

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 14, 2010

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, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes and Jesse Brown, Planning & Zoning Commission; Vaun Waddell; Joseph Law, Standard Journal; Elaine King; Kyle Peterson; Dominic Taylor; Brandon Peterson; Jacob Christensen; and Peter Gutenberger.

The mayor asked if there were any corrections to the minutes of the regular meeting held on December 10, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Merrill and seconded by Councilmember Harris 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 Merrill 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 Orme and seconded by Councilmember King to accept the December reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$86,272.33. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, except the Sterling Codifiers charge of \$500, until approved by Bruce King, 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 two public hearings: Brian presented the following written recommendation:

“The Sugar City Planning and Zoning Commission recommend to the city council the following proposals, which have both been to public hearing and received no negative comments at those hearings:

Revisions to title 9, chapters 1, 2, 4, 5, 6 & 7

Repeal of chapters 9-3, 9-6, 9-10 and 9-11 of title 9 and enactment of a new title 9, chapter 3 (zoning)

“It is recommended that these changes to title 9 be passed by the city council.”

Public meeting on home business on January 21, 2010: Brian said there is a public meeting on home business at P&Z’s regular meeting at 7 p.m. on January 21.

DECISION ON P&Z RECOMMENDATIONS ON TITLE 9: The mayor requested that the decision be put on hold until the next meeting and asked the council to review the information they received tonight. Sharon was asked to put the matter on the agenda for January 28. P&Z Chairman Brian Hawkes thanked Vaun Waddell for his work on title 9.

ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS AND PRESENTATION OF CERTIFICATES OF ELECTION: City Clerk Sharon L. Bell performed the swearing in of the newly elected officers as follows: Councilmembers Bruce King and Vaun Waddell for a term of four years each. The Councilmembers signed the Oaths of Office, were presented with Certificates of Election and took their places at the council table.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF COUNCIL: Mayor Dalling called for the election of officers: **MOTION:** It was moved by Councilmember King and seconded by Councilmember Merrill that Councilmember Harris be elected president of the Council; Councilmember Harris opposed; motion carried. It was moved by Councilmember Merrill and seconded by Councilmember Harris that Councilmember King be elected Vice-President of the Council; Councilmember King abstained; motion carried.

Mayor Dalling presented a plaque to Brad Orme in appreciation for his four years of service as a City Councilmember. Mayor Dalling expressed thanks to Mr. Orme for his faithful service to the city. He also thanked Councilmember Harris for all his work on the council room and podium.

MAYOR'S WELCOME: Mayor Dalling welcomed Councilmembers Bruce King and Vaun Waddell. He called for a ten-minute break to give everyone present an opportunity to congratulate the outgoing and incoming councilmembers. Refreshments were served.

STERLING CODIFIERS PROBLEM WITH ORDINANCE 284 (TITLE 1):

Councilmember King said Sterling Codifiers of Coeur d'Alene e-mailed him with two minor concerns about Ordinance 284 (revises title 1): (1) A few sections of state code referred to in the revised title 1 have been repealed. He discussed it with Attorney Forsberg who said to either drop the reference to these sections or to have the codifier add a footnote indicating that the referenced code sections have been repealed and stating where any replacements for them may be found. (2) The second issue is that in our extensive revision of title 1 the order of the provision on misdemeanors was changed. When the code was originally designed, the misdemeanor provision was 1-4-1, and now it is 1-4-2. Sterling Codifiers said that is fine, but they will have to change the code in 38 places at a cost of \$800 to reflect the number change. To write a new ordinance to switch those two sections would be cheaper, which recommendation Bruce supports. Bruce also feels the council should have 35 days from the time they receive a recommendation from the Planning and Zoning Commission to make a decision, which needs to be clarified in title 1.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Harris to make a clerical correction to title 1-6-6A, namely to replace the phrase "as provided in sections 50-502 through 50-517 Idaho Code" with the phrase "consistent with Idaho Code;" motion carried. Bruce volunteered to clarify the decision time requirements in the title and to correct other inconsistencies and ambiguities in the revision and to e-mail the suggestions to the council to discuss at the next meeting on January 28.

