

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, NOVEMBER 11, 2010

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Brian Hawkes, Planning & Zoning Commission; City Attorney William Forsberg; Todd S. Davis; Zachary Davis; and Don Rydalch.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on October 28, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Merrill to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$56,394.32. It was moved by Councilmember King and seconded by Councilmember Waddell to pay the current bills, together with all regular November bills that have not yet been received; motion carried.

**PLANNING & ZONING REPORT:** P&Z Chairman Brian Hawkes addressed the council.

**Recommendation on title 9 chapter 10 Home Business:** Brian presented P&Z's written recommendation as follows: "Some of the important features of the Home Business ordinance are: All businesses would require a city business license; more intrusive businesses would also require a special use permit; there is no limitation on the percentage of the floor space which the business may occupy; and the ordinance protects the quiet peaceful neighborhoods in the city. On November 4, 2010, a public hearing was held for the title 9, chapter 10, 'Home Business' ordinance. No one from the public presented any input for consideration at the public hearing. Considering the result of the public hearing and the need for a uniform home business ordinance for the city, the Planning and Zoning Commission recommends the passage of the Home Business ordinance by the city council."

The mayor entertained a motion to go into executive session.

## EXECUTIVE SESSION:

7:00 p.m. It was moved by Councilmember King and seconded by Councilmember Waddell, pursuant to Idaho Code 67-2345(f) to move into executive session to discuss impending litigation. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King, Merrill and Waddell

Those voting nay: None

Thereupon, the mayor declared the motion passed.

Discussion during the executive session was on impending litigation.

8:00 p.m. The executive session ended and the regular council meeting reconvened.

**DEPARTMENT REPORT:** Councilmember King asked to report on Madison County's East Parkway Corridor public hearing while City Attorney Bill Forsberg was present.

**Madison County's East Parkway Corridor public hearing:** Bruce reported six women confronted him after the Madison County public hearing on November 8 regarding the proposed route of the beltway. He suggested having a public informational meeting on the 18<sup>th</sup> of November. The mayor feels it is premature to take further action on the East Parkway Corridor or the beltway. We need to hear from the county first. After discussion, Bruce said he respects the wishes of the mayor and council. He requested that two documents he prepared be attached to these minutes as follows: Bruce's statement to mayor and council dated November 11, 2010, marked as "Attachment 1;" and his letter addressed to "Concerned Citizen" dated November 11, 2010, marked as "Attachment 2."

## **OLD FARM ESTATES DEVELOPMENT AGREEMENT:**

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember King to accept the Old Farm Estates Development Agreement dated November 11, 2010; motion carried.

**LETTER TO CONGRESSIONAL DELEGATION:** Based on the advice from Attorney Forsberg, Councilmember Waddell said he would support a motion to lay aside the motion that the council passed two weeks ago.

**MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris to rescind the motion of October 28, 2010, concerning signing a letter to Idaho's congressional delegation encouraging more effective opposition to ongoing runaway deficit spending by the federal government; motion carried.

**DISCUSSION/POSSIBLE DECISION ON P&Z RECOMMENDATION ON TITLE 9 CHAPTER 10 HOME BUSINESS:** It was the consensus of the council that the decision be delayed until the next city council meeting, which will be December 9, 2010. P&Z Chairman Brian Hawkes said P&Z has already held two public information meetings as well as a public hearing and encouraged the council to vote on their recommendation without another public hearing. He does not have a problem putting off the decision for a month.

**CHRISTMAS PARTY/DECEMBER 2 AT 6 P.M.:** The annual Christmas party is set for Thursday, December 2, at 6 p.m. at the Commons Room of the high school.

**MADISON COUNTY SEARCH AND RESCUE BUILDING:** Councilmember Harris reported that bids have gone out for the Madison County Search and Rescue Building, which they want to put in the business park. They don't have it approved by the city yet. The understanding was that this building would have offices/restrooms and a warehouse for search and rescue equipment. They have deleted the offices at this time and are requesting only the warehouse for the search and rescue equipment. P&Z Chairman Hawkes feels P&Z should review the business park protective covenants and the building plan. The mayor said if the county pursues the construction of this warehouse for search and rescue equipment, they need to be reminded of four things they are required to do: (1) apply for a building permit; (2) make a design review request; (3) apply for a special use permit; and (4) comply with business park protective covenants.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:**

**LHTAC grant:** Harold reported that he visited with Forsgren Associates who asked if we would like them to pursue a \$100,000 LHTAC grant to improve 7<sup>th</sup> East and perhaps install new signage in town. The council wondered if we could get this financial help and use it on 3<sup>rd</sup> South.

