

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MAY 12, 2005

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Brent Barrus, Walter Deitz and Harold Harris; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Dick Dyer, City Engineer; Sarah Cummings, Standard Journal; Brad Orme; Bill Hollist; Thayne Siddoway; Stoney Tucker; Rayo Budge; Don Rydalch; Brian Partridge; Rob Matthews; Kade Matthews; Eddie Pincock; and A. W. Burton. Council member Tim Kershaw was excused.

The Mayor asked if there were any corrections to the minutes of the regular meeting held April 14, 2005, and the special meeting held April 27, 2005. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Barrus and seconded by Council member Deitz to accept said minutes; motion carried.

Marcie presented the April reconciliation reports for the General Fund. It was moved by Council member Deitz and seconded by Council member Harris to accept the April reconciliation reports for the General fund; motion carried. Marcie presented the April reconciliation reports for the Utility Fund. It was moved by Council member Deitz and seconded by Council member Barrus to accept the April reconciliation reports for the Utility fund; motion carried.

Marcie presented the current bills in the amount of \$73,551.33, plus a bill for Dick Dyer in the amount of \$5,662 for engineering fees from December through April. A discussion was had on items on Dick's bill. It was moved by Council member Barrus and seconded by Council member Harris to pay the current bills, together with all regular May bills that have not yet been received, except we need to clarify the portion of Dick Dyer's bill on 3rd South; Council member Harris will discuss it with Dick; motion carried.

CITIZEN INPUT: There were no comments from citizens.

CITY ATTORNEY DISCUSSION: Attorney Scott Lee addressed the Council on two items:

(1) **Review of Beer Ordinance.** Our ordinance indicates that we are not in compliance with state law so there are some changes that need to be made. Mr. Lee said with the Comprehensive Plan in the process of being modified, there would be some changes based on planning and zoning issues that will affect that particular ordinance. He recommended that the Council put a moratorium on accepting any application for a beer license to give us time to bring our ordinance in compliance with state law and also to make sure that it will be in compliance

with planning and zoning regulations. **MOTION:** It was moved by Council member Barrus that we put a six-month moratorium on accepting any applications for beer licenses until we get our ordinance in compliance with the state ordinances and laws, and until we get directions from Planning & Zoning. The motion died for lack of a second.

(2) **Public Hearing on Comprehensive Plan:** Mr. Lee reviewed the procedure to be followed at the public hearing on May 18th. We need to show that we gave due consideration to the Comprehensive Plan, that the process itself is documented to show that we gave due process as we go through this whole process of revision, and that the standards and conditions used to make the decision are documented in our minutes, that all members of the Commission or the Council view the situation with the community in mind, that they do that without regard to personal interests; and if we have anyone with a conflict of interest, that they step down. He reviewed conduct before the public hearing. There is to be no discussion on the subject matter with citizens outside the meetings. During the hearing itself, when members of the community come up and give statements, we are supposed to only listen and not comment back and forth. Jan should be the one to try to clarify any questions while she is making her presentation. Following the public hearing, the Council can state their views and opinions, which is what we would typically expect.

BILL HOLLIST – SWEET HAVEN APARTMENTS WATER BILL: Thayne Siddoway and Bill Hollist expressed concerns about their bills for Sweet Haven Apartments. Their concern isn't so much with the water as it is with sewer and garbage, and they would like to see some consistency in their billings. They presented a proposal for 2005 and asked that we allow them to pay a flat fee each month. After discussion, it was decided that Council member Deitz and Marcie would sit down with them and discuss the matter in a separate meeting.

STONEY TUCKER – PSI GARBAGE SERVICE: A discussion was had on the service PSI provides for the City. Mr. Tucker asked the Council to extend their agreement for another three years. He said if fuel prices don't go down, they may need to increase the fee. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris to renew the contract with PSI Waste Systems for the next three years as now written; motion carried. The Mayor signed Addendum #1, Contract Extension, which commenced on November 30, 2004 and will end on December 1, 2007.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Public Hearing on Comprehensive Plan: Sharee said Jan Gallup will not be doing a power point presentation for the upcoming hearing. The Transportation Map and the Comprehensive Plan Map will be shown. After she presents the maps, she would like a period of time where people can ask her questions before they make their comments.

Official Title for Jan Gallup: P&Z thinks Jan needs to have an official title switch now once she is finished with the Comprehensive Plan and she is now working on the ordinances. She needs to have a title that she can be referred to. The Mayor said we would look into the matter.

Impact Area Expansion: For the impact expansion and for the Ordinance Change Committee, they feel there should be some Salem representatives on it. They would like to have some Salem residents attend their work meetings to be able to give input on what is brought to the Council. They would be part of the committee but wouldn't be able to vote. P&Z will come up with some names.

Appointment of P&Z Commission Members: Sharee reported that the County had

approved Mike Withers for another three-year term. The Mayor said he contacted Brad Orme and he accepted. **MOTION:** It was moved by Council member Harris and seconded by Council member Barrus that we appoint Brad Orme as a member of the Planning & Zoning Commission to fill the unexpired term of Bruce Bills; motion carried. Said term will expire in December, 2007.

Gordon Reese – Caisson Laboratories Expansion: Sharee said Mr. Reese wants to put a modular office on his property. He had been in before in 2001 and wanted to put in a trailer, and P&Z denied his application because it wasn't allowed. Our ordinance does allow for a temporary building for one year. After that, he would need a special use permit to have it there for another year. The most he could do it would be two years, if a special use permit were approved. She said he doesn't need a building permit to do it. She suggested he bring in a plot plan for our benefit. He has to follow the averaging setback. He has to average with the buildings already on that street. She said he brought in the plan today and he is putting it right behind the building. We need to have some way to police this to remind us once the temporary building is put in. If Mr. Reese doesn't come in at the end of the year, we need to let him know he has to apply for a special use permit or it has to be removed.

Calendaring Program: Sharee suggested that we have a calendaring program to post things on a certain day. Sharon said she would post things so we can remember them.

MORATORIUM ON COMMERCIAL, MANUFACTURING, MULTI-FAMILY

HOUSING & CELL TOWERS: Sharee said P&Z would like us to keep the moratorium until the ordinances changes are done. Discussion was had. **MOTION:** It was moved by Council member Barrus that we put a moratorium on commercial, manufacturing, multi-family housing and cell towers applications for one more month. The motion died for lack of a second.

BRAD ORME, SUGAR CITY ONE STOP – APPLICATION FOR A BEER LICENSE:

Brad Orme addressed the Council regarding his application for a beer license. He has one from the State and one from the County. He said it is critical for the success and continuation of his business. Attorney Lee explained that our ordinance is not in compliance with state law. He told Mr. Orme he asked the Council to put a moratorium on accepting any applications until we get our ordinance in compliance with the State statutes. There was a motion that died for lack of a second. Further discussion was had. Mr. Orme said he would suffer for the City being out of compliance. Attorney Lee said under our ordinance as it sits now, the Council would probably have to approve it because there is not a legally defensible reason for a denial. Mr. Orme said his coming to this meeting is his formal application. The Mayor suggested waiting until Council member Kershaw arrives, at which time the Council would vote on it.

RAYO BUDGE – CITY BEAUTIFICATION COMMITTEE: Mr. Budge addressed the Council. He represents the City Beautification Committee. So far they have had two meetings. He said their goal is to find all the spots in and around Sugar City to see what we can do to make the City more beautiful and more appealing to people as they drive through or come to visit. Some spots are pretty obvious. They first looked at the entrances to Sugar City off the freeway, the corner where the sugar factory was, and they are concerned about the grain silo. He said they would be happy for any ideas from the Council.

DON RYDALCH – GRANT WRITING: Mr. Rydalch reported he attended a Funder's Fair in Idaho Falls sponsored by Congressman Simpson's office in conjunction with High Country Resource Conservation and Development. He said there is grant and loan money available, but

the competition is keen. He feels that our local RC&D contact people in the Rexburg office are willing, able and eager to help direct us towards sources of money. They won't write any grants or applications for us. He said there are four points for the Council's consideration: (1) it would be helpful to have the median household income for the City as part of the 2000 census; (2) we should consider submitting a grant proposal to the Idaho Department of Transportation in January for anything we want done in the area of the elevator; (3) identify some other project within the City and submit a grant application on that; and (4) look ahead and prioritize any major projects and prepare grant applications. He said he would be happy to apply for a grant if the Council would give him some direction.

BRIAN PARTRIDGE – GRAIN SILO PROPOSAL: Mr. Partridge presented two proposals for improving the grain silo. He feels the silo has merit and is a sound building that will be around for a while. (1) One proposal is we could keep the silo as a landmark and restore it with a lighthouse look; and (2) his proposal included a trade between the city and a private business. A business would pay for landscaping and renovation costs in exchange for ownership of the silo and property, which would include the property across the road to the west between the railroad tracks and Railroad Avenue. He reported a candy company and a specialty furnishings company have shown interest. After further discussion, the Mayor said at this point we will have to do some thinking and talking about this and will get back with him.

ENGINEER'S REPORT: Dick Dyer addressed the Council.

Railroad Avenue Sewer Line Replacement: Dick said the sewer line replacement has been completed and he feels good about the work that was accomplished.

Update on Bike Path: Dick said they have been working through the winter on the environmental clearance, which they have obtained. We are going to get a categorical exclusion, meaning that it is not expected to have a very big impact on the environment. They put together their preliminary design (concept report) and it has been submitted. They haven't been able to get the railroad easement, but they are working on it. Dick said he would go to Twin Falls and see if everything has been covered. The railroad has some issues on signage and fencing, and they want to make sure it will be effective and safe. Dick said we have a concept report and then a series of reports about the soil conditions and the paving. There are five soil reports if all of them apply. One of them doesn't apply because we don't have a bridge. He said the design is to be submitted and approved by July 15; and if they can meet that deadline, they will have a one-month review at ITD and then will be in a position at that point to put it up for calling for bids. He guesses they would not open the bids until the first of October, the start of their fiscal year. It is possible that some work might be done in the fall. The County will do the up-front work in the fall, and in the spring the contractor would come in and finish the paving.

Railroad Avenue Project: A discussion was had on the curb and gutter. The asphalt patching is great, but the curb is not satisfactory and needs to be replaced.

West 1st South Railroad Crossing Project: A discussion was had on HK's bill for doing the project, and the projected engineering fees. The proposal for doing the project was about \$5,500, and we have not paid them roughly \$2,500 of that project because they were going to do a two-inch overlay across there. That was applied to this, so we still owe them a balance of \$1,718.45. If there is still some retainage on that project, we need to pay that. This will finish the West 1st South project. Marcie needs to research her books and determine what is left to pay, if any.

DEPARTMENT REPORTS:

COUNCIL MEMBER BARRUS:

Report on tennis courts: Brent reported Courts, Inc., in Billings submitted an estimate for \$11,000 to put rubberized coating and painting on both courts. They do tennis courts all the time. To redo both of the courts completely would be \$70,000 to \$80,000. Brent feels we can get them done for \$30,000 each. He was asked to talk to school officials to see if they would be willing to help fund the project.

COUNCIL MEMBER HARRIS:

Update on roadwork: He said the paver broke down. They will try to get some done Saturday if it dries out. They will pave several areas around town if the weather is good. Harold said he had a hard bid on crack sealing on what we thought we needed to have done, so they covered every bit of that and it was about \$1,500 less than what we anticipated by the time we got the actual measurements and the actual tonnage asphalt; but it cost a little more to get the preparation done for the underlay. The overall picture will be a little less than anticipated.

Potential purchase of sweeper: Harold and Dan will go to Salt Lake City tomorrow to look at a couple of street sweepers. The sweeper we have is almost worn out. He is interested in one at Intermountain Sweeper Company in West Jordan for a price of \$55,000. Harold will check it out and make a recommendation to the Council. The Mayor said we might need to have a special meeting to approve it.

COUNCIL MEMBER DEITZ:

Sewer Lift Station: Walter said last week Dan reset both pumps once and he reset them two additional times. The phone dialer does not call us to let us know there is a problem. He said we should look at replacing the mag starters. The pumps have been rebuilt several times, and every time they are rebuilt the tolerance level drops. He feels we ought to look at purchasing some new pumps and having the old ones repaired and ready for backups. It will cost about \$4,000 to change the mag starters, to install the other equipment and to rework everything. There is no ventilation in that room if the generator kicks on, and it would cost approximately \$3,000. Dick Dyer said a good place to start would be to put the reserve pump in and see if it helps the situation. **MOTION:** It was moved by Council member Harris and seconded by Council member Barrus to have Walter continue investigating and do whatever is necessary to get adequate protection for the town and do it on a time-and-material basis. This is just to get the safety factors and new pumps later. The Mayor called for a roll call vote.

Those voting aye: Council members Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

MAYOR'S BUSINESS:

Yellow Ribbon Days Proclamation: The Mayor discussed Yellow Ribbons Days to be held from May 21 through May 31, 2005. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that on May 21st (Armed Forces Day) we declare Sugar City is in support of the military and to display yellow ribbons until the 31st of May; motion carried. A copy of the Yellow Ribbon Days Proclamation is attached hereto, marked "Attachment 1."

Lot by Moon Park: The Mayor said he got the bids back on the lot by Moon Park. It was appraised at \$14,000. Discussion was had. Attorney Lee said the procedure is that the Council has to make a decision that they want to sell it. Then they have to make the decision whether or not they want to put a minimum price on it or not; and if they want a minimum price,

then they have to state what that minimum price is. Then you have a resolution to go ahead and do it. Under those conditions, we put a notice in the paper for an auction and then follow through with it. **MOTION:** It was moved by Council member Barrus and seconded by Council member Harris that we put the lot up for sale in Moon Park that we had appraised, with no minimum bid, subject to approval by the lawyer; motion carried.

Water Meter Readings: A. W. Burton addressed the Council. He suggested we use November if the winter is established and the same thing with March; and to read the meters at the end of October. If November is a warm month, read the final reading at the end of November even if it has to be uncovered with a shovel. Then use those three months for the average.

EXECUTIVE SESSION:

9:50 p.m. It was moved by Council member Deitz and seconded by Council member Harris to go into executive session to discuss possible litigation. The Mayor called for a roll call vote:

Those voting aye: Council members Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:15 p.m. The regular Council meeting reconvened.

BRAD ORME APPLICATION FOR BEER LICENSE: **MOTION:** It was moved by Council member Harris and seconded by Council member Deitz that we grant Brad's application to sell bottled or canned beer, none of which is to be consumed on the premises where sold, after payment of the license fee in the amount of \$50. The Mayor called for a roll call vote.

Those voting aye: Council members Deitz and Harris

Those voting nay: Council member Barrus

Thereupon, the Mayor declared the motion passed.

Meeting adjourned at 10:25 p.m.

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

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

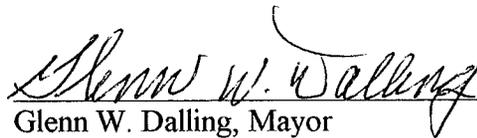
PROCLAMATION

WHEREAS, on May 21, 2005, cities around the country, including cities in Idaho, will honor and celebrate their military on Armed Forces Day; and

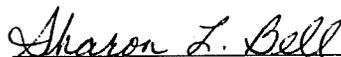
WHEREAS, the City Council and Mayor of the City of Sugar City hereby honor our military men and women;

NOW, THEREFORE, I, Glenn W. Dalling, Mayor of the City of Sugar City, Idaho, do hereby proclaim May 21, 2005 through May 31, 2005 as Yellow Ribbon Days. I urge all residents to celebrate Yellow Ribbon Days by displaying yellow ribbons on their homes, trees, etc., during this period of time.

DATED this 12th day of May 2005.


Glenn W. Dalling, Mayor

ATTEST:


Sharon L. Bell, City Clerk

(SEAL)

