

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, SEPTEMBER 13, 2007

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Harold Harris
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz; Bruce King; and Brad Orme; Josh Garner, City Attorney; Stephanie Blackham, Planning & Zoning; Kyra Davis, Standard Journal; Don Rydalch; Eddie Pincock; Brent Bawden; Dwayne Seiter; Robert Powell; Lamont Merrill; Sharee Palmer; Jan Gallup; Vaun Waddell; Verle Wilding; Ray Barney; and Stephen Peters.

The Mayor asked if there were any corrections to the minutes of the regular meeting held August 23, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember King to accept said minutes; motion carried.

Marcie presented the August reconciliation reports for the General Fund. It was moved by Councilmember Deitz and seconded by Councilmember Orme to accept the August reconciliation reports for the General fund; motion carried. Marcie presented the August reconciliation reports for the Utility Fund. It was moved by Councilmember Deitz and seconded by Councilmember Harris to accept the August reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$86,932.06. It was moved by Councilmember Orme and seconded by Councilmember Harris to pay the current bills, together with all regular September bills that have not yet been received, with the exception of the three items (\$150, \$25, and \$53) of Attorney Scott Lee on the Ball, Brown, Harris and Jeppesen annexation matter; motion carried. Attorney Garner explained this was a matter of an improper legal description. He has to fix a few things because they were incorrectly stated. He said Attorney Stephen Zollinger has to sign a stipulation and have Judge Moss sign a letter with the correct property description. The matter should be taken care of soon.

ORDINANCE NO. 269:

Councilmember Deitz introduced Ordinance No. 269 entitled:

“AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, FOR THE FISCAL YEAR OCTOBER 1, 2007, TO SEPTEMBER 30, 2008, AND APPROPRIATING TO THE SEVERAL DEPARTMENTS, OFFICES AND FUNDS OF THE SAID CITY GOVERNMENT FROM THE REVENUE

DERIVED FROM TAXES LEVIED FOR SAID FISCAL YEAR, AND ALL OTHER SOURCES, SUCH SUMS AS MAY BE NECESSARY OR DEEMED NECESSARY BY THE MAYOR AND CITY COUNCIL TO DEFRAY THE EXPENSES AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008.”

It was moved by Councilmember Deitz and seconded by Councilmember Harris to waive the reading on three different days and in full and place it upon its final passage. Thereupon the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Deitz, King and Orme
Those voting nay: none

Thereupon, the Mayor declared that the motion, having been passed by not less than two-thirds of the Council, had been duly carried. It was moved by Councilmember Deitz and seconded by Councilmember King to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Deitz, King and Orme
Those voting nay: none

Ordinance No. 269 was thereupon declared by the Mayor to have been duly passed by not less than two-thirds of the Council, and the Clerk was instructed to publish said Ordinance No. 269 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

RESOLUTION (SEWER AND WATER RATES): A discussion was had on changing the sewer and water rates. No action was taken.

RESOLUTION 2007-3: Councilmember King read Resolution 2007-3 pertaining to changes in the garbage collection rates. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz to adopt Resolution 2007-3; motion carried. A copy of said resolution is attached hereto marked “Attachment 1.”

PLANNING & ZONING REPORT: Stephanie Blackham addressed the Council.

Tosceno Zone Change: Stephanie presented the following P&Z recommendation in writing: “We recommend approval of the zone changes requested for the Toscano development. We feel this increase to the size of the commercial zone will be beneficial to the city while the nature of the residential zones will be in keeping with the comprehensive plan.” She reminded the council that they have 15 days to act on P&Z’s recommendation.

Max Parkinson Special Use Permit – Gravel Pit: Max Parkinson applied for a special use permit to continue mining gravel until the desired level of 20’ depth is reached in his existing gravel pit. P&Z has set a public hearing for said special use permit on Thursday, October 4, 2007, at 7:00 p.m.

Kellie McClure – Home Occupation License (Chloe Reese LLC): P&Z approved the home occupation license for Mrs. McClure.

Old Farm Estates (Eddie Pincock) – Preliminary Plat: Stephanie reported that this matter was tabled until P&Z’s next meeting.

Terry Mortensen – Developing Calaway Property: Mr. Mortensen wants the city to increase its impact area so they can do a development that will be annexed into the city.

Colin Cox, DelMar Investments – Approval of Condominium Conversion: Mr. Cox will come to P&Z's next meeting with plans for the play area they require him to have with the condominiums.

Kinghorn Fence Permit: P&Z approved the fence permit as long as Mr. Kinghorn has the owner's permission. Part of the fence is on Gary Stillman's property.

Title 8, Chapter 4, Design Review: P&Z's public hearing has been set for Thursday, October 4, 2007, at 7:15 p.m.

Title 9, Chapter 6, Zoning Districts: P&Z's public hearing has been set for Thursday, October 4, 2007, at 7:45 p.m.

TOSCANO ZONE CHANGE: The mayor opened a discussion on P&Z's public hearing on September 6, 2007. Stephanie reported that no one opposed the zone change. Mr. Bawden addressed the council and stated their only change is to increase the size of the commercial zone and relocate single-family dwellings. He feels there is a much better use for commercial and not so much residential. The mayor expressed some hesitancy to pass the zone change tonight. Councilmembers Deitz and King also expressed reluctance to vote on the recommended zone change tonight on the grounds that an issue of this importance should have a public hearing before the City Council too and that the agenda did not indicate that the council would discuss and vote on P&Z's recommendation. Mr. Bawden reported they would like to close on the 20th of this month and would like the property appraised on the proposed zoning rather than on the current zoning because they need the higher value to get the funding. He made a commitment as owner of the property that he will develop a project that the city can be proud of. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Harris that we approve the zone change as recommended by Planning and Zoning. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris and Orme

Those voting nay: Councilmembers Deitz and King

Deciding vote: Mayor Dalling voted aye

Thereupon, the mayor declared the motion passed.

DON RYDALCH – STATUS REPORT ON WEST ENTRANCE GRANT APPLICATION (landscape project): Mr. Rydalch will know the first week of December if we get the grant, and the project needs to be done in 2008. He will submit the grant application within a week for \$25,000 to \$30,000. The city will be responsible for a 10% match. One-half will need to be in cash and one-half in use of equipment, etc. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris that we approve the matching fees in the amount of 10%, or approximately \$3,000, on the west entrance grant application; motion carried.

DECISION ON PROPOSED GRANT FOR GRAIN SILO PROJECT: Mr. Rydalch reported the projected costs for artistic design (by Tim Whitworth) is \$6,225 and he would need one-half of the money up front. The projected costs for engineering design (by Dick Dyer) would be \$3,700. Councilmember Deitz checked with another firm and their cost was \$3,500. Matching funds for a \$400,000 project will be about \$29,000. Mr. Rydalch said the deadline to submit the application is January 31, 2008, and he wouldn't know until later in the year if it has

been approved. He feels the council should make a decision tonight. Councilmembers Deitz and Orme expressed concern about the high cost of the artistic and engineering designs, especially in view of the fact that there is no guarantee the city will get the grant. Councilmembers Harris and King expressed support for the expenditures, noting that a lot of hard work has already gone into the grant application process and this is potentially a tremendous opportunity to beautify the city while protecting historical aspects of our town. King said it would be a shame not to finish the application now. But if the city does not receive the grant, the council should perhaps consider removing the grain silo. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris that we approve the artistic design costs of \$6,225 and the engineering design costs of \$3,700 so Don Rydalch can proceed with completing the grant application for the proposed grain silo project. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris and King

Those voting nay: Councilmembers Deitz and Orme

Deciding vote: Mayor Dalling voted aye

Thereupon, the mayor declared the **MOTION PASSED**.

BIKE PATH: The mayor reported that the Idaho Transportation Department (ITD) would advertise for bids for the bike path starting September 18, with bid opening set for October 16. The project will likely be completed in April or May of next year. According to ITD Project Design Engineer David Walrath, this project will include a picnic area, chain link fence between the railroad and the bike path, landscaping and paving.

CHARGING DAVE THOMPSON FOR USING WATER TOWER: The mayor reported there is not enough information at this time to present anything.

BUSINESSES PARTICIPATING IN CITY CLEANUP: No decisions were made. The mayor said he would ask some businesses if they are interested in participating in the cleanup. Marcie was opposed to businesses participating. She also said guidelines need to be made about what is cleaned up. The council felt that guidelines were not necessary in Sugar City at this time, even if they are in Rexburg.

TITLE 7, WATER AND SEWER: Councilmember Deitz reported he had visited with Dick Dyer and he has made suggestions. Walter presented Title 7 and a draft sewer ordinance from another city. He asked the council to review both documents to decide which one to pursue. He feels there are good provisions in both of them.

Water and Sewer Impact Fees: Walter feels we need to consider an increase in water and sewer impact fees. He suggested we make a copy of Rexburg's impact fees to put with the above items for review.

BUILDING PERMITS IN IMPACT AREA: Bruce King read into the record a letter from Brent McFadden, Madison County Planning and Zoning Administrator. Harold Harris said he discussed the matter with Mr. McFadden and it was decided that Sugar City will review commercial and residential building permits that the county issues. We would then write a letter of approval to the county and then the county will issue the permit. The mayor assigned Harold to write a letter to Mr. McFadden confirming this agreement.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Curb and Gutter: Harold reported we have the layout of several areas at which to complete curbs and gutters. The engineering is done. Because of residential areas, any curb and gutter that abuts private property must be paid for by the owners, and this work will not be done at this time. Only the curb and gutter that involves the city will be done.

COUNCILMEMBER DEITZ: No report.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

Title 8, Chapter 3, Severability, Variance and Appeal: Bruce has not yet presented the matter to P&Z for comment. But next week he will send his feeling and explanation and recommend a solution to P&Z regarding Sharee Palmer's concern about variances. Sterling Codifiers pointed out we have a severability clause in Title 1 that covers everything in our code, and we don't need a severability clause in any other titles.

Discrepancy between Title 8 and Title 9 regarding heights on PWSF equipment: Sterling Codifiers in Coeur d'Alene identified a discrepancy in height requirements between title 8 and title 9. At the council's direction, Bruce forwarded a proposed resolution to the Planning and Zoning Commission for consideration.

Web site domain name: Bruce proceeded at the council's direction to obtain the domain name of "sugarcityidaho.gov" for the city's Web site. The rules of the .gov organization may not allow the site even to list businesses let alone to advertise their services. Bruce spoke with Attorney Jerry Mason, who recommended against advertising local businesses on a city Web site. Bruce said he supports "sugarcityidaho.gov" because only official government entities can obtain .gov domain names, and this gives the name more credibility. The mayor entertained a motion to change the Web site domain name to one where we could list and feature businesses.

MOTION: It was moved by Councilmember Orme and seconded by Councilmember Harris that we amend our previous motion of last meeting to have the official Web site domain name of "sugarcityidaho.us." The mayor called for a roll call vote:

Those voting aye: Councilmembers Orme and Harris

Those voting nay: Councilmembers Deitz and King

Deciding vote: Mayor Dalling voted nay

Thereupon, the mayor declared the **MOTION FAILED**.

Placing P&Z minutes on Web site: Bruce talked with Jeff Patlovich about placing P&Z minutes on our Web site. Jeff said it was fine to do so, once P&Z approves them. The mayor assigned Bruce to contact the chairman of P&Z to get the opinion of the commissioners on the matter.

Follow up letter on gravel pit issue: Barbara Lusk is concerned about ongoing problems associated with gravel pits in the area and invited Bruce to prepare a letter directed to the county commissioners, which the city could perhaps send out jointly with Teton City. Bruce will send a copy of the letter to the mayor and council for their input.

9:20 p.m. Rexburg Attorney Stephen Zollinger arrived. The mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

9:25 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1) (b) and (f), that we move into executive session to discuss personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Discussions during executive session were on annexation negotiations with Rexburg.

10:05 p.m. The executive session ended and the regular Council meeting reconvened.

MOTION ON ANNEXATION NEGOTIATIONS: It was moved by Councilmember Orme and seconded by Councilmember Deitz that we approve the “North Interchange Development Agreement” between the City of Rexburg and the City of Sugar City. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Meeting adjourned at 10:06 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk