

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, MARCH 12, 2009

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

Present: Mayor Dalling; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, and Lamont Merrill; Brian Hawkes, Planning & Zoning; Jesse Brown; and Terry Mortensen. Councilmember Brad Orme and City Clerk Sharon L. Bell were excused. In the absence of the city clerk, Treasurer Marcie A. Smith took minutes.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on February 26, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Merrill and seconded by Councilmember King to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$113,584.37. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, with an amount change from \$51,556.80 to \$56,062.49 to Edstrom Construction on the Business Park, together with all regular March bills that have not yet been received; motion carried.

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

**Report on meeting with Bill Forsberg:** Brian reported that the meeting with Attorney Forsberg was highly beneficial.

**Consider rewriting Titles 9 and 10 using model ordinances:** Mr. Forsberg suggested that P&Z see if they could plug city information into the model ordinances of title 9 and 10 because they are clean ordinances.

**Training meeting in Pocatello:** Brian reported that the meeting in Pocatello sponsored by the Association of Idaho Cities (AIC) was very valuable. The meeting, which included discussion about formats of public hearings, provided a meaningful review of the two types of public hearings, which are legislative and judicial. A public hearing is not the place for debate but for information gathering and for clarification. A public hearing can be reopened to ask clarification questions and then be closed again. Formats for these two types of hearings were shared.

**DISCUSSION/POSSIBLE DECISION ON DOOR-TO-DOOR SALES ORDINANCES:**

The memo received from Attorney Forsberg dated 3-11-09 was read. It is the attorney's opinion that the city has two choices: ban door-to-door sales (as Ordinance #151 does) or regulate them through Ordinance #179 and Resolution 1997-3. A discussion of what constitutes "invited" was had. Councilmember King feels we could revise Ordinance #151 to allow local residents to sell food door to door. The mayor will ask Attorney Forsberg to work out the language.

**THE BRIDGE ON 1000 E./7<sup>TH</sup> WEST (NORTH FORK OF TETON RIVER), REPORT ON MEETING WITH MADISON COUNTY COMMISSIONERS:** The mayor reported that this bridge was actually in the city (due to the Sun River Estates/Toscano annexation) when the county applied for the grant. The bridge has been in the city for eight years. Both the city attorney and the county attorney say that the county can proceed with installing the bridge. They just need the city to authorize it. Attorney Forsberg said to remind the county commissioners that most of the traffic over the bridge is county traffic. Councilmember Harris reported that he had reviewed the project cost summary sheet for alternate 1 and 2 on the bridge and Keller Associates has \$223,000 in preliminary engineering fees, plus an additional construction engineer and contingency fee of \$110,000. These fees seem exorbitant. Councilmember Merrill is unhappy with Keller's service, pricing and fees, as is Councilmember King. Attorney Forsberg says the bridge can be paid by both entities or by one or the other. The mayor feels that since the county applied for the grant fully aware of the match to be paid, they had a plan to do so and should follow through. The city has not had a plan regarding this match requirement and is not in a position to provide the match. It was the consensus of the council to urge county officials to follow through and complete the project as previously planned.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:** Harold reported that he is serving as chairman of the Transportation Advisory Committee for the Forsgren transportation study. He is anxious that letters go out inviting seven committee members to work together as representatives of the county, city, P&Z commission, Idaho Department of Transportation, and school district.

**COUNCILMEMBER ORME:** The mayor asked for an item to be included in the next council agenda for Brad to lead a discussion on the Community Breakfast Committee.

**COUNCILMEMBER KING:**

**Comprehensive Plan Transportation and Land Use Maps:** At the request of the Planning and Zoning Commission, Bruce proposed that the council set a public hearing on the transportation and land use maps, without waiting for concurrent modifications to the text of the comprehensive plan. He reminded the council that he called Michael Ball in Texas to inform him of the proposed land use map and Mr. Ball had no objection to it. In further thinking about the land use map, Bruce believes we need not contact all citizens who own property along Center Street and along Idaho 33 of city plans for commercial development along these routes, this being an obvious use. The mayor said again that he feels the city should wait until the traffic study is complete to approve the transportation map. P&Z Chair Brian Hawkes stated that the absence of these two maps is holding up the comprehensive plan, which requires them, and that the city can update the maps again at a later date once the traffic study is finished.

**MOTION TO SET PUBLIC HEARING ON COMPREHENSIVE PLAN TRANSPORTATION AND LAND USE MAPS:** It was moved by Councilmember King and seconded by Councilmember Harris to set a public hearing on the proposed comprehensive plan land use and transportation maps for Thursday, April 9, 2009, at 6:30 p.m.; motion carried.

**Proposed moratorium on approving windmills:** Discussion was had.

**MOTION TO PLACE A MORATORIUM ON APPROVING WINDMILLS:** It was moved by Councilmember King and seconded by Councilmember Merrill to place a moratorium on approving power-generating windmills until a windmill ordinance has been considered; motion carried.

**COUNCILMEMBER MERRILL:** Lamont reported that employees of Inland Marine Inc. will be in Sugar City in April to inspect the city water tank.

**Grand Teton Business Park and Storage:** Lamont asked Marcie to bill Grand Teton Business Park and Storage for their sewer treatment bill, since they have occupied the facility since December 1, 2008. The city needs to review the charges for this business's office sewer bills.

**Local Emergency Preparedness Committee:** Lamont said he attended the emergency preparedness meeting. The focus was on Sugar City, because it is on the upper end of the Teton River where there is the greatest potential for flooding. The next meeting of LEPC (Local Emergency Preparedness Committee) will be on April 1, 2009. He is impressed with the meetings and feels they are valuable. The mayor thanked him for accepting the assignment to serve in behalf of the city.

#### **MAYOR'S BUSINESS:**

**Sale of Business Park Lots:** In the council handouts was a memo from Attorney Forsberg regarding the sale of business and industrial park property. The mayor called attention to highlighted paragraphs on pages 3 and 4. He requested that a resolution be prepared for the April 9 meeting to sell off the lots. It was the consensus of the council to support the request. Sharon received the assignment to ask Attorney Forsberg to draft this resolution.

**Grain Elevator:** The mayor said Edstrom Construction agreed to give him a bid to demolish the grain elevator, which he hopes to have available for the council meeting on April 9. The mayor asked Harold to have his proposal ready for this meeting, too.

**Stimulus Package:** Bruce reported that the Idaho Transportation Department still plans to resurface Idaho 33 between Rexburg and Sugar City sometime this year. The ridge along Center Street north of Front Street also is to be removed. Bruce was assigned to find out if the city needs to send a letter to the governor about this and if these projects are still scheduled to be completed after all the funding cuts.

Meeting adjourned at 8:34 p.m.

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

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