

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 8, 2009

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes, Planning & Zoning; Nathan Sunderland, *Standard Journal*; Vaun Waddell; Dwayne Seiter; Patti Seiter; Jan Gallup; and Sharee Palmer.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on December 11, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$57,846.77. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, together with all regular January bills that have not yet been received; motion carried.

PLANNING & ZONING REPORT: P&Z Chairman Brian Hawkes addressed the council.

Recommendations on public hearings held 12-18-08: Brian presented the council with P&Z's written recommendations on the following four public hearings.

Proposed Comprehensive Plan Transportation Map: Brian reported that the transportation map is Appendix B of the comprehensive plan. After considering the testimonies presented at the public hearing, the P&Z Commission voted to recommend the proposed transportation map to the City Council for passage.

Proposed Comprehensive Plan Land Use Map: Brian reported that the land use map is Appendix A of the comprehensive plan. After considering the testimonies presented at the public hearing, the P&Z Commission voted to recommend the proposed land use map to the City Council for passage.

Title 10 revision/additions: After considering the testimonies presented at the public hearing, the P&Z Commission voted to recommend the title 10 revisions and additions to the City Council for passage.

Title 9 revision/additions: After considering the testimonies presented at the public hearing, the P&Z Commission voted to recommend the title 9 revisions and additions to the City Council for passage. Brian reported that during this public hearing there was a suggestion that language in the proposed adult entertainment/sexually oriented business ordinance be refined before the ordinance is passed, but P&Z feels they are on the right track and wants to encourage the council to pass the ordinance in its present form and then to refine the language of the ordinance, as needed, at a later time. Under the city code, the council has 15 days to act on P&Z's recommendations.

Council action on the P&Z recommendations was postponed until the council's next meeting.

DISCUSSION OF OLD FARM ESTATES:

Development Agreement: The mayor reported he had received a copy of the Old Farm Estates development agreement dated December 17. He also had received at an earlier date (December 2) a copy of the Declaration of Covenants, Conditions and Restrictions. The mayor reminded the council that they had approved the Old Farm Estates development agreement on September 11, 2008, subject to four or five minor revisions. He has provided Attorney Josh Garner a copy of the revised development agreement to review and have information for us tonight. That report has not been received.

Covenants, Conditions and Restrictions: The restrictive covenants need not be reviewed or approved by P&Z. However, the mayor asked Brian Hawkes to have the P&Z review them at their next meeting since they had required these restrictive covenants in the development agreement under Special Condition 4.

Inasmuch as P&Z Commissioner Vaun Waddell previously submitted written material regarding his concerns about the Old Farm Estates development agreement, Mayor Dalling invited him to share oral comments. Vaun said that elements of the development agreement are not in compliance with the city code. He compared paragraphs 2 and 17, elements of which he said contradict each other. He said open space provisions in the development agreement do not meet requirements of our present city code. He noted that Old Farm Estates owner Gary Stillman said in a P&Z Commission meeting that all phases after phase 1 must start again with a preliminary plat application and come in under the new title 10. Vaun feels that ratifying this development agreement would illegally abrogate the city's police power.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Bridge in Business Park: Harold reported the construction of the bridge on 3rd North would begin Tuesday, January 13, 2009. Randy Johnson of Forsgren Associates will supervise the installation of the bridge. The actual construction of the bridge will be done by Edstrom Construction and Madison County. The bridge was precast by AMCOR.

Old Farm Estates Development Agreement: Harold also reported that he had talked to Rocky Mountain Power regarding Old Farm Estate's claim that the city's failure to sign the development agreement delayed their construction. Rocky Mountain Power said they have the signatures they need on the final plat phase 1, and an approved plan is waiting for money from Old Farm Estates. At that time, Rocky Mountain Power will move forward with the project.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

Title 1: Bruce reported he forwarded to councilmembers the completed revision to title 1 for their review. He asked the council to be prepared to discuss the revision in two weeks.

COUNCILMEMBER MERRILL:

Grand Tetons Business Park and Storage: Lamont reported that Zane Baler asked officials of the Grand Tetons Business Park and Storage organization to find out who told them to put in seven meters.

MAYOR'S BUSINESS:

The mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

7:35 p.m. It was moved by Councilmember Orme and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1)(a), that we move into executive session to discuss personnel matters. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: None

Thereupon the mayor declared the motion passed.

Discussion during the executive session was on personnel matters.

8:05 p.m. The executive session ended and the regular council meeting adjourned.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk