

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 9, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; and Vaun Waddell.

The Mayor asked if there were any corrections to the minutes of the regular meeting held October 26, 2006. 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.

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

Marcie reported on the assignment she was given last meeting to find out why we pay DEQ \$4 per hookup every year. She discussed it with the city engineer, Dick Dyer. We are part of a water measurement district and every water measurement district pays \$4 for every connection every year.

Marcie presented the current bills in the amount of \$58,354.78. It was moved by Councilmember Deitz and seconded by Councilmember Harris to pay the current bills, together with all regular November bills that have not yet been received, except the amounts under the utility fund sewer maintenance for lift station degreaser – Industrial Chem Labs for \$458.96 and Mid-American Research for \$644.41; motion carried.

CITIZEN INPUT: Vaun Waddell addressed the Council concerning the P&Z public hearing that was canceled for lack of a quorum. For some time he has been raising the issue of wording – how things are stated in legislative documents. He quoted from Title 9-3-3-E Rules, Records and Meetings wherein it states a majority shall constitute a quorum. Paragraph F Voting stipulates that certain people need to be there. He was advised that what that says is not what is intended in terms of how things ought to be. He worries it would not be a helpful thing to talk about intent when the wording is perfectly clear for everyone to see.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Report on Canceled Public Hearing – Home Occupation and Home Business: P&Z did not have their public hearing on Home Occupation / Home Business because of lack of a quorum. They are rescheduling that for Thursday, December 7th, at 8 p.m. Sharee said just before the public hearing she got a phone call from Mike Withers saying he was in Idaho Falls and couldn't get back. Garry Jeppesen was also out of town. A discussion was had on what constitutes a quorum. She quoted from Title 9-3-3F Voting Quorum: The Planning and Zoning Commission will be composed of five appointed representatives from the City and three appointed representatives from the City impact area. A quorum shall consist of at least two impact area members and two City members. At the meeting they had one impact area member and four City members. Sharee reported after consultation with the City Attorney, it was decided to cancel the public hearing. Attorney Lee said it was okay to go ahead and give the presentation, so the people can see it and better understand so they are a little more prepared about the public hearing. She said they went through the whole ordinance, but things are still being misinterpreted. The Mayor reported we should do everything we can to clarify the ordinances when we write them, and realize that they are so easy to misinterpret.

Councilmember King's Comment: A key point that we, as public officials, have to bear in mind is in State Code Title 67-2340 Open Meeting: "The people of the State of Idaho, in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created." It is the people who are the sovereigns. I think appointed and elected officials have to constantly realize that those sitting in the audience are sovereign and we need to draw upon them. I think that is important to remember. The Mayor reported we all get in positions where we have to make decisions and if they are made at the time partly wrong, we correct them the best we can.

Planning & Zoning Commission Appointments: Sharee (a City impact member) reported her term expires in December, along with the terms of Keith Nielson (a City member) and Garry Jeppesen (a City impact member), whose term ended in 2005. P&Z will come up with some names.

ORDINANCE REVISIONS: In the absence of Jan Gallup, the Mayor led a discussion on ordinance revisions. Title 8 is going to public hearing on December 6, followed by two hours of intense study of Title 9, Chapter 6. He asked for the Councilmembers' opinions on Title 8.

Councilmember Harris: Harold feels Title 8 is the most difficult section we have faced. There are so many things in there, if it were approved as written, would affect so many entities and so many people. It is much too detailed. It is too personal. That's why he has struggled with it so long is because we're in areas that other professionals should be into. He said we wouldn't have to approve it right after the public hearing.

Councilmember King: Bruce would like to incorporate the input we have gotten from citizens. Vaun Waddell brought up some good points we haven't finalized. It isn't a perfect document by any means. He suggests we have the public hearing and gather any further input. Then we would sit back down and work it over and decide what we want to do. He feels we have to be careful not to over-regulate.

Councilmember Orme: Brad isn't sure he is in favor of Title 8, as it is presently written, or not.

Councilmember Deitz: Walter thinks we need to remove the section on looking over mechanical and electrical systems from design review. There is nobody that is going to be on that

committee that will be more qualified than an engineer or an architect. They have to follow state building codes and electrical codes, and he feels design review will interject personal opinion. It should be completely out of there. The majority of landscaping requirements should be removed. A business generally is not going to landscape to detract from their building. He feels design review is going to become extremely important in this town. It should be designed to bring people in and not push them away.

