

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 24, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Kyra Davis, Standard Journal; Jan Gallup; Attorney Richard Smith; and Vaun Waddell.
Councilmember Walter Deitz was excused.

PUBLIC HEARING (PROPOSED BUDGET 2006-2007): The Mayor welcomed everyone. Marcie reviewed the general fund and the utility fund budget items, and explained a few changes that were made because the AIC gave all the cities incorrect calculations. There were no comments from the public.

6:45 p.m. The public hearing ended and the Council resumed their regular meeting.

ADOPT 2006-2007 BUDGET: It was moved by Councilmember Harris and seconded by Councilmember King to adopt the 2006-2007 budget as adjusted. The Mayor called for a roll call vote.

Those voting aye: Councilmembers Harris, King, and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

The Mayor asked if there were any corrections to the minutes of the regular meeting held August 10, 2006, and the minutes of the special meeting held August 17, 2006. Each Councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Harris to accept the minutes of August 10, 2006; motion carried. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept the minutes of August 17, 2006, with the addition of the three reasons why we were buying the Jeppesen property; motion carried.

CITIZEN INPUT: There was no citizen input.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Tennis court repair: Harold reported they are routing the cracks at the tennis courts. He estimates it will cost between \$2.75 and \$3 per lineal foot. We have 932 lineal feet; and if we use all volunteer help from this point on, it will cost approximately \$3,000 for one court. Sometime we may want to recoat all the court surfaces, which would cost approximately \$9,000 per court. The Mayor said the school uses the courts and feels they will pay for some of it.

COUNCILMEMBER DEITZ:

Status of repairs on pumping station/power company: The Mayor said Walter was going to be here to talk about the repairs to the pumping station, and the power company. As far as he knows, Rocky Mountain Power has not made any decision or comment or informed us one way or the other. He explained we had a problem last night with a drop in the water pressure, caused by booster pump failure, but he thinks the problem is solved.

COUNCILMEMBER KING: No report.

COUNCILMEMBER ORME: No report.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Grandview Range Gear (Jeffery L. Nelson) Home Occupation License: Jeffery L. Nelson came to P&Z to check out home occupation/home business. P&Z came to the conclusion it was a home occupation and told him to check with Sharon and obtain a business license. They are going to require every home occupation and home business to have a business license. They have a home occupation special use permit application, but she feels we need to come up with something for just a home occupation. It doesn't require a special use permit, but we need some type of application strictly for that so we will have a record of the scope of their business. People will need to fill something out every year when they do their home business licenses. P&Z will check into that.

Lori Fleming – Lot Division (Impact Area): Sharee reported on her assignment to check with the County to see what they would require on the lot division. Brent McFadden said the County would follow whatever Sugar City ordinances require. P&Z already told Mrs. Fleming it couldn't be done, according to our ordinances. After Sharee discussed the matter further with Mr. McFadden, he said they would not allow it in the County either.

Jacob Price Trees: Sharee reported Prices came in to the City to see about landscaping with trees along his fence line. A discussion was had on the tree committee. According to ordinance, any tree that is put in the public right-of-way is supposed to be approved by the tree committee. After discussion, Sharee will tell Mr. Price he can't plant in the City's nine-foot easement. Then we need to make sure this same requirement is carried out throughout town.

Home Business/Home Occupation: P&Z was going to set it for public hearing September 7th, but they still have some issues and concerns. The commission decided they were going to take some more time with it before they have a public hearing. They may take two or three months and put more work into it.

Whittington possible purchase of Andreasen home: Mrs. Whittington visited with Sharee about purchasing the home at 225 South Maple. She said the current homeowners told her there was an issue with the accessory building that Andreasens put up. She wanted to make sure there were no problems with that and requested something in writing from the City saying that the City is not going to make them move the building. Sharee feels the letter should come from the City, not from P&Z. This should have been taken care of many years ago. A discussion was had. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Harris that we send our building inspector over there to check out the building and the setbacks and report back to us; and if everything checks out okay, then we will go ahead and write her a letter of approval. A discussion was had on the right-of-way problems along 3rd South. The Mayor reported we are going to send the building inspector over. He will check out the structural soundness, and setbacks. We probably won't do anything but advise her of what's happened anyway. Motion carried.

Maps: Sharee reported every time she talks with Brent McFadden and they discuss our

impact area or the city or whatever, the subject of maps comes up. We need to have at least one map that is current. We need to have one with the latest properties that were annexed and any zone changes. Jan Gallup reported she could generate a map that would be current and would block out the area that is still in question.

7:30 P.M. PUBLIC HEARING (PROPOSED AMENDMENT TO 2005-2006 BUDGET):

The Mayor opened the public hearing for an amendment on our 2005-2006 budget. He explained it was something that wasn't anticipated, but is certainly appropriate. He turned the time over to the City Treasurer, Marcie Smith. Marcie explained there were three reasons to reopen the 2005-2006 budget: (1) sewer maintenance over \$80,000; (2) Sugar City bought sewer capacity, \$147,000; and (3) NorSun bought sewer capacity, \$447,220, for a total of \$674,220. There were no comments from the public.