DISCUSSION OF DOG CONTROL ORDINANCE, BRUCE KING: Bruce said Attorney Forsberg, Brad, Vaun and he concur on the final revision to the dog control ordinance. Attorney Forsberg made a few changes and reported that the ordinance, as revised, has answered his concerns.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Merrill to accept the proposed dog control ordinance dated January 12, 2010, and to schedule a public hearing on it February 11, 2010, at 6:30 p.m.; motion carried.

Sharon was asked to put in the newsletter that the proposed dog ordinance is on the Web site or can be reviewed at city hall.

DISCUSSION OF EAST PARKWAY CORRIDOR: The mayor reminded the council that Keller Associates is sponsoring their second public meeting on the East Parkway Corridor Plan on Wednesday, January 27, 2010, at 6 p.m., at the Sugar Salem High School auditorium. We need to encourage citizens to attend.

MEMO FROM CITY ATTORNEY REGARDING E-MAIL: In his memo dated January 12, 2010, to Mayor Dalling, Attorney Forsberg said it would be best that all deliberations of any matter before the council take place only in a regular or special meeting, not via e-mail communications. Attaching to council minutes e-mails amounting to deliberations made outside of a lawful meeting will not cure a violation of the open meeting laws.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold discussed two major road changes that he feels should be made, which are safety issues: (1) on the east end of town at Highway 33 and 7th East; and (2) change 1st North to a perpendicular angle to Front Street.

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL: No report.

COUNCILMEMBER WADDELL: No report.

MAYOR'S BUSINESS:

Reappointment of Steve Hawkes to P&Z Commission:

MOTION: It was moved by Councilmember Harris and seconded by Councilmember King to reappoint Steve Hawkes as a member of the Planning and Zoning Commission for a three-year term; motion carried. The mayor reported that Renee Christensen is resigning as a P&Z commissioner at the end of January, so we need to appoint someone to fill the remainder of her term.

2010 Council assignments: The mayor reviewed with the council their respective assignments for the year, which are as follows:

Harold Harris: Streets, alleys, snow removal; council liaison with building inspector, assistant supervisor of maintenance employees.

Bruce King: Garbage and sanitation; liaison with Planning & Zoning; oversee city Web site development and maintenance.

Lamont Merrill: Water and sewer; Local Emergency Planning Committee.

Vaun Waddell: Parks and recreation; animal and insect control (mosquito); neighborhood watch program; provide leadership in obtaining available grants.

2010 goals and objectives and long-term planning: The mayor presented a list of items with regard to future planning. He encouraged the council to add to the list. He asked each

of them in their various assignments to make a list of things they would like to do and to present it at the next meeting. The mayor would like to inform the public on the state of the city, condition of our budget and the things we do and what our goals are for the year. The mayor discussed a few of the items on his list as follows:

Discuss a solution to the 3rd South Street problem: The mayor reminded the council that in the early 1970s the city was aware of the problem on 3rd South that we face today. We need to do something about it. We need to decide what we are going to do and put it in writing. He suggested having a meeting with every one of the residents on 3rd South in attendance. He asked Harold to work on it.

Remodeling of the City Hall building: The mayor said Forsgren Associates prepared an energy-efficiency grant to remodel the entire city building. He suggested that we consider the proposed remodeling of the back part of the city building. The floor plan was prepared a year ago and at that time the fireproof vault room was completed. Additional office space is needed for our building inspector and for the Planning and Zoning Commission. In addition to these two offices, the plan includes one additional office and a small conference room.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Waddell to authorize the mayor to make the expenditure, up to \$50,000, to start on and proceed with the remodeling of the additional space in the back of the city building; motion carried. Councilmember King suggested the minutes of this meeting include four reasons why the council decided to do the remodeling: (1) material costs have declined considerably; (2) laborers are available to do the work; (3) money is available for the project; and (4) the council foresees the need for additional office space and the remodeling.

Replacement or repair of pressure washer: The mayor reported that the 30-year-old pressure washer went out. It will cost \$3,000 to repair. We can buy a used one with a three-year warranty on the coil and a one-year warranty on the pump for \$4,000, or a new one for \$7,000. Zane has looked at the used one and feels it would be a good one to purchase.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to go forward and purchase the used Atlanta steam cleaner as presented, which still has warranty on the coil and on the pump; motion carried.

Meeting adjourned at 9:05 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk