

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, AUGUST 9, 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 and Brad Orme; and Josh Garner, City Attorney. Councilmember Bruce King was excused.

The Mayor asked if there were any corrections to the minutes of the regular meeting held July 26, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Deitz and seconded by Councilmember Harris to accept said minutes; motion carried. The Mayor reported in the last minutes we would meet with Rexburg on the annexation before August 1. Attorney Garner reported he spoke with Rexburg's city attorney at the mayor's request, who said next week would be a good time for their contingent to meet with ours.

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

Marcie presented the current bills in the amount of \$91,548.19. It was moved by Councilmember Deitz and seconded by Councilmember Orme to pay the current bills, together with all regular August bills that have not yet been received, except the bill from Mountain West LLC for \$1,912.50; motion carried.

**PLANNING & ZONING REPORT:** City Clerk Sharon L. Bell read into the record a letter from Chairman Stephanie Blackham dated August 8, 2007: "To Mayor Dalling and City Council members: At the August 2 meeting of the P&Z the following items were discussed and voted on: (1) to schedule a public hearing for a special use permit for the continuation of Max Parkinson's gravel pit for a period of not more than three years; (2) to schedule a public hearing on the zone changes requested for the Toscano development; (3) the creation of a new sub-committee for Title 9, Chapter 2 with Stephanie Blackham, KaraLee Ricks and Jan Gallup as sub-committee members. Barry King was also suggested as a possible member of this sub-committee; (4) zoning and subdivision sub-committees are ready for their work to be reviewed by the entire commission at the next P&Z meeting August 16."

**ADOPT TENTATIVE BUDGET:** Marcie presented a preliminary annual budget for the year

2007-2008. A discussion was had on said budget items. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Orme that we raise the salaries of the mayor and council \$20 per month, and the planning and zoning commission \$10 per month; and that we accept the tentative budget for 2007-2008. The mayor called for a roll call vote:

Those voting aye: Councilmembers Deitz and Orme

Those voting nay: Councilmember Harris

Thereupon, the mayor declared the motion passed.

**ORDINANCE NO. 268:**

Councilmember Deitz introduced Ordinance No. 268 entitled:

“AN ORDINANCE AMENDING SECTION I OF ORDINANCE NO. 255 (NOW SUGAR CITY CODE, SECTION 1-5-4) FIXING THE SALARIES OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF SUGAR CITY, IDAHO; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.”

It was moved by Councilmember Deitz and seconded by Councilmember Orme to waive the reading on three different days and in full and place it upon its final passage. Thereupon the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Deitz and Orme

Those voting nay: none

Thereupon, the Mayor declared that the motion, having been passed by not less than two-thirds of the Council, had been duly carried. It was moved by Councilmember Deitz and seconded by Councilmember Orme to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Deitz and Orme

Those voting nay: none

Ordinance No. 268 was thereupon declared by the Mayor to have been duly passed by not less than two-thirds of the Council, and the Clerk was instructed to publish said Ordinance No. 268 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

**NEW CITY ATTORNEY:** Mayor Dalling asked City Attorney Josh Garner to report what he would like our relationship to be. Attorney Garner said he is very excited to be here and he feels it will be a good experience for him. He wants to know what has been going on in the city. He will attend one council meeting a month and will be available at other times. He said he doesn't bill for every minute of his time and if we need him, to not hesitate to call. It is part of his responsibility to be in touch with all of us to answer questions.

**TITLE 7, WATER AND SEWER:** Councilmember Deitz reported he gave Title 7 to City Engineer Dick Dyer to review. It should be completed by the next council meeting on August 23. He suggested that the council could submit any ideas to him before that time.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:**

**Street drains:** Harold reported that he awarded a contract to Dick Hill & Associates for three street drains for approximately \$19,000. He also awarded a contract to DePatco for curb and gutter on Railroad Avenue. Dick Dyer will do the engineering.

**COUNCILMEMBER DEITZ:**

**Eagle's Nest Properties Sewer Hookup:** The mayor reported Eagle's Nest Properties (Verlynn Dees) bought the property just north of John Hymas's property, which is in our impact area. They want to put in seven offices and six warehouses, and they want to hook into our sewer system. They also expressed a desire to be annexed into Sugar City. A discussion was had on requesting permission from Rexburg to hook into the sewer line and also getting an easement for a sewer line on the south property line. Walter proposed getting in touch with Dick Dyer to get a topography report to see if there is enough slope to put the sewer line in before the property is developed. The Mayor will attempt to get permission from Rexburg to hook into the sewer line.

**NorSun – Calibration of Flow Meter:** Walter inquired if NorSun had been notified that we want to witness the recalibration of their flow meter. The mayor reported that he had made a contact and would follow up on the matter.

**Ponderosa Estates:** Walter claims Kirby Forbush is in violation regarding the size of the culverts he has put in the ditch. Councilmember Harris explained to Attorney Garner what happened with the 24" culvert versus the 30" culvert and reported Mr. Forbush refuses to address it. Mr. Forbush was to put in a 30" culvert unless it was agreed to in writing by the property owners that he could put in a 24" culvert. The mayor requested that Attorney Garner write a letter to Kirby Forbush. It was the consensus of the council that the attorney writes the letter.

**Main Booster Pump:** Walter reported we need to replace the main booster pump and the secondary pump. He would like to replace them now and get the others rebuilt for backups. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Harris to authorize the purchase of the main booster pump and the secondary backup pump for the cost of approximately \$11,000; motion carried.

**COUNCILMEMBER ORME:** No report.

**MAYOR'S BUSINESS:**

**Bike Path:** The mayor reported Dave Walrath of the Idaho Transportation Department sent a letter that because the bike path was priced a long time ago and costs have inflated, now they need an extra \$25,365 from the sponsor, who is Sugar City. Mr. Walrath will meet with the mayor and treasurer to discuss the matter. The City of Rexburg should be an equal partner and pay their share of the extra expense.

**Fire District Property Purchase:** The mayor reported the fire district wants to purchase the north 200 feet of our property by the grain silo for a fire substation. Discussion was had. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we approve the sale of the identified property north of the grain silo and the city shop, the north 200 feet of that property, to the Madison County Fire District for the sole purpose of establishing

a satellite fire station, at \$2.10 per square foot for it and that the closing costs and fees associated are to be negotiated with the fire district. **MOTION AND SECOND WITHDRAWN.** Attorney Garner reported the sale has to be made pursuant to an ordinance and a public hearing has to be held first. The mayor said he would report to the fire chief that the sale is subject to a public hearing.

**MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Harris that we set a public hearing on August 30, 2007 at 5:30 p.m., for the purpose of the potential sale of the property to the Madison County Emergency Services; motion carried.

**Lot by Moon Park:** The mayor reported he would discuss with Attorney Garner the procedure we need to follow to sell the lot by Moon Park.

**Business Park:** The mayor reported that Bruce King told him everything was final on the land transfer and asked him to write thank you letters, which has been done. Mark Layton brought the mayor a contract, which shows the exchange of property has been completed. The mayor reported the state wants, upon transfer of the land for the business park, one-half share of Teton Island Company that is owned by the city.

**Water Share: MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Harris that we transfer one-half share of water from the Teton Island Canal Company that the city owns to the state; motion carried.

**Business Park Engineering Contract:** The mayor said that Forsgren sent him the final copy of the contract to sign. We had a motion to sign it with a couple of changes, but he won't sign it until Councilmembers Harris and Deitz approve it.

**Storage Water:** The mayor reported that the water the city owns in the Salem Irrigation Canal Company and the Teton Island Canal Company is only natural flow. When that runs out, as it often does, the city has no storage water to back up the natural flow. The mayor will check to see if there is storage water available for purchase.

Meeting adjourned at 9:40 p.m.

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

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