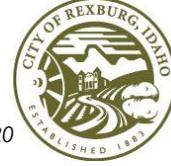


Customer Support Services City Council Minutes

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CITY OF
REXBURG
America's Family Community

July 5, 2006

Mayor Shawn Larsen

Council Members:

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 Director
Val Christensen – Building Official
Kurt Hibbert — Planning & Zoning Administrator
Blair Kay — City Clerk
Emily Abe – Planning and Zoning Coordinator

5:00 P.M. – City Council work meeting on the Budget (work meeting notes taken by Emily)

Financial Officer Richard Horner presented the proposed budget. City Council needs to set the budget. City staff will meet with Sugar City and the City of Teton to discuss sewer rate increases.

Council Member Schwendiman suggested separating true employee benefits from taxes, etc. on the budget.

The City Council discussed the funds allocated to allowing Mayor Larsen and City Council members to attend various functions and involve themselves in committees.

Financial Officer Richard Horner presented the need for a second IT employee and the associated budget. Council Member Mann said he worried about salary growth. He would rather spend money on what is more visible to citizens. The City Council discussed the potential of a new IT position.

Council Member Young motioned to approve the new IT Technical position. There was no second to the motion; **The motion died.**

Financial Officer Richard Horner said City Attorney Zollinger would like to hire someone to help with legal cases, as a Legal Consultant.

Financial Officer Horner showed the Economic Development budget was increased by \$5,000 for MEDCO. The Council discussed MEDCO, and the possibility of having someone periodically give a progress report to City Council from the MEDCO Board.

The City Council discussed the budget for the mechanics shop and the city parks.

Building Official Val Christensen presented a request for additional personnel in his department. He requested two additional inspectors to work on the college projects, the hospital, and the temple. These employees would be hired with the understanding that this could only be a two or three-year position.

Council Member Benfield motioned to adjourn the work meeting until after the City Council meeting.

7:00 P.M. – Pledge to the Flag

Roll Call of Council Members: All Council Members present.

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 June 21, 2006 meeting – Deferred to the next meeting.
- B. Approve the City of Rexburg Bills

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

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

Robert F. Michaels asked the City Council for an allowance to the Planning and Zoning Ordinance to build an addition to his home. It is not a variance request because Robert's situation does not meet the variance criteria. The addition to his home would encroach into the backyard setback. Mayor Larsen asked Robert if he had contacted Planning and Zoning. He had talked to Planning and Zoning Administrator Hibbert. Planning and Zoning Administrator Hibbert reviewed the property on site and recommended Robert present the proposal to City Council. There is only five feet from the eve line to the back property line in the backyard. The City Council reviewed the drawing on the overhead screen. City Attorney Zollinger did not know of a solution to the request without amending the ordinance. The only vehicle to allow this request is a variance which requires a geographic anomaly that was not created by the property owner. This would have been reviewed with the property owner by Planning and Zoning Administrator Hibbert. This proposal is the only way Robert can expand his home.

Council Member Stevens asked if there was a sewer manhole on the property. It appears there are two sewer manholes in the backyard (not indicated on city drawings). The original plat for the property is incorrect per Robert. He did not think the property lines were correct for this neighborhood.

Council Member Erickson said a similar situation came up a year ago with a storage shed in the backyard. The building was red tagged. When it was resolved the shed was approved with a five foot clearance; however, this situation is different because this request is a building with living quarters.

Building Official Christensen mentioned the runoff on this property would stay on the property. He said there was a loophole on the old ordinance. It may have been changed in the latest revision. Mayor Larsen asked Robert to work with City Attorney Zollinger to research the request. City Attorney Zollinger said it would require some thought if the City Council wants to change the backyard setback in the Development Code.

Council Member Mann would like to see if there was a solution to the request.

Robert F. Michaels explained neighbors directly behind his property request are okay with his request. Their homes are on the other end of their lots away from his back yard line.

Mayor Larsen explained a change to the Development Code is done through the Planning and Zoning Commission as a recommendation to City Council.

Council Member Erickson asked if he met any part of the four criteria's for a variance.

City Attorney Zollinger indicated a financial hardship is not one of the criteria's for a variance.

Variances

The Planning and Zoning Commission may authorize variances or modifications from the provisions of this Ordinance as to lot size, lot coverage, width, depth front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations of this Ordinance affecting the size and shape of a structure or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516.

A. Required Findings. To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:

- (1) *The need for a variance results from physical limitations of the lot upon which the variance is requested which are not generally applicable to other properties in the same zone;*
- (2) *Failure to approve a variance will result in undue hardship;*
- (3) *The alleged hardship has not been created by the action of the applicant or the property owner; and*
- (4) *Approval of the variance is not in conflict with public interest.*

An example of a geographic anomaly would be a road right-of-way causing a lot to become too small for a building. This can cause a hardship. He referred to building code issues in a residential area (structure against structure) where the International Building Code may be restrictive. Robert explained the neighbor's homes are on the other end of their lots. City Attorney Zollinger explored the idea of the neighbors signing an easement stating they won't build within fifteen feet of the rear property line. The problem is the city would be giving away the neighbor's property for your benefit.

Council Member Stevens asked to have the two manhole locations checked to see if they are connected to the City's sanitary sewer system. Robert explained his request is for a medical need to supply living space for his wife.

Presentations: - NONE

Committee Liaison Assignments for 2006:

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

Council Member Mann reported Parks and Recreation Committee will meet next week. The Museum Committee will meet later too. The Romance Theatre Committee has held two meetings; Council Member Mann was unable to attend. They are moving forward with the Theatre projects.

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

Council Member Benfield reported the Beautification Committee meets this Friday. There was nothing to report from the Police Department. Mayor Larsen asked Council Member Benfield to review the publication process for the "City of Rexburg Beautification Awards" for award winners. She will check with the publisher of the Standard Journal to review the process.

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

Council Member Erickson reported the Airport Board has not met this month. Planning and Zoning issues were covered in the last meeting.

D. Council Member Randy Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

Council Member Schwendiman reported the Golf Board meets next week. Traffic and Safety Committee does not meet in July or August. He missed the last Emergency Services Board meeting. Mayor Larsen received a letter for Steve Hart concerning the Millhollow Road project. At the last meeting, Mr. Hart was directed to the Traffic and Safety Committee for recommendations on Millhollow Road. Mr. Hart outlines specific recommendations in the letter.

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

Council Member Young referred to the Tabernacle Committee's request to raise the Tabernacle fees. The City Clerk explained the issue will be on the agenda in August for a public hearing.

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

Council Member Stevens did not have a report.

H. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

Mayor Larsen reported the Mayor's Youth Advisory Committee was represented at the fourth of July parade and the picnic in the park. They raised \$294.00 by selling cotton candy and lemonade. The Legacy Flight Museum had a successful air show. They sold about \$22,000.00 in ticket sales, plus they raised another \$11,000 in donations for the air show. The Legacy Flight Museum Board will meet next week.

Public Hearings: - NONE

New Business:

A. Romance Theatre Committee Report – Joanna Carter

Joanna Carter, chair of the Romance Theatre Committee asked RonaLee Flansburg to present some information to the City Council on the committee members.

RonaLee Flansburg gave some brief introductions for each theatre committee member:

Kent Arnold

Kent comes from a family with a long tradition of public service. His parents, grandparents and great-grandparents have all made significant contributions to the community. Kent has lived in Rexburg all his life. He is a local businessman. He also currently does the sound at the Tabernacle for the events that are held there. He previously worked at the Roxy Theater in St. Anthony. He has expertise in graphics and printing and although he is very busy, he is very generous with his time and has helped a great deal with this project.

Gary Benson

Gary serves as Vice Chairman of the committee. He grew up in Rexburg and the Playmill Theater in West Yellowstone where his father was one of the founding members. He is the father of six children and has one grandchild. He is on the Faculty of BYU Idaho in the theater department. He teaches scenic design, painting and design. He earned a Masters of Fine Arts degree from Mankato University in set design. He worked as a professional scenic artist in Buffalo, New York for 3 years and with the Idaho Shakespearean Festival for two seasons. He has won several awards for his set designs. He also served as a member of the Lake Stevens, WA Chamber of Commerce. Gary is working on the design for the painting on the interior of the theater.

Steve Bunnell

Steve is a Vietnam veteran. After leaving the service, he worked at Eastern Idaho Technical College in building maintenance. He then became a facilities foreman and then the maintenance operations supervisor. He is responsible for all buildings and ground on the campus which includes 65 acres of property, 35 acres of which is lawn; and 5 buildings. He manages the largest budget on campus and is responsible for project budgets for alterations and repairs which are part of the permanent building fund for the state of Idaho. He works with the department of public works. He is level 2 certified with the International building operators. He is a very important to the committee and the goal of preserving a historic building.

Joanna Carter

Joanna serves as the Committee chair. She has an extensive background in theater. She is currently studying theater education. She had the lead roles in several productions in High School and was a member of the Arte theater group in Idaho Falls where she played the lead in Bus Stop. She has won the lead role in Inconvenience, a feature film that will be filming in Rexburg this summer. She has taught story telling and done theater camp for the City parks recreation and cultural arts department. She is involved in the Republican Women organization. Joanna is creative, hardworking and organized. She has donated many hours of her time working on projects and benefits. She is a natural leader does an excellent job as chair for this committee.

Louis Clements

Louis Clements has lived in Rexburg since he was in the 4th grade. He taught history, government and math at Madison High School for 38 years. He has raised his family in Rexburg and has donated a great deal of his time to public service. He currently serves on the Tabernacle maintenance committee, the museum committee, the historical society, the dance festival committee and the Chamber of Commerce board of directors and well as the theater committee. His years of experience in community service benefited this committee and are greatly appreciated.

Roger Harris

Roger Harris is retired from Ricks College where he taught speech and theater. He has a masters degree in Technical Theater. He is one of the founding members of the Playmill theater in West Yellowstone. He worked as stage manager at the Harris Fine Arts Center at BYU in Provo. He has worked as a set designer and theater tech. He has also worked at JCC in St. Anthony with troubled youth. Roger has spent many hours on the project working out what is needed to make it a working theater. The committee has a great deal of confidence that everything that Roger does, is done right. He is committed to making sure that this theater will be something that this city can use and be proud of for generations to come.

Omar Hansen

Omar Hansen is on the faculty of BYU Idaho in the theater department. He and his wife, Lori, founded Folk Tale Revival, a professional storytellers group. He is a published playwright. Dr. Hansen has traveled to festivals and performed at theaters throughout the country. His experience and perspective as a performer is valuable to this committee. He is generous with his time. His group has done benefits for the theater and they are planning more events.

Pat Huish

Pat Huish moved to Rexburg 3 years ago from Mesa, AZ. He is the father of 7 children and grandfather of 1. He is on the faculty of BYU Idaho in the Construction and Architecture department. He is a registered architect in Arizona and is in the process of becoming registered in Idaho. He is committed to historic preservation. Pat has spent many, many hours in the theater measuring every square inch and making drawings. The committee is very excited about the work he has done and the vision he has for the theater.

Jacob Thatcher

Jacob Thatcher attends Madison High School where he is active in extracurricular activities. He is an avid runner and bicyclist. He has served on the Mayor's Youth Advisory Board for two years and is currently their Vice-Chairman. He worked on the Rock for the Romance benefit which was one of our most successful fundraisers. He is very thoughtful and intelligent and the committee is grateful for his input.

Dawn Wells

Dawn Wells is a successful television and film actress who is beloved for her role as Mary Ann on Gilligan's Island. She is the founder of the film actors boot camp in Driggs and the Idaho television and film institute. She has a performing songwriters camp beginning in August. She also founded the Spud Fest film festival. She serves on the board of Women in Film and Video and is on the Stevens College board of Trustees. Dawn is committed to bringing the arts to Idaho. She has traveled to Boise to speak to our legislators. Her work with our committee is greatly appreciated. She is a lovely person and great to work with.

Pat Huish explained the documents and drawings are being done in AutoCAD to get accurate drawings of the building. He wants to enliven the street scape. He is checking on costs for concrete work. He is looking to minimize cost and restore the theatre to serve the best interests for the community. The plan is to restore the transparency back into the building so that corner will become alive; drawing people in from the street. The lights from

the theatre would shine out onto Main Street. It will be a beautiful thing for the City if the building can be opened back up again.

Joanna Carter provided the City Council with a booklet on their proposals. She showed a slide show.

Mission Statement

The Romance Theater's purpose is to enrich, educate, and entertain our community by providing superior cultural experiences.

Vision

The Romance Theater will foster the arts in our city. It will provide a venue for a wide variety of artists & art forms. Being one of the few theaters left of it's kind, it will again be "Idaho's Most Beautiful Theatre".

Joanna Carter read some of the advertisements. The Romance Theatre was the fourth theatre in the state to have "talking pictures." The theatre brought people to town and the local shops benefited from the people coming into town for the theatre. They expressed their gratitude in their advertisements. It brought the whole town together. Their ads carried the caption for years: "Idaho's Most Beautiful Theatre!" The theatre was converted to show house by installing the long curtains. It was previously used to do a variety of live plays (Baud Ville), etc.

Joanna Carter explained some of the fund raising ideas like selling naming rights for seats and rooms in the building. The top end seats will be sold for \$600.00 and the price goes down to \$200.00. The seats will be identified with a name plate for the purchaser or in behalf of another person. People have a lot of great memories inside the theatre. You can tell it is special by the public response they have been receiving. They held a City recreation program this year called "Theatre Camp" for the youth who do not participate in other recreation programs. It gives these children an opportunity to have an activity for their participation. They want to be a part of their town and come and do something they love. They did a fun Melodrama and they had a great time as well as their parents.



Romance Theatre

ROMANCE THEATRE SPECIAL

MCCRACKEN'S STORE

Offers Hearty Congratulations on the opening of the New Theatre and extends best wishes for its success.

Congratulations

When men are courageous enough and have faith in the community in which they live to give to the public an investment which the New Romance Theatre represents, they well deserve the support of the public.

Messrs. Drennen and DeMordant we congratulate you.

F. J. HOLLEY

A WISH OF APPRECIATION

We take this means of expressing our appreciation of the new theatre building just completed by Manager Hugh Drennen and Paul DeMordant. The theatre showed its first picture Wednesday evening to a capacity house. It is no doubt the most beautiful and finest equipped in the entire valley, and these young men are to be highly congratulated. It is a decided asset to the city of Rexburg and should be appreciated by everyone living in this community.

C. A. HARRIS
McCORMICK-DEERING SALES AND SERVICE
STANDARD GAS AND OILS

C. of C. Extends Congratulations to Business Men City Extends Congratulations

The Madison County Chamber of Commerce wishes to extend their congratulations to Messrs. Hugh Drennen and Paul DeMordant, owners of the new Romance theatre, which opened in this city Wednesday night. The trend of business building in Rexburg has been greatly increased by the new theatre and the new theatre is one of the outstanding improvements of the time. Mr. Drennen and Mr. DeMordant deserve a great deal of credit for the building of this splendid theatre. It "proves" to the community that they have a lot of faith in the future of this city as evidenced by the large investment they have made. The people should show their appreciation by giving them their support.

There have been numerous improvements in the business district, remodeling of stores, new fronts, expansion, etc., which should not go unnoticed or unappreciated. The Chamber of Commerce wishes to again express their appreciation to the business men of the community



Hugh Drennen

Mr. Drennen studied at both the University of Utah and Washington, and during the war served in the navy. Prior to coming to Idaho in 1920, was engaged in the advertising business and also traveled for a motion picture company. He was associated with his father in several mines and real estate enterprises in Montana. Since 1920, when the partnership of DeMordant & Drennen was formed, he has lived in Rexburg and Rexburg. When the Rexburg theatre was purchased by the firm from Mrs. Mark Matheson in 1922, Mr. Drennen moved to Rexburg and has since made this his home.



Paul DeMordant

Mr. DeMordant is a mining engineer by profession, having attended the Montana School of Mines at Butte. He left school to enter the army and after his discharge returned to resume his studies. After completing his course he entered the United States Army, where for several years he filled the position of major of the 10th Cavalry at Fort Huachuca, where they owned the old White theatre. When that time Mr. DeMordant has made his home in Rexburg, the partnership of DeMordant & Drennen resulting in the present time. In February, 1923, they opened the new Romance theatre in this city of the country. It is of the same architectural design as that used for the new Romance theatre in Rexburg.



Walter Johnson

The Romance theatre was designed by architect Frank Palmer, owner of Rexburg, Colorado. Although well known, Mr. DeMordant has had a wide and varied experience in the construction business. After completing his course at the University of Utah, he returned

shared to the Rexburg First Congregational Church. Mr. DeMordant was in the government. War Department during with the building of warships, submarines and transports. During the time of his department Mr. DeMordant was head of the national and in connection with a large on ship yard activities, as was printed by the United States Printing Bureau.

At the close of the war Mr. DeMordant returned home to the position of his profession, building several big schools in Rexburg, the state bathroom at Thermopylae, a reproduction of walls in and on one of the country's larger railroad stations. Colorado. Mr. DeMordant, gained the reputation of being the most successful construction with the highest honor of any of these buildings.

The Rexburg First Congregational has retained Mr. DeMordant as architect of three school buildings in Rexburg, the Wallace School, Park, Lamar Hospital, Lamar postoffice, theatre and office building. The school buildings are grandstand for the Wallace School. Mr. DeMordant has also designed the Wallace Hotel and T.

CONGRATULATIONS

To the Owners of the Beautiful "Romance" Theatre

PENNEY'S

KING'S
5c to \$1.00 Stores

CANVAS GLOVES 5c pair	LIGHT GLOVES 40 - 50 and 60 watt 5c each
TUMBLERS Buy them by the dozen 3 for 10c	WEATHER STRIPPING Hair felt 20 feet long 10c

Congratulations Mr. Drennen and DeMordant. You have given us the finest place of entertainment Rexburg has had the pleasure of boasting. You merit success which we hope you enjoy.

M. H. KING CO.
Rexburg, Idaho

Congratulations

We take this opportunity to offer congratulations to the management, Messrs. Drennen and DeMordant in giving to Rexburg a monument of civic pride.

Let us help you to look your best when you attend this beautiful new theatre.

Regal Cleaners
Phone 119
Rexburg, Idaho

Rexburg **Romance** Rexburg

IDAHO'S MOST BEAUTIFUL THEATRE

FRIDAY NIGHT AND CONTINUOUS SATURDAY 2 to 12
10c & 25c Until Six o'Clock

ANOTHER BIG DOUBLE FEATURE PROGRAM

A gripping chapter in our
great story on the underground



Buss 'em Up

with
PRESTON POSTER
MARGARET CALLAGHAN
R.K.O.
PICTURE

and ZANE GREY'S
**"Wanderer of the
Wasteland"**

Sunday - Monday - Tuesday

Continuous Sunday 2 to 12—10c & 25c Until Six o'Clock

**A 21-GUN SALUTE
FOR THE BIRTH
OF A NATION!**



**RED
ASTAIRE-ROGERS**

See them do the
new dance, "Let
Yourself Go!"



**Follow
THE
FLEET**

with
RANDOLPH SCOTT HARRIET HILLIARD
ASTRID ALLWYN Lyrics and music by
IRVING BERLIN

R.K.O.
RADIO
Picture

Latest news scoop! - See Wayne Wright win the Florida Derby, equalling the world's record time for the mile and furlong!

WALT DISNEY'S
SILLY SYMPHONY
IN TECHNICOLOR



**WHO KILLED
COCK ROBIN?**



NEXT WEDNESDAY ONLY—BARGAIN NIGHT—2 FOR 1

"RED SALUTE"

—With—

Barbara Stanwyck - Robert Young

Next Thursday is CASH Night!

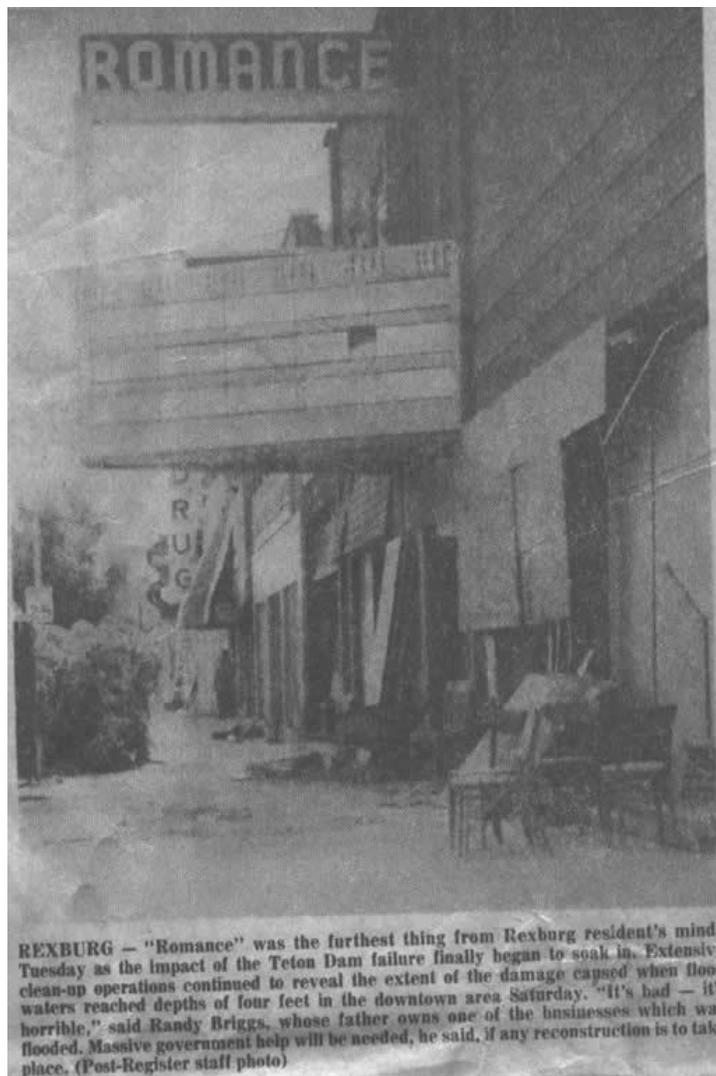
Idaho's Most Beautiful Theatre!



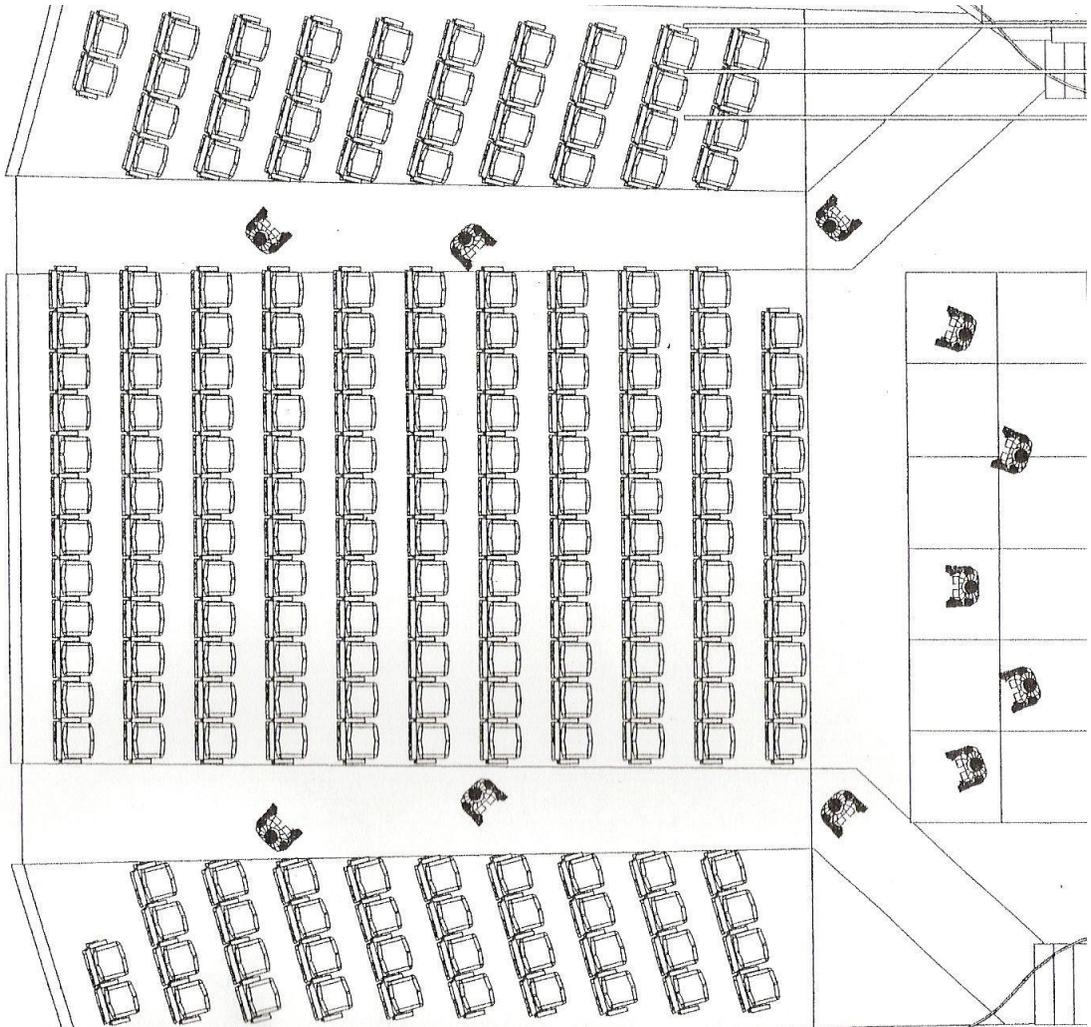
Teton Dam breaking



Main Street under water



**Picking up the pieces
After the Teton Dam Flood**



Chair Fundraiser

Annual Fundraisers

- Rock for the Romance
- Upper Valley Idol
- Benefit Performers

Uses of the Romance Theatre

- Film Festivals
- Dance Recitals
- Music Recitals
- Concerts
- Plays
- City Recreation Programs
- Theater Camp



Theater Camp



Current Westwood Theatre (Renamed the Romance Theatre)

Joanna Carter asked the City Council if they would remove the tree allowing the marquee to be displayed. Another problem she noted was the need to have a commitment from the City to have a long term investment in the theatre. Before grant monies can be obtained, the committee needs to be able to represent in the grant applications that the Romance Theatre is a project supported by the City. Grant givers are not willing to donate funds to a project that may not be sustained in the future. Other theatres have wall plaques showing how their theatre has been supported by donors. The committee believes the funding is available if they can represent to the public the longevity of the project. It can be the hub of activity for Main Street again with the support of the City.

Council Member Erickson thanked Joanna for a great job putting the Romance Theatre Committee together. She said it was a group effort. He commended her for keeping her word to avoid spending City funds.

Joanna Carter referred to some past events to raise funds for the Romance Theatre:

1. "Fund Raisers Rock" for the Romance raised \$300.00
2. "Upper Valley Idol" – spoof on American Idol
3. "Benefit" Performers

Council Member Young asked the City Council if the tree could be removed or trimmed enough to allow the marquee to be visible. Mayor Larsen explained other locations on Main Street with similar requests like Bingham & Sons on West Main Street. Mayor Larsen wants to work with Bingham & Sons to have appropriate trees with limited growth. Also, Tom

Hudson mentioned it in his downtown report; noting trees are breaking up the sidewalks. There is a lot of dead wood in the trees. It could be and should be addressed.

Council Member Schwendiman asked if the City would put in smaller trees to alleviate the problem. Mayor Larsen explained smaller trees similar to the ones placed in the Evergreen – Kiwanis Park for airport clearance would be possible.

Council Member Benfield was concerned with the Main Street presentation. She wanted uniformity with the trees to allow Christmas decorations as displayed in the past. It will be a problem for every business because it hides the store fronts. Mayor Larsen explained two trees have been removed because they were dead in front of Elgene's store. He did not believe every tree needed to be replaced at this time. Mayor Larsen asked the City Council to have the City Arborist, Keola systematic evaluate the trees for trimming or replacement.

Council Member Young has had three businesses contact him saying their signs are not visible for the same reason.

Council Member Mann agreed with Council Member Benfield and he likes the Christmas lights presentation on Main Street. He would support a smaller tree for Bingham's. He wanted to reward them for their efforts to beautify their store's Main Street presentation.

Council Member Erickson commented trees on Main Street need to be uniform. Big trees in line with small trees would not fit. He recommended trimming all of the trees on Main Street to the same profile or replace the trees.

Joanna Carter said the theatre's life blood is the marquee. Council Member Stevens wanted to support the theatre with a better visual presentation of the marquee. This allow them to advertise fund raisers.

Mayor Larsen echoed what has been said by the City Council. The committee has done a lot of work in a very short period of time.

Joanna Carter explained donors are hesitant to donate because they don't know about the future of the theatre without City Council support.

Council Member Benfield wants all trees reviewed by Keola and trimmed. This would be done for businesses; not just for City interests.

Mayor Larsen reminded the City Council of the Christmas Trees lights on the trees. Pruning the trees will cause light problems. Arts Director Bowman said all of the living trees need pruned. Three or four trees are dead. Mayor Larsen requested being consistent with the pruning the trees to a similar size. Arts Director Bowman said the tree at Key Bank is big enough to cause sidewalk issues.

Council Member Young summarized the City Council's support by Council Member Erickson's support.

Joanna Carter reminded the City Council of a previous meeting where they solicited support for a buyer of the theatre. She wanted to close that door to sell the theatre.

Council Member Stevens explained this City Council can not bind a future City Council; however, it is possible for this City Council to support the theatre. Joanna Carter referred to some of the fund raising possibilities for example: naming rights for the theatre, a community room, green room, renting out the facility, etc. The goal is to make the theatre a beautiful place for people to come to and enjoy.

Mayor Larsen asked to have the funding revenue processed through the City of Rexburg. Joanne agreed to process all funding through the City's theatre account.

Council Member Erickson said the City Council and he in particular has not been very supportive of the theatre project. He said the committee has shown good faith and they have done what the City Council has asked them to do.

Council Member Erickson moved to set the Romance Theatre Committee's minds at ease; the City has not received any proposal to purchase the theatre; nor is there any indication in the immediate future, of anyone willing to invest money in the theatre; he moved to support the Romance Theatre on the basis it does not cost the City any money; the Romance Theatre Committee can have at it and do it as long as it does not cost the City to run it; Council Member Schwendiman seconded the motion; all voted aye, none opposed. **The motion carried.**

Joanna Carter reminded the City Council of Kirby Forbush's plan to provide a Business Plan for the theatre. He is still working on the plan. It will come before the City Council at a future date.

B. Fire Department Training facility location – Spencer Larsen - Deferred

Report on Projects: John Millar

Public Works Director Millar reported:

1. Bill Baranowski, P.E.; the roundabout traffic engineer on 4th South, has been asked to look at the intersection on Millhollow Road and Shoshone Avenue. There will be some aerial photos and contours of the intersection for the next meeting. Mayor Larsen explained the City Council requested a second opinion from an outside source for the intersection.
2. The Slash Park is moving along in Porter Park with the basketball court at the same time. Both pads will be ready for concrete in a week or ten days. Almost all of the mechanical equipment (pumps, filters, screens, heaters) has been received for assembly and the bathrooms (mechanical building) will be ready for framing this week. The apparatus is scheduled to be here the 10th of July.
3. The South Arterial right-of-way acquisition is moving forward with three larger parcels Completed. It is moving forward as scheduled with the final design review meeting with the State Transportation Department on the 13th of August to look at the plans including costs. The information will be turned over to the State on the 1st of August. The City's portion of the right-of-way acquisition has been paid which is about 4% of the cost. The current estimate is four million dollars for two lanes of road and right-of-way.
4. The walking path bridge over the Teton River should be set in two to four weeks by contractors.
5. LID 35 is being worked on by the Engineering Department.

Council Member Erickson asked if the Splash Park would be ready by the 24th of July. Public Works Director Millar said there is a lot of work to be done. They are meeting in the morning to check schedules.

Council Member Benfield asked about the new basketball court in Porter Park. They will sit just west of the tennis courts. It is about fifty feet from the Splash Park and it will share lighting from the tennis courts.

Council Member Mann asked if smells from the Waste Water Treatment Plant are cured. The City is buying twenty acres to move the solid waste to a location out of the City.

Council Member Erickson asked if the animal shelter landscaping is being completed. The goal is to finish it with grant money. It should be finished in a week to ten days if the grant is approved.

Calendared Bills and Tabled Items:

A. BILL Introductions: – NONE

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

C. Second Reading: Those items which have been first read.

1. BILL 964 – for a City wide Local Improvement District (LID 35)

Mayor Larsen introduced the second reading of BILL 964 (LID 35). He asked the Engineering Department to review the responses to the letters with the City Council. He asked if anyone would like to speak to the City Council concerning any of the letters.

Derrald Waters from Engineering explained the letters were reviewed and some changes were made to the LID amounts (i.e. Angela Drive.) The City Council will need to make some decisions on some of the letters. Mayor Larsen asked Derrald to go over those letters that need City Council approval.

Derrald reviewed Dr. Lovell's LID (item 308) on the overhead screen. There was a mistake on the first assessment. Some of the sidewalk did not need to be replaced. A portion (asphalt) to the east did not need to be replaced. The initial LID assessment had sidewalk on Millhollow Road to complete that street.

Dr. Gary L. Lovell at 473 Morgan Drive said if the City requires a sidewalk through the island in his front yard; it will require re-landscaping his entire front yard. The driveway is kept clear through the winter; for privacy reasons, he requested the island be excluded from the sidewalk requirement, particularly with the development (hospital addition) going in across the street. He was agreeable to putting the sidewalk up along Millhollow Road; however, he was resistant to taking the grass out along Morgan Drive for a sidewalk. He had trees in the landscaping.

The City Council discussed using the driveway for a sidewalk. The curb will be replaced in the curb sections that are broken. Council Member Erickson asked Dr. Lovell his feelings on installing a section of sidewalk on Morgan Drive to Millhollow Road. Dr. Lovell said the area had been used for his children as a play area. Council Member Erickson explained all of the other sections of Morgan Drive and Reed Street would have sidewalks. He said it would be a stretch to paint a sidewalk area on the driveway; however, it would be nice to leave it as it is now. Derrald said this is the only section on west Millhollow Road without a sidewalk, except for a planter on this property.

Council Member Mann moved to see the sidewalk installed except for the Island area due to the neighborhood disruption across the street; Council Member Stevens seconded the motion; all vote aye, none opposed. **The motion carried.**

Dr. Lovell asked if he should get with Staff to add additional sections onto the LID at his driveway. Mayor Larsen asked Dr. Lovell to get in touch with Engineer Keith Davidson to add additional curbing to the LID.

Derrald Waters provided additional information on the George Wilson LID for Harris Hall. The Utah Power pole at Harris Hall and other power poles are in the sidewalk along this street. Utah Power has been contacted to move those poles for one & ½ blocks per a franchise agreement. Mayor Larsen asked about the south end of the property where concrete is missing. Derrald noted it could be fixed when the power pole is relocated. The sidewalk is heavily used by the residents. There is still a need to decide what portion of asphalt needs to be replaced. The drain will be replaced at City expense. The sidewalk can be straight if power poles can be removed. Council Member Stevens said it would be a great fix if the power poles can be relocated.

Derrald Waters provided additional information on the **Carolyn Lewis** (item 303, Elizabeth Lewis.) She will need to remove fence and some landscaping property on Reed Street only. There is only right-of-way on Reed Street. Her property on 4th East does not have right-of-way. Council Member Stevens discussed the problems with the curb and gutter when there has been a gas line installed. Public Works Director Millar said this particular gas line was probably installed twenty years ago.

Council Member Schwendiman asked about the utility cutting the sidewalks along Main Street. Public Works Director Millar said the project was requested two years ago. They wanted to cut into a newly reconstructed Main Street to replace conduit. They thought they had adequate conduit in for future growth; however, some of the conduit was shattered. They were not allowed to dig up the new street. This year they dug up sidewalk for a block instead of digging up Main Street. They have worked with the businesses to get the work done. Grass and sidewalks have been replaced in an expeditious manner.

Council Member Erickson asked for clarification on handicap access on his property. He asked Public Works Director Millar if he could have a contractor cut curb for a handicap section. Public Works Director Millar said a concrete saw contractor could do the work. One curb seam is a live seam and one seam will have to be cut. Mayor Larsen asked about the ADA Standards. The City just received those standards and Engineer Keith Davidson is reviewing the new standards.

Council Member Stevens asked about the discussion on Carolyn Lewis. Derrald explained it was in response to her concerns for removing a fence, etc. in her letter. She is selling the home, so she really does not want to do the work. The sidewalk heads towards the park. There is no right-of-way in front of the home.

Mayor Larsen asked for if any other letters need to be addressed.

Derrald said the Staff has addressed the concerns in the other letters. Most of the residents wanted to have their properties re-evaluated or taken off the LID. Some of the properties on Angela Drive were taken off the LID. Curb and gutter were removed from the LID on some other properties. They made every effort to notify the property owners of the changes to the LID. Angela Drive was re-inspected and three of five LIDS' were modified.

Mayor Larsen discussed the City Council's request to go block by block on future LID's. The City Council's other concern was targeting new owners to install sidewalks.

Council Member Stevens agreed to have new owners install sidewalks as required by ordinance; however, he was opposed to including curb and gutter replacement for new owners until the whole block is considered for curb and gutter replacement.

Council Member Mann said real estate agents did not know properties would be reviewed when they were sold unless there wasn't any sidewalk. They did not know prospective buyer had to be notified they might be in harms way if the home had an existing sidewalks. The real estate people would like this issue discussed in the August meeting.

Derrald Waters did a search on asphalt, concrete and sidewalks on the City's web site. He researched sixty documents and he found a little bit here and a little bit there on those topics. He reviewed the development code and the subdivision ordinance. The information is found all over the place.

Public Works Director Millar asked the City Council for approval to develop a sidewalk ordinance to avoid this confusion. The City needs a fairly standard set of rules. The new ordinance would delineate when sidewalks have to be installed, who installs the sidewalks, and how are they maintained. The current set of documents eat up a lot of time and cause a lot of confusion for the residents. Mayor Larsen asked about Dr. Lovell's example of disturbing landscape and allowing the City Council the latitude to vary from the ordinance. Public Works Director Millar said the City Council should always have the discretion to make those decisions; however, the City Staff should not be required to make those decisions. There should be a fairly standard set of rules for the City Staff to follow that are easy to apply.

Council Member Erickson asked if the current resolutions are incorrect. Public Works Director Millar said they are not incorrect. The curb and gutter replacement issue is not in the resolutions.

Council Member Stevens said that was the issue in the last City Council meeting. They were asking “why me and not my neighbor?” Public Works Director Millar said the Staff was trying to be reasonable about the curb and gutter replacements. If the sidewalk is being replaced, it makes sense to take a look at the curb and gutter. It should be addressed in the ordinance.

Council Member Stevens said an unsafe sidewalk should be reviewed for replacement if the resident has lived in the home for thirty years or if it is a new home owner.

Council Member Schwendiman and Mayor Larsen noted it should be review by block verses a new owner review for sidewalk, curb and gutter replacements.

Mayor Larsen directed the City Staff to prepare a sidewalk ordinance for approval before LID 36 is considered.

Council Member Young asked about the issue of tying sidewalks to curbs with rebar. Public Works Director Millar said it is a good idea to keep them together. In areas were there is erosion, with freezing and thawing cycles, the sidewalk moves away from the curb. This creates a ready made ditch between the curb/gutter and the sidewalk. If you can tie them together, it gives some resilience to the sidewalk, curb and gutter.

Mayor Larsen asked the City Council how they wanted to proceed with BILL 964 for a City wide Local Improvement District (LID 35).

Council Member Erickson moved to consider BILL 964 for a City wide Local Improvement District (LID 35) second read; Council Member Benfield seconded the motion; Discussion: Council Member Schwendiman verified the changes in the second Staff review of the properties including Dr. Lovell’s property will be included in BILL 964. Mayor Larsen called for a roll call vote:

Those voting aye

Council Member Schwendiman
Council Member Young
Council Member Benfield
Council Member Erickson
Council Member Stevens
Council Member Mann

Those voting nay

None

The Motion carried.

D. Third Reading: Those items which have been second read.

1. **BILL 961** - City of Rexburg Streets Development Impact Fee Report

Finance Officer Horner passed out the BILL 961 to the City Council.

Council Member Erickson asked if there were any changes to the BILL since the first reading.

Finance Officer Horner said he cleaned up some typing errors. There is still one more typo to correct. There is a change on page twenty seven of the study concerning education. He reviewed the calculation given to the school district for their new high school and elementary school proposed for 12th West. The study says the Public Works Director can determine which method will be used from the study to calculate “number of trips” for street impact fees on commercial developments. The study is part of BILL 961.

Council Member Benfield asked if the University would be classified under education. Finance Officer Horner said the consultants recommended the University’s building permits evaluated on a case by case basis because of a variety of options available to estimate commercial buildings.

Mayor Larsen asked if anyone wanted to speak to BILL 961.

Kevin Virgin as President of the Upper Valley Builders Association and as a builder asked for clarification on the inflation cap of 2.5%. He asked about the cap using BYU-I as an example. He asked to have the students pay because they use the infrastructure. He would like to charge the students a \$10.00 impact fee. He is worried the increased costs will price home buyers out of the market. The potential 2.5% add on each year for inflation is a concern.

Council Member Erickson gave an example of his taxes going up every year. He does not have any guarantee the taxes will not go up. It is hard to say the impact fees will never change. Kevin asked for a commitment from the City Council to review the fee annually instead of building in an automatic 2.5% inflation factor.

Council Member Stevens noted the inflation may be at 4% and this proposal is at 2.5% maximum. He preferred the locked in base fee amount like the police, fire and parks impact fees. It would set everyone's minds at ease to have a fixed base amount without an inflation factor. Kevin would like to review it in two years instead of an open-ended amount that could rise by 2.5% annually.

Mayor Larsen said if it passes tonight, it would be re-addressed every five years. Council Member Stevens asked to eliminate the inflation factor. Council Member Schwendiman is okay with removing the inflation factor if it is revisited every year. It will take twenty four years to double the fees at a three percent inflation factor. Council Member Mann wants to keep the inflation factor in the BILL. Kevin thinks the growth in Rexburg will cover the inflation factor if it is removed.

Kevin Virgin would vote no on the inflation factor. If you don't charge fees to the students he will vote no.

Var Snedaker at 148 South 5th West speaking for the school district. He was concerned if the document was corrected from the last meeting. It looks like it has been corrected. He has studied case law and he could not understand how the fee was calculated. He wanted it refined to be more understandable.

Attorney Richard Smith spoke on behalf of the University. The University supports the document as written. Students do pay fees through their housing and as a portion of their tuition.

Council Member Young asked when the Ordinance would become effective. Mayor Larsen said it would become effective upon publication. Building Official Christensen said the payment of a deposit would be recognized as an application. Those buildings with paid deposits will not be assessed street impact fees if they are paid before the ordinance is effective.

City Attorney Zollinger said legally it is the point the applicant makes application. Once it is published it will be required. Building Official Christensen said the City accepts the deposit at application.

Council Member Stevens said builders are doing their bids and don't want to be retro charged. He explained the contractor's bid can not include the street impact fee until and if it passes. He is not supportive of the inflationary clause. The Builders Association has shown support for the BILL without the inflationary clause of 2.5%. Council Member Stevens said it would show good will to leave the 2.5% inflation factor out of the BILL. Inflation could be looked at and adjusted as needed.

City Attorney Zollinger explained it was a 2.5% maximum amount for inflation. If inflation did not exist, the 2.5% inflation factor tied to the Seattle index would go away.

Council Member Stevens requested the same treatment as the parks and fire impact fees. Finance Officer Horner explained it is expensive to re-visit the impact fee study. Council Member Stevens explained the plan could be revised every two years for inflation without revisiting the study. He wants to track it for two years before addressing inflation. Inflation may go up or down.

Council Member Erickson does not see the problem leaving the 2.5% maximum in the BILL. City Attorney Zollinger said if the 2.5% is in the BILL, it would not require a public hearing annually. Without the inflation factor in the BILL, a public hearing would be required to re-visit the inflation amount.

Council Member Stevens moved to consider BILL 961 3rd read with the change to eliminate the inflation index and to have the street impact fees run commensurate with impact fees for parks, police, and fire; also, to evaluate them as a group; Council Member Benfield seconded the motion; Mayor Larsen asked for a roll call vote:

Those voting aye

Council Member Stevens
Council Member Benfield
Council Member Schwendiman

Those voting nay

Council Member Mann
Council Member Erickson
Council Member Young
Mayor Larsen

The Motion failed.

Council Member Erickson moved to consider **BILL 961** for Streets Development Impact Fees as 3rd read and passed as presented; Council Member Mann seconded the motion; Mayor Larsen asked for a roll call vote:

Those voting nay

Council Member Stevens
Council Member Benfield
Council Member Schwendiman

Those voting aye

Council Member Mann
Council Member Erickson
Council Member Young
Mayor Larsen

The Motion carried.

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

Old Business:

C. Discussion on an Electrical Inspector – Val Christensen

Mayor Larsen noted the Electrical Inspector was discussed previously in the work meeting. The City Council discussed the budget review and if this position should be considered before the budget review work session is finished. Council Member Erickson said this position was budget neutral and it was funded with electrical inspection fees. He requested to move forward with the position.

Council Member Erickson moved to go forward with the hiring of an Electrical Inspector; Council Member Stevens seconded the motion; Discussion: all voted aye, none opposed.

The motion carried.

Mayor's Report:

A. Mayor's Proclamation: Strengthening Families & Improving Outcomes for Children and Youth.

Mayor Larsen read Proclamation 2006- 02.

**PROCLAMATION
No. 2006-02**

WHEREAS, strong families form the backbone of strong communities; and

WHEREAS, the City of Rexburg considers the health and well-being of its children and youth to be a top priority; and

WHEREAS, the City of Rexburg recognizes that public safety, economic development, fiscal stability, a strong workforce, and an educated citizenry all depend on the investments and efforts made to help families and children succeed; and

WHEREAS, municipal leaders can play a decisive role by taking action on behalf of children, youth, and families; and

WHEREAS, the National League of Cities has developed a City Platform for Strengthening Families and Improving Outcomes for Children and Youth, which outlines the essential tasks necessary for sustained progress, including identifying needs and priorities, promoting effective city-school collaboration, encouraging and supporting youth voice and leadership, and measuring progress over time; and

WHEREAS, the National League of Cities' Institute for Youth, Education, and Families will support municipalities' adoption and implementation of the City Platform by providing information, examples from other cities and towns, access to national experts, and monitoring of progress on the Platform's action steps; and

WHEREAS, the City of Rexburg is committed to implementing concrete action steps listed in the Platform, including co-sponsoring the "Celebrate Youth Program," expand opportunities for youth participation through the Mayor's Youth Advisory Board, collaborate with community partners to maintain quality after-school programs, and create joint-use agreements with Madison School District to forge a partnership between school leaders and community-based groups to turn schools into centers of community life.

WHEREAS, the City of Rexburg joins cities and towns across America in this nationwide initiative to promote family—and youth—friendly communities.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council members of the City of Rexburg, that the City of Rexburg adopts the National League of Cities' Platform for Strengthening Families and Improving Outcomes for Children and Youth, and will seek to establish the essential infrastructure for a sustained community effort to achieve the Platform's objectives and in so doing reaffirms its slogan as "America's Family Community".

Mayor

City Council President

Council Member Young asked what happens after the proclamation is passed. Mayor Larsen explained it is a philosophy commitment. He thinks we need to collaborate with the school district on this proclamation and youth program. It is not a commitment for money; it is to be supportive of youth in the community.

Council Member Mann moved to pass Proclamation 2006- 02; Council Member Young seconded the motion; all voted aye, none opposed. **The motion carried.**

Council Member Stevens moved to go into executive session due to pending litigation; Council Member Erickson seconded the motion; Mayor Larsen asked for a roll call vote:

Those voting aye

Council Member Schwendiman
Council Member Young
Council Member Benfield
Council Member Erickson
Council Member Stevens
Council Member Mann

Those voting nay

None

The motion carried.

**Executive Session;
Executive Session ended.**

Adjournment

Shawn Larsen, Mayor

Blair D. Kay, City Clerk