

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 23, 2007

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Walter Deitz; Kyra Davis, Standard Journal; Vaun Waddell; and Ryan Lerwill. Councilmember Brad Orme was excused.

PUBLIC HEARING (PROPOSED BUDGET 2007-2008): The mayor welcomed everyone and brought the hearing to order. Treasurer Marcie Smith reviewed the general fund and the utility fund budget items. Mayor Dalling called first for those who wanted to testify in favor of approving the proposed budget 2007-2008. No one testified in favor. He then called for those who wanted to testify as being neutral. Comment was made as follows:

VAUN WADDELL, 275 E. Appaloosa. He encouraged an appropriation to paint the water tower.

Mayor Dalling called for those who wanted to testify against approving the 2007-2008 budget. No one testified against.

7:00 p.m. The public hearing ended and the Council resumed their regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Walter Deitz; Kyra Davis, Standard Journal; Vaun Waddell; Ryan Lerwill; Melvin Rudd; Verla Moss; and Terry Mortensen.

ADOPT 2007-2008 BUDGET: It was moved by Councilmember Harris and seconded by Councilmember King to adopt the 2007-2008 budget, as corrected; motion carried.

The mayor asked if there were any corrections to the minutes of the regular meeting held August 9, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Deitz and seconded by Councilmember King to accept said minutes; motion carried.

PLANNING & ZONING REPORT: Stephanie Blackham addressed the council.

Tuscano Zone Change: P&Z has scheduled the zone change public hearing for Thursday, September 6, 2007 at 7:05 p.m.

Subcommittee Reports: The subcommittee will have drafts ready to come to P&Z on zoning, subdivision, design review, and possibly definitions. Hopefully they will be ready for

public hearings in October.

RAYO BUDGE & DON RYDALCH: Rayo Budge, of the Tree & Beautification Committee, and Don Rydalch, the city's grant writer, addressed the council.

Proposed West Entrance Grant Application: Mr. Budge discussed the following: request for city council approval of a CTE \$30,000 grant application; the city has a 10% part in the grant; he has discussed the project with Tom Cole of the Idaho Transportation Department; the committee needs approval to commission a landscape expert to draw up plans for the project, which plans must go in with the grant application and will cost the city \$200 to \$300; the application is due by September 21, 2007; he presented a drawing for the proposed project; they are looking at trees, shrubs and flowers that use little water; the landscaping will include a watering system; and the project will include a welcome sign. Mr. Rydalch reported the city will need to pay the \$200 to \$300 up front, and that the grant will not have an automatic approval.

MOTION: It was moved by Councilmember Deitz and seconded by Councilmember Harris that we authorize the beautification committee to continue pursuing a grant application for the west entrance; motion carried.

DON RYDALCH: Don Rydalch addressed the council.

Proposed Grant on the Grain Silo Project: Mr. Rydalch presented information on a potential grant for the west entry grain silo and adjacent area. A copy of said information is attached hereto, marked "Attachment 1." The mayor said we will put the item on the agenda for a decision on September 13.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Road patching and storm drains: Harold reported he signed approval for contracts to put new curb and gutter in. He also approved the contract for three storm drains. The contractors have agreed to do it as fast as they can get to it. Harold assigned the employees to take care of some patching of streets.

Business Park: Harold and Walter have approved the contract with the engineer on the business park.

COUNCILMEMBER DEITZ:

Title 7, Water and Sewer: Walter reported we are not ready with the engineer to proceed forward on Title 7 and to see if it meets all the legal requirements with the state. He anticipates having it ready for the council meeting on September 13.

Road through Sun River Lake Estates: Walter expressed concern about Highway 33 from the overpass to 1000 East which runs through Sun River Lake Estates (now Tuscano property) and whose responsibility it was to pay for the asphalt application that the county did on the road in 2003 and the triple chip seal in 2007. Sharon reviewed the minutes and found the following: January 9, 2003 minutes stated: "Councilmember Deitz said after the project was shut down, as a city we paid to build the street from the overpass on Highway 33 down to 1000 East, and wondered if we would be reimbursed for that. Mr. Davis said he was told as part of the deal with the state for giving them nine acres to put the two overpasses in that they were going to pay to asphalt that all the way across. He will see if he has a written record of it. He said the state said if he would give them nine acres for the two overpasses, they would run the four-lane asphalt road all the way across – that's when Mr. Davis said he'll have the

commercial on both sides. The mayor asked for a copy of that document. He said the county did the blacktop road for less than \$6,000. Mr. Davis said he will make sure the City is paid for it.” October 9, 2003 minutes stated: “It was moved by Councilmember Deitz and seconded by Councilmember Barrus that we include in the development agreement that the city will be reimbursed for its costs (\$5,400) for improving the street in the development; motion carried.”

Walter reported that Tom Cole of the Idaho Transportation Department said they never had to take any of Sun River Lake Estates’ property. There is a conflict between what Mr. Davis said and what the state said. He would like to present this matter to Planning & Zoning to see if we can get some money back from Tuscano by including it in a development agreement. The mayor assigned Walter to present the matter to P&Z.

COUNCILMEMBER KING:

Response to Sharee Palmer’s concerns on Title 8: After discussion, Bruce recommended we add the following sentence of clarification to City Code 8-3-7B: “Variances shall not be granted if deemed harmful to the health and welfare of residents or to the visual environment of the city.” The mayor assigned Bruce to check with Sterling Codifiers about why severability, variance and appeal was placed at the back of title 8, chapter 3. The mayor assigned Bruce to present the matter to Planning & Zoning for comment.

Wireless Telecommunications Ordinance: Bruce reported on the letter received from Sterling Codifiers that our new Title 8 has a discrepancy in it when compared with title 9. He suggested we add one sentence at the end of 8-3-7G Height: “Heights of PWSF equipment are outside the jurisdiction of title 9 and need not meet the requirements of section 9-6-6A.” There is some language in title 8 that says this title does not fall under title 9. Bruce feels Planning & Zoning would have a view on how to address this concern and asked permission to send a copy of the letter from Sterling Codifiers to them. Mr. King was so assigned.

Title 1, Administration: Bruce reported he is going chapter by chapter through title 1 and is making progress. He contacted AIC attorney Jerry Mason on extraterritorial duties of mayor, who suggested we only have one sentence: “The mayor shall have such extraterritorial powers over persons, places and activities located outside the city as provided by Idaho law.” The council supported Jerry’s recommendation.

Web site: A discussion was had about purchasing a shorter Web address.

MOTION: It was moved by Councilmember King and seconded by Councilmember Deitz that we approve “sugarcityidaho.gov” as the official domain name for Sugar City’s Web site; motion carried.

P&Z minutes online: Bruce complimented Sharon for her work on the Sugar City Web site and for placing the city council minutes on the site. He requested that we begin adding Planning & Zoning’s minutes to the Web site also. The mayor assigned Bruce to check on whether the city can publish the P&Z minutes as well as the council’s minutes.

Plain Talk: Bruce reported he attended a conference in Seattle dealing with transportation issues. One of the classes he attended was on “plain talk.” There are four states that have adopted plain talk initiatives to require that all government documents be written and designed so that they can be easily understood.

MAYOR’S BUSINESS:

Bike Path: Mayor Dalling reported he talked with Richard Horner of the City of Rexburg about being an equal partner and sharing in the extra expense on the bike path, but he hasn’t heard back from them.

Madison County Fire Substation: The Mayor reported that they want the piece of ground on the north end of the grain silo for the substation. It has been appraised at \$45,000. The mayor tried to encourage them to take a less valuable piece of property, but they are adamant about this piece of property and feel good about paying the appraised price.

The Mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

9:20 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 and King

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Discussions during executive session were on annexation negotiations and personnel.

9:35 p.m. The executive session ended and the regular Council meeting adjourned.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk