



**ORDINANCE NO. 1242  
APPROVAL OF NORTH CENTRAL URBAN RENEWAL PLAN**

**BY THE COUNCIL:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE NORTH CENTRAL URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE OFFICIALS AND OTHER TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council (the “City Council”) and Mayor of the city of Rexburg (the “City”), on or about November 6, 1991, adopted and approved a resolution creating the urban renewal agency of the city of Rexburg, Idaho, also known as the Rexburg Redevelopment Agency (the “Agency”), an independent public body, corporate and politic, authorizing the Agency to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, chapter 20, title 50, Idaho Code, as amended (hereinafter the “Law”), and the Local Economic Development Act, chapter 29, title 50, Idaho Code, as amended (hereinafter the “Act”) and making the findings of necessity required for creating the Agency;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the North Highway Urban Renewal Project pursuant to the North Highway Urban Renewal Plan (the “North Highway Plan”) to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 728 on December 27, 1991, approving the North Highway Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the North Highway Amended and Restated Urban Renewal Plan (the “North Highway Amended and Restated Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 815 on December 30, 1998, approving the North Highway Amended and Restated Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Downtown District Redevelopment Plan (the “Downtown Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 910 on December 17, 2003, approving the Downtown Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Second Amended and Restated Urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “Second Amended and Restated North Highway Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 950 on December 21, 2005, approving the Second Amended and Restated North Highway Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the University Boulevard-South 12th West Urban Renewal Plan (the “University Boulevard Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 996 on December 19, 2007, approving the University Boulevard Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Amended and Restated Downtown District Redevelopment Plan (the “Amended and Restated Downtown Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1035 on December 2, 2009, approving the Amended and Restated Downtown Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Second Amended and Restated Downtown District Redevelopment Plan, Downtown Urban Renewal Project (the “Second Amended and Restated Downtown Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1123 on November 5, 2014, approving the Second Amended and Restated Downtown Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the North Interchange Urban Renewal Project (the “North Interchange Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1134 on December 2, 2015, approving the North Interchange Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Second Amended and Restated Urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “First Amendment to the Second Amended and Restated North Highway Plan”) seeking deannexation of a number of parcels from the existing Second Amended and Restated North Highway Project Area;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1230 on June 17, 2020, approving the First Amendment to the Second Amended and Restated North Highway Plan, and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas, as amended, are collectively referred to as the Existing Project Areas;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in Idaho Code Section 50-2008(g); and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses,

maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, based on inquiries and information presented, the City commenced certain discussions concerning examination of an additional area both within the City and outside the City limits within unincorporated Madison County as appropriate for an urban renewal project;

WHEREAS, in July 2020, the City authorized Richard Horner, to commence an eligibility study and preparation of an eligibility report of an area including necessary properties and roadway along the proposed extension of North 5th West from the Madison County Fairgrounds to West Moody Road, including properties necessary to construct an overpass on West Moody Road over State Highway 20. The proposed area also included properties and roadway along North 2nd East and the North Yellowstone Highway from East 1st North to East Moran View Road. The proposed area also included properties and roadway along East 7th North and Barney Dairy Road. It also included undeveloped properties between East 7th North and Barney Dairy Road and East 2nd North. Lastly, the area also included necessary properties along the proposed extension of East Parkway from about 6th South to East Moody Road. Collectively this area is referred to as the “North Central Study Area;”

WHEREAS, the Agency obtained The North Central Area Urban Renewal Eligibility Report, dated July 3, 2020 (the “Eligibility Report”), which examined the North Central Study Area, which area also included real property located within unincorporated Madison County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code §§ 50-2018(9) and 50-2903(8), which define a deteriorating area and a deteriorated area, many of the conditions necessary to be present in such areas to be deemed eligible are found in the North Central Study Area, *i.e.* predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness/obsolete platting; insanitary or unsafe conditions; deterioration of site and other improvements; and the existence of conditions which endanger life or property by fire and other causes;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. *See*, Idaho Code § 50-2903(8)(c);

WHEREAS, the North Central Study Area included a substantial amount of open land or open area;

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open land areas, including open land areas to be potentially acquired by the Agency, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

WHEREAS, the Eligibility Report addressed the necessary findings concerning including open land within any urban renewal area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, the effects of the listed conditions cited in the Eligibility Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a

menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the Agency Board, on July 9, 2020, adopted Resolution No. 2020-03 accepting the Eligibility Report and authorized the Agency Chair to transmit the Eligibility Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the North Central Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Eligibility Report to the Madison County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of the incorporated City and within unincorporated Madison County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed North Central Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval by resolution of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Eligibility Report included certain properties within unincorporated Madison County;

WHEREAS, the Eligibility Report was submitted to the Madison County Board of County Commissioners, and the Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed North Central Study Area;

