bid amounts were, on average, approximately 33% lower than the estimates previously sent to affected property owners, although some individual assessments are slightly higher or lower than that average reduction.

Council Member C. Erickson asked whether the city has previously worked with JM Concrete and whether the company performed satisfactorily on prior projects. Public Works Director Davidson responded that the city has worked with the contractor before and that, although there were some scheduling and timing issues during past projects, the final quality of the work was satisfactory. He stated that city staff intend to discuss scheduling expectations with the contractor to address those prior concerns.

Council Member C. Erickson asked whether the contract included deadlines and enforcement mechanisms to ensure timely completion of the project. Public Works Director Davidson confirmed that the contract documents established a completion timeline of October 16, 2026, and included provisions for liquidated damages if the contractor failed to complete the project on time. He noted that extensions could still be granted for circumstances such as severe weather or unforeseen conditions. Despite the previous timing concerns, he said he feels comfortable proceeding with JM Concrete because they did not have sufficient grounds to reject the bid.

LID 55 BID RESULTS		
Name	Amount	
JM Concrete	**$**	**3,294,540.00**
Edstrom Construction	$	3,724,441.50
HK Contractors	$	4,171,407.30
Suncore	$	3,722,878.00

Council Member C. Erickson moved to approve the low bid of $3,294,540.00 from JM Concrete Inc. for Local Improvement District 55; Council President E. Erickson seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

3. Approval of Grant Agreement with Idaho Water Resource Board for Conservation of Porter Park to Surface Water Irrigation from Canal Action Item

Public Works Director Davidson explained that the item involved a grant agreement with the Idaho Water Resources Board. The grant required a 50/50 funding match from the city. The purpose of the grant is to remove Porter Park from the city's culinary water system and transition the park to using water from the canal system instead. The city will use surface water for irrigation at Porter Park, which would provide long-term benefits for the community by reducing reliance on treated culinary water for park irrigation.

Council Member Reeser moved to approve the Grant Agreement with Idaho Water Resource Board for Conservation of Porter Park to Surface Water Irrigation from Canal; Council Member Riggins seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

Council Member C. Erickson raised concerns about the strong winds that had recently occurred and noted that many streetlights had lost their back covers or plates, particularly on the red and green traffic lights. Public Works Director Davidson explained that the back plates came off several signals and acknowledged that the reflective backing helped improve visibility for drivers. Those components needed to be replaced. The city will coordinate with the Idaho Transportation Department (ITD) on traffic signals located along State Highway 33, while the city handles replacements for signals under local jurisdiction.

Council Member C. Erickson raised another concern regarding potholes on Main Street, particularly near Walgreens. He asked whether the state has addressed the issue because the potholes are still visible and are severe enough to potentially damage vehicles. Public Works Director Davidson responded that he discussed the issue with ITD, and he will follow up again.

Mayor's Report/Business:
A. Ratify Chad Richards as a member of the Airport Board Action Item

Mayor Merrill explained that Chad Richards was a longtime member of the Rexburg community and has worked within the local construction industry for many years. Mr. Richards served as one of the

foremen or supervisors involved in the construction of the Rexburg Temple while working for Jacobsen Construction. After the completion of the temple project Mr. Richards was asked to relocate back to Utah by his employer. However, he chose to remain in Rexburg. Mr. Richards later accepted a position with Headwaters Construction in Rexburg since that time.

Mayor Merrill said Mr. Richards expressed interest in serving on the Airport Board and contributing to matters involving the jointly operated city-county airport. Since the airport is jointly owned by the city and county, representatives from both entities serve on that board.

Council Member C. Erickson moved to ratify the appointment of Chad Richards as a member of the Airport Board; Council President E. Erickson seconded the motion; Mayor Merrill asked for a vote:

