

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 10, 2005

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Tim Kershaw, Brent Barrus, Walter Deitz and Harold Harris; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Brant Kerbs; Max Parkinson; Jason Beck; Verla Moss; Dave Thompson; Vaun Waddell; Melvin Bean; Winona Bean; and Brent McFadden, Madison County P&Z Coordinator.

The Mayor asked if there were any corrections to the minutes of the regular meeting held October 13, 2005; minutes of the special meeting held October 21, 2005; minutes of the special meeting held October 26, 2005; and minutes of the special meeting held November 1, 2005. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Kershaw and seconded by Council member Deitz to accept the minutes of October 13, 2005; motion carried. It was moved by Council member Harris and seconded by Council member Barrus to accept the minutes of October 26, 2005; motion carried. It was moved by Council member Barrus and seconded by Council member Deitz to accept the minutes of November 1, 2005; motion carried. The Mayor explained that on the minutes of October 21st there were a lot of wrong amounts and contradictions on the sewer system. He asked for a motion to revamp the minutes as much as possible for the December meeting. It was moved by Council member Kershaw and seconded by Council member Harris that we authorize the Mayor and city staff to correct the minutes of October 21, 2005, and present the changes for approval at our December City Council meeting; motion carried.

No reconciliation reports were available.

Marcie presented the current bills in the amount of \$204,155.59. It was moved by Council member Harris and seconded by Council member Barrus to pay the current bills, together with all regular November bills that have not yet been received; motion carried.

CANVASS VOTES: Within six days following the November 8, 2005 election, the Council is required to canvass votes: Sharon reported voting was as follows:

For Council member (four-year term):	Bruce P. King	251
	Lawrence E. Nielsen	149
	Brad Orme	239

There were a total of 753 registered voters with 338 votes cast, which is 44%. There were no complaints or objections regarding the election.

MOTION: It was moved by Council member Barrus and seconded by Council member Deitz to approve the election results as reported and proclaim the results as final; motion carried. The following were declared elected officials to serve a four-year term beginning January 1, 2006:

Council members: Bruce P. King
Brad Orme

CITIZEN INPUT: There were no comments from citizens.

SEWER BILL FOR SUGAR CITY PRODUCE: Brant Kerbs addressed the Council. Accompanying him was Max Parkinson. A discussion was had on the sewer and water bill for Sugar City Produce. Mr. Parkinson feels they shouldn't be required to pay the bill because they haven't used the facility for four years and are not generating any income from it. It was explained that a bill has two portions: there is a basic charge for the bond to install the sewer system that is required to be paid, and there is a usage charge. They have not been charged for usage, only for the sewer bond. A discussion was also had on their basic water charge and the prices for different sizes of meters. He asked Mr. Kerbs and Mr. Parkinson to come to our December meeting and we will have a decision for them based on facts.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Yellowstone Meadows Annexation (Stillman property): P&Z had the public hearing on the Yellowstone Meadows request for annexation on November 3rd. They were pleased with the attendance. They made a misstep in that they didn't have an annexation agreement, which is part of the process that needs to be done. They will have to do another public hearing before they make a recommendation to the Council. She said some of the public were against it, some were for it and others were neutral because they didn't have enough information about what was going in there and what was happening. They will be working on the annexation agreement and will have another public hearing on December 7th. She said it is up to the applicant to present to the public why they should be annexed into the City. A discussion was had that the public has a lot of misconceptions on the annexation and that we are going to let them do whatever they want to do with the property. Sharee said a lot of it is due to a lack of information. The general public doesn't understand how the system progresses. We need to stress that right now on the table for us is the annexation. She suggested that when people come into a public hearing that we have an information sheet to place in their hands.

Rick Plewe – Planned Unit Development: Sharee said Mr. Plewe presented his planned unit development after the public hearing on November 3rd. Attorney Lee said he presented it to the public, and it should have been presented to P&Z. He said many of the public had questions about the project. A discussion was had on the meeting held last night. Sharee said a lot of people thought it was the City doing it, but it was the developer doing it. Mr. Lee said anyone from P&Z that went to the meeting could just sit there and listen and they couldn't participate. Jan did answer some questions. She said we need to clarify that she is not an employee of the City. She pays her own expenses and does have the right to speak as a planning consultant. The Mayor suggested we put an item in the monthly newsletter about Jan's status with the City.

Jean Dalling Property: Sharee said Sandy Worrell, the trustee for the Jean Dalling property, came to P&Z. She presented a letter saying they have several buyers interested in the property. There will probably be something happening with the property in the near future. The property is in the impact area.

