

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JULY 14, 2011

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Christine (Sam) Lines, Planning & Zoning Commission; Dave Tuthill, Stan Clark and Ernie Carlson, Idaho Water Engineering (Upper Snake Mitigation Solutions); and Randy Johnson, Forsgren Associates.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on June 23, 2011, and the minutes of the special meeting held on June 27, 2011. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Harris to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$148,771.83. It was moved by Councilmember King and seconded by Councilmember Waddell to pay the current bills, together with all regular June bills that have not yet been received; motion carried.

**BUDGET SUMMARY:** Marcie presented copies of the working budget. She asked the councilmembers to call her if they have questions. The mayor asked them to study it for next meeting. Marcie reminded the council of the following budget dates for the 2012 budget: July 28 review proposed budget; August 11, adopt tentative budget; August 25, 6:30 p.m. budget hearing and adopt 2012 budget; and September 8, adopt appropriations ordinance.

**PLANNING & ZONING REPORT:** P&Z Chairman Christine (Sam) Lines addressed the council:

**Approval of Wayne Tillery's gunsmith home business license and subsequent notification to Jeff Hopkins, ATF-Boise:** Sam reported that on June 22 Jeff Hopkins of ATF (Alcohol, Tobacco, Firearms & Explosives) called her about a registration for a gunsmith permit for Wayne Tillery. P&Z discussed Mr. Tillery's gunsmith home business license application. It met all of the standards in Sugar City, so P&Z approved it. Sharon will notify Mr. Hopkins.

**Cancellation of 4 August P&Z meeting:** P&Z cancelled their August 4<sup>th</sup> meeting.

**Discussion on impact area agreement with Madison County:** P&Z has started talking to Madison County about matching names and designations of zoning districts in the impact area.

**Appointment of three-man team for zone district matching:** A three-man team needs to be appointed for zone district matching – three from the county P&Z, three from the Rexburg P&Z, and three from the Sugar City P&Z. Tom Fleming has been appointed as spokesman, along with David Ogden and Steve Hawkes, to represent Sugar City.

**Correction of Ole's zone designation:** Sam reported that when Bryan Harris applied for a sign permit for Ole's, he indicated the wrong zone designation. The correct designation is downtown commercial.

**Revision of 9-8B-3 to correspond to Comprehensive Plan:** P&Z is working to strengthen the 9-8B-3 land use schedule in the impact area. No one questioned the fact that we should disallow gravel pits. They looked at the entire land use schedule.

**UPPER SNAKE MITIGATION SOLUTIONS (Dave Tuthill) FINAL REPORT:** Mr. Tuthill addressed the council. Accompanying him were Stan Clark and Ernie Carlson of Idaho Water Engineering, LLC. He presented copies of a booklet entitled, "Water Permit Mitigation and Future Needs Options for the City of Sugar City." Mr. Tuthill explained that the city contracted with Upper snake Mitigation Solutions to determine options for moving forward to secure a water right permit for municipal purposes. Discussion was had on the reports contained in the booklet: (1) introduction; (2) GIS depiction of service area; (3) water rights from ground water; (4) Island Park storage administered by Fremont-Madison Irrigation District; (5) Idaho Code Section 42-228; (6) 1996 Municipal Water Rights Act; (7) evapotranspiration; (8) mitigation through recharge; (9) options: [option 1, acquiring water rights; option 2, utilize canal shares; option 3, new application for permit; option 4, postpone mitigation]; and (10) summary recommendations/considerations. Mr. Tuthill said they consider Sugar City to be a preferred client and they hope to work with the city again. He recommended that the city sit tight for a while and see what happens with the irrigation districts downstream when they look at their opportunities for recharge.

**DECISION ON P&Z'S APPROVAL ON WAYNE TILLERY'S HOME BUSINESS LICENSE:** The council concurred with P&Z's decision to approve Wayne Tillery's gunsmithing home business license.

**DISCUSS STATE-LOCAL AGREEMENT ON HIGHWAY MAINTENANCE:** Discussion was had on who would maintain Highway 33 from Horkley's to the city limits. Councilmember King said the Idaho Transportation Department owns the highway and will maintain it.

**MOTION TO ACCEPT AGREEMENT:** It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept the Cooperative Agreement for Maintenance of State Highways Idaho 33 and U.S. 20, with the understanding that the section of road between Horkley's Corner and the Sugar City boundary will be maintained by the Idaho Transportation Department; motion carried.

