



March 22, 2006

Mayor & Council Members:

Shawn Larsen — Mayor
Donna Benfield – Council President
Farrell Young Christopher Mann
Rex Erickson Randy Schwendiman
Bart Stevens

City Staff :

Stephen Zollinger — City Attorney
Richard Horner – Finance Officer
John Millar — Public Works Dir
Val Christensen – Building Official
Kurt Hibbert — Planning & Zoning Dir
Blair Kay — City Clerk

6:00 P.M. Work Meeting (Comprehensive Plan)

All City Council Member were present for the work meeting discussion.

Planning and Zoning Administrator Kurt Hibbert reviewed the concepts for developing a Comprehensive Plan. The human scale is similar to a comfort zone. He mentioned Community Forestry as a concept in the Plan. There could be alleys with parking lots in the rear behind the alleys. He referred to the video “Save Our Land, Save Our Town.” This DVD and text was made available to the City Council to help stimulate ideas for developing a Comprehensive Plan for Rexburg. He reviewed the strengths and weaknesses that may be part of Rexburg.

“Strengths, Weaknesses, Opportunities, Threats”

2006 Comprehensive Plan

Land Use

S.W.O.T. ANALYSIS

Please Add/Delete as Needed

Land Use-Strengths

- Diversity of Land Use
- Wonderful River Corridor
- Good Agricultural Base
- Good Value Added Agriculture
- Fast Growing County
- Sole Source Aquifer
- Infrastructure/Interconnectivity
- Open Space to Conserve/Pathway System
- PUD Development
- Park Space/Recreation Tourist Amenities
- Rexburg has a “Center of Town”
- Downtown Development Potential
- Infill Possibilities

Land Use Weaknesses

- Public Facilities Landlocked
- Arterial Right of Ways Compromised
- Some Road Widths Too Narrow
- Regionalism within Communities
- Small Agricultural Tracts
- Two Highways Not Pedestrian Friendly
- Traffic Speed Excessive
- Public Parking Lots Off-street
- Large Lots
- Sprawling Growth
- Conflicting Municipal Goals
- Water Threat
- Highway Turn Lanes

Land Use Opportunities

- Pathway Development
- Downtown Development
- Development Potential of Marginal Agricultural Land
- New Comprehensive Plan Map
- Mixed Use Zoning: Commercial and Residential
- Trails Corridor Preservation
- More Zone Development
- Ordinance Development
- Land Use Inventory

Land Use Threats

- Loss of Agricultural Land to Development
- Flood Plain Development.
- Water Quality could be Threatened by Growth.
- Lack of Coordination between Municipalities and County (subdivisions in county).
- Land Use Planning Not Currently Valued
- Transportation Network Growth
- Lack of Defined Zones
- Sprawl

Recreation: Strengths

- Two Golf Courses
- Parks
- Fishing
- Located on a major recreation Corridor
- Hunting
- Bike Paths
- Recreation Program
- Winter Snow Festival
- Marathon
- Triathlon
- Ice Skating
- River Access

Recreation: Weaknesses

- No Pool
- LP Property Development
- Green Belt Underdeveloped
- Poor Bike Path Locations
- No Recreation Center
- Lack of Tennis Courts
- Condition of Parks
- Need for more Ball Diamonds
- Airport Encroaching on Golf Course

Recreation: Opportunities

- LP Property
 - Hidden Valley Park
 - Carousel
 - New State Park Location
 - Bare Land
 - Eagle Park
 - Private Public Recreation Partnership
 - Partnering with County
 - River Access
 - Trail System Development
 - Development of Gravel Pits into recreation facilities.
 - Information center
 - Parks Development
- Recreation: Threats

- Tax Pressures-No funding mechanism
- Budgeting
- Loss of River frontage
- Lack of a Community Consensus on how to fund needed facilities.
- No frontage on LP property
- Maintaining level of available parks
- Unplanned Growth/Rapid Development of pristine areas.
- Loss of access to private as well as to university facilities.

Public Facilities: Strengths

- Great Parks
- Gridline Streets easier to maintain
- Several excellent Highways
- Fiber Optic Access
- Low Bond Indebtedness
- Sewer
- Fire Protection

Public Facilities: Weakness

- Transportation System Underdeveloped
- Sewer Systems capacity limited
- Roads are too narrow in some areas
- Snow removal in winter/No sweep
- Pedestrian Nightmare

Public Facilities: Opportunity

- New Sewer Facilities Developed
- Funding Available to Help Increase Capacity
- Fiber Optic Backbone Would Allow Rexburg to be a Tech Corridor Participant
- New wells
- Water Rights Transferred
- Park Development
- Main Street redo/Need Streetscape furniture
- Public Parking
- Restrooms
- Mass Transit/ Connector Classification Adopt Controlled Access
- GIS Development with County

Public Facilities: Threats

- Development standards not always enforced
- Regional Sewer Demands

Housing: Strengths

- Plenty of building lots
- Condos
- Apartments
- Duplexes
- Town homes
- Homes New
- Trailer Courts (3)

Housing: Weaknesses

- Not adequate Mobile Home Parks
- Housing Expensive
- Pockets of lower-end Housing

Housing: Opportunities

- Lots of Land Suitable for Housing
- Opportunity to Develop Housing in Downtown Areas
- Mixed uses
- More Zones allow multiple Densities of Housing

Housing: Threats

- Markets in the Downtown Areas
- Housing Costs
- Assisted Living Center
- Homeowner Associations
- Minority Housing
- New Business Districts Threatens Old Town

Economic Development: Strengths

- Two Major Highways
- River Frontage
- Work Force Available
- Economic development Organization
- Infusion of Technical Population
- Good Airport
- DSL
- Sports Friendly
- Environment
- Sewer & water
- Street LID(Public Infrastructure Good)
- Golf Courses
- Great Community Events

Economic Development: Strengths, Cont.

- Room to Grow
- Agricultural Industries/Value Added
- Commercial Business Parks
- Railroad: Major Branchline
- Recreation Opportunities
- Golf Courses
- Non-Profit Sector Very Active

Economic Development: Weaknesses

- Highway Corridor Image Deteriorated
- Business Development Seed Money
- Retail Leakage
- Some Infrastructure Deteriorating
- Downtown Deterioration/Main Street Image
- Need to Infill
- Commercial lots undersized

Economic Development: Weaknesses cont.

- Coordination within and between municipalities
- Public Transportation
- Parochialism within communities
- School Systems
- Speed Downtown
- Low Paying Jobs
- Parking

Economic Development: Opportunities

- Fiber Optic Development
- School Systems
- Generation of Economy through local initiative and industry.
- Urban Renewal
- Higher Density in original Townsite
- Recreation/ Quality of Life Issues
- Central Business District
- Historical District
- Starting to see Economic Growth
- Design Standards

- Pedestrian Friendly
- Manufacturing Opportunities

Economic Development: Threats

- Growth of Surrounding Counties/ Cities
- Regional Competition
- Retail Leakage
- Water Issues-Water Quality
- Local pacifism
- Not looking at the Past as a context for planning future growth
- Adjudication of Water
- Fire Regulations

Planning and Zoning Administrator Hibbert will do policies & text for the 2020 Comprehensive Plan using the old 2010 Comprehensive Plan. He thanked the City Council for their participation.

Mayor Larsen commented on mixed-use zoning and how the public is not used to it.

Planning and Zoning Administrator Hibbert said old Rexburg had mixed-use; i.e.: housing over stores. This effort on the Comprehensive Plan is to produce policy detail for counties to control land use; not the State. Idaho has a “Land Use Planning Act” to guide Counties and Cities to develop Comprehensive Plans.

Mayor Larsen discussed mixed-use zoning on the hill and asked Council Member Stevens what he thought about development on the hill. They discussed the concept of mixed-use for different housing types. Mayor Larsen cautioned the City Council to be careful when talking about mixed-use zoning. Residential areas want to maintain their residential neighborhoods without mixed use encroachment.

Council Member Schwendiman reviewed residential mixed-use and commercial mixed-use in the City.

Council Member Stevens talked about pocket parks in the City. They are more expensive to develop than a larger park that would have served the whole City verses one neighborhood.

The City Council discussed the policy of Park Impact fees that developers pay to develop City parks. The fund could be reserved to build larger City parks.

Council Member Benfield expressed a desire to have additional Light Industrial land use areas for businesses to develop in the City.

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members:

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 March 01st, 02nd and 10th, 2006 meetings
- B. Approve the City of Rexburg Bills

Council Member Erickson moved to approve the Consent Calendar; Chris Mann seconded the motion; Discussion: Council Member Erickson asked to change the gender in the minutes for Brook Passey’s quote. It needs to be changed from she to he on page two for the March 01, 2006, meeting. Council Member Benfield referred to a statement on the

neighborhood meeting on the 02nd of March “giving land back to the public” is sufficient. All voted aye, none opposed.

The motion carried.

Mayor Larsen asked the Scouts to introduce themselves. They are working on merit badges for Citizenship in the Community.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes)

John Bagley discussed the “Legacy Flight Museum Sign.” It is blocking the trucker’s vision on the intersection of Hwy 33 and Airport Road. He wants to build a nine foot high sign 4’x8’ in size. School groups are using the Museum. John reminded the City Council of the upcoming Air Show. He wants to close the Municipal Golf Course for two hours during the Air Show for safety concerns. They are seeking Museum sponsors. The Standard Journal and KUPI radio have donated a large block of advertising money for the event. A number of other businesses are donating too.

Council Member Young asked if the Nature Park would have to be closed too. John indicated that it would not need to be closed. The Air Show will be on June 17, 2006. He reviewed the different air planes for the Air Show (Mig, KC135, and an F86). John will meet with the Golf Board to plan for the Golf Course closure during the Air Show. John needs five hundred feet on each side of the runway for safety box between 10:00 a.m. and noon.

Mayor Larsen indicated that the Great Spud Race for the City is on the same day.

Mayor Larsen asked if Bob Franz was in the audience to speak to the City Council. He was not available to speak.

Karen Arritt (On-site Manager for Millhollow Community) asked the City Council for a schedule of City projects around her Community. She mentioned the date for the Spray Park had been set. So, the City should be able to set a date to complete a number of projects in her development. Mayor Larsen indicated there are a number of projects scheduled in 2006.

She mentioned flooding issues from a recent flood. She noted: “not all property owners or home owners were contacted in her Community.” She wants to know if the City has considered a plan to prevent future flooding in her area. She mentioned a traffic safety issue in her subdivision on Rodney Drive. Speed bumps, signs, and road stripping were to be installed in her area per City discussions. Mayor Larsen indicated the Traffic and Safety Committee had address these issues to be implemented as weather permitted. City Council Member Schwendiman reviewed with Public Works Director Millar the purchase of a portable speed bump for Rodney Drive. Karen knew that striping was weather related; however, she wanted the striping done.

Presentations:

A. Region VII Children’s Mental Health Council – Cynthia McCurdy

Mayor Larsen introduced Cynthia McCurdy to the audience and the City Council. Mayor Larsen had an opportunity to learn about Cynthia’s mental health work in the community when he went to an event (Children’s Mental Health Art program) at the Tabernacle. She mentioned she has a daughter with special needs too. She did not know where she should go with her child. She became an advocate for Children’s Mental Health. There were over five thousand people that visited the Art show at the Tabernacle. Cynthia gave a demonstration with soup cans by taking off the labels for the soup; she demonstrated that we don’t have to label children with mental health issues. One in ten children in our community has special needs. How do you change the labels (stigma) for these children? Children with eating disorders, autism, or diabetes, etc. are labeled. How do we change those labels? Be aware of these children (some who have eating disorders) and help remove their labels. We can start by changing the stigma

(labels) in our homes and then in our community. There are seven local mental health councils in our area in District Seven. One web site is www.helpingidahofamilies.com. It says power is knowledge. Ability comes before disability. She asked the community to help change the stigma. She said that any parent with a special needs child grieves. Why? We don't talk about the grieving process. How do we move beyond it? How can we empower others to accept the challenges we have been given. Her mother always taught her the cup is half full not half empty.

Mayor Larsen thanked her for her involvement and willingness (support) in bring this to our attention.

B. TheLocalVibe.com (Holly Arndt & Jenna Howell) requesting a benefit event at the Westwood Theatre for April 08, 2006 for the Madison Memorial Hospital Foundation – There was not a representative for the request at the meeting. Mayor Larsen did not present the request to the City Council. No action was taken on the request.

C. Rexburg Nature Park Breast Cancer Foundation Benefit Concert event for June 24, 2006 – Rexburgpalooza (Jon Haws)

The City Council discussed the event and they were agreeable to approve the event if the City Clerk would direct the applicant to seek the necessary City department approvals for a public gathering.

Mayor Larsen explained the same organizer did a 5K run last year for a benefit fund raiser.

Committee Liaison Assignments for 2006:

A. Council Member Chris Mann: *Parks & Recreation · Museum Committee:*

Council Member Mann reviewed the discussion in the Parks and Recreation Committee meeting on March 09, 2006. They reviewed City Council minutes on the Splash Park. They reviewed the City's commitments on the City Pocket Park at Hidden Valley Subdivision. Mayor Larsen explained the current budget does not have any funding for Hidden Valley Park this year. He referenced the neighborhood involvement to complete the Evergreen Kiwanis Park on West Main Street. Maybe the Hidden Valley neighborhood would be willing to help develop the Park this year. The Museum Committee is working on the division of ownership of some of the exhibits.

B. Council Member Donna Benfield: *Beautification Committee · Police Department update:*

Council Member Benfield reported the Beautification Committee met Friday, March 03, 2006. They discussed directional signs, flowers, street lights, benches, and the Christmas tree area, etc. The Police Department reported Stacy Chalmers graduated from Post Academy. Every Officer has gone to the Post Academy. Now they have returned to their normal shifts with Stacy's return. The new schedule should cut the overtime.

C. Council Member Rex Erickson: *Airport Board · Planning & Zoning:*

Council Member Erickson reported on the Planning and Zoning meeting. They discussed a number of issues on the Comprehensive Plan Land Use Map. The Airport Board will submit a proposal for their sign.

City Attorney Zollinger indicated the Legacy Flight Museum is under the City's control as a City building. John Bagley would have the right to move the building if the City ceased using it as a Museum. The City leased the ground to John for \$1.00 and he built the building for \$650 to \$700 thousand dollars; then leased it back to the City for \$1.00. There is a City account used for the weekly revenue coming from the Museum. The bills

are paid out of that account. City Attorney Zollinger indicated there was an understanding there would be some expense to the City the first year. Council Member Erickson remembered that John Bagley would cover the expenses for the building, not the City. Council Member Young and Council Member Benfield concurred. City Attorney Zollinger reiterated that the contract signed by the City, County and John Bagley says “all proceeds will come into the City and the City will be responsible for the utilities.” John Bagley paid the City \$50,000 for a reserve to cover the first year’s expenses. City Attorney Zollinger indicated both the City Attorney and the County Attorney worked on the agreement for the Museum lease. The Museum is supposed to be self sustaining after the first year. Council Member Erickson explained the Museum proposal was presented to the City as a “no cost” deal because John Bagley would use the Museum to store his airplanes when they were not in use; and that is how John would justify not having the City pay anything. There was never anything ever said that would cost the City upkeep and maintenance on that building. City Attorney Zollinger reiterated that the agreement was not written in that way. He wrote the agreement exactly the way he was directed to write it by the City Council.

Council Member Young and Council Member Benfield asked to go back and review the contract. City Attorney Zollinger indicated the City could option out of the agreement at any time. Council Member Erickson questioned Museum invoices in the last two months. Financial Officer Horner told him the invoices were being paid out of the \$50,000 donation from John Bagley. Even at that time, Council Member Erickson was unaware of the City’s obligation to take care of the utilities for the Museum. City Attorney Zollinger summed up the discussion by stating that it is a structure that was donated to the City and it would be a City owned and operated Museum. It was a donation of a structure free and clear.

The City Staff will work with John Bagley on the sign request. John Bagley is working in behalf of the City to get signage for the Museum. After the sign request is completed under the City signage guidelines, it will be presented to City Council. Mayor Larsen asked “how did the temporary sign get located on the corner of Airport Road and West Main Street.” Mayor Larsen did not want the sign to be a permanent sign in that location. City Attorney Zollinger explained a temporary sign is allowed for thirty days.

D. **Council Member Randy Schwendiman:** *Golf Board · Traffic & Safety · Emergency Services Board:* - NONE

F. **Council Member Farrell Young:** *Tabernacle Committee · Rexburg Arts Council:*

Council Member Young reported the Tabernacle Orchestra concert coming a week from tonight. It is absolutely breath taking performance. Three Tabernacle Committee members may want to serve on the Westwood Theatre Committee. Mayor Larsen mentioned that it has happened in the past with other City Committees. The Tabernacle Committee, Arts Council, and Museum Committee was in a meeting together discussion a Westwood Theatre Committee. Council Member Young indicated it is were the (unofficial) Westwood Committee originated. It was a Committee discussion to see if the Westwood Committee should be combined under the umbrella of the Tabernacle Committee. This would put the Museum, Cultural Arts, and everything under the same umbrella. It was not accepted by the Committees; therefore, it was never officially set up.

Council Member Benfield asked about a report that was requested from the Theater Committee. She would like to hear a formal report from the Theater Committee. Council Member Schwendiman would like to have more information on expenses and bids before invoices are approved. Mayor Larsen indicated the dollar level for approval for expenses need to be decided. He referenced a prior discussion concerning over budget requests for contingency monies.

The City has began using a form to inform the City Council when requests for contingency monies are initiated by Department Heads for any unforeseen expenses.

Council Member Erickson reviewed the expenses on the Round-about and the additional expenses to complete the project. He was concerned with projects going over the expected costs. Council Member Schwendiman requested over budget items come before the City Council for approval.

Mayor Larsen mentioned construction costs are examples of costs that are not know up front. Council Member Benfield reviewed a possible scenario for the expenditures on the round-about on 4th South. The initial structure may not have come in over bid; however, other features may have been added that were not part of the original discussion. She gave an example of added features increasing the costs. Council Member Erickson was concerned with the adding features without City Council approval. Mayor Larsen responded by stating the City Council sets the budget for street repair and maintenance and prioritizes the street projects; however, they do not review each transportation project for cost. Mayor Larsen indicated the street repair priorities may have been switched (one street project may have been deferred to finish another street project); however, the street budget was not over spent that was allocated. He continued to explain the City Council does not go to each road project and say “We are going to spend \$300,000 on this overlay on this road project, and we are going to spend \$200,000 on this overlay, and we are going to put in a light signal in for \$300,000.” Mayor Larsen did not think that was the City Council’s responsibility. The City Council’s responsibility is to decide how much money from the General Fund will be put in the budget for road improvement and road maintenance projects.

Council Member Schwendiman did not agree. He wanted to make sure the project came in at the bid amount. He did not like the idea of the City Council committing \$213,000 and find out that it was only half of the project. Mayor Larsen responded that the City Council did not commit to the \$213,000, they committed to the project. The City Council committed to the budget the City Council set.

Council Member Schwendiman requested the City Staff to assemble the total project plan with expected costs for a project that could be approved by the City Council; not a partial project plan with add-ons that would be brought to the City Council for approval.

City Attorney Zollinger clarified that everything that was built for the round-about was bid pursuant to the statutory requirement for bidding. There may have been some change orders authorized for the project the City Council was not aware of on the project. There may have been some confusion on the concept that was not clearly conveyed to the City Council. He gave the example of Public Works Director Millar bringing the road construction costs to the City Council for approval. The Mayor is saying that at all points during the conversation the City Council understood there would be additional costs for landscaping in the middle of the round-about and lighting to dress it up. As those features were added to the round-about, they may not have been brought back to the City Council as another item that would be added to the total project cost for the round-about. They all went through the bid process. We did not pay anybody more than we bargained for in advance.

Council Member Schwendiman asked how he could make the commitment to the round-about if he does not know what the costs are for the project.

City Attorney Zollinger replied “that may be where the break down occurred.” They did not make it clear to you the road portion of this project would be \$213,000; the landscaping portion would be an additional \$40,000; the lighting is going to be another \$60,000. To get the full project is going to be \$313,000.

Council Member Schwendiman asked the City Council Members that were on the City Council when this decision was made if they would have voted for the round-about project knowing it would cost \$400,000.

Council Member Erickson resounded that the City Council did not know because they were not given that option.

City Attorney Zollinger stated the City Council did not ask for that option; they voted to approve the round-about before any bids were taken. Public Works Director Millar went out and got the bids and they were the lowest price bid. Council Member Benfield thought the round-about would cost about \$180,000 when they were given the presentation. City Attorney Zollinger said that was Bill's estimated price for the flat part of the traffic feature. That portion of the round-about came in at close to \$213,000. He recalled the addition of the upright portion of the walls in the center and other features pushing the price to about \$300,000. There was another amount the City was facing to improve that intersection for around \$100,000 which included the asphalt run ins to the round-about.

Mayor Larsen would like to resolve this conversation that has come up in meeting after meeting. He thought the mechanism had been put in place to deal with the budget issues. If the City Council is not comfortable with that mechanism; he suggested they come up with a different mechanism that works for them. The discussion with the City Council was that at some point the City Council would be made aware of money taken out of contingency and spent on projects; that would come before the City Council. At a certain amount, it would come before the City Council for approval.

Council Member Schwendiman reiterated his point when the City Council approves a project, he wants to know what he is approving. He does not want to get half way into a project and find out it cost double what was approved. Mayor Larsen responded the City Council does not know the total cost of a project when they approve it until all of the bids come in for the work. Mayor Larsen gave an example of redoing an intersection. Before it is bid out and we know the total picture for that project, it is the City's Engineer's best estimate of the cost.

Council Member Schwendiman stated: "Then you are telling me that we are approving projects before we know what they cost us." Mayor Larsen: "Absolutely."

Council Member Schwendiman understands they approve a budget. He asked the Mayor if we went out to repave a couple of blocks, we would approve the project without knowing what the bids were on the project. Mayor Larsen stated the City Council would approve the concept and get the City Engineer to give a best estimate for the project. At Millhollow, we had a neighborhood meeting. We are going to come forward with the design of that road. The Engineer will give us our best estimate of what that road will cost. Until that bid comes in for the work, the City Council will not know what the road work will cost. Council Member Schwendiman does not want to approve the project until the City receives the bid.

City Attorney Zollinger clarified the process. The City Council approves the project, which tells Public Works Director Millar to design it and put it out for bid. Then Public Works Director Millar comes back to the City Council to have the Council approve one of the three bids. The three bids are for 1.7 million, 1.6 million, and one is for 1.5 million and the Engineering estimate is 1.3 million. Public Works Director Millar will ask the City Council to make a decision on the optimum bid. The City Council will make the decision to go forward or curtail the project. Council Member Schwendiman indicated it is the process he is requesting. City Attorney Zollinger indicated it is how the process works.

Mayor Larsen stated that is what has come before us and the City Council has approved those bids. Council Member Schwendiman stated the City Council just told him they did not know they were going to spend that much money on the round-about.

City Attorney Zollinger concurred that going into the project the total cost of the project was not available. Public Works Director Millar stood before the City Council each time and said this is the bid on the lights, etc. "Should we award it?" What Public

Works Director Millar failed to say was “This means the total project cost is now at \$280,000.” “If we accept this bid for the landscaping, it means the total cost for the project is going to be at \$300,000.” He may not have been representing total cumulative price, but, City Attorney Zollinger did know he came back each time because he had multiple bidders and he asked for permission to award the bids. That is the way the process works. There may be a communications gap between Staff and the City Council as to running totals and we may need to clean that up. Council Member Schwendiman would like to see that happen. City Attorney Zollinger indicated a need from Staff to know what level of detail the City Council wants to see.

City Attorney Zollinger referenced the Contract for the Legacy Flight Museum. He gave the contract to the City Council he was asked to write; unfortunately, the City Council is trusting the City Attorney got it the right way. The contract states the City and County agree to share equally in all costs and expenses associated with the management, operation and ownership of the Airport Museum excluding all costs associated with the initial construction. That is what City Attorney Zollinger thought he was supposed to put in the contract which was approved and signed. He thought there was a break down in communications on the detail the City Council wants from City Staff. If the City Council wants to review information “line by line” before they give approval, the Staff needs to understand that level of communication. The City Council pays the Staff to do their jobs, and their jobs are to write contracts that protect the City. If he would have understood the City Council wanted more than protection for the City as tenants, he would have put it in the contract; although the City may not have been able to get to an agreement.

Council Member Erickson stated he and other City Council Members did not understand the City would be paying for maintenance (utilities) on the building. City Attorney Zollinger stated “John Bagley gave you a sales pitch where he made it sound as though this will be self sustaining.” Council Member Erickson indicated the City Staff is paid to bring those contingencies to the City Council. City Attorney Zollinger requested direct requests for a “Proforma” from the City Council to the Staff if they are concerned with a proposal. City Attorney Zollinger was concerned with advising the City Council on policy issues. He is on Staff to give excellent legal advice. He can only give legal advice as to the issues he is directed to advise the City Council.

Mayor Larsen indicated the answer may be in the minutes or on the recording. It may have been discussed. City Attorney Zollinger apologized to the City Council if the agreement does not represent what they intended. This is the agreement the City signed with a two year option to cancel. If the City Council wants out of the agreement, City Attorney Zollinger suggested getting out now under a two year vacate clause, because John Bagley has given the City a \$700,000 building and the City is paying the utilities. The City is paying the utilities out of the \$50,000 donation from John Bagley.

G. Council Member Bart Stevens: *Trails of Madison County · IBC Committee:*

Council Member Bart Steven reported the Trails of Madison County Committee will meet tomorrow night finalize plans for the Spud Race. Val Christensen will touch base on a monthly basis with IBC issues. If there are issues, he will bring them to the City Council. Council Member Stevens mentioned a cell phone problem at the waste water treatment plant. Some of the employees would like a small device (cell phone) verses a bulk radio which is not performing very well. Mayor Larsen mentioned it could be addressed at the Department level. If the item is not budgeted, it would be addressed through the approval process that has been discussed.

H. Mayor Larsen: *Mayor's Youth Advisory Board.*

Report on Projects: John Millar

Public Hearings:

7:05 p.m. – Rezone property at 1114 North Yellowstone Hwy from LDR3 to CBC;
- Low Density Residential 3 Zones (LDR3) to Community Business District Zone (CBC).

Planning and Zoning Administrator Kurt Hibbert explained the request for a zone change. The applicant wants to develop the area into a Community Business Center with storage units, commercial retail and recreational uses.

Mayor Larsen opened the Public Hearing and he asked the applicant for a statement.

Forsgren and Associates representative gave an overview of the request. There are not any concrete plans at this point. The developer would like to comply with the requirements of a Commercial District.

Those in favor of the proposal:

Doug Nielsen at 160 Birch Avenue spoke in favor of the proposal to increase the recreation opportunities for children in the Community. This would be better than videos games.

Those neutral to the proposal: NONE

Those in opposition to the proposal: NONE

Mayor Larsen closed the Public Hearing. He asked the City Council to deliberate the issues.

Council Member Erickson gave the Planning and Zoning input to the proposal. They wanted a turning lane for traffic. They discussed the zoning and what could be allowed in the Commercial Zone. Planning Administrator Hibbert mentioned a neighbor's letter showing concern with noise impacting their location. Council Member Stevens asked about the zoning for the adjacent home. The home is in a non conforming use status in a Commercial Zone.

Council Member Young moved to accept the Planning and Zoning recommendation and change the zone from LDR3 to Community Business Center; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

New Business:

A. Westwood Theatre Mission & Vision discussion – Director of Parks, Recreation & Arts (Jack Bowman)

Mayor Larsen reviewed the past City Council discussion where the City Council asked to have more information on the Westwood Theatre.

Parks, Recreation & Arts Director Jack Bowman mentioned the City's mission in Parks, Recreation & Cultural Arts Department is to enrich the lives of individuals, families, and the community to create a program with exciting activities in a safe environment. We believe participation in this Department develops well balanced healthy people which contribute to a productive and dynamic community. The benefits are endless.

Vision Statement for the Westwood (Romance) Theatre

It will enrich our community by fostering the Arts through multiple programs. The Theatre will be a multi-use facility with as many venues for different parts of the Arts as possible. Theatre Season with Community Theatre, and the Arts, upper valley idle contest, blue grass shows old movies with people dressing up for the twenties. Teach people how to use the stage with lighting, etc. It is a great gem to the community. The City Council purchased the property. Jack wants to continue the refurbish project including the façade to the 1920's by applying for grants to fund the work.

Events that have been held in the Theatre since its purchase on July 28, 2005.

1. Warren Miller feature ski film in November, 2005.
2. Comedy Group
3. Cowboy poet
4. Six music concerts
5. April, 2006 is a planned film festival (Spud fest out of Driggs with Dawn Wells) hosted by the Parks, Recreation & Arts Department.

Not everyone plays soccer or basketball. Jack expressed a need to have more Arts for the community.

Mayor Larsen asked the City Council if they had any questions of Jack.

Council Member Mann asked if the building was safe. Could it pass inspection? City Attorney Zollinger said there were three issues. Most of the issues deal with the renovation of the lobby and the stage. The overall opinion of the building official was that it would pass occupancy inspection after the current processes are complete.

Mayor Larsen reminded the City Council this is continuance of a past City Council discussion. He invited people at the meeting to speak on the Theatre. There were many people who raised their hands to speak.

Steve Oakey at 25 South 3rd East referenced the Tom Hudson Downtown Report. He did not think razing the building for parking (six to ten stalls) was a viable option. The cost for these parking stalls would be the most expensive parking stalls in the State of Idaho. This is the most valuable corner in the City of Rexburg (corner of Main Street and Center Street.) It would be a valuable piece of real estate for anyone conducting a commercial business. Steve referred to the parking study in Tom Hudson's report. The study indicated adequate public parking in the City; however dismal the direction and condition of the parking. The second issue is the historical preservation of the building. One of the assets the City does possess is some old buildings; some of which are in various stages of use, repair and disrepair. Some of the historical structures like the Tabernacle and the Court House are hall marks. He mentioned some people have memories of going to movies in the Romance Theatre. He wanted the City to pause and think deeply if the building should be torn down or do the people want to do some activities that Jack has just mentioned. The other issue is money; for many people that will be the number one factor. Steve suggested a cost benefit analysis for City parks too, if a cost benefit analysis is done on the Westwood Theatre. Recreation is an investment in the community. The City should walk very cautiously in deciding what to do with this building. He was supportive of the efforts mentioned by Jack.

Joanna Carter at 151 South 3rd East started a petition to support a refurbishing project for the Westwood. She has not had a heated discussion with Council Member Schwendiman. They just have a difference of opinion. While gathering signatures for the petition, she only had one person speak negatively of the proposal. She will turn in the petition to the City Council when it is completed. She read a statement to preserve the Theatre from Senator Brent Hill.

*We have evolved into a "disposable" society in this country. We eat off
>of paper plates and drink from aluminum cans. Cleanup is easy as we
>throw everything away. Even many of our buildings are made to be
>discarded after a generation of use and replaced with another
>disposable structure. As a result, we demolish much of our history and abandon much of our
heritage.*

*>
>As I work with the Idaho Historical Society, I have realized that the
>preservation of history and heritage is sometimes difficult and often
>costly. Progress often demands replacing the old with something newer,
>better and more efficient. Occasionally, however, we recognize the
>historical and sentimental value of a building. For example, it would
>be more practical to replace Idaho's hundred-year-old state capitol*

>than to renovate it, but we have voted this year to make the needed repairs.
 >Certainly the Rexburg tabernacle belongs in this category as well.
 >Before us now is the decision regarding the old Romance Theater. It is
 >not in the same class with the statehouse or the tabernacle, but the
 >theater does have historical value and meets some growing needs for
 >facilities within our community.
 >
 >I am not in the position to evaluate the structural soundness of the
 >theater or to prioritize the needs of our community. We rely on our
 >city council and planning and zoning committee to provide that
 >leadership. I simply ask that the preservation of this important part
 >of our community history be seriously considered. The Romance Theater
 >sits in the center of our town and in center of the hearts of many of
 >our citizens. It is a part of our history that deserves to be preserved
 >if such preservation is feasible. There are many demands upon the
 >resources of our city and the proper management of those resources are
 >one of our council's greatest challenges. With so many needs, I hope it
 >will continue to protect the unique history of our community.
 >
 >Sincerely,
 >
 >Brent Hill

Travis Gugelman owns Gugelman Photography at 20 East Main Street. He was concerned with the comment to tear down the building. Council Member Schwendiman mentioned that his problem with the Theatre project was the City Council did not approve it. He wants to have a plan for the building that is approved by the City Council. The City has made a commitment for this project without a restoration plan.

Mayor Larsen reviewed some of the history of the Council discussion. The City Council did approve the purchase of the building. Council Member Schwendiman asked if existing City Council approved the restoration effort.

Mayor Larsen reviewed the decision to purchase the building as a good investment and then try to find grant money to refurbish the building without any budget. Council Member Schwendiman asked the existing City Council Members if that was correct.

Council Member Erickson indicated yes and no. He reviewed the history of the purchase. There were a few on the City Council that did not view the option to rebuild the Theatre as a viable option. They looked at the purchase as a great real estate asset to the City. Buying it the way the City did made sense. There was no set agenda to develop the Theatre at that time. It was a real estate investment. They did discuss making it into a pocket park like the one in Vernal Utah. He was not aware of a plan to restore the Theatre. A parking lot was never discussed at that time to his recollection; however, to make something else of the corner like a pocket park was discussed. He mentioned a letter for an adjacent property owner that wanted more parking. The first time the City Council had talked about a restoration project was two or three weeks ago. It came as a shock to him at that time that the City was applying for a grant to refurbish the building. It was never brought to the City Council or discussed prior to that date. Council Member Erickson agrees with Council Member Schwendiman and he does not support the development of the Theatre at this time. He does not want to spend money that is not budgeted for this project.

Mayor Larsen reviewed the history of the issue from the City Council's perspective. Last fall the City Council created the Parks and Recreation Cultural Arts Department. The Tabernacle Committee, Museum Committee, and the Arts Council Committee came in to talk about the issues of forming another Committee for the Westwood Theatre. The decision was made in this Council room that the City would get people involved that were interested in seeing what could happen with the Westwood Theatre. A request was published in the City news letter to have interested citizens respond to City Hall. It was not an official committee at that point. The City had a Theatre without any seats. A group came before the City Council to request to use the facility if they would put the seats back in place. The City Council approved the use of the building for a production if the group would

install the seats. Other groups came in to use the building too. The City Council gave Jack the direction to treat the Theatre like the Tabernacle rentals which are scheduled at City Hall without City Council approving those schedules. Jack has taken that directive and rented the facility.

Travis Gugelman continued with his comments. He has not been asked if he has sufficient parking. Four other businesses have not been contacted either for parking. Council Member Benfield indicated that Reflections on Main Street is constantly concerned with the lack of parking. Travis read a letter from some business owners on the same block commenting that the building would be an asset to other businesses if it was used as a Community Theatre. They envisioned more foot traffic to their businesses. Travis came from Malad, Idaho, a town of 2,000 residence and they have a theatre. The Tabernacle can not do productions like the Westwood. He felt there was always parking. He applauded Jack Bowman for his efforts. He will donate cash, time, etc.

Council Member Erickson asked who owned the Theatre in Malad. The Malad Theatre was a City purchase and it was later sold to a private group.

Council Member Benfield confirmed the comments of Council Member Erickson with his recollection of the Westwood purchase in prior City Council meetings. When Jack applied for the grant, she wondered what was happening now with the building. That is why this discussion has come about. As a City Council, it is our decision to decide what is going to be done with the Theatre and what is not going to be done with it. Without something being presented to the City Council; it was just not right.

James Best at 157 East Main Street is with the HISTERICS Comedy group. He wanted to speak for bands and other performers, who have used the Westwood Theatre. If you lose the Westwood, you will be losing a lot of culture. Many different things can be done in the Theatre. The Westwood is such a great venue. It is a beautiful building. You can create culture with dance and story telling for the children. The Tabernacle is a beautiful gorgeous building; however, it does not have the ambiance for a Theatre. If you bring in culture, you will create culture. More music, more dances, and more art. There will be more things here in Rexburg to give opportunity to the children of all ages. Rexburg is a cold City; they (performers) can't perform outside. You need a hub for the City. It seats over four hundred people. He can pack the place with students. Don't do a McDonaldization of Rexburg. A hub will create unity. Create unity of experience for the memory of your children. If you don't do that, then why stay in Rexburg. He wanted to have a facility (hub) in Rexburg to create unity of memory.

Jacob Thatcher at 239 Mohawk Avenue representing the Mayor's Youth Advisory Committee. Many thought the purchase of the Westwood Theatre was an out of the ordinary decision. Many have found it to be a great addition to the Community after a few months of discovery for its uses. It has become a center of activity for the citizens (youth). He mentioned Thomas Jefferson's (instigator of the Democratic/Republican Party) was an advocate of a loose interpretation of the Constitution and States rights. He went out of the norm against his party's platform. Countless citizens as well as prominent leaders proclaimed their distaste for this decision. He had a vision that by purchasing the Louisiana Territory, it would strengthen the United States. It would permit the United States to become an economic super power. He asked the question: Say the Westwood was not approved by the City Council; was the Louisiana Purchase? It totally went against their party; yet, aren't you thankful we are not French and Jefferson had that vision. Today, we need to see that vision. Let us go out of our norm and put all the pressing issues aside and preserve the Westwood Theatre. His great grandparents performed in this building. He wants to have the opportunity along with bands and the community, who want to perform in it too. The priceless building could be replaced by a park or a parking lot with unknown costs. It does not make sense to him. It would be more inexpensive to rebuild it for an asset for the community. How will this solve the lack of the City's recreation areas? He quoted a specialist for community progress from the "Downtown Revitalization Report" which called for more facilities in the downtown area for the youth. What better place than

the Westwood. As Jack said, not everyone plays baseball or soccer; maybe half of the people play an instrument. The parking lot would not create additional revenue for the City. This establishment has great potential with some cleanup and some remodeling. Obviously, there is not enough room at City Hall for this meeting tonight; maybe the meetings could be held in the Westwood. He indicated that many would concur that the youth are the greatest asset in the community. All focus should be drawn to their well being; after all, they are the future. He was horrified by the fact that some adults are considering to possibly eliminate one of the City's most historical assets. So let's build our City's culture and history and not destroy it.

Omar Hansen at 4497 South Cameron Lane lives in Lyman and works at the University. He teaches narrative Theatre and Theatre history. He wanted the City Council to look at how many young people have come out to fight for the sole of the City. The sole of the City is not money. It is what people think about themselves. We are not talking about bringing gigantic rock concerts into this building. We are talking about children's theatre, film festivals, story telling, youth bands and bands performing in the Downtown area. This will allow the youth to come to the downtown area. He reviewed some theatres in Salt Lake area that were gutted. He mentioned "Deseret Star" and "the Comedy Club in Murray". They were gutted and these buildings were purchased to make wonderful Theatres where people came every night of the week. He worked on the other side in the non-profit area. Today, three hundred children came to the University to see a play by young University students. The children were in ah seeing the performance. That is the sole of the City. How many buildings are that old in the City with that much character and history; that will accommodate hundreds of people? You tear that building down and you tear down part of the sole of the City. Once you tear it down, it is gone. Omar gave an example of the location of the Bell building in the center of Salt Lake City where the Beautiful Salt Lake City Theatre built in 1860 something once stood. A plaque is all that is left of the Theatre that our forefathers built. Don't lose an asset that is not a money pit. Give the Committee a chance to raise money for the Westwood Theatre. Omar is a Committee member on several Committees including the Arts Council, the Tabernacle Committee, Board of the Story Telling Festival, and the Westwood Committee. These Committees have talked about the Westwood constantly. He asked the City Council to spend some time with these Committees. He requested both groups to be more proactive. We need to know that the City Council is listening to the Committees. It is a very important matter. Omar thanked the City Council for their time.

JD Taylor from south 2nd East, wanted to speak in behalf of children and youth. His parents have encouraged arts and culture with in his life. He has had the opportunity to live in several locations where he could go to cultural events like Theatre. Art is not just acting; it is not just big theatrical productions. It is anything where people have a creative outlook to make a difference and to teach people and talk to each other. Also, parents encouraged athletics; however, he feels Arts is where he can make a difference and do something. Rexburg is missing a place for the Arts. He feels he can express himself in the Arts. He has something that he can give to the world. He wants to help people by sharing his talents, but he needs a place to perform. Keep the opportunity alive for the children so they can have another opportunity besides basketball. They can change the world.

Randall Schwendiman mentioned he would never vote to knock this building down based on the attendance at the meeting. His frustration was in the actions being taken without an approved plan by the City Council. He wants costs and a plan. He wants to know the building is safe to occupy. He wants to know the extent of the City's commitment on this building. When we start applying for grants and start repairing the building and we don't know what the results; then he would not be in favor of it. If we will step back and determine the end product, then he would be in favor of it.

Chris Buchae at 179 East 2nd South, is a student at BYU-I. The Hysterics comedy troop can raise money for the Westwood until he leaves in April.

Ben Mathews at 135 South 1st East, indicated a plan for the Westwood would take a great deal of time. Structural issues and code issues may take some time. He would like to be part

of the plan to get goals, etc. in place. The imminent social and cultural consequences coming from the lack of a plan or action by the City would be a great deterrent to the stability of the City as a cultural hub, but also to the growing generation to find a voice to stand up and create a plan. It is important to come together to find a way to make it work. Quote: Art Blakely said: "The expression of local cultural presents an opportunity for people in general to shake their shoes off and come to the core of what is..." He wants to take initiative and develop a plan. Without a venue like the Westwood ten or sixteen year old youth can't express themselves in a theatre production. Whitmore Sallis, trumpet player, is the current director of the Lincoln Center in New York City said: "Courage can't be bought it has to be developed and cultivated." Ben stands as another advocate for development of this culture and to develop a plan for the Westwood Theatre.

Liz Whitaker at Center Street is a student at BYU-I. Amen for opening the Westwood for live theatre. She re-emphasized the position of opening the Westwood for the Arts. The positive outcomes and benefits that will come from making the Westwood a performance base greatly outweigh any of the difficulties in restoring it. Anything worth doing will have difficulties. This is part of the process. The advantages or benefits outweigh the disadvantages. The importance of Arts in the lives of our children and our community were stated earlier. She mentioned several possibilities for economic help for the City. It would open up doors to entrepreneurs, comedy troops, community theatre, and gives people an opportunity to make something of themselves. That is what our County is about. It will help existing businesses in a great part of town. By creating a performance base of the Westwood, there is much more publicity and much more opportunity for business growth than those in other areas. If there is a way to do it, show us the way. All that is needed is a little direction and a little bit more organization. There are people here who are willing and able to do that and it will be done.

Roger Harris at 19 East 2nd North, has been living in and around Rexburg for many, many, many, years. We are not talking about bringing in Larry the Cable Guy. He knows after fifty years of theatre that it helps the children. He predicted a drop in juvenile delinquency if the children are involved in the Arts and Theatre. He compared the Westwood effort for Theatre to the City Golf Courses. City venues are not for professionals like Tiger Woods and Larry the Cable Guy. The Tabernacle is a Concert Hall. He wants his grandchildren and his wife to have a venue for plays and recitals. There is not a single place in Rexburg for plays or recitals. He gave the analogy of playing golf in the "Gymnasium" would be similar to doing Theatre in the Tabernacle. Roger offered to contribute a \$1,000 even though he is not a rich man? He wants the City Council to represent all the citizens.

Ronalee Flansburg at 304 East 1st North in Teton City, Idaho, mentioned that you can't throw a rock without hitting a dance teacher or music teacher in this City. She is gratified to see the support for the Westwood Theatre. She does not want the Theatre to have a blank check. In Rupert, Idaho, the City purchased the Wilson Theatre for \$80,000 in 1996. It costs the City insurance about \$500 per year. The community members banded together to raise 1.2 million dollars for the building. Many cities have theatres. Let the Westwood group create a plan. The Community will come together to do this effort so that it will not be a money pit for the City.

Rachel Fox at 124 College Avenue is a student at BYU-I. They have been working as a construction crew of volunteers on the Theatre since the beginning of February. They are in the progress of getting plans from the Interior Design Department to present plans to the City Council. They are seeking donations and supplies. She thanked the City Council for their patience with the Committee while they pull the plans together. She will share any information (plans) she has with the City Council.

Victor Harrison at 782 Nina Drive, agreed with Council Member Schwendiman and Council Member Erickson. He does not want a money pit. He knows it will be a benefit to the Community. He was concerned with the effort to work in the Westwood Theatre without the knowledge of the City Council. He asked if the building had an occupancy permit, etc. Are we putting the cart before the horse? Where is the money going to come

from to remodel the building? Do you have insurance for the building? He is all for restoring the building. He wants the City Council to get organized on the issue.

Dawn Wells from Teton Valley represented the *Idaho Film & Television Institute*. She thanked the City Council for allowing the Community to share their concerns. She mentioned the state she came from would not allow the public to voice their concerns (feelings and passions) on an individual basis as was expressed tonight. She came to the meeting to see what the Community was doing on this topic. Her group is so proud of what is going on in this Community. The ability of the participants to share their feelings and passions is wonderful. The youth that participated tonight is wonderful. She encouraged the group to prepare a business plan to look at the reality. Is it viable financially? How are they going to take care of it; then you can look at the reality of it not just the passion. Dawn recognized that the City Council has seen the heart of the Community on the proposal and they have the right and authority to say what will be done with the building. She was asked by the Committee to help in the effort. Dawn explained the *Idaho Film & Television Institute* is willing to lend their support at 100% because it is so valuable to build an Artistic Community, nourish the children and to help the Community to share things. They would like to support it as much as possible. It is a good plan ahead of you and a lot of work ahead of you. It is very feasible. Dawn thanked the City Council for allowing her to speak.