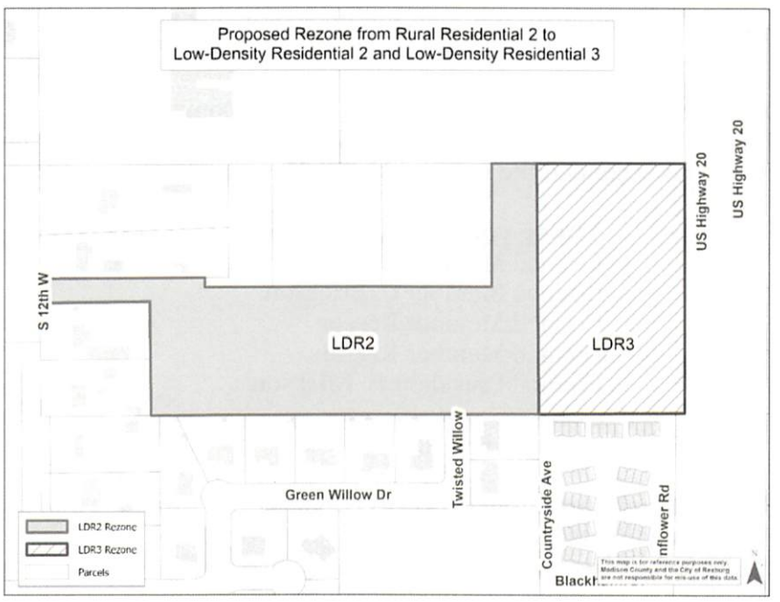
Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

Items for Consideration:

A. Planning & Zoning recommendation to approve a rezone from Rural Residential 2 (RR2) zone to Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3) zones located at approximately 401 S 12th W 26-00094. Designated as **Ordinance No 1347** if motion passes and considered first read. – Alan Parkinson Action Item

P&**Z Administrator Parkinson** explained that the property under discussion is located on 12th West. A map of the property was viewed on the overhead screen. The property belongs to the Steiner Parkinson family and is located almost directly across from the church building and adjacent to the Summerfield development. He added that the applicant is requesting the back six acres of the property be rezoned to LDR3 while leaving the remainder of the property as LDR2. The property is currently designated as "intermediate" on the comprehensive plan. P&Z Administrator Parkinson added that LDR2 zoning allowed single-family homes, twin homes, and duplexes, while LDR3 allowed those same housing types in addition to townhomes.



Council Member Reeser asked for clarification regarding the types of homes permitted within LDR2 zoning and lot size. P&Z Administrator Parkinson responded that LDR2 permitted single-family detached homes, duplexes, and twin homes. The minimum lot size is approximately 7,256 square feet per lot, which translated to roughly six units per acre under the zoning regulations.

Council President E. Erickson asked about connectivity between the Meadows subdivision, the proposed parcel, the neighboring parcels to the north, access to 12th West, and connections into the Willow Brook subdivision. He specifically asked what the city required regarding connectivity. P&Z Administrator Parkinson explained that the city required connectivity between subdivisions and neighboring parcels. Developments exceeding thirty units are required to provide at least two points of ingress and egress. Connectivity requirements help reduce unnecessary traffic on major roads by allowing residents to travel between nearby neighborhoods without needing to exit onto arterial streets. Connectivity standards also improve emergency access for EMS and public safety services. The

Meadows subdivision currently only has one access point, and the city is actively trying to determine how to create additional connectivity between the Meadows and the parcel being proposed for rezoning.

Council President E. Erickson asked where that connection would likely occur? P&Z Administrator Parkinson responded that the only realistic option appeared to be along the north end on the west side of the property.

Council Member C. Erickson explained that he does not believe there is sufficient room for a full street connection because the area he observed only allowed space for one vehicle due to existing parking conditions and the road is not considered a city street. Emergency access could have been maintained through a gated connection for fire and emergency services only. He said he believes that opening the road connection may benefit the Meadow subdivision but will negatively impact the northern subdivision.

Discussion regarding items reviewed during the plat process, Emergency Services Department would review the necessary ingress and egress to protect residents and provide emergency access; while planning and engineering staff would determine the appropriate street connectivity. Those issues will be addressed during future planning meetings if the project moves forward. City Attorney Rammell explained that any requirement placed upon a developer would be analyzed through an exaction, or takings, analysis by legal counsel, and that those discussions take place as part of the process.

City Attorney Rammell explained for the record that one or possibly two emails were received after the public hearing had closed. Those communications have been received and disclosed, and the applicant was made aware of them because they were submitted after the close of the public hearing. He advised the City Council to not consider or rely on the contents of those emails during deliberation or when making any motion, approval, or denial regarding the application.

Council Member Riggins explained that his primary concern is ensuring that decisions regarding road capacity, public services, and development impacts are based on evidence rather than speculation or hearsay. He referenced concerns about traffic on 12th Street and questioned whether official studies have been conducted to determine how many vehicles the road can handle. He emphasized the importance of ensuring that both residents and city officials base their decisions on factual evidence and legal standards to determine whether the proposed development will adequately serve the community.

Public Works Director Davidson explained that traffic impact studies are required during the development planning process, although not typically during a rezone application. Once a development proposal is submitted, the city evaluates what is planned for the site and requires a traffic impact study to review intersections, street capacities, and related traffic conditions. The traffic studies evaluate roadway performance using Levels of Service rated from A through F, with Level F representing gridlock conditions. The city's standard is to maintain at least a Level of Service C. The process involves analyzing the increased traffic impacts caused by a proposed development at nearby intersections and along affected roads. City Staff and engineering consultants will then determine whether the development will reduce roadway performance below the acceptable standard. If traffic conditions are projected to fall below a Level of Service C, the engineering firm will identify what improvements are needed to restore acceptable traffic flow. City Staff will then evaluate the proportionate share of those improvement costs that will be the responsibility of the developer.

Council Member Reeser explained that questions arise about public concerns regarding a zoning change and the perception that it could "open the floodgates" for development at the highest density allowed within the zone. He asked for clarification on whether a developer would still need to go through additional approvals before building to the maximum density permitted by the zoning designation. Public Works Director Davidson explained that even if the zone is changed, a developer would still be required to complete the development approval process. That process would include traffic impact studies and evaluations of infrastructure capacity before any project could move forward.

Council Member Reeser asked whether a developer could be prevented from building to the maximum allowed density if roads, intersections, or other infrastructure would not support the project. Public Works Director Davidson clarified that those issues are addressed through the development agreement process and associated infrastructure requirements. If a developer refused to complete the required improvements or accept the associated costs identified through the traffic and infrastructure review process, the city would not allow the development to proceed. He added that development approvals depend not only on zoning but also on the capacity of roads, water lines, sewer lines, and other necessary infrastructure. All required improvements and responsibilities will be outlined in a development agreement signed by the developer and city officials.

Council Member Riggins noted that the City council had recently dealt with a similar issue involving nearby property and wanted to confirm that the same development review process will apply in that case. He emphasized wanting assurance that any future development would still be required to go through the approval process and that necessary improvements, such as road widening or other

infrastructure upgrades, would be addressed to properly serve the community. P&Z Administrator Parkinson explained that the project will return to both the Planning and Zoning Commission and the City Council during the development review process. At that stage, the City Council will be able to review traffic impact studies, infrastructure requirements, and other related items to determine whether concerns have been adequately addressed.

P&Z Administrator Parkinson also explained that the City Council has access to review the development agreement and other support materials included in the project packet. Council Member Riggins referenced a conceptual plan included in the packet that appeared to show apartments on the south side of the property. P&Z Administrator Parkinson clarified that the submitted concept plans were included in the packet only because transparency laws required all submitted materials to be disclosed. He emphasized that the City Council should not base their decision on those conceptual drawings because they are not part of the actual zoning decision being considered. The applicant could change those plans later, so the conceptual layouts are not binding and should not influence the City Council's decision on the rezoning request.

City Attorney Rammell explained that, as reflected in the Planning and Zoning Commission minutes, he had strongly urged the P&Z Commissioners to disregard certain specific aspects being discussed during the meeting because those issues were not legally relevant to the decision before them. The law contemplates remedial measures and even though the planning and zoning process can appear counterintuitive; however, it is the legal framework currently in place for land use and planning decisions. He stressed that city officials are obligated to make decisions based on applicable law and legal standards rather than personal opinions or public frustration. He referred to a prior work meeting where some Councilmembers discussed new legislation scheduled to take effect in July and regardless of whether officials agreed or disagreed with the legislation, the city would still be required to implement those laws and incorporate them into future land use decision-making processes. The law and established planning procedures are a necessary part of making land use and zoning decisions, even when the process may seem frustrating or counterintuitive.

Council Member C. Erickson asked whether there had been a quorum present at a prior Planning and Zoning Meeting referred to by Shari Barton. City Attorney Rammell clarified there were five Planning and Zoning Commissioners that participated in that meeting, three commissioners attended in person and two called into the meeting, which constituted a quorum.

Council Member C. Erickson said he has reviewed the zoning proposal multiple times, listened to public comments, and analyzed the zone request in detail. He expressed concern about the abrupt zoning transition he believes it creates too large of a density jump rather than a gradual transition. He raised concerns about connectivity with the Meadows development and the possibility that road access or development requirements could unfairly burden the property owner to the north. He appreciates the developer's willingness to discuss solutions collaboratively but felt that meaningful discussion and compromise have not occurred during the Planning and Zoning process. He suggested that higher-density zoning might be more appropriate farther away to allow for a smoother mixed-use transition between zoning types. The proposed LDR3 zoning on the east side appeared consistent with the city's comprehensive plan, even though there are concerns about surrounding zoning transitions.