WHEREAS, the Madison County Board of County Commissioners adopted the Agency's findings concerning the proposed North Central Study Area by adopting Resolution No. 447 on July 13, 2020;

WHEREAS, the City Council, by Resolution No. 2020-12, dated July 15, 2020, declared the North Central Study Area described in the Eligibility Report to be a deteriorated area and/or a deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Madison County Board of County Commissioners adopted the necessary resolution and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the North Central Urban Renewal Project (the "North Central Plan") to develop and/or redevelop a portion of the City, as well as an area within the City's area of operation, pursuant to the Law and the Act, as amended;

WHEREAS, the North Central Plan proposes to create an urban renewal area commonly known as the North Central Area, which area is shown on the Boundary Map of Urban Renewal Project Area and Revenue Allocation Area and described in the Description of Urban Renewal Project Area and Revenue Allocation Area, which are attached to the North Central Plan as Attachments 1 and 2 respectively;

WHEREAS, the area included in the North Central Project Area is smaller than the area assessed in the Eligibility Report;

WHEREAS, in order to implement the provisions of the Act and the Law either the Agency may prepare a plan, or any person, public or private, may submit such plan to the Agency;

WHEREAS, the Agency has prepared the proposed North Central Plan for the area previously designated as eligible for urban renewal planning;

WHEREAS, the Act authorizes the Agency to adopt revenue allocation financing provisions as part of an urban renewal plan;

WHEREAS, the North Central Plan also contains provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board, at several Agency Board meetings in 2020, has considered public improvements related to the North Central Project Area;

WHEREAS, on September 24, 2020, the Agency Board passed Resolution No. 2020-5 proposing and recommending the approval of the North Central Plan;

WHEREAS, the Agency submitted the North Central Plan to the Mayor and City Council;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the North Central Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, pursuant to the Law, at a meeting held on October 1, 2020, the City's Planning and Zoning Commission considered the North Central Plan and found that the North Central Plan is in all respects in conformity with The City of Rexburg 2020 Comprehensive Plan (the "Comprehensive Plan") and forwarded its findings to the Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the North Central Plan was caused to be published by the City Clerk in the *Standard Journal* on October 16 and 30, 2020, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of October 16, 2020, the North Central Plan was submitted to the affected taxing entities, available to the public, and scheduled for consideration by the City Council;

WHEREAS, that an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Madison County Board of County Commissioners, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), and that the Agreement has been formalized by a transfer of power ordinance adopted by the Madison County Board of County Commissioners. A copy of the transfer of power ordinance, Madison County Ordinance No. \_\_\_\_, is attached hereto as Exhibit 3;

WHEREAS, the City Council during its regular meeting of November 18, 2020, has approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b) with Madison County by adopting Resolution No. 2020 - 23. A copy of City Council Resolution No. 2020 - 23 is attached hereto as Exhibit 4;

WHEREAS, the City Council during its regular meeting of November 18, 2020, held such public hearing;

WHEREAS, as required by Idaho Code §§ 50-2905 and 50-2906, the North Central Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on November 18, 2020, the regular meeting of the Council, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a

termination date for the plan and the revenue allocation area, as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, the North Central Plan authorizes certain projects to be financed by proceeds from revenue allocation;

WHEREAS, appropriate notice of the North Central Plan and revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

WHEREAS, it is necessary and in the best interests of the citizens of the City to recommend approval of the North Central Plan and to adopt, as part of the North Central Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the North Central Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the North Central Project Area due to the inability of existing financing methods to provide needed public improvements; (3) to encourage taxing districts to cooperate in the allocation of future tax revenues arising in the North Central Project Area in order to facilitate the long-term growth of their common tax base; (4) to encourage the long-term growth of their common tax base; (5) to encourage private investment within the City and (6) to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the North Central Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the North Central Plan;

WHEREAS, under the Law and Act, any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the

need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

WHEREAS, under the Law and Act, Idaho Code Sections 50-2018(9) and 50-2903(8)(f), the definition of a deteriorated area and a deteriorating area shall not apply to any agricultural operation, as defined in Idaho Code Section 22-4502(2), absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the North Central Project Area includes parcels subject to such consent and the necessary consents have been obtained (the “Ag Consents”) and are attached to the North Central Plan as Attachment 6;

WHEREAS, in general, and for purposes of the Ag Consents, the Agency is not a taxing district and does not have the authority to impose an ad valorem tax. Further, the Agency does not determine the value of property, which is determined by the Madison County Assessor, or participate in the establishment of any taxing district levies, which is predominantly driven by each individual taxing district’s annual budgeting process;

WHEREAS, several of the Ag Consents seek to condition or limit development, or impose specific public improvements in conjunction with any private development on certain parcels, which could, limit the Agency’s discretion and ability to fully carry out urban renewal projects as identified in the urban renewal plan;

WHEREAS, the base assessment roll of the proposed North Central Project Area, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, it is necessary, and in the best interests of the citizens of the City to adopt the North Central Plan;

WHEREAS, the City Council at its regular meeting held on November 18, 2020, considered the North Central Plan as proposed and made certain comprehensive findings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG:

SECTION 1: It is hereby found and determined that:

- (a) The North Central Project Area, as defined in the North Central Plan, is a deteriorated area or a deteriorating area, as defined in the Law and the Act, and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development, and redevelopment of the urban renewal area pursuant to the North Central Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The North Central Plan conforms to the Comprehensive Plan.
- (e) The North Central Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the industrial and commercial components of the North Central Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the North Central Plan.
- (f) The North Central Plan affords maximum opportunity consistent with the

sound needs of the City, as a whole, for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the North Central Plan provides a feasible method for relocation obligations of any displaced families residing within the North Central Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the North Central Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The North Central Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The North Central Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code §§ 50-2018(9) and 50-2903(8)(f), does include agricultural operations for which the Agency has received written consents, or which have not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the North Central Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.
- (m) The portion of the North Central Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

SECTION 2: The City Council finds that the North Central Project Area has a substantial portion of open land, that the Agency may acquire any open land within the North Central Project Area, but does not intend to do so on any widespread basis, and that the North Central Project Area is planned to be developed and/or redeveloped in a manner that will include both residential and nonresidential uses. The City Council finds that for the portions of the North Central Project Area deemed to be “open land,” the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that one of the North Central Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the North Central Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and



development standards in accordance with the objectives of the City's Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The North Central Plan, a copy of which is attached hereto and marked as Exhibit 5 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 18, 2020, hearing, and incorporate changes or modifications, if any.

SECTION 5: As required by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Madison County Board of County Commissioners and the City have entered into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a transfer of power ordinance adopted by the Madison County Board of County Commissioners in Madison County Ordinance No. 432 (attached hereto as Exhibit 3), and by City Council Resolution No. 2020 - 23 (attached hereto as Exhibit 4).

SECTION 6: No direct or collateral action challenging the North Central Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the North Central Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Madison County and to the appropriate officials of Madison County Board of County Commissioners, city of Rexburg, Madison County Ambulance, Madison County Mosquito Abatement, Madison County Road & Bridge, Madison Library District, Madison School #321, Madison Fire, Rexburg Cemetery, Sugar City Cemetery, Sugar Salem Scl Community Library, Sugar-Salem School #322, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the North Central Revenue Allocation Area, and a map or plat indicating the boundaries of the North Central Revenue Allocation Area.

SECTION 8: The City Council hereby finds and declares that the North Central Revenue Allocation Area as defined in the North Central Plan, the equalized assessed valuation, of which the City Council hereby determines is in and is part of the North Central Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the North Central Plan.

SECTION 9: The City Council hereby approves and adopts the following policy statement relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the North Central Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes, or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the North Central Plan in a manner that would result in a reset of the base assessment value for the year immediately following the year in which the modification occurs to include the current year's equalized assessed value of the taxable property as further set forth in the Act.

SECTION 12: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2020, as set forth in the Act.

SECTION 13: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 14: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 6, is hereby approved.

SECTION 15: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 16: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Rexburg, Idaho, on this 16<sup>th</sup> day of December 2020.

APPROVED by the Mayor of the city of Rexburg, Idaho, on this 16<sup>th</sup> day of December 2020.

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Jerry Merrill, Mayor

ATTEST:

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Deborah Lovejoy, City Clerk

**Exhibit 1**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE  
CITY OF REXBURG, IDAHO, VALIDATING CONFORMITY OF THE  
URBAN RENEWAL PLAN FOR THE NORTH CENTRAL URBAN RENEWAL  
PROJECT WITH THE CITY OF REXBURG 2020 COMPREHENSIVE PLAN**

**Exhibit 2**

**NOTICE PUBLISHED IN THE *STANDARD JOURNAL***

**Exhibit 3**

**MADISON COUNTY BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. 432 (INTERGOVERNMENTAL  
AGREEMENT AND TRANSFER OF POWERS ORDINANCE)**

**Exhibit 4**

**REXBURG CITY COUNCIL RESOLUTION NO. 2020 - 23  
(INTERGOVERNMENTAL AGREEMENT – MADISON COUNTY)**

**Exhibit 5**  
**URBAN RENEWAL PLAN FOR THE**  
**NORTH CENTRAL URBAN RENEWAL PROJECT**

**Exhibit 6**  
**Ordinance Summary**

4818-0598-8815, v. 1