

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MAY 14, 2015

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

Present: Mayor Lamont Merrill; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Burch Drake (excused around 8 p.m.), Bruce Arnell (joined the meeting around 8 p.m.) and Matt Garner. City Attorney Bill Forsberg, Chairman Dave Ogden of the Planning and Zoning Commission was excused; David Caleb Despain of the *Standard Journal*, Citizens Shelby Despain, Jill McElligott, Logan Jones, JoAnn Clark, Sarah Webster, and Fibercom Vice President Vince Calkins.

Mayor Merrill asked if there were any corrections to the minutes of the regular meeting held on April 23, 2015. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Garner and seconded by Councilman King to accept the minutes; motion carried.

RECONCILIATION REPORTS: Wendy presented the April reconciliation reports for the General Fund. It was moved by Councilman King and seconded by Councilman Drake to accept the April reconciliation reports for the General Fund; motion carried. Wendy presented the April reconciliation reports for the Utility Fund. It was moved by Councilman Drake and seconded by Councilman Garner to accept the April reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$49,315.83. It was moved by Councilman King and seconded by Councilman Drake to pay the current bills, together with all regular May bills; motion carried.

PLANNING & ZONING COMMISSION REPORT: Councilman King reported for Planning and Zoning Commission Chairman Dave Ogden, who was excused. The commission meets faithfully and regularly each month.

Comprehensive Plan: A public hearing on the proposed Comprehensive Plan revisions is scheduled for June.

Ordinance No. 307: Commissioner Brent Barrus attended the Madison County Planning and Zoning Commission public hearing meeting on April 23, 2015, to consider Ordinance #307. The commission voted to recommend the ordinance to the Madison County Commissioners. Sugar City has been interested in the adoption of the ordinance for the past several months.

ESTABLISH A HISTORIC PRESERVATION COMMISSION: The council agreed that re-establishing a historic preservation commission to help set up a museum in Sugar City is a good idea. Several artifacts have been donated and several photos exist, which would lend themselves to a museum. Harold Harris has offered a place to house the museum to begin. The council asked that Councilman Drake follow up with a list of names of citizens who could serve on the commission. City Code Title 1, Chapter 12, "Historic Preservation," will be used to guide the commission reorganization.

MOTION TO AMEND AGENDA: The council agreed to amend the agenda to allow Fibercom's Vice President Vince Calkins to address the City Council, since the item was inadvertently left off

the agenda.

MOTION: It was moved by Councilman Drake and seconded by Councilman King to amend the agenda to add Vince Calkins; motion carried.

FYBERCOM WIRELESS INTERNET - ADDITION TO CITY WATER TOWER: Mr. Calkins addressed the council and introduced Fibercom, which is a new high-speed Internet service out of Idaho Falls/Ammon. The company is just over one year old and is working with the Madison County Sheriff's Office to upgrade their Internet service. Mr. Calkins asked the council for permission to attach to the city's water tower a "repeater" for their signal. City residents would be given an option of buying the service, and Sugar City Hall would be given Internet services free of charge.

BELTRAN AND ALLEYWAY: Citizen Deicy Beltran approached the city about buying the alleyway behind her property. A prior city administration several years past had vacated a part of the alleyway to close neighbors. However, it appears that this was not in the best long-range interest of the city. Although the city retains the easement, landscaping and fences cause the city great difficulty in serving city services in the area. The council decided to assign City Attorney Bill Forsberg to make a recommendation to the city on resolving any further questions or conflicts about city alleyways in general.

OUTSTANDING CITIZEN AWARD: Councilman Drake excused 8 p.m. No report.

ADDITIONAL PLAYGROUND EQUIPMENT FOR MAYORS' PARK: The council discussed adding a merry-go-round and swing set to Mayors' Park. Currently, Heritage and Neibaur Parks are well used and mostly booked through the season. Mayors' Park is underutilized but could be an attractive area for reunions and gatherings if a couple of pieces of playground equipment were added. The ground for the playground could be prepared as an Eagle Scout project. The sprinkler lines pose no problem, if they need to be moved.

MOTION: It was moved by Councilman Garner and seconded by Councilman King to purchase the playground equipment within the current fiscal year for Mayors' Park and for not more than \$10,000; motion carried.

CODE ENFORCEMENT: The council discussed the importance of using care when passing city ordinances, considering enforcement requirements. Effective local government must act wisely to serve the public interest. It likely is better not to have an ordinance than to have an ordinance and not enforce it. When enforced, compliance grows and vice versa. Costs perhaps may be cut by using code enforcement officers to issue citations. The council will continue this discussion at the next meeting.

DEPARTMENT REPORTS:

COUNCILMAN KING: No report.

Part-time Dog Catcher: Find what it costs to hire a part-time dog/animal catcher.

COUNCILMAN DRAKE: Excused, no report

COUNCILMAN ARNELL:

Water Shortage Meetings: Water and water rights have become a critical topic lately with the drought. Parts of Idaho have already received "calls" to reduce their use of water in order to meet the demands of more senior water rights, which take precedence over later rights. 95% of water rights belong to agricultural users. Municipalities are not protected from "calls" or demands to divert water elsewhere. City parks may have less available water. More information will be reported in our next council meeting.

COUNCILMAN GARNER:

Teton Dam Marathon: The marathon is scheduled for Saturday, June 13, 2015. A committee of

five volunteers is needed to man a rest station for the runners. The city will provide fruit and drinks for the runners. Volunteers will receive a free T-shirt. The Tree and Beautification Committee will also help.

MAYOR'S BUSINESS:

Mayor Merrill:

ADA Sidewalk Ramps: The city has applied for a grant for up to \$60,000 to replace corners at 13 intersections on Center Street.

GIS Flyover: Manholes were painted throughout the city to mark meters and sewer accesses for mapping, which will be done by a flyover photo shoot.

City Complaints: Citizens have been asked to fill out a form at city hall to register complaints.

Old Bridge: River Bend Ranch is responsible for arrangements with Madison County to allow sewer and water pipes to be hooked to the bridge instead of boring below the river bed.

EXECUTIVE SESSION:

9:50 p.m. It was moved by Councilman King and seconded by Councilman Garner, pursuant to Idaho Code 67-2345 (1)(d), to consider records that are exempt from disclosure, and pursuant to Idaho Code 67-2345 (1)(f), to discuss potential litigation, that we move into executive session. The mayor called for a roll call vote:

Those voting aye: Councilman King, Councilman Arnell, and Councilman Garner

Those voting nay: None

Thereupon the mayor declared the motion passed.

10:10 p.m. The executive session ended and the regular council meeting reconvened. No decisions were made and there was no deliberation.

CONSIDERATION AND RE-ADOPTION OF ORDINANCE 305: Ordinance No. 305 was challenged by Attorneys Blaser, Oleson, & Lloyd of Blackfoot representing Bob Moon. The council considered the alleged omissions and determined to reenact the ordinance and to correct the errors in its adoption so as to avoid any future technical challenge to its passage.

It was moved by Councilman King and seconded by Councilman Garner to waive the reading of the ordinance on three different days and in full and read it only once by title only prior to its final passage. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilman Arnell, Councilman Garner, and Councilman King

Those voting nay: None

Thereupon, the mayor declared that the motion to suspend reading the proposed ordinance on three different days and to read the proposed ordinance by title only once, having been approved by three members of the full council, duly carried.

Ordinance 305 was read by Councilman Bruce King by title only.

It was moved by Councilman Arnell and seconded by Councilman Garner to re-adopt said ordinance with the corrections. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilman Arnell, Councilman Garner, and Councilman King

Those voting nay: None

Ordinance No. 305 was thereupon declared by the mayor to have been duly passed by a majority of the council, and the clerk was instructed to publish said Ordinance No. 305 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.

Meeting adjourned at 10:20 p.m.

Signed: W. Lamont Merrill
W. Lamont Merrill, Mayor

Attested: Wendy McLaughlin
Wendy McLaughlin, Clerk-Treasurer