Council Member C. Erickson emphasized the importance of considering long-term city growth, housing affordability, and the limited availability of homes within LDR1, LDR2, R1, and R2 zones for second- and third-time homebuyers. P&Z Administrator Parkinson explained that surrounding zoning patterns already included MDR1, HDR1, LR2, LR3, and MDR2 zones, which supported the compatibility of the proposed LDR3 zoning. The proposal did not constitute spot zoning. He clarified that Planning and Zoning hearings are not negotiation sessions and are legally limited to determining whether proposals meet city code, staff standards, and compatibility requirements. Cities can face lawsuits if projects are denied without legally valid reasons, which restricts how much subjective discussion or negotiation can occur during hearings. He noted that rezoning approvals only address land-use density and zoning classifications, not final building designs or development plans, since those details may change later.

Council Member C. Erickson emphasized that Idaho law requires zoning decisions to consider zoning ordinance compliance, public services, infrastructure, land capability, and impacts on surrounding properties and residents. He believes that transitioning directly from R2 zoning to LDR2 zoning created too large of a density jump, especially with adjacent R1 zoning nearby. P&Z Administrator Parkinson responded that nearby approved LDR1 and LDR2 zoning north of the property supported the compatibility of the proposal. The upper portion of the property is designated as LDR3 in the comprehensive plan and that LDR3 is the lowest zoning classification the developer could legally request without changing the comprehensive plan.

Council Member C. Erickson said he agrees with some points regarding freeway-adjacent development but disagreed with several comments made during Planning and Zoning discussions. Specifically, the claim that people did not want to build homes next to the freeway. He pointed out that traveling from Rexburg to Salt Lake City, he has observed many expensive homes built directly adjacent

to freeways. He continued to express concern about the transition from RR2 zoning to LDR2 zoning. A lower-density transition such as LDR1, with quarter-acre lots, would have been more appropriate. P&Z Administrator Parkinson responded that the Planning and Zoning Commission can only consider the zones being presented.

Council President E. Erickson said he has observed that residential development has steadily moved westward. The City Council approved an earlier zone change and viewed the current proposal as a continuation of the same general zoning pattern. Although the proposed lots were smaller than the neighboring properties to the north and south, which consisted of half-acre and one-acre lots, He said he feels the proposal still represents a reasonable transition. Growth in Rexburg is inevitable regardless of public opinion and the City Council will need to make decisions about how to manage that growth. He shared that he lives on a one-acre R1 lot with LDR3 townhomes directly behind his property and stated that arrangement has not caused problems.

Council President E. Erickson explained that the proposal did not represent high-density residential development and would not create an excessively large project with overwhelming impacts. Instead, he believes it is a reasonable approach to controlling growth in that part of the city. Many nearby properties already existed on LDR2-sized lots, particularly in subdivisions and surrounding developments in the area.

Council President E. Erickson said that traffic concerns on 12th West represent an issue; however, he explained that improvements to 12th West will only occur once additional development increases traffic volumes enough to qualify the city for funding and roadway improvements. He remarked that, realistically, development will need to occur before the city can secure the necessary resources to upgrade infrastructure. The traffic issues will likely arise in Willow Brook and along 12th West, he believes those concerns will need to be mitigated and resolved as development continues.

Council Member Riggins emphasized the importance of trusting the zoning and approval process. City Staff are expected to conduct necessary studies and fulfill their responsibilities carefully. If the rezone is approved, he stressed that the next steps require proper data, evidence, and planning before moving forward with development.

Council Member C. Erickson continued to express his concerns with the drastic zone change from R2 directly to LDR2. He said he supports a more gradual zoning transition, including some LDR1 areas as a buffer. Existing zoning differences (R2 and R1 areas) are important for maintaining separation and neighborhood structure. He opposed opening direct public access through the Meadows area and suggested it be limited to emergency-only access. Opening access could create future problems for the neighborhood. He emphasized the need to preserve larger residential lots, such as quarter-acre and half-acre properties, within Rexburg. Continued rezoning to higher-density developments is reducing opportunities for larger-lot housing.

Council Member Tietjen asked for clarification regarding the differences between LDR1 and LDR2 zoning. P&Z Administrator Parkinson explained that LDR2 allowed detached single-family homes, twin homes, and duplexes, while the primary differences between LDR1 and LDR2 are the inclusion of twin homes and duplexes, as well as differences in lot sizes.

Council Member Tietjen asked about the location of nearby R2 zoning areas referenced by Council President E. Erickson. P&Z Administrator Parkinson explained that the Willow Brook subdivision, located directly south of the property, is zoned RR2. Additional RR-zoned property is located directly north of the Birch property, and some RR1 lots exist along the street frontage on 12th Street. There are also a few R1 lots extending into the middle section of the area, particularly near the Gem Prep property.

Council Member Riggins moved to approve **Ordinance No 1347** a rezone from Rural Residential 2 (RR2) zone to Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3) zones located at approximately 401 S 12th W and consider first read; Council President E. Erickson seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	Council Member C. Erickson
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

B. Staff recommendation to approve an amendment to Ordinance No 1225 Animal Control prohibiting the sale of animals in certain situations in the City of Rexburg. Designated as **Ordinance No 1336** if motion passes and considered first read. – Spencer Rammell
Action Item

City Attorney Rammell explained that Animal Control Officer Scott Chapman and Sergeant Bovie have had ongoing concerns regarding the sale of animals in certain situations in the city. First, individuals selling and or giving away animals reportedly were selling or giving away animals to children without parents' present. In many cases, the children later brought the animals home, which eventually resulted in the animals ending up at the animal shelter. Second, there has been a significant increase in college-aged individuals acquiring animals impulsively, often in parking lots, without considering housing restrictions. Many later discovered that their housing did not allow pets, leading to a large influx of animals being surrendered to the animal shelter.

City Attorney Rammell stated that he had initially questioned whether additional regulations are necessary, but after the same concerns were raised again six months later, the amendment to the Animal Control ordinance are legally sound.

Council Member C. Erickson explained that one of the main concerns is people impulsively acquiring animals and later abandoning or surrendering them to the animal shelter. The increase in abandoned and surrendered animals creates a burden for the city and animal shelter. The ordinance is intended to promote greater responsibility among those giving away or adopting animals. He supports the ordinance and he noted that he advocated for a similar measure years earlier. The City of Idaho Falls has recently passed a similar ordinance, indicating that other communities were facing the same issue.

Council Member Tietjen asked to clarify whether the ordinance will stop the sale or free giveaway of puppies and kittens within city limits. City Attorney Rammell explained that the ordinance will not prohibit lawful sales or adoptions. Instead, safeguards have been included in the language to allow legitimate businesses and lawful transactions to continue operating. The ordinance is specifically intended to stop people from standing in parking lots, along roadsides, or in public areas giving away or selling animals. Individuals will still be allowed to sell or give away animals from their homes or through legitimate businesses. He confirmed that people could continue advertising animals for sale on platforms such as Facebook and arrange transactions privately. The ordinance is primarily focused on preventing the "peddling" of animals in parking lots and similar public locations.

Council Member C. Erickson moved to approve **Ordinance No 1336** an amendment to Ordinance No 1225 Animal Control prohibiting the sale of animals in certain situations in the City of Rexburg and consider first read; Council Member Riggins seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

C. Staff recommendation to repeal Ordinance No 1025 Community Safety Lighting Zones. Designated as **Ordinance No 1346** if motion passes; **Recommendation to suspend the rules and consider 3rd read** – Spencer Rammell Action Item

Discussion:

Council Member C. Erickson moved to suspend the rules for **Ordinance No 1346** to repeal Ordinance No 1025 Community Safety Lighting Zones; Council Member Reeser seconded the motion; Mayor Merrill asked for a roll call vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

Council President E. Erickson moved to approve **Ordinance No 1346** to repeal Ordinance No 1025 Community Safety Lighting Zones and consider third read; Council Member C. Erickson seconded the motion; Mayor Merrill asked for a vote:

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

Calendared Bills:
A. Second Reading: Those items which have been first read: NONE
B. Third Reading: Those items which have been second read: NONE

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

A. Minutes from April 15th and 24th 2026, Meeting - Action Item
B. Approve Payment of the City of Rexburg Bills - Action Item

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

Those voting aye	**Those voting nay**
Council Member Tietjen	none
Council Member C. Erickson	
Council Member Reeser	
Council Member Riggins	
Council President E. Erickson	

The motion carried.

Council Member Tietjen commented on the city's bills and budget status after reviewing the check run. She noted that several departments are either approaching or are exceeding their budget limits within certain line items. She encouraged the Department heads to monitor their budgets carefully, especially for the five months remaining in the current budget cycle.

Adjournment 8:05 P.M.

APPROVED:

Jerry Merrill, Mayor

Attest:

Marianna Gonzalez, City Deputy Clerk