

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, AUGUST 10, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Kyra Davis, Standard Journal; Attorney Richard Smith; and Jake Wheeler, Camille Monette and Thomas Harper, students from BYU-Idaho.

The Mayor asked if there were any corrections to the minutes of the regular meeting held July 13, 2006. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Deitz to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$58,630.19 and an invoice from Reynolds Electric for \$3,246.75. It was moved by Councilmember Deitz and seconded by Councilmember Orme to pay the current bills, including the invoice from Reynolds Electric, together with all regular August bills that have not yet been received; motion carried.

**REOPENING BUDGET:** Marcie reported we are reopening the budget for the sewer capacity that we bought and the sewer capacity that NorSun bought, for a total of \$594,220. That will be in the paper the same time as our budget, and she wanted the Council to be aware of it.

**CITIZEN INPUT:** There was no citizen input. The Mayor welcomed the three college students who were in attendance, and they introduced themselves as Jake Wheeler, Camille Monette and Thomas Harper. They are from a communications class at BYU-I.

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

**Fence Issues:** Sharee reported there have been some misunderstandings. We need to learn to be a little better about how we deal with some of these issues that come up. She asked Jan Gallup to work on the language in the Code where it talks about fences, because it isn't very understandable.

**Jack Evans Fence:** Sharee told Mr. Evans that his fence is fine according to our ordinances because his garage comes off the side yard. When she initially looked at it she thought

that was his front yard because his garage actually comes off his side yard. Sharee also talked to Mr. Evans about his storage shed. He understands and knows that he has to move it.

**Jacob Price Fence:** Sharee reported Prices gave her a picture that shows they were replacing an existing fence. The only difference is that because of the home addition it is a little different than it was originally. After discussion, the Council agreed that Mr. Price doesn't need a fence permit.

**Rescheduled Public Hearing – Home Occupation/Home Business:** Sharee reported P&Z rescheduled their public hearing for Thursday, September 7<sup>th</sup> at 7:30 p.m. It was originally scheduled for August 17<sup>th</sup>, but Standard Journal failed to publish the Notice of Hearing in a timely manner, which necessitated the change of dates.

**Letter to Newspaper (Lois Webb Pool Issue):** Sharee reported there has been so much misinformation with Planning & Zoning and the Lois Webb pool issue. She wondered if we needed to write a letter to the editor from P&Z explaining some things. She said the paper had stated that the City had told Mrs. Webb she was going to be fined, etc. Discussion was had. Sharee is concerned that the public hearing on Home Occupation/Home Business will turn into a Lois Webb pool issue. Attorney Lee said it probably wouldn't do too much good to write a letter. He said Sharee would have to take control of the public hearing and indicate that it is not a Lois Webb hearing. It is a hearing on an ordinance that deals with home occupations and home businesses in the City. She may have to restrict some of the testimony that comes, to the extent that it is repetitive, regarding Lois Webb. Sharee feels that is the time when some things will get straightened out. Sharee reported Mrs. Webb never should have been permitted to do her business in the first place.

**Lori Fleming – Lot Division (Impact Area):** Sharee reported Mrs. Fleming wants to divide her 2-1/2 acre property and put another house behind her house. P&Z told her the property had already been divided once when it was sold. If it is divided again, it falls under a subdivision. P&Z told her it couldn't be done. The Mayor said he would appreciate it if Sharee would check on the County's reaction to that.

**ADOPT TENTATIVE BUDGET:** Marcie presented a preliminary annual budget for the year 2006-2007. A page-by-page discussion was had on said budget items. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember King that we accept the tentative budget for 2006-2007. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King, and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

## **DEPARTMENT REPORTS:**

### **COUNCILMEMBER DEITZ:**

**Electrical problems with pumps:** Walter reported we have filed a claim against Rocky Mountain Power (formerly Utah Power) because of a loss of equipment again, and we are in negotiations how to fix it and get them to pay for it. The Mayor reported he was in the meeting and Walter was very professional, but strong.

### **COUNCILMEMBER KING:**

**Letter to Jan Gallup:** The Mayor reported Jan sent the letter back signed, but she wrote in pencil the things she wanted changed. He felt that we should change it officially and asked Bruce to do it. Bruce reported the change of language under paragraphs 6 through 9 from "on matters related to Sugar City concerns" to "matters relating to the City of Sugar City."

Bruce made the change. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember King that we sign the letter to Jan Gallup that we drafted last week with the changes noted; Councilmember Harris voted nay; motion carried.

**Ponderosa Estates:** Bruce reported Jan Barrus told him somebody has mowed the weeds at Ponderosa Estates on the east of her house. The Mayor reported we sent a letter to Mr. Forbush concerning the weed problem and several other problems. He reported we received a copy of a letter Gary Stillman wrote to Kirby Forbush. It said if Kirby chose not to remove the culvert and put the right size in, Mr. Stillman would hire the work done and would bill Kirby.

**COUNCILMEMBER ORME:**

**Economic Development -- MEDCO:** Brad reported on the MEDCO meetings. Anytime anything is mentioned about MEDCO, it is always Madison County and the City, meaning Rexburg. We never get mentioned, and it is frustrating. He said MEDCO is funded largely by funds from the City of Rexburg and Madison County. Sugar City gives \$300. Brad feels if we want to be recognized and have a little more impact in MEDCO, we need to step up and contribute more of the funds to them. He was supposed to do some research about forming our own Sugar City economic development. His feeling, after talking to Clair Boyle of MEDCO, is he's still not sure if it is needed and necessary. Clair does such a good job and is putting in a little time here in Sugar City to promote things. He is the one that has the contacts. He is the one that knows the businesses that want to come in.

The Mayor welcomed Richard Smith, who arrived at 8:55 p.m. The Mayor said he needs to discuss the bike path and since litigation might be involved, he wants to do it in executive meeting after Mr. Smith leaves. He reported he asked Mr. Smith to come tonight, not as a presenter, but because he was in the meeting that the Mayor and Attorney Lee attended. Mr. Smith said he would come and answer questions, but did not want to make a presentation. The Mayor entertained a motion to go into executive session.

**EXECUTIVE SESSION:**

9:00 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Title 67-2345(b) and (f), that we move into executive session to discuss personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:35 p.m. The executive session ended and the regular Council meeting reconvened.

**MAYOR'S BUSINESS:**

**Bike Path Easement:** Discussion was had. The Mayor asked for a motion to accept the temporary easement between the City and Jeppesen Brothers with the discussed alterations.

**MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we accept the document presented by Mr. Dyer from The Dyer Group, with the changes made on page 2 of our granting them a temporary easement that says: "To have and to hold the right of use of the above-described property unto the Grantee, and its successors and assigns until the Grantee ceases all hereinbefore-described uses of this temporary easement." That needs to be changed, "Until the Grantor decides on other uses of that property and then the Grantee gives up the right," and "Grantee shall be granted a temporary license for limited crossing of the adjacent pedestrian/bike path with a pickup truck and light equipment (e.g., grain auger) in

an emergency to access Grantor's property for agricultural support operations." Also add, "That the Grantor will build up the low-lying areas as set forth in the attached exhibit." We also need to add that it is a Temporary Easement from the City of Sugar City to the Jeppesen Brothers. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

**Ball, Brown, Harris, Jeppesen Annexation:** The Mayor is concerned about our problem with Rexburg, and we need to take an action.

**MOTION TO DROP ANNEXATION PETITION SUIT:** It was moved by Councilmember Deitz and seconded by Councilmember Orme that we drop our annexation petition suit against Rexburg in conjunction with them dropping theirs. Further discussion was had on talking to Todd Harris before dropping the lawsuit. The consensus of the Council was to call Mr. Harris tonight and talk to him in executive session. He could not be reached by phone.

**EXECUTIVE SESSION:**

11:00 p.m. It was moved by Councilmember King and seconded by Councilmember Deitz, pursuant to Title 67-2345(f), that we move into executive session to discuss litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

11:02 p.m. The executive session ended and the regular Council meeting reconvened.

**MOTION TO DROP ANNEXATION PETITION WITHDRAWN.**

Councilmember Deitz withdrew his motion, and Councilmember Orme withdrew his second. Further discussion was had. The Mayor reported if Mr. Harris were adamant against dropping the lawsuit, he would call a special meeting to decide what to do.

**MOTION TO DROP ANNEXATION PETITION SUIT:** It was moved by Councilmember Deitz and seconded by Councilmember Orme that we drop our annexation petition against Rexburg following a conference call with the Mayor and Todd Harris, in conjunction with Rexburg dropping their annexation petition at the same time. The Mayor called for a roll call vote:

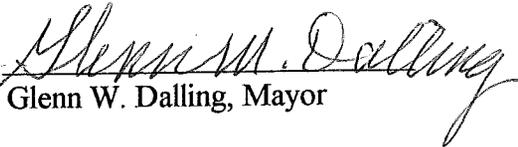
Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

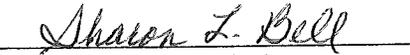
Thereupon, the Mayor declared the motion passed.

Meeting adjourned at 11:15 p.m.

Signed:

  
Glenn W. Dalling, Mayor

Attested:

  
Sharon L. Bell, Clerk