7:35 p.m. The public hearing ended and the Council resumed their regular meeting.

ADOPT AMENDMENT TO 2005-2006 BUDGET: It was moved by Councilmember Harris and seconded by Councilmember King to adopt the amendment to the 2005-2006 budget. The Mayor called for a roll call vote.

Those voting aye: Councilmembers Harris, King, and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

ORDINANCE NO. 264:

Council member Orme introduced Ordinance No. 264 entitled:

“AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, AMENDING ORDINANCE NO. 256, THE APPROPRIATIONS ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF SUGAR CITY, IDAHO, IN THE SUM OF \$674,220.00 AND PROVIDING AN EFFECTIVE DAY.”

It was moved by Councilmember King and seconded by Councilmember 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, 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 Councilmember Orme and seconded by Councilmember King to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King and Orme

Those voting nay: none

Ordinance No. 264 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. 264 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.

JAN GALLUP – ORDINANCE REVISIONS:

Title 8, Design Review: Jan reported the Council has three choices on design review: (1) approve it the way it went to the last public hearing; (2) continue to work on it and have another public hearing; or (3) send it to the public and let them vote. Vaun Waddell arrived at 8:05. Jan led a page-by-page Power Point discussion from Page 13 through Page 18. The Mayor requested we need to stay on schedule tonight and finish it another night. Attorney Scott Lee arrived at 8:50 p.m. Jan will make the changes and send copies to the Mayor and Council.

Attorney Richard Smith arrived at 9:05 p.m.

RICHARD SMITH PROPOSAL ON INDEPENDENT PLANNING CONSULTANTS: Mr.

Smith reported that BYU-Idaho has decided to provide some assistance to all of the communities in the area with some planning services. The City of Rexburg and the County of Madison have discussed this, and they are both in favor of it. They brought down folks from FFKR which is an architectural/engineering firm employed by the university that either does this type of work or has contact with people who do this. They met with Rexburg, who told them what they would like to see out of a planning effort. FFKR would now like to meet with Sugar City officials, if we want to participate in this, and see what we would like them to help us with as a city. The County is going to participate. It has not been decided how much it will cost. The university is prepared to pay a substantial share of that because they feel very strong that as the university grows, the communities will grow. It needs to be done hand-in-hand.

Mr. Smith presented a letter from the Idaho Commerce & Labor Department that Mayor Larsen received, which is an offer to rural communities for some matching funds to do what we're talking about here. Rexburg doesn't qualify as a rural community anymore, but Sugar City would. Mr. Smith feels it would be smart for the county and the two cities to meet. It needs to be a joint effort.

Mr. Smith would like to bring Mr. Jim Lewis of FFKR to talk with the Council and have the same type of meeting they had with the Rexburg City Council and give him our input. He wanted to make it clear that the university is not going to drive this, nor is the church. It has got to be driven by the county and the cities as to what they want this community to be and how they want it to grow. The university is willing to participate in helping to get some professional help to have this done. Mr. Smith said Mr. Lewis is here every Wednesday and what is convenient for him is a noon meeting. After discussion, a tentative meeting has been set for noon on Wednesday, September 6, 2006. Mr. Smith will set it up.

The City of Rexburg has asked for help in further developing their written comprehensive plan and assistance, suggestions and professional help in reviewing their development code. The county also wants help on their comprehensive plan. He feels the documents for the county and the two cities need to coordinate. FFKR have agreed to help write the RFP (Request for Proposals) for these services and they are getting a list of resumes together of professional planning firms so it can go out for advertisement.

MAYOR'S BUSINESS:

Bike Path: The Mayor reported the money is there and if everything is met on time, we will have the bike path.

Jeppesen Property Purchase: The Mayor said we figured out a way to pay \$40,000 for the Jeppesen property, and they have leased it back for the first year. The agreement stated that Dick Dyer agreed that he would take care of the closing costs. A discussion was had on purchasing title insurance. **MOTION:** It was moved by Councilmember King that we authorize Scott to arrange for a policy of title insurance on the Jeppesen property, including the granaries and land. Motion died for lack of a second.

MOTION: It was moved by Councilmember Orme and seconded by Councilmember Harris that we authorize the Mayor to provide title insurance for the land on this purchase. Discussion was had. Motion withdrawn.

MOTION: It was moved by Councilmember King and seconded by Councilmember Orme that we authorize the Mayor to obtain a policy of title insurance, at a cost of approximately \$350, on the Jeppesen property, including the granaries; motion carried.

EXECUTIVE SESSION:

9:25 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Title 67-2345(f), that we move into executive session to discuss potential litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

11:15 p.m. The executive session ended and the regular Council meeting adjourned.

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

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