Title 1, Chapters 3 and 5: Councilmember King would like to look at Title 1 of our Code. He feels the text in Chapters 3 and 5 needs to be clarified. He would like to make modifications and bring them back to the Council. He proposed that we submit these suggestions to P&Z on what we intend to do and see if they have any input. The Mayor said we would give Bruce 15 minutes under his department report for his presentation at our December 14th meeting.

CHRISTMAS LIGHTING: The Mayor gave Rayo Budge's report. He reported we have Christmas lights up in the park. A discussion was had on where we could get money to do a nicer job of lighting the town. The beautification committee asked for \$1,800 for Christmas decorations, but it can't be done. He told them we would give them enough money to maintain what we already have. They agreed to help with the lighting. They will have a Christmas lighting night with hot chocolate and a program. The inmates will put the decorations on the light poles next week.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold reported we have done a lot of repair work on the equipment. We bought another plow. The grader had some severe damage and Allstate Machine came in and repaired it. They are working on converting the old sweeper into a street water truck.

COUNCILMEMBER DEITZ: Walter reported there was a lot of sanding that needed to be done last year that didn't get done as often as it should. He wondered if there was a program to do a little better this year. Harold said we have discussed that with the new employee. Purchase orders need to be obtained when something is purchased. Walter said we should write up what we want to accomplish next year and prioritize them by January for a plan for each of our departments. Walter reported one of the main sewer lift pumps went down and they have it being repaired. We're looking at buying a different pump. As soon as we get all the information in, we will bring it in and present it.

COUNCILMEMBER KING: Bruce reported the need for replacements in Planning & Zoning and recommended it be discussed in executive session.

EXECUTIVE SESSION:

8:50 p.m. It was moved by Councilmember King and seconded by Councilmember Deitz, pursuant to Idaho Code 67-2345(1)(b) & (f), that we move into executive session to discuss 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.

10:00 p.m. The executive session ended and the regular Council meeting reconvened.

MAYOR'S BUSINESS:

Report on Sale of the City Lot by Moon Park: The Mayor said he has no report. He thought he would have a report on the survey, but it hasn't been done yet. We have a family trying to buy the Stackhouse home. We need to design a sewer line and get it through their property.

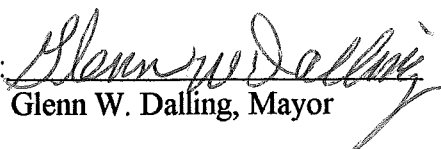
Triangular Property by Half Interchange: The Mayor reported the papers were signed today to purchase the property southeast of the Highway 20 off ramp to the west entrance of Sugar City.


Update on Don Rydalch's meeting re West Entrance Proposal: The Mayor reported Don Rydalch went to a meeting with ITD. They reported they are so far behind on the funding for the programs they have agreed to fund that they are not accepting any more applications for this year. They said to go ahead and give them an idea of what we want to do and they would review it and give him an idea if it has any potential.

Bike Path: The Mayor reported someone at the ITD has said the means of crossing 2nd East (Horkley's corner) in Rexburg is not satisfactory. Rexburg has the money to make the bike path from Horkley's corner down along the railroad track over to the Teton River. It makes a bridge across the Teton River and picks up the path on the south side of the Teton River.

Enclosure between City Hall and City Shop: The Mayor reported last year we had Don Rydalch make a request to get an enclosure between the two buildings and then we were going to remodel in the back to make it nice. He didn't get the grant. Harold had three guys who are working in construction management at BYU-Idaho who want to do some work. With the Mayor's blessing, they have starting working on that project. We need to get the dog pound moved out of the garage. The Mayor asked the Council for permission to take approximately \$16,000 out of savings for the project. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember King that we authorize the expenditure of funds from savings to rebuild the area between the two buildings in the amount of \$10,000; motion carried. The Mayor said we will make a request for more, if needed.

Meeting adjourned at 10:00 p.m.

Signed: 
Glenn W. Dalling, Mayor

Attested: 
Sharon L. Bell, Clerk