Mayor Larsen appreciated the discussion and realized there was work ahead on this effort. The City Council has a number of Committees that make recommendations to the City Council. The Tabernacle, Golf Course, and Trails Committees make recommendations to the City Council. Here is a Community asset owned by the City that needs an official Committee. The City has asked citizens to be involved in the effort; however, the Committee has not been formalized at the City Council level. Mayor Larsen asked the City Council to formalize the Westwood Theatre Committee.

Parks, Recreation & Arts Director Jack Bowman asked for direction from the City Council.

Council Member Young voted for the purchase of the building. He still feels the same way. It was a positive move and a good move for the City. The City should not shy away from the building just because it is old. It needs some repair and it is worth subsidizing. We have seen some fervor and some enthusiasm here tonight that could be harnessed and directed and utilized for the benefit of the entire Community. He was willing to subsidize Parks, the Tabernacle, a Theatre or even a swimming pool; because it is the tax payer's money and the money should be used for the good of the Community. He was not willing to get into a major expense.

Council Member Schwendiman agrees with Council Member Young. He is in favor of culture. It adds a wonder thing to our Community. We can subsidize things; however, you have to measure the subsidy. Idaho Falls received a four million dollar grant to redo their theatre. He wants to measure the effort before the City is committed. You can't go into it with an open check book and then find out you are in to it too deep to survive.

Council Member Erickson agrees with Council Member Young. At this point in time, there are a lot of needs for money that we have in the City. We don't have any money set aside at this point for a subsidy. There has never been a proposal to tear the theatre down. He would like to see it privately owned. They would make it profitable. Someone may come along with a business proposal to buy or lease it down the road. Council Member Erickson asked Jack to put a plan together for City Council review. Let's not get in a hurry; let's not turn it into something we can't afford. He would prefer to spend the available money on the City streets.

The City Council reviewed the Idaho Falls Theatre that is privately owned.

Council Member Stevens asked Jack to review the Colonial Theatre history. He was concerned with the building's lack of an occupancy permit. Jack spoke with Carolyn in Idaho Falls about the Colonial Theatre. Jack mentioned an organization called Arts

Northwest is associated with the Idaho Falls theatre. The City of Idaho Falls donates \$10,000 per year for low income participants to the Colonial.

City Attorney Zollinger indicated that the occupancy permit still exists from the past owner. It is based on a mathematical formula. The maintenance issues are lighting and exits. The University students are covered by University class room projects. BYU-I Attorney Richard Smith concurred they are covered as a class under an approved project for a BYU-I class. As individuals (members of the Community) for City sponsored projects, they are covered by City insurance per City Attorney Zollinger.

Council Member Schwendiman agreed with Council Member Erickson on the leases option by a non-profit organization.

Council Member Mann is concerned with the costs and wants real direction or a plan. He is not comfortable with the City sponsoring events. He wants an oversight board. He does not want the City to become a booking agent. He would like to see the Westwood Theatre utilized in the following manner:

1. Rent the building out through City Hall
2. Recreation program
3. Children's theatre (most vulnerable in the Community need the Westwood)
4. Arm of the Parks and Recreation Department managed by them
5. Oversight Board for grant requests
6. Council Member Assigned
7. Life safety inspection. The Restrooms need some attention

Council Member Mann is willing to subsidize the tax dollars if it helps enrich the life of the Community.

Mayor Larsen explained that there is not a budget for the Westwood. Revenue taken into the Westwood would have to pay for the expenses. It would be run as an enterprise fund like other Recreation programs. Any expenses in excess of the enterprise fund would need to be approved by the City Council. Mayor Larsen asked the City Council to formalize a Westwood Committee as a recommending body.

Omar Hansen asked the City Council to let the Committee move forward with the approved plans. They are in contact with two national performers to help raise funds. They are asking the City Council to help get the word out to get donations. Omar said we have put in hours and hours of volunteer time on this effort. They don't want the City to write a blank check.

Parks, Recreation & Arts Director Jack Bowman apologized to the City Council for any misunderstanding for not coming to the City Council for grant applications. He commented on the covert Committee that was simply a group of people he took through the Westwood to share his vision for the Theatre. There is not an official committee. His understanding was that the City Council has given permission to have events for fund raising. He thought the City could run it as best as they could without spending any money. He thinks the program can run through grants, etc. They have been working towards a business plan. He thinks donations and grants will do the job. Jack thought the City could make it happen with the devoted people that want to be involved.

Council Member Stevens mentioned the success of the Colonial was done by the people who donated time and money. Forty two percent of the Colonial expense is donated by grants, etc. How much money can the City afford to spend on the theatre? We need to get the word to businesses and groups to raise a lot of money to make it work.

Jack mentioned it was never intended to get the cart before the horse. He is waiting for City Council direction.

Council Member Benfield mentioned each group is passionate about each effort like the spray park or the dog shelter etc. We all have grand children and they are not all sports stars. The City Council just wants to make the right decision at the right time. We can see how you feel about it. We want to see the plan. It says a whole lot to see the support for the Westwood tonight. We want to make an informed decision. She has been waiting since last June to hear the plan.

Council Member Mann asked for the next step in this process. Mayor Larsen asked for a motion to form a Westwood Theatre Committee.

Council Member Schwendiman wants to give a Committee direction. Can someone else own the Theatre? Is the building safe? He would prefer to have a non-profit organization own the building. Mayor Larsen indicated the building does have an occupancy permit. The City will review the occupancy requirements with the Building Department to verify the occupancy permit.

Council Member Stevens would like to have the Building Department inspect the facility for construction debris and other obstacles before it is made available for occupancy.

City Attorney Zollinger indicated they need a building permit for the occupancy review.

Council Member Stevens mentioned that most of the students are not professionals. Can the Building Official do a walk through before an event? Jack said they do have a Building Official inspect the building.

Mayor Larsen will give Jack direction that no one goes into the building without the building review by the Building Official.

Council Member Schwendiman asked if it is Business as usual.

Council Member Erickson wanted to hold the construction improvements for City Council approval. He reviewed the bills that were in the City bills. Jack explained that there has been money spent to fix the plumbing and some electrical repairs. The other materials have been donated by businesses.

Mayor Larsen reviewed the process of having the program pay for itself. They are currently \$2,000 in the red. The fund will be recovered by the event revenues as other enterprise funds are recovered in the Recreation Department. Mayor Larsen asked the City Council to move forward and form a Committee to make recommendations to the City Council.

Council Member Schwendiman requested information on the short term plan and the long term plan for the Westwood Theatre. He is supportive of the project if the plan can be identified.

Council Member Young moved to not tear the building (Westwood Theatre) down; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

Council Member Young moved to form a Committee equal in stature and authority to the Tabernacle Committee, the Museum Committee and the Traffic and Safety Committee; and have them be responsible to the City Council; and put in the hands of that Committee the responsibility to bring a plan (not three or four plans) to the City Council; allow scheduled events to proceed; and not schedule any other events in the facility until the City Council is assured that the building is safe; Council Member Erickson seconded the motion; all voted aye, none opposed. **The motion carried.**

Mayor Larsen invited those interested in a Committee appointment to the Westwood Theatre to come to City Hall tomorrow and fill out the paper work for the appointment.

Discussion on occupancy and a building permit for the building.

City Attorney Zollinger indicated the City will not allow people to be put in harms way.

Council Member Young would like keep open the purchase of the building to a private enterprise.

Council Member Stevens would like those purchase proposals to come to the City Council not the Committee.

Mayor Larsen asked for the Committee to bring the different options to the City Council for purchase by a private entity, a plan, and other recommendations.

Omar Hansen would like the proposals to be reviewed carefully to make sure they will have an effort to do what the City wants done in the facility.

Mayor Larsen indicated it was the right step forward.

Council Member Benfield mentioned Cary Getty would be a great resource for privatization. Jack will be a Staff Liaison to the Committee.

Mayor Larsen appreciated the comments and the passion from the participants in the Westwood Theatre discussion tonight.

B. Willowbrook Estates Final Plat for Division #5 – Kirby Forbush 1000 North 13 lots were approved with conditions by the Planning and Zoning Commission. One condition was the need of a development agreement and the second condition was a road to the north for future development. Council Member Erickson indicated the Planning and Zoning Commission approved with conditions unanimously. It is zoned RR2 with ½ acre lots with two home sites per acre.

Council Member Erickson moved to approve the Willowbrook Estates Final Plat for Division #5 as presented with the condition indicated in the Planning and Zoning Commission; Council Member Benfield seconded the motion; Discussion: The Preliminary Plat was done two years ago for fifty eight lots. There are thirty lots developed. This is part of that Preliminary Plat. The property was annexed two years ago with an RR2 Zone. All vote aye, none opposed. **The motion carried.**

C. Arbor Day Proclamation – Mayor Larsen explained the process for having an Arbor Day Proclamation for April 28th, 2006. The City will receive some money from ITD for Entryway landscaping by the Welcome to Rexburg sign on West Main Street.

Council Member Mann moved to ratify the Proclamation; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Calendared Bills and Tabled Items:

A. First Reading: Those items which are being introduced for first reading.

1. Business Registration BILL 958

City Attorney Zollinger passed out the BILL 958 to the City Council. Corey Barnard met with the Mayor and the City Attorney to assist in the BILL which would involve regulation of new businesses and making the Community more livable. Corey will research other University Communities with similar problems. BYU-I students Chris Robinson and Tyler Harris are writing a technical paper for a class on Campus. The paper is prepared on parking stalls in housing developments in Rexburg. Council Member Stevens has had calls concerned with the idea that it is a crack down on businesses. **City Attorney Zollinger** mentioned it is a new approach to business registration by leveling the playing field. It

would be tracking businesses that have not been tracked. It is a registration not a license. Council Member Schwendiman asked to defer the first reading. The City Council was agreeable.

Tyler Harris gave a copy of their research to the City Council.

Chris Robinson reviewed the problems. Some apartment complexes have more cars than parking stalls; thus they have illegal parking. Currently, we have questioned some of these complexes and they have more parking passes than parking stalls. Midnight shift workers are having a problem when they come home from work and there is not any parking available.

Tyler Harris indicated they checked out thirty two of the largest complexes. Eleven complexes had major problems. Data gathered after 1:00 A.M. indicated ninety two cars parked illegally on sidewalks, snow banks, fire lanes, etc. There are solutions for this problem and managers want to fix it. Multi Complex shared parking lots could be a solution. Some students are given permission to park on landscaping. It is hard to find parking later in the evening. Rented parking in other lots is not a solution.

Possible Solutions:

1. Assigned parking is hard to find the correct spot in the winter. Parking stall numbers would be required. The contract would correlate the parking stall to the apartment.
2. Limit the parking permits (first come first serve is the most realistic.) It takes correlation between managers. They would need to keep a parking lot inventory. After the parking stalls have been allocated, the rest of the tenants would not be allowed to bring a car. They would have to apply earlier or walk more. Overnight visitors will stay in visitor parking. It will decrease the fire hazards and take away the frustration.

Mayor Larsen asked them if they would propose to count both lots in separate areas. Tyler said no, because it is not realistic for the tenants. The tenants don't drive away from their unit for parking.

Council Member Young asked who would police or enforce the number of parking permits.

BYU-I Attorney Richard Smith explained the University would supply information to the City for enforcement. Its part of the University Housing guidelines. The University requires compliance with City ordinances, thus they may jeopardize their University housing status.

City Attorney Zollinger explained as a condition of registration, the proposal would require, as a condition of registration, the number of beds and the number of parking stalls for City Business Registration. The City Compliance Officer would validate those numbers given through the business registration process. Each apartment complex would declare their inventory. Neither the City nor the University has been enforcing the ratio of one to one parking stalls to beds. It is simply an inventory process. It does not change the ratio existing when the complexes were approved.

Council Member Schwendiman explored the ratio of One to One applying to all units. The answer is no there are several ratios from 1968 at .4 the ration transitioned to .7 and in 2000 the ration went to a one to one ratio. The multi-family units went to 2.5 parking stalls per bed in 2000 to accommodate visitors. Council Member Schwendiman asked about dormitory housing in converted homes. There are dormitory units, including duplexes in converted homes, per City Attorney Zollinger. There are good records after 1985. This new inventory would give the city a firm list to use for compliance. Non-complaint apartment businesses could lose their status with the University if they are found to be non-compliant. Council Member Schwendiman is concerned with the enforcement of the Ordinance. The parking lots are policed by towing companies at this time when they are called.

BYU-I Attorney Richard Smith mentioned it will not create any more parking; however, it will create full disclosure for the students. They will know if they have parking or not at that complex.

City Attorney Zollinger mentioned we are requiring the property owner to disclose the facts.

Corey Barnard explained from the business standpoint why extra parking is issued by the owners. He agreed for the need for an Ordinance to ensure honesty. Parking garages may come into play in the future to provide paid parking.

Tyler Harris explained more about who should get towed. It would be those who don't have parking permits.

Virginia Pratt indicated the need to issue permits for valid parking stalls.

City Attorney Zollinger explained the shell game to the group. The shared parking needs to be identified so it can't be duplicated.

Council Member Stevens asked the apartment owners if this concept is possible to enforce.

BYU-I Attorney Richard Smith mentioned it is the responsibility of the complexes to use parking stickers.

Karen Arritt (On-site Manager for Millhollow Community) was concerned with registering process for Millhollow Mobile Community. Mayor Larsen said she would only register her business; not each existing mobile home site. New mobile home sites would be affected.

City Attorney Zollinger indicated Public Works Director Millar is working on an update for a new mobile home Ordinance which calls for two parking stalls for mobile homes. The registration would require an inventory of mobile home spaces in the Mobile Home Park. Karen's development is grandfathered under a previous agreement. There is nothing in this BILL that would conflict with existing Ordinances.

BYU-I Attorney Richard Smith asked if it requires a life safety inspection. Is life safety going to be done annually? **City Attorney Zollinger** indicated that it is not to the same degree of compliance as initially done with another Ordinance. It is a compliance inspection.

BYU-I Attorney Richard Smith asked if there is some assurance that life safety will happen annually on a lesser scale.

Council Member Stevens does not want it called an inspection only a compliance (registration review.)

B. Second Reading: Those items which have been first read. – NONE

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

D. Tabled Items: Those items which have been the subject of an affirmative vote to a motion to table: - NONE

Old Business: - NONE

Mayor's Report:

Mayor Larsen asked the City Council to ratify two appointments to the Planning and Zoning Commission. He requested ratification for Dan Hanna as a City/County appointment and David Stein (formerly a City/County appointment) as a City of Rexburg appointment.

Council Member Erickson moved to approve Dan Hanna and David Stein as requested to the Planning and Zoning Commission; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Mayor Larsen asked the City Council to ratify the following members to the Impact Fee Committee: Judy Hobbs, Brett Jensen, Nyle Fullmer, Rick Nielsen, and Mark Nygren.

Council Member Young moved to ratify the Impact Fee Committee as requested; Council Member Erickson seconded the motion; all voted aye none opposed. **The motion carried.**

Council Member Benfield asked about the plans for 2nd West and 7th South in the budget. City Attorney Zollinger will get with Public Works Director Millar to get more details.

Mayor Larsen asked the City Council to give the Public Works Director a clear understanding of what they expect on City street projects.

Council Member Benfield and Council Member Mann reported they visited door to door with the residents in the Ricks-Palmer subdivision that were flooded.

Adjournment

Shawn Larsen, Mayor

Blair D. Kay, City Clerk