

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

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Stephanie Blackham, Ray Barney, Brian Hawkes, Vaun Waddell and Ninette Galbraith, Planning & Zoning Commission; Kyra Davis, Standard Journal; Brent Bawden, representing Winds of Hope; Dwayne Seiter of Summit Developers; Wesley Seiter; Symen Vanderlinden; Terry Mortensen; Thomas Garlock; Weston Klingler; Pat Huish; Ty Whitman; Dylan Leonoudakis; Sharee Palmer; Max Parkinson; Jeff Parkinson; and Verla Moss.

The Mayor asked if there were any corrections to the minutes of the regular meeting held June 28, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme 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 Deitz and seconded by Councilmember King 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 Deitz 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 \$49,366.67. It was moved by Councilmember Harris and seconded by Councilmember King to pay the current bills, together with all regular July bills that have not yet been received; motion carried. Marcie reported that Madison County agreed to pay the bill from Dunn Law Offices for \$120 and the bill from Butikofer Law Office for \$860 (Jan Gallup's complaints), which were discussed last month.

PUBLIC COMMENT: Sharee Palmer expressed concern about the cell tower ordinance and the changes Councilmember King made regarding the variance section. Councilmember King reported that, under the telecommunications ordinance that the City Council approved, the council and P&Z each have to approve a variance based on whether or not it meets the intent and purpose of the telecommunications ordinance.

PLANNING & ZONING REPORT: Stephanie Blackham addressed the council.

Subcommittee Reports: Stephanie reported things are moving along smoothly in the subcommittees. They have set the following deadlines for the subcommittee work to be finished: August 2, 2007, for zoning; September 6, 2007, for design review; and October 4,

2007, for subdivision. They will begin work on home occupation/home business.

INTRODUCTION OF PROPOSED TOSCANO DEVELOPMENT (ON THE PROPERTY FORMERLY OWNED BY STEVE YOUNG, WHOSE DEVELOPER PROPOSED THE SUN RIVER LAKE ESTATES PROJECT):

Brent Bawden, of Gilbert, Arizona addressed the council. He represents “Winds of Hope,” the non-profit group doing the project. Along with Mr. Bawden, **Dwayne Seiter** addressed the council. He represents Summit Developers, the developer that the non-profit organization has hired to do the project. They made a presentation on developing the land previously referred to as Sun River Lake Estates under the new name of Tuscano Development. They plan expanded commercial, a resort hotel and student housing. It appears they have touched base with senior BYU-Idaho officials and that they plan to donate the profit of this development to the university. At the mayor’s invitation, five P&Z members attended. This was a preliminary presentation. The developers will proceed by going through the ordinary channels, beginning with the Planning & Zoning Commission.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Status of road repairs and plans for street drains – Reid Wilding and others:

Harold discussed the areas of town they will be repairing. He reported three drains need to be replaced – one on Fremont (by Reid Wilding’s property), one on South Park, and one on Cutler. The drains will have to be replaced by contractors. It was the consensus of the council for Harold to direct the replacement of the three drains.

COUNCILMEMBER DEITZ:

Report on sewer and water at Moon Park: Walter reported the water and sewer lines for the new lot have been installed. While they had the lines exposed, they moved the water and sewer connections for the new home. He and the mayor met with Richard Horner regarding sewer rates. Rexburg is raising the sewer rate 3.6%.

Title 7, Water and Sewer: Walter reported he and Jan Gallup worked on this ordinance a couple of years ago. He wants the council to go through and make any corrections they have and he would like to present it to Dick Dyer for his suggestions. He feels this ordinance is of paramount importance. It is not a P&Z ordinance and will not have to go before the Planning & Zoning Commission. The mayor suggested we look it over and present comments in two weeks.

COUNCILMEMBER ORME:

Community breakfast, Walter flags: Brad reported the community breakfast is Saturday, July 21, from 7 to 10 a.m., at Heritage Park. Councilmember Deitz has arranged for two rows of flags to be flown. Brad would like an Eagle Scout to help, if possible. If not, he will need a few volunteers from the community.

COUNCILMEMBER KING:

Title 1, Administration: Bruce presented his recommended changes to title 1, chapters 4 and 5. He would like to follow up on these again in two weeks, along with the water and sewer ordinance.

Third South: Bruce reported he feels we ought to try and resolve the problem on

Third South. The Mayor said he would like to see us make some kind of recommendation. Councilmember Deitz recommends we hire a surveyor to see where the power poles are according to where they are supposed to be. He feels we should approach the power company and either make them move the poles or reimburse us so we can buy easements on the south side of Third South.

MAYOR'S BUSINESS:

Business Park Status: The Mayor reported he signed the request for a grant. It was turned down for two reasons: (1) the property wasn't acquired, and (2) we don't have a firm commitment on financing from the business.

Contract Agreement for Engineering Services: Walter and Harold were appointed to serve as a committee to develop a contract with Forsgren Associates. They presented the contract and briefly discussed some of the details.

MOTION: It was moved by Councilmember Deitz and seconded by Councilmember Harris that we accept the contract agreement by Forsgren Associates on the engineering services on the Sugar City Business Park with the stipulation that they will submit timecards on the \$22,000 and that they agree that if they add a change order to their plans due to their negligence, they will pay for the unplanned work; motion carried.

The Mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

9:00 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, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Discussions during executive session were on hiring, personnel and negotiations with Rexburg on annexation.

9:40 p.m. The executive session ended and the regular Council meeting adjourned.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk