

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, APRIL 13, 2006

Presiding: Glenn W. Dalling  
Meeting Convened at 6:00 p.m.  
Prayer: Brad Orme  
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Kathy Stillman; Karen Fogle; Paul Jeppson; Tom Gallup; Mary Louise Barney; and Ray Barney. Dave Thompson was present for the last two public hearings. Kyra Anderson, Standard Journal, arrived at 8:05 p.m. Garry Jeppesen arrived at 8:30 p.m.

**PUBLIC HEARING (TITLE 9, CHAPTER 5 -- SPECIAL USE PERMITS):** The Mayor welcomed everyone and explained this would be a public hearing on four different items. He turned the time over to Jan Gallup, who explained the basic change to Title 9, Chapter 5, is that City Council will now have the opportunity to hold a public hearing for a special use permit, or they may choose not to if they accept P&Z's recommendation. If they decide they want to make a material change to that recommendation, then they are required to hold at least one public hearing. The Mayor called first for those who wanted to testify in favor of approving Title 9, Chapter 5. Comments were made as follows:

**KATHY STILLMAN**, 105 South Teton, Sugar City: She read a letter from her brother, Gary Stillman. They are in favor of accepting the revisions to the special use permit chapter, setting aside the moratorium, and moving ahead.

**TOM GALLUP**, 309 South Austin Avenue. He agreed with the changes to the special use permit chapter and to move things forward on it.

The Mayor called for those who wanted to testify against approving Title 9, Chapter 5. The attendance list showed that there were none who wanted to testify against it.

**PUBLIC HEARING (TITLE 9, CHAPTER 14 -- PUBLIC HEARING PROCEDURE):** The Mayor turned the time over to Jan Gallup, who reported there is a State Statute that allows a city to formalize a public hearing procedure. Under the direction of Planning & Zoning, they put together an ordinance that does that. Basically it just states what we have been doing, but we want it in an ordinance form so people are aware of how the procedure follows. So Chapter 14 of Title 9 is a new ordinance that outlines that procedure. The Mayor called first for those who wanted to testify in favor of approving Title 9, Chapter 14. Comments were made as follows:

**TOM GALLUP**, 309 South Austin. He feels it is proper that we have a public hearing procedure so that we have a guideline to follow that directs the flow of the public hearing. He is for it.

The Mayor called for those who wanted to testify against approving Title 9, Chapter 14. The attendance list showed that there were none who wanted to testify against it.

**PUBLIC HEARING (REVISIONS TO COMPREHENSIVE PLAN TEXT):** The Mayor turned the time over to Jan Gallup. She explained the next part of the public hearing deals with the changes to the Comprehensive Plan text. The main changes were in the land use chapter. The Comprehensive Plan Committee has prepared several different land use categories and made definitions to fit those categories. She explained the new designation, Transitional Development, which is a blending of residential, commercial, manufacturing and open space. In order to respect property rights, they put in Transitional Development, allowing the property owner to develop as he wants as long as it's an existing use that is already there. The Mayor called first for those who wanted to testify in favor of approving revisions to the Comprehensive Plan text. No one wanted to testify for or against said revisions.

**PUBLIC HEARING (COMPREHENSIVE PLAN TRANSPORTATION MAP):** The Mayor turned the time over to Jan Gallup, who explained the last part of the public hearing is the Transportation Map. There is one material change from the last time it went to public hearing. That is on 7<sup>th</sup> West. This is a major collector because it will feed a future major collector and the change that was made is that from the point that it feeds into the major collector going east and west, from that point north it is no longer designated as a major collector. It is designated as a local street. Wherever that comes in, then that is where 7<sup>th</sup> West will start or stop as a major collector. Jan reported that currently on the Transportation Map, 7<sup>th</sup> West is a minor arterial which is higher than a major collector, so they brought it down a level; then hopefully it will make it so it doesn't become a major through street connecting to Highway 33. In planning, you can't take a major collector and dump it off onto a local street. The Mayor called first for those who wanted to testify in favor of approving the Comprehensive Plan Transportation Map. Comments were made as follows:

**JAN GALLUP**, 309 South Austin, Sugar City, Idaho. She reported she has served as the Chairman of the Comprehensive Plan Committee. As they worked on the Transportation Map, the Land Use Map and the Trails Map, they feel that they've given them a lot of due consideration, looked at a lot of alternatives and feel that taking 7<sup>th</sup> West down to a major collector rather than a minor arterial was a step down; and also making it a local street past where it would intersect at the east/west proposed major collector is another item that would help facilitate keeping traffic off of that road. It needs to be a major collector, at least, for two reasons. First of all, to maintain the width of the road and the integrity of having a major collector and having a road that crosses a canal because bridges are so expensive. Secondly, having it a major collector allows the City to have development come off of local streets rather than having more houses built along 7<sup>th</sup> West, creating a greater traffic hazard. People that develop in that area would need to put a street in off of the major collector and then develop housing off of the local street. The local street would feed the major collector. For those two reasons, she thinks it is very important that it stays a major collector and not be dropped down to a minor collector or a local street.

**DAVE THOMPSON**, 634 South 7<sup>th</sup> West. Just for clarification, he wanted to make sure the map is the same way the Planning & Zoning proposed it to City Council originally before it

got changed. He said he is in favor of that for all the reasons that he testified last time. It puts the City's perspective of how this should be, or the future of where it should go, for the State and for anybody else that comes in as far as it is in accordance with the wants and wishes of the people that live there. It helps curb the safety and makes it a better street for those that live there. It is a step in the right direction and he is for it in that regard.

**RAY BARNEY**, 943 South 7<sup>th</sup> West. He is for the changes that have been made and he feels it is a step in the right direction. The only question he has is if, in the comprehensive plan, we have a major arterial that comes east and west, he feels it would be more feasible if the comprehensive plan also included that east/west road to continue into Highway 33 because that is a minor arterial.

The Mayor called for those who wanted to testify against approving the Comprehensive Plan Transportation Map. Three citizens put their initials by check marks saying they changed their minds and didn't want to testify against it. Comments were made as follows:

**PAUL JEPPSON**, 848 South 7<sup>th</sup> West. Back when we testified before, he had the feeling that it was going to be downgraded to a minor collector, still not a City street, and not be a major collector. He is concerned about the width of the road currently. As a minor collector, he had the question that wouldn't it still have the same requirements of not forcing people to build upon the side of the road, but had the same requirement of having the streets connect onto the minor collector. He is still concerned about safety. He applauds that they were listened to and that it was downgraded one level. He feels it should be a minor collector.

6:50 p.m. The public hearings ended and the Council convened their regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; and Dave Thompson.

The Mayor asked if there were any corrections to the minutes of the regular meeting held March 23, 2006; and the minutes of the special meeting held March 30, 2006. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Deitz and seconded by Council member Harris to accept the minutes of March 23, 2006; motion carried. It was moved by Council member Harris and seconded by Council member King to accept the minutes of March 30, 2006; motion carried.

There were no reconciliation reports presented.

Marcie presented the current bills in the amount of \$67,130.49. It was moved by Council member Harris and seconded by Council member King to pay the current bills, with the addition on Page 2 of a written note of Custom Vinyl Concepts and with the stipulation that Maupin Welding's be held in abeyance until we get a better answer as to why that wasn't a warranted items, together with all regular April bills that have not yet been received; motion carried.

**ORDINANCE NO. 260:**

Council member Deitz introduced Ordinance No. 260 entitled:

“AN ORDINANCE AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF SUGAR CITY, IDAHO, AND PROVIDING THAT THE ZONED DESIGNATION OF THAT CERTAIN PROPERTY HEREINAFTER DESCRIBED, SITUATED IN SUGAR CITY, MADISON COUNTY, IDAHO, BE CHANGED AS HEREINAFTER DESIGNATED; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Council member King and seconded by Council member Harris 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: Council members Harris, Deitz, King and Orme  
Those voting nay: none

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

Those voting aye: Council members Harris, Deitz, King and Orme  
Those voting nay: none

Ordinance No. 260 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. 260 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.

**CITIZEN INPUT:** Jan Gallup and Dave Thompson have been working on the website. Jan reported they are just about ready to put it up. They have a question for the Council to consider. Sterling Codifiers will put our ordinances on the website, they will give us a link that they can connect our website with their website and bring up all of our ordinances that they have. The cost is \$500 initially and then \$100 a year upkeep fee starting in 2007. They would like City Council to consider that. They do a very nice job and are already codifying our ordinances. Discussion was had. Council member King reported it is possible that we codify the ordinances ourselves and maintain our own website. The Mayor said we would put it on a future agenda.

**BUDGET DATES FOR APPROVAL:** Marcie presented the following dates, which are all on normal City Council nights, for approval: July 27, to review budget; August 10<sup>th</sup>, to adopt tentative budget; and August 24, to hold the budget hearing and approve the final budget. The Mayor asked the Council to get items on their specific department and give it to us.

**MOTION:** It was moved by Council member King and seconded by Council member Deitz that we approve the dates as presented; motion carried.

**JAN GALLUP:** Jan reported as part of the Planning & Zoning meeting they had in Pocatello,

P&Z has prepared a pamphlet that discusses public hearings. It has been approved by P&Z, Scott has reviewed it and made changes, so it's something they would like the Council to look at. She presented a copy of said pamphlet to Sharee Palmer.

**Title 8, Building and Site Ordinance:** Jan reported she made all of the changes that we discussed last meeting. Jan led a page-by-page discussion starting with Section 8-2-12(B) and stopping with Section 8-2-13(G).

**PLANNING & ZONING REPORT:** Sharee Palmer addressed the Council.

**Workshop in Pocatello:** Sharee gave an update of the workshop they went to in Pocatello presented by Jerry Mason and Will Harrington. They received some good information. They talked about conflict of interest. Not only does that include City Council and Planning & Zoning, but it also includes staff members. Sharon and Scott could also be included in that conflict of interest.

**Legislative and Quasi Judicial:** At the workshop they talked about the difference between legislative and quasi judicial and made it very clear that when it is a legislative issue, you can talk all you want to with the citizens and they can talk. Tonight's meeting was legislative. There is no ex parte in legislative. It is always open-ended and you can talk all the time. It is when you get into the quasi judicial, which deals with land use things, is when the ex parte comes in. Attorney Lee said if there is a doubt whether it is legislative or quasi judicial, do not discuss it with the public. If it deals with specific rights of an individual, comments should come during the hearing. Sharee reported this is only when something is up for a public hearing. You can talk to people and have a conversation with them, but at the public hearing you have to make sure you disclose that conversation and exactly what was said. Attorney Lee said once something has been set for public hearing, then there is no discussion about it. Council member Orme expressed a need to go into executive session.

### **EXECUTIVE SESSION:**

7:55 p.m. It was moved by Council member King and seconded by Council member Orme, pursuant to Title 67-2345(f), that we move into executive session to discuss possible pending litigation. The Mayor called for a roll call vote:

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

8:00 p.m. The executive session ended and the regular Council meeting reconvened.

**Workshop in Pocatello (continued):** Sharee reported on a decision you don't need to do findings and conclusions – all you have to do is state your decision, but you have to state clearly why that decision was made. Jan reported Planning & Zoning would have to document that with any special use permit application.

**Six-Man Committee Joint Meeting:** Sharee reported their last meeting went very well. They made good progress. Officially they didn't want to use our Comprehensive Plan map that we have now waiting to go to the County, but the other committee members thought that was appropriate that we use that. The whole point for having this committee was because we were all redoing our comprehensive plans. They took Rexburg's comprehensive map and ours and matched up the zones. There was no problem, and they had some good discussion on possibly where the County could put some industrial and where they have it now is not the best choice.

Sharee reported they have completed the task that they were asked to do. They have requested to be on the agenda for Sugar City's joint meeting with Rexburg and the County Commissioners on April 20, and will give a report. If we want to go any further and the Council wants them to get into the zoning of the cities and the county, then we need to start getting maps on GIS. That's the next step. The County and even the Rexburg members want to know what the issue is with GIS. She tried to explain and they said whatever the problem is, they just need to get over it. If they want us to continue and go on with this committee, then the issue needs to be resolved. If not, then the committee is done. That is coming from them.

Sharee reported there was an issue with Brent McFadden. When Mr. Robison came and talked to the Council, that the administrators of each city and planners, which would be Jan, were not to attend those meetings. Brent was planning on being there and they wanted to change the meeting so he could be there. Sharee feels the meetings should be open meetings and anyone can attend. If the meetings continue, she will make sure that it is clarified that these are open meetings.

**Public Hearings:** P&Z has scheduled public hearings for the zoning map, Title 9, Chapter 6, which is the zoning and which the Council sent back to P&Z to make some changes which they have done; and Title 9, Chapter 9, which is the impact area. Sharee reported that Rexburg is having a comprehensive plan map change hearing on April 20<sup>th</sup>. They are changing part of the area that is in litigation.

**Burns Brothers Update:** Sharee reported Judge Moss sent it back to the County Commissioners and they stuck with their decision and denied the comprehensive plan map change. The Mayor expressed appreciation to P&Z for their fine work.

**COMPREHENSIVE PLAN MAP:** Jan Gallup reported she is representing the Comprehensive Plan Committee and they are ready to take the Comprehensive Plan Map to Madison County Planning & Zoning. If the Council approves the text and the Transportation Map, she would like to put it all together and submit it to Madison County Planning & Zoning so that it's in their court. This will put us into a procedure where a nine-man committee might have to come into effect. If Sugar City and Madison County can work out the impact area and can come to an agreement on the impact area, then we won't have to go to a nine-man committee. If we submit these plans and we can't work something out, then we would request that we go to a nine-man committee. This has nothing to do with Rexburg. Jan needs to make sure City Council is okay for the Comprehensive Plan Committee to take the next step to get the Comprehensive Plan approved. The Mayor would rather we wait a few weeks before we present it. Attorney Lee said he would prefer to postpone it for a week or two. We can put it on the agenda for our next meeting.

#### **DISCUSSION AND CONSIDERATION OF ORDINANCES:**

##### **TITLE 9, CHAPTER 5 (Special Use Permit):**

**MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that we accept Title 9, Chapter 5. The Mayor called for a roll call vote:

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

#### **ORDINANCE NO. 261:**

Council member Deitz introduced Ordinance No. 261 entitled:

“AN ORDINANCE RESCINDING AND DELETING IN ITS ENTIRETY CHAPTER 5, TITLE 9 OF THE SUGAR CITY CODE DEALING WITH SPECIAL USE PERMITS, AND ADOPTING A REPLACEMENT CHAPTER 5, TITLE 9 OF THE SUGAR CITY CODE TO READ AS SET FORTH HEREIN, SUCH REPLACEMENT SECTION PROVIDING FOR THE METHOD OF APPLICATION FOR SPECIAL USE PERMITS, PROVIDING THE STANDARDS APPLICABLE TO SPECIAL USES, ALLOWING SUPPLEMENTARY CONDITIONS AND SAFEGUARDS, PROVIDING THE HEARING AND NOTICE PROCEDURES, SETTING FORTH PLANNING AND ZONING COMMISSION ACTION, PROVIDING FOR CITY COUNCIL ACTION, PROVIDING FOR NOTIFICATION TO APPLICANT, PROVIDING FOR JUDICIAL REVIEW, PROVIDING FOR REVOCATION OF A SPECIAL USE PERMIT; AND PROVIDING FOR WHEN THIS ORDINANCE WILL BECOME EFFECTIVE.”

It was moved by Council member Harris and seconded by Council member King 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: Council members Harris, Deitz, King and Orme  
Those voting nay: none

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

Those voting aye: Council members Harris, Deitz, King and Orme  
Those voting nay: none

Ordinance No. 261 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. 261 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.

**TITLE 9, CHAPTER 13 (AMENDMENTS, RECLASSIFICATION & ANNEXATION):** Jan reminded the Council that it was approved on March 23, 2006, so we just need to pass the ordinance on it.

**ORDINANCE NO. 262:**

Council member Deitz introduced Ordinance No. 262 entitled:

“AN ORDINANCE RESCINDING AND DELETING IN ITS ENTIRETY CHAPTER 13, TITLE 9 OF THE SUGAR CITY CODE ENTITLED ‘AMENDMENTS AND RECLASSIFICATION’ AND ADOPTING A REPLACEMENT CHAPTER 13, TITLE 9 OF THE SUGAR CITY CODE ENTITLED ‘AMENDMENTS, RECLASSIFICATION, ANNEXATION’ TO READ AS SET FORTH HEREIN, SUCH REPLACEMENT SECTION PROVIDING FOR THE INITIATION OF AMENDMENTS, PLANNING AND ZONING

EVALUATION, NOTICES AND PUBLIC HEARINGS, ACTION BY PLANNING AND ZONING COMMISSION, ACTION BY CITY COUNCIL AND RESUBMISSION OF APPLICATION; AND PROVIDING FOR WHEN THIS ORDINANCE WILL BECOME EFFECTIVE.”

It was moved by Council member Orme and seconded by Council member Deitz 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: Council members Harris, Deitz, King and Orme  
Those voting nay: none

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

Those voting aye: Council members Harris, Deitz, King and Orme  
Those voting nay: none

Ordinance No. 262 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. 262 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.

**TITLE 9, CHAPTER 14 (PUBLIC HEARING PROCEDURE):**

**MOTION:** It was moved by Council member Deitz and seconded by Council member King that we accept Title 9, Chapter 14. The Mayor called for a roll call vote:

Those voting aye: Council members Harris, Deitz, King and Orme  
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

**ORDINANCE NO. 263:**

Council member Deitz introduced Ordinance No. 263 entitled:

“AN ORDINANCE ADOPTING A NEW CHAPTER OF TITLE 9, SUGAR CITY CODE, TO BE KNOWN AS CHAPTER 14, ENTITLED PUBLIC HEARING PROCEDURE; AND PROVIDIING FOR WHEN THIS ORDINANCE WILL BECOME EFFECTIVE.”

It was moved by Council member King and seconded by Council member Deitz 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: Council members Harris, Deitz, King and Orme  
Those voting nay: none

Thereupon, the Mayor declared the motion, having been passed by not less than two-thirds of the



Council, had been duly carried. It was moved by Council member Orme and seconded by Council member Harris to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: none

Ordinance No. 263 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. 263 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.

**DISCUSSION AND CONSIDERATION OF COMPREHENSIVE PLAN TEXT:** Jan explained that we didn't approve the changes we made to the land use, and we put the survey back in the Comprehensive Plan text. Attorney Lee reported the resolution he prepared only deals with adopting the written portion of the Comprehensive Plan. It doesn't incorporate the maps. He said ultimately we need to submit everything in one packet to the County when it is done. He feels we can approve the language without approving the maps yet, if we want to do that. **MOTION:** It was moved by Council member King and seconded by Council member Harris that we approve the revised text of the Comprehensive Plan, including the revised land use designations. The Mayor called for a roll call vote.

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

**RESOLUTION 2006-2:**

**MOTION:** It was moved by Council member King and seconded by Council member Deitz that we adopt Resolution 2006-2 pertaining to the Comprehensive Plan text. The Mayor called for a roll call vote.

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

**COMPREHENSIVE PLAN TRANSPORTATION MAP:**

**MOTION:** It was moved by Council member Deitz and seconded by Council member Orme that we accept the Comprehensive Plan Transportation Map. The Mayor called for a roll call vote.

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Attorney Lee reported we have passed the Comprehensive Plan but it doesn't go into effect until the County approves it. We will submit the plan and the maps at the same time.

**DEPARTMENT REPORTS:**

**COUNCIL MEMBER HARRIS:**

**Streets:** Harold gave a report regarding crack seal, asphalt problems and repair of streets. He has a proposal from Klingler Asphalt for \$1,860 a ton, but he will get a second opinion. He got a verbal quotation from Dick Dyer who said it has been going for about \$2,000 a

ton, and that's how he would approach it is based on a ton because it is almost impossible to measure up everything in town.

**Miscellaneous:** Harold reported he started back on the curb at Smith Park. He poured the concrete for the rock welcome sign on the southwest entrance to town. He discussed repair work on the tennis courts. The sweeper is a success and is working well. He also discussed drains that need to be replaced.

**COUNCIL MEMBER DEITZ:**

**Water and Sewer:** Walter reported the water and sewer systems are going well right now. They got the water line moved past the area where the rock welcome sign is being put, at considerable expense to the City. They moved it 180 feet so we can get past everything. The extension of this water line is going to be billed to Sun River Lake Estates. We just extended their water closer to our water source. Their contractor should have done this when they put the line in.

**Sweet Haven Apartments:** Walter reported last summer Bill Hollist and Thayne Siddoway came in wondering about some charges on their Sweet Haven Apartments. We need to address the water and sewer hookups and charges, and also the garbage collection charge. There is no documentation of anything that has gone on. He feels we need something in our water and sewer ordinance to address this so that we are being fair to them and they are being fair to us. The Mayor suggested he come to our next meeting with a detailed presentation on what he thinks should be done.

**COUNCIL MEMBER KING:**

**City Cleanup:** Bruce discussed when City cleanup will be. They will not pick up tires, batteries, oil and paint (anything hazardous). The Mayor felt the third week of May (15<sup>th</sup> through 20<sup>th</sup>) would be good. He will work with Sharon to get an article in the newspaper.

**COUNCIL MEMBER ORME:**

**Flood Run:** The Mayor reported we have had no feedback from the community on the flood run. Brad reported he talked with Brent Barrus, who said there hasn't been a lot of participation in the past. There is a handful of people that really like it and want to do it. It has been a fun community activity in the past. He reported Rexburg's Marathon is on June 10<sup>th</sup>. Discussion was had. **MOTION:** It was moved by Council member Orme and seconded by Council member King that we don't proceed with the flood run this year and talk about it again next year; Council member Deitz opposed; motion carried.

**Easter Egg Hunt:** The Easter Egg hunt is scheduled for April 15<sup>th</sup>. It should be exciting for the kids, and there will be prizes in some of the plastic eggs.

**Tennis Courts:** Brad reported there are some kids from a history class at the high school doing things for the tennis courts. They are volunteering their time, and the City is paying for a little bit of material. They are going to build a couple of benches and paint the backdrops. The Mayor reported there are a couple of benches in front of City Hall and benches at the school that could be used. Council member King reported there is a tennis program at the high school. We have a full tennis team and it is one of the leading teams in the state.

**MAYOR'S BUSINESS:**

**Maintenance Position:** The Mayor reported we have five good candidates for Dan Thomas' position. We will interview them in the next meeting. That appointment needs to be made early in May. The Mayor reported he'll have a folder made up for each of those guys prior to our meeting on the 27<sup>th</sup>. We need to look at them closely. He will interview each of them before they meet with the Council.

**Water and Sewer Vulnerability Study:** The Mayor reported he attended the vulnerability and emergency procedure meeting today on drinking water and wastewater. He came home with two great ideas. One is, we need to get Marcie to fill out a 40-page questionnaire on the computer. The vulnerability study only had to be done by cities with populations over 3,300, and small cities didn't have to do it. So we haven't had to do it. But all of a sudden the Rural Development people said everyone who has a loan through Rural Development has got to do it also. That's why we need to do this.

**Annexation Update:** The Mayor reported the two lawyers for the cities agreed not to come to the meeting last Tuesday, but the landowners were there this time; and they had their lawyer there. It was quite interesting that they had to have a break because they had never met together with their lawyer previous to that. After the break, the landowners requested time to research some of the suggestions that had been made about compromise on this property. They wanted time to take their information to an engineer to see about the feasibility of the infrastructure. That's where it sits. They have a two-week period to do that, and then we'll have another meeting with them.

**Sun River Lake Estates:** The Mayor reported he asked Attorney Lee to study the Sun River Lake Estates issue. Attorney Lee said he reviewed the Sun River Development Agreement, the minutes that went along with it, and the plat. The plat map was not recorded within a year; and under our ordinance, that plat map is now void and is of no effect. He said he was asked to look at it in terms of whether there was something we could do in conjunction with the development agreement. His research would be that it would be sixes. He's not sure what the court would do with the issue regarding whether or not that development agreement is still in effect or not. His proposal is that we write a letter to Mr. Young or whoever his representative is and indicate to him that because the plat was not recorded and the development agreement was tied to the plat and because the plat is now void, that the development agreement is also void and that any new plat map will have to be in conjunction with a new development agreement. We should send that to them and see what they say.

The Mayor said in the agreement with them we were to set aside \$1,000 from every water city-wide until we get up to 100 of them basically. He feels it should be the first 100 homes in their development. That is why we're looking into that a little bit. Attorney Lee will prepare the letter and send it off. He feels we can take the stance that the development agreement is null and void and then see how they respond to it.

Meeting adjourned at 9:50 p.m.

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

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