

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JUNE 10, 2010

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Lamont Merrill and Vaun Waddell; Brian Hawkes and Jesse Brown, Planning & Zoning Commission; and Derek Rawson. Councilmember Bruce King was excused.

PUBLIC HEARING (proposed disposition of city real estate – lot by Moon Park): Mayor Dalling welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing. The purpose of the public hearing is to declare the lot as surplus property and put it up for sale. City Clerk Sharon Bell reported there was one item of written testimony submitted, which she read into the record. Michael Rawson wrote: “I am working tonight and am unable to attend this meeting. I am interested in buying this piece of property, to extend my property and build a garage. My house is just north of the property for sale. Like I said, I am interested in this property being sold.” With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of approving the proposed disposition of city real estate. Comments were made as follows:

DEREK RAWSON, 11 East 1st North, Rexburg. He expressed interest in buying the property with his father and putting a garage on it. He encouraged the city to put it up for sale as surplus property.

Mayor Dalling then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those against the proposal to testify. No one testified.

6:40 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Lamont Merrill and Vaun Waddell; Brian Hawkes and Jesse Brown, Planning & Zoning Commission; Brent McFadden, Madison County Planning & Zoning; Tyler Fillmore; Marcel Parkinson; Jeff Parkinson; Derek Rawson; and Jorge Pelayo. Councilmember Bruce King was excused.

DISCUSSION AND DECISION ON PUBLIC HEARING: The mayor explained that the lot by Moon Park is 8,000 square feet. It is appraised at \$26,200, water and sewer are on it, and it is close to the park.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember

Harris to place the surplus lot by Moon Park up for sale, which has been appraised for \$26,200 and that this will be on the agenda for the June 24 meeting to accept bids at a public auction and to review any sealed bids that are received before that date. The mayor called for a roll call vote.

Those voting aye: Councilmembers Harris, Merrill and Waddell

Those voting nay: None

Thereupon, the mayor declared the motion carried.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on May 13, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept said minutes; motion carried.

Marcie presented the May reconciliation reports for the General Fund. It was moved by Councilmember Merrill and seconded by Councilmember Waddell to accept the May reconciliation reports for the General fund; motion carried. Marcie presented the May reconciliation reports for the Utility Fund in Zions Bank. It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept the May reconciliation reports for the Utility Fund in Zions Bank; motion carried. Marcie presented the May reconciliation reports for the Utility Fund in Key Bank. It was moved by Councilmember Waddell and seconded by Councilmember Merrill to accept the May reconciliation reports for the Utility Fund in Key Bank; motion carried. The city is in the process of changing the Utility Fund from Key Bank to Zions Bank.

Due to construction in city hall, there was no payment approval report.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve the paying of the regular monthly bills and to give the mayor the authority to approve the current bills coming in this month; motion carried.

RESOLUTION NO. 2010-6 (regulating public use of water from fire hydrants):

Councilmember Waddell read Resolution No. 2010-6 regulating public use of water from fire hydrants. It was moved by Councilmember Harris and seconded by Councilmember Waddell to approve Resolution No. 2010-6. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, Merrill and Waddell

Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 1." The mayor requested that several copies of this resolution be given to Public Works Director Zane Baler.

MOTION TO AMEND AGENDA: It was moved by Councilmember Harris and seconded by Councilmember Merrill to amend the agenda to include a discussion of the AT&T lease on the water tower under mayor's business for the reason that it was overlooked when the original agenda was prepared; motion carried.

INTERLOCAL AGREEMENT AND FINAL AREA OF IMPACT AGREEMENT:

Madison County Planning and Zoning Administrator Brent McFadden presented the Interlocal Agreement and Final Area of Impact Agreement between the Cities of Rexburg, Sugar City, Teton, Newdale, and Madison County concerning renegotiation of areas of city impact and annexation.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Merrill to approve the Interlocal Agreement as presented by Mr. McFadden and authorize Mayor Dalling to sign both it and the Final Area of Impact Agreement; motion carried.

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

Recommendation on Parkinson Special Use Permit: Brian presented P&Z's written recommendation as follows: "A public hearing was held in Sugar City on Thursday, June 3, 2010 at the City Building for Jeff and Marcel Parkinson to build a dance studio in a C-3 zone. As a result of this public hearing and subsequent discussion, the Planning and Zoning Commission voted to recommend the passage of this special use permit for the dance studio. It was recognized that a dance studio would help enhance the area and turn a part of the city that has been somewhat of an eyesore into a productive business. This business will be an advantage for the city from both the aesthetics and business aspects."

Fire substation (JRW Engineering): Brian reported that JRW Engineering is applying for a special use permit for Madison Fire District to put a public building (Sugar City facility) in an R-1 zone. P&Z has scheduled a public hearing on July 1, 2010 at 7 p.m.

Building homes on sub-sized lots (Chad Plocher): Chad Plocher would like to purchase the three small lots on Railroad Avenue near 3rd North and put small homes on them. Brian said they are substandard for an R-2 zone, being approximately 5,000 square feet each. P&Z suggested Mr. Plocher combine the three lots and divide them into two lots of about 7,500 square feet per lot

East Parkway and Beltway proposal to Rexburg and Madison County: Brian reported that Councilmember King met with P&Z and that P&Z supports the two routes that he presented.

Discussion of title 9 modifications by the city attorney: P&Z discussed the title 9 modifications by the city attorney and voted to turn it back to the city council. P&Z had a public hearing on it. Substantive changes have been made, so the city council will have to hold a public hearing. One significant change is that the home business chapter has not been to P&Z public hearing so it should be removed from title 9 at this time. Sharon was asked to put a discussion of title 9 modifications on the June 24 city council agenda.

DISCUSSION/POSSIBLE DECISION ON P&Z RECOMMENDATION ON PARKINSON SPECIAL USE PERMIT: It was the consensus of the council to approve the special use permit for Jeff and Marcel Parkinson to build a dance studio in a C-3 zone.

RANCHO GRANDE (JORGE PELAYO) – BUSINESS LICENSE APPLICATION FOR

TACO BUS: Mr. Pelayo submitted a business license application for a taco bus on the empty lot west of Sugar City Market. The application included a note from Kathy Stillman granting him permission to do so. It is a fast-food Mexican restaurant. It is 42 feet long, one-half for the kitchen and one-half for dining, with outside seating for warm weather. The bus is self-contained for water and sewer and they will hook up to electricity. A discussion was had on the location of the taco bus. The council would prefer it to be on the parking lot rather than the grass.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve a business license for Rio Grande (Jorge Pelayo) to place a mobile fast-food taco bus on the paved parking lot of the Sugar City Market property, pending Kathy Stillman's permission; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Resurfacing Highway 33 from Rexburg through Sugar City: Harold reported that resurfacing of Highway 33 from Rexburg (Horkley's corner) and through Sugar City is underway. HK Contractors is working on it.

Storm drains: Harold met with DePatco and Edstrom Construction to generate new street drains on North Cutler Avenue from Center Street to 1st North.

COUNCILMEMBER MERRILL: Lamont expressed concern about NorSun's meter readings. Marcie explained that the inaccuracy would not hurt Sugar City because we bill on the pump hours.

COUNCILMEMBER WADDELL:

Arbor Day celebration: Vaun reported that the events at the park and the school went as planned for the Arbor Day celebration.

Teton Dam Marathon: The Rexburg/Sugar City Teton Dam Marathon is this Saturday. Vaun, Paul Jeppson and Mayor Dalling have planned together for events in Heritage Park. There will be refreshments, and flags will be put out. The mayor said it is good to be a part of the Teton Dam Marathon activity.

Signs for city parks: Vaun checked on signs, and reported that a basic panel sign would cost between \$1,000 and \$1,200. The support base will be at a minimum of \$200. The mayor reported that all three park signs need to be replaced. He asked Vaun to work on "wording" and to talk to Harold about the support structure.

MAYOR'S BUSINESS:

Sale of lots in business park: With the retirement of Clair Boyle as executive director of Madison Economic Partners, there is no one to promote the sale of the business park lots. Madison Economic Partners has hired Scott Johnson, who works for the City of Rexburg. Mr. Johnson will spend approximately 25 % of his time working for MEPI. We have an agreement that Mr. Johnson will promote the sale of the lots and will then turn it over to whatever real estate agent that the city hires. Clair Boyle will be willing to help.

AT&T lease on water tower: The mayor reported that he talked with Jodi Price, of Fuller Consulting and representing AT&T, on the phone several times today to discuss the AT&T lease. Previously the council authorized him to negotiate the terms of the lease. It will have an automatic rollover every five years. The mayor reported negotiating for \$850 a month, and Ms. Price reported that AT&T approved it. AT&T will prepare the lease. Sharon was asked to notify Ms. Price tomorrow that the council approved the negotiations and to make sure it is retroactive back to March 30, 2010, when the other lease ended.

Meeting adjourned at 9:00 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2010-6

A RESOLUTION OF THE CITY OF SUGAR CITY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ADOPTING A POLICY REGULATING USE, BY THE PUBLIC, OF WATER FROM FIRE HYDRANTS, AND PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Contractors and other members of the public have used the fire hydrants within the City to provide them with water for various purposes not related to fire suppression; and

WHEREAS, the Mayor and City Council believe it is necessary and appropriate to adopt a policy that provides for regulation of such use and for compensation to the City for such use;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sugar City, Idaho, as follows:

Water may be taken from fire hydrants within the City for purposes other than fire suppression only with the prior written authorization of the City.

The City Clerk is hereby authorized and empowered to issue permits to take water from the City's fire hydrants.

Such authorization shall contain such conditions as the City may deem in its best interest, including, that any hookup must have a functioning back flow device.

The Clerk shall charge \$25.00 per project for a hookup fee.

There shall be a further charge of \$5.00 for each 1,000 gallons taken from a hydrant.

The fire hydrant at the northwest corner of Moon Park on Railroad Avenue is hereby designated as the water source for all commercial trucks.

Hooking up to a fire hydrant without the prior written authorization of the City shall be subject to an additional fee of \$100.00 for each such occurrence.

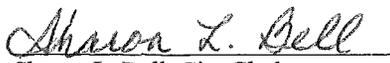
Failure to use a backflow device when hooking up to a fire hydrant shall subject the user to an additional \$500.00 fee per occurrence.

This Resolution shall become effective as of the date of its passage.

**UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR
THIS 10TH DAY OF JUNE, 2010.**

ATTEST:


Glenn W. Dalling, Mayor


Sharon L. Bell, City Clerk

(SEAL)