**COUNCILMEMBER KING:** No further report.

**COUNCILMEMBER MERRILL:** No report.

**COUNCILMEMBER WADDELL:**

**Tree lighting ceremony:** The annual tree lighting ceremony will be on Friday, December 3, at 6 p.m. in Heritage Park.

**MAYOR'S BUSINESS:**

**P&Z Replacements:** The mayor reported that the terms of P&Z Chairman Brian Hawkes and Commissioner Jesse Brown end December 31, 2010. He asked the council to make lists of names they would recommend as new P&Z commissioners at the next council meeting.

**MOTION TO AMEND AGENDA:** It was moved by Councilmember King and seconded by Councilmember Harris to amend the agenda to include the citizen complaint regarding the property at 202 West 3<sup>rd</sup> South, given an oversight of the council; motion carried.

**MOTION ON DON RYDALCH COMPLAINT:** It was moved by Councilmember Waddell and seconded by Councilmember King to authorize the mayor to appoint someone to draft a letter to the signatories of the Don Rydalch complaint dated August 23, 2010, regarding a suspected violation of zoning regulations at 202 West 3<sup>rd</sup> South, to include an opportunity to edit by all members of the city council and to be subject to review by the city attorney; motion carried.

Meeting adjourned at 9:15 p.m.

Signed: \_\_\_\_\_  
Glenn W. Dalling, Mayor

Attested: \_\_\_\_\_  
Sharon L. Bell, Clerk

November 11, 2010

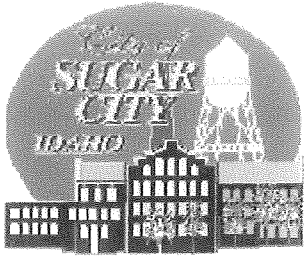
Statement to mayor and council on public hearing Monday:

After the public hearing on the East Parkway Corridor Monday in Rexburg, six concerned women surrounded me to express disapproval of the proposed route of the beltway. It was the closest thing I have experienced to entering a lion's den. I felt it was my responsibility to hear their objections and take their criticisms. Fortunately, KaraLee Ricks came to my rescue, helping moderate and even defending our good intentions as city leaders.

During the interaction, I stressed we initially proposed a route in the uninhabited area east of the route shown on our map but were shot down by environmental authorities. I also noted we were unsure whether we could hold a public hearing for people outside city limits.

Mayor and council, I propose that the next time the county asks us to weigh in on a matter affecting folks outside our city we request permission from our attorney to hold a public information meeting with them. We could perhaps obtain needed insight to help shape our thinking and even diffuse volatile situations.

Beyond that, I would support sending this letter:



City of Sugar City  
Post Office Box 56 --10 East Center  
Sugar City, Idaho 83448

Support our local businesses

Glenn W. Dalling, Mayor  
Sharon L. Bell, Clerk  
Marcie A. Smith, Treasurer

Phone: 356-7561  
Fax: 359-2654  
Office Hours: 9 a.m. to 4 p.m.

November 11, 2010

Dear Concerned Citizen:

When invited by the county to deliberate on the proposed East Parkway Corridor, we were uncertain whether we could invite opinion from folks outside city limits. We can see that we should have insisted on it and hope we can correct that error.

Madison County has informed us they will still take public input on the parkway and even a beltway, and we would like to revisit the issues. We invite you to a meeting at 7 p.m. Thursday, November 18, in Sugar City Hall to discuss them.

Please know that we initially proposed a route for a beltway in the uninhabited area east of the route shown on our map but were shot down by environmental authorities. Regardless, we stand ready to modify our recommendation if deemed best.

Please join us November 18 in Sugar City. Perhaps our meeting would be most productive if you brought maps showing routes you prefer.

Sincerely,

\_\_\_\_\_  
Glenn W. Dalling, mayor  
City of Sugar City, Idaho

\_\_\_\_\_  
Date

In behalf of the Sugar City Council:

Harold Harris  
Bruce King  
Lamont Merrill  
Vaun Waddell

cc: Madison County, Rexburg, and Sugar City Commissions and Councils; Todd Tuckett of Keller Associates; Bill Shaw of the Idaho Transportation Department; and William Forsberg of Forsberg Law Office