

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, APRIL 12, 2007

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Joette Lookabaugh, City Attorney; Stephanie Blackham, Planning & Zoning Commission; Dick Dyer, City Engineer; Ted Hendricks and Heath Price, The Development Company; Jan Gallup; Tom Gallup; Holly Harrison, Ganene Harris, Nicole Malstrom; Kerry Moser; Vaun Waddell; Steve Lookabaugh; R. Barry King; Matthew King; Eddie Pincock; Sharla Pincock; Sharee Palmer; Kate Mills; Dave Mills; Michael Bates; and Sharon Bates. Councilmembers Bruce King and Brad Orme were separately excused for part of the meeting.

The Mayor asked if there were any corrections to the minutes of the regular meeting held March 22, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Deitz to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$46,029.52. It was moved by Councilmember Deitz and seconded by Councilmember Orme to pay the current bills, together with all regular April bills that have not yet been received, with an adjustment on Page 2 to Sam's Club for \$31.86, and also time to check on Scott Lee's bill; motion carried.

CITIZEN INPUT: Jan Gallup addressed the Council. She read from her letter dated April 12, 2007, and requested that the letter and attachments be part of the official minutes. Said documents consisting of four pages are attached hereto, marked "Exhibit 1."

PLANNING & ZONING REPORT: Stephanie Blackham addressed the Council.

Report on Public Hearings:

Holly Harrison Home Business Special Use Permit: Stephanie presented P&Z's letter for approval of Holly Harrison's Special Use Permit. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we approve the Special Use Permit requested by Holly Harrison in accordance with Title 9, Chapter 5, Section 3, Subsections

A-H with respect to the recommendation by our legal counsel for a provisional and temporary special use permit pending further investigation of percentage of square footage issue; motion carried. Attorney Joette Lookabaugh will review the square footage issue.

Title 8, Chapter 6, Wireless Service and Cell Towers: P&Z held the public hearing, but tabled discussion on cell towers until they can look at it again.

Title 8, Design Review: Stephanie reported they are working on design review and will have it ready soon.

Report on Eagle's Nest Development: Stephanie reported Eagle's Nest Development gave a presentation on the possibility of constructing storage units in the impact area north of the child-care center on Highway 33 between Rexburg and Sugar City. She said they are interested in being annexed into the City.

Pocatello Seminar: Stephanie reported they learned at the seminar that City Councilmen who regularly attend P&Z meetings set themselves up for ex parte problems.

DEPARTMENT REPORTS:

COUNCILMEMBER DEITZ: Walter reported the sewer lift station called eight times Tuesday night. There was debris in the bottom and it will be cleaned out this week. The water controls that were installed three years ago were installed incorrectly but they are now fixed and running the way they should be. Walter also reported the Smith Park pressure pump for irrigation has gone out. It will cost approximately \$1,900 to replace the pump and Walter says the motor is not fixable. The last pump was in for 30 years. Walter said he worked with D and Johnnie on a water tank for the water truck. He has additional prices on a 1,000-gallon water tank. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Orme that we approve the purchase of a 7-1/2 HP Berkeley Pump for Smith Park for \$1,858 plus shipping; motion carried.

COUNCILMEMBER ORME:

Arbor Day: Brad reported the Arbor Day celebration would be the 27th of April at 10:30 a.m. at Heritage Park. One of the elementary school classes will be invited and we will plant a tree and have a short program followed by refreshments for those attending the program.

Tennis Courts: Volunteers are needed next Tuesday, April 17, at 2 p.m. to help patch cracks in the tennis courts along with the tennis team.

Annual Breakfast: Brad reported the annual breakfast would be July 21. He wondered if anyone knew of a scout that needed an Eagle project.

Easter Egg Hunt: Brad reported the Easter egg hunt was a success. Part of it was done for an Eagle Scout project. A lot of businesses donated prizes. Next year he would like someone who would be willing to be an Easter Egg Hunt Coordinator. He said he would write an advertisement to put in the May newsletter. Brad will put a written document together on each of the celebrations so they will be consistent each year.

7: 25 P.M. TRIP TO MOON PARK – POTENTIAL LOT SALE; DRIVE DOWN 3RD

SOUTH: This trip was taken by Mayor Dalling; Councilmembers Harris, Deitz and Orme; City Attorney Joette Lookabaugh; and City Clerk Sharon L. Bell.

7:30 p.m. Councilmember King arrived and joined the others at Moon Park.

- 7:45 p.m. The Mayor, Council, City Attorney and City Clerk returned to City Hall.
- 7:50 p.m. Councilmember Orme was excused for the remainder of the meeting.
- 7:55 p.m. The regular Council meeting reconvened.

MOTION ON LOT AT MOON PARK: Councilmember Deitz feels the survey is off ten feet on the lot we want to sell. We would have a lot 75' x 118', but we need an easement from a property owner to connect sewer and water to the lot. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we proceed with the sale of the property based upon separation of that property from the City and the south line extending to Highway 33 with the agreement that we trade the property to the south of that home for an easement agreement on the west end of that property to extend sewer and water to the south of the new proposed property line, which would allow further access of that sewer line in the future; motion carried.

MOTION TO SET PUBLIC HEARING: It was moved by Councilmember King and seconded by Councilmember Deitz that we set Thursday, May 10, 2007, at 6:30 p.m. for a public hearing on the exchange and sale of property on Railroad Avenue directly to the north of Moon Park; motion carried.

COUNCILMEMBER HARRIS:

Dick Dyer, City Engineer – Discussion on 3rd South: Dick presented color copies of the dedicated right-of-way on 3rd South. The whole street has been built too far to the south. The original City plat gave the City more to the north in 1909. The right-of-way line on the north is in property owners' buildings. This consists of buildings, driveways, landscaping and fences that are in the way of moving the street to its proper location. Dick said several years ago the property owners were put on notice of the encroachments into 3rd South. After discussion, the Mayor reported no action will be taken tonight and we will discuss this problem in a future meeting.

COUNCILMEMBER KING:

Title 1: Bruce reported he reviewed Chapter 2 of Title 1 and has minor changes to it. They will be discussed at our next meeting. Bruce said he would e-mail his recommendations to the Council.

Title 9, Chapter 6, Zoning Districts, Maps: Bruce recommends we discuss Title 9, Chapter 6, Zoning Districts and Maps, resolve any concerns, and get the ordinance passed. He would like it on the agenda in two weeks. He said we already approved the text of the comprehensive plan. The Mayor asked him to lead the discussion on Title 9, Chapter 6.

Burning Ordinance: Bruce reported we don't have a burning ordinance. He recommends that we draft an ordinance on burning and discuss it. He will draft something to discuss.

MAYOR'S BUSINESS:

Motion for Appointment of City Attorney: It was moved by Councilmember Harris and seconded by Councilmember King that we officially appoint Mrs. Joette Lookabaugh as our City Attorney; motion carried.

The Mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

8:45 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1) (a), (b) and (f), that we move into executive session to discuss hiring, 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 summer employment, annexation negotiations, and procurement of professional consultants for the proposed business park.

9:50 p.m. The executive session ended and the regular Council meeting reconvened.

MOTION ON PROPOSED BUSINESS PARK: It was moved by Councilmember King and seconded by Councilmember Deitz that we authorize Ted Hendricks of The Development Company to assist the City in requesting proposals for administrative services on arranging for the proposed Sugar City business park; motion carried.

Meeting adjourned at 9:55 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk