

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JANUARY 24, 2008

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; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes, Planning & Zoning; Kyra Davis, Standard Journal; Vaun Waddell; Sharee Palmer; Jan Gallup; and Bruce Bills.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on January 10, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept said minutes; motion carried.

**ORDINANCE NO. 272 (Zoning Districts):**

Councilmember Orme introduced Ordinance No. 272 entitled:

“AN ORDINANCE ADOPTING ZONING DISTRICTS ALONG WITH THE TYPES OF USES AND REQUIREMENTS FOR EACH ZONING DISTRICT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilmember Orme and seconded by Councilmember King 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, King, Orme and Merrill  
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 Orme and seconded by Councilmember Harris to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

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

Ordinance No. 272 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. 272 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 2008-1:** Councilmember King read Resolution 2008-1 pertaining to the Sugar City Gateway project. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember King to adopt Resolution 2008-1; motion carried. A copy of said resolution is attached hereto marked "Attachment 1."

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

**Upcoming Public Hearings:** Brian reported that P&Z voted to have four public hearings on February 7, 2008: (1) Business Park zone change; (2) title 9, chapter 13-4-C about the requirement for public hearing; (3) title 10, chapters 1-5, Subdivision; and (4) expanded impact area (Calaway and Harris properties). Discussion was had on the requirement to hold a public hearing on expanding the city's area of impact. In Idaho Code 67-6509(a) it says: "The planning and zoning commission shall conduct at least one public hearing." P&Z will then forward their recommendations to the City Council.

**Business Park:** P&Z talked about the business park in light of administrators being ready to make a preliminary plat application. They discussed variances needed for plat approval. P&Z didn't see anything that they weren't happy with. They discussed whether to have rolled or ribbon curbs. There was discussion on street names and then there will need to be variances on the length of some of the blocks and the length of the loop street.

**Toscano Preliminary Plat Application:** Dick Dyer represented the developer and presented their impact statement. P&Z discussed that and voted to allow them to submit their preliminary plat. The mayor thought a few items in the impact study were a little suspect that Dick Dyer may have suggested as solutions to problems, which may or may not be right. Brian reported P&Z asked them several questions about that, such as storm water runoff, the wastewater and also the fresh water supply. The mayor had concerns about the price per gallon of wastewater and the capacity of the trunk line. He assumes that P&Z will approve their preliminary plat, but not all the items listed in the impact study. Brian reported he thought the impact study was well thought out.

**Old Farm Estates – Discussion of Ideas:** Brian reported that P&Z discussed access into the subdivision and layout. Old Farm Estates presented ideas for fixing the intersection with 7<sup>th</sup> West and the highway. Hopefully they will come back with some ideas. P&Z is concerned about increased traffic on 3<sup>rd</sup> South. P&Z discussed preliminary items with them. The mayor reminded Brian to make it clear that the impact study is not binding on anyone. He expressed appreciation for the work that the P&Z Commission is doing for the city.

**REVIEW OF COUNCIL ASSIGNMENTS:** The mayor gave the council a few minutes to review their specific assignments.

**DISCUSSION ON PUBLIC HEARING FOR FIRE STATION PROPERTY:** The mayor reported he was under the impression that a public hearing was not necessary, so the property was transferred to the fire district. He said he was wrong and takes full responsibility for that, whatever results come from it. The council needs to talk about setting a public hearing. The mayor reported he had notified the fire department that finalizing the sale depends on what happens at the public hearing. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Harris to set a public hearing on February 14, 2008, at 6:30 p.m. concerning the proposed sale of Sugar City property to the Madison Fire Protection District; motion carried.

**COST OF PUBLIC HEARINGS:** Councilmember King expressed a desire to know the cost of

public hearings. He asked that Marcie review these costs and report on them.

**HARRIS ANNEXATION:** The mayor reported the first step is to get the Harris property in the impact area, and that is what we are doing now. He said the property description is in the hands of Craig Rindlisbacher of Madison County GIS. We can't do anything with the annexation until the impact area is established.

**DEPARTMENT REPORTS – SUMMER PLANS:**

**COUNCILMEMBER HARRIS:** Harold reported he has plans for the summer and will present them to the council at the next meeting.

**COUNCILMEMBER ORME:**

**Development Impact Fee Ad Hoc Advisory Committee:** Brad discussed the possibility of forming a development impact fee advisory committee as outlined in Idaho Code 67-8205. It shall be composed of not fewer than five members appointed by the governing authority. Two or more members shall be active in the business of development, building or real estate. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee, if the commission includes two or more members who are active in the business of development, building or real estate; otherwise, two such members who are not employees or officials of a governmental entity shall be appointed to the committee. The mayor suggested several names for the committee, and Councilmembers King and Orme will give the mayor some recommendations. Councilmember King said he would talk to Brian Hawkes and see if any of the Planning and Zoning Commissioners would like to serve. The mayor suggested that we follow the counsel of Attorney Garner and have Richard Horner come to our council meeting to make a presentation on impact fees. The mayor and Brad Orme were assigned to appoint an ad hoc committee to evaluate our present water and sewer impact fees and to recommend additional impact fees they feel are essential.

**COUNCILMEMBER MERRILL:**

**Cleaning and Videotaping Sewer Lines:** Lamont discussed cleaning the sewer lines and videotaping them. He will talk with Walter Deitz and check on what has been done and what needs to be done. The mayor reported there is money in the budget to do some of these things. He suggested Lamont look into improving the water tower. Lamont reported he reviewed the pumps with Johnnie Luthy and Dick Dyer, but he doesn't have anything to present. He said Walter feels we are in good shape and Dick says one of the pumps needs to be rebuilt. He will visit again with Walter.

**COUNCILMEMBER KING:**

**Fee Charged by Sterling Codifiers to Host the Sugar City Code Online:** Bruce reported that Sterling Codifiers initially said the company would charge \$100 per year as a maintenance fee for hosting our code online. But the company recently billed us \$500 for 2008. He contacted Rob Rollins of Sterling Codifiers, who said that the bill came to us in error and that he will send a new invoice. The annual fee will be \$100 as originally agreed upon.

**Provision on Bonds in Title 1:** Bruce reported he wanted to ask the attorney if we need the bonding provision for the clerk and treasurer included in title 1.

**MAYOR'S BUSINESS:**

**Business Park:** The mayor reported that, assuming P&Z approves the Business Park zone change on February 7, 2008, and assuming the attorney says it is legal, we will have a special city council meeting that night to consider approving their recommendation. He asked the council

if they would be willing to come that night and said he would verify the time after we check to see if it is legal.

**Memorandum of Agreement:** The mayor presented copies of the Memorandum of Agreement (current version of 1/16/08) and asked the council to review it and then provide comments, if any.

**Property Management Agreement:** The mayor presented copies of the Property Management Agreement prepared by Madison Economic Partners Incorporated, which is a proposal for management of the business park and for selling individual properties. The agreement must be approved by us, Madison County and The Development Company. Mayor Dalling asked the council to review it and provide comments to him. He has a meeting with the parties on Wednesday, January 30, and would appreciate council comments by then. He said Madison Economic Partners would like the proposed 7% commission to include the fees of any real estate agents involved. The Development Company wants Madison County and Sugar City to pay \$6,000 a year, then the real estate people would receive 6% commissions.

**Bike Path:** At the mayor's request, Bruce reported that Design Engineer Dave Walrath of the Idaho Transportation Department received a package from Keller, but Bruce hasn't had a chance to learn its contents. He will check with Mr. Walrath.

**Madison County Joint Planning:** The mayor reported there is a meeting on January 31, 2008, with Laura Hanson of Cooper Roberts Simonsen Associates on joint planning between Madison County, Rexburg and Sugar City. She wants to have a special meeting with the council to cover what has been done and to make us feel like we are involved. Sharon was asked to set a special city council meeting for January 31, 2008, at 6:30 p.m., and to invite the P&Z Commission.

**Extra Office Help:** The mayor said he has been working on hiring a part-time receptionist. Janette Clark is willing to come in on Friday afternoons to help Sharon. He also talked with Gary Liekness, Rexburg's Planning and Zoning administrator, about providing part-time professional services, but he hasn't received back any reply.

**City Attorney:** The mayor reported he talked with Attorney Josh Garner about working additional time. He proposed that Josh come to all four meetings each month. Attorney Garner said he would think it over.

**Back End of City Hall:** The mayor feels we need to look at developing a plan for the back (south side) of city hall. We need a fireproof vault and additional office space. Harold said he would take measurements and request input about priorities.

**Budget for Repair and Replacement of Capital Assets:** The Mayor reported he and Marcie are working on a budget for repair and replacement of capital assets. Some city equipment is growing old.

**State of the City:** The mayor presented copies of the State of the City report and asked the council to review it. He feels we have a lot of good things going.

Meeting adjourned at 8:25 p.m.

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

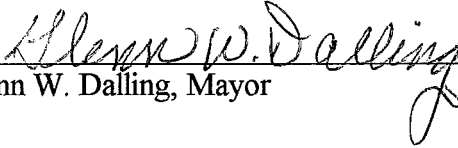
Attested: \_\_\_\_\_  
Sharon L. Bell, Clerk

**RESOLUTION 2008-1**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE  
CITY OF SUGAR CITY, IDAHO, THAT:**

The City will support with matching funds and maintenance requirements related to the City's application for a Transportation Enhancement Program through the Idaho Transportation Department, known as the "Sugar City Gateway."

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND  
MAYOR THIS 24<sup>TH</sup> DAY OF JANUARY 2008.

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

ATTEST:

  
\_\_\_\_\_  
Sharon L. Bell, City Clerk

(SEAL)