**DISCUSS OVERCROWDING AT DELMAR CONDOS:** The mayor reported it was brought to the city's attention that a large group of men is living in one of the apartments at DelMar Condos, which is against the city code. A letter was written today to The DelMar Condominium Association asking them to correct the problem as quickly as possible.

## DEPARTMENT REPORTS:

### **COUNCILMEMBER HARRIS:**

**7<sup>th</sup> East project/Forsgren Associates:** Harold reported that he has no further information on the 7<sup>th</sup> East (Digger Drive) project. Marcie said it is not authorized in the budget to do the project now and that we have already spent \$38,000 in next year's budget on Ricks Landon. Forsgren Associates has already expended money on the 7<sup>th</sup> East project and no engineering fees can come out of the \$100,000 grant money. Randy Johnson was asked to put together Forsgren Associates' costs and an estimated overview of what the \$100,000 can do for the city.

### **COUNCILMEMBER KING:**

**Proposed peddlers ordinance:** Bruce presented a proposed peddler ordinance resulting from the council discussion of two weeks ago on the council's decision to ban peddling in Sugar City. Attorney Forsberg reviewed and approved it. The ordinance rescinds all ordinances and resolutions in conflict therewith. The council was asked to review said proposed ordinance and to consider passing it at the next meeting.

### **COUNCILMEMBER MERRILL:**

**LEPC meeting:** Lamont reported that a discussion was had about mosquitoes, sandbags, and ticks. He said a lot of people have been affected. The city needs to do all it can to encourage water safety and be alert to terrorists. We need to have a safety plan and review it. The mayor asked Lamont to check out the possibility of getting a radio for safety purposes for the city.

### **COUNCILMEMBER WADDELL:**

**Update on park signs:** Vaun reported talking with Kevin Fogle, who is willing and available to do the stone work on the park signs. The stonework for the four signs will cost approximately \$1,815. Harold Harris ordered the metal framework and the cement tops. It may cost \$200 to make the cast for the cement tops.

**Community breakfast:** Vaun reported that the breakfast would be as anticipated based on past experience, with one significant issue. Jason Grover of Stone's Town and Country Motors made a proposal to sponsor the breakfast: (1) they will pay for the groceries up to \$1,000; (2) Stone's is willing to provide six people to help cook the breakfast (Vaun wants to retain the supervisors from his people who are Sugar City residents); (3) Stone's would like to display up to eight vehicles in the park during the breakfast (if the city accepts this proposal, we should designate where to park the cars); (4) the city will be responsible for all of the cleanup, etc. Vaun said if we decide to go ahead, he will ask Jason to bring a small number of cars and ask him not to put up any flags or banners and to keep it low key.

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember Harris to accept Stone's proposal relative to the Pioneer Day Community Breakfast, according to the conditions that we have discussed tonight; Councilmember King opposed; motion carried.

## MAYOR'S BUSINESS:

**Moose Creek – putting cabin on lot in Business Park for advertising:** The mayor reported that Moose Creek Cabins has selected another site for their business because they needed a minimum of four acres. They would like to set one of their cabins on the west side of the Business Park for \$250 per month. There would be a sign on the building.

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember Merrill to empower Mayor Dalling to negotiate with Moose Creek Cabins on a

lot at the Business Park; motion carried.

**23<sup>rd</sup> of July Parade – St. Anthony:** The mayor reported receiving an invitation to be in the parade in St. Anthony on July 23<sup>rd</sup>. He will check on using a fire engine and will let the council know. It was the consensus of the council to participate in the parade.

**MOTION TO AMEND THE AGENDA:** It was moved by Councilmember Waddell and seconded by Councilmember Merrill to amend the agenda to change the purpose of the executive session from Idaho Code 67-2345(1)(a) and (b) (personnel matters) to Idaho Code 67-2345(1)(d) (records exempt from public disclosure); motion carried.

The mayor entertained a motion to go into executive session.

**EXECUTIVE SESSION:**

9:30 p.m. It was moved by Councilmember King and seconded by Councilmember Waddell pursuant to Idaho Code 67-2345(1)(d) to move into executive session to discuss records exempt from public disclosure. 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.

9:50 p.m. The executive session ended and the regular council meeting adjourned.

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

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