Caisson Laboratories – Building Permit: Sharee said Caisson Laboratories approached the City for a building permit. P&Z approved the permit. They checked to make sure it fit the averaging setbacks. They are doing an addition, but it does not replace the mobile office that they have. She said it is on a one-year deal. To get it for another year, they will have to come in and get a special use permit.

Annexation Proposals: Sharee said Jan Gallup presented the proposed annexations of property on the North Rexburg Interchange (Sandra Ball, Ken Brown [Mountain Gold], Wanda Harris [Harris Family Trust], and Garry Jeppesen) to P&Z. Jan said she has been in touch with the property owners and we have a meeting scheduled for November 17th to begin master planning that property, and she needs the City Engineer there. Attorney Lee said we need an annexation agreement with them. Jan said the property owners are very positive about coming into Sugar City. She said Ken Brown was leaning towards Rexburg for the longest time, but now he has reasons why he wants to come to Sugar City – the bottom line are impact fees and the tax base. We want to get going on this annexation and get it finished. She said Attorney Lee recommended we have a public hearing on it on January 19th. The annexation agreement will identify places where we want roads, major collectors and it will identify infrastructure – water, sewer, those kinds of things. So the meeting on November 17th will be an initial meeting where we will sit down and decide what is the best way to master plan the property. She said the property owners are concerned with each others' interests. She said everything she has done up to this point she has either gone through the Mayor, Scott Lee and the Mayor, or Tim Kershaw. Attorney Lee said legally we could do all four property owners and the Stillman property at the same time, but he feels it would be too confusing.

GIS Services: The Mayor said he faxed the GIS approval in today. Jan said there will be a high demand for GIS services from now until probably May with all the things we have. The Mayor has requested that service and will negotiate with the County on it. The Mayor said Marilyn Rasmussen talked to him about it, Jan talked to him, and then Commissioner Roger Muir talked to him. Commissioner Muir made it very clear that they want to work with us but right now they don't want to dump a lot of expense on us. He said Jan made up a "scope and sequence" to identify what we need and when we need it. The Mayor gave that to Marilyn who will look at it and talk to them and see what it will cost. Right now we don't have any basis for a set fee with them. Jan said she had to go to Craig Rindlisbacher at GIS for the annexation of the four property owners. He put it together and was very professional about it.

Ordinance Revisions: Sharee said P&Z had their public hearing on November 2nd for the ordinance revisions. The public comments on that pretty much were focused on the PUD (Planned Unit Development) section. They had some issues about zoning and PUDs. Now they will work on Title 9, which is zoning and PUD. She said there were no comments about any of the other revisions they made. P&Z recommends that City Council accept Title 8, the building and site ordinance, which includes the design review and signage. She said Title 10 never got put in their motion. They will have their recommendation for Title 10 next time. A discussion was had on road widths. The Mayor suggested rather than discuss it further tonight; we should have everyone write their specific questions down. Then we would have a list of things we would like answered by P&Z. Sharee said we need to make sure how everything is stated in the ordinances. The Mayor said we need to have answers in writing. Jan said P&Z has recommended that the

City Council accept Title 8, and we need to set a public hearing date for our public hearing to accept that. She said if the Council wants, she would do a presentation and outline it. Attorney Lee said we need to change the annexation ordinance because it is very cumbersome to deal with. Jan said we can do it with Title 9 and she will work on it with him. She asked the Council to set a public hearing on the ordinance revisions in Title 8. It was decided that before we go to a public hearing on that we should have all of our questions resolved.

P&Z Appointments: Attorney Lee said with Brad and Bruce being elected on the City Council, P&Z would need two new members. Sharee said they would like to suggest some names, if the Council would be open to that. They have been working with a lot of different people in the community and would like to make suggestions. The Mayor said we would discuss it in December.

The Mayor expressed appreciation for Sharee's and Jan's report.

DEPARTMENT REPORTS:

COUNCIL MEMBER DEITZ:

Jeff & Lois Webb Sewer Line Break: Walter said this summer they cleaned all the sewer lines on the south side of town except for that area because it isn't on the map we gave them. We will correct that problem. If we had cleaned that, we probably wouldn't have had this problem. There were a lot of lines that branched off that went to mobile homes after the flood. The line to Webbs' house has been TV'd all the way from the house out to the main line and marked where it is. This is not what caused their driveway and sidewalk to settle. It was poor compaction underneath it. Those lines have all been cleaned, and it's a good thing we cleaned everything over there because they got out half a truckload of rocks out of that short distance of line. He said half of the manhole covers are too low and we should have a project next year to raise those up. The manhole directly behind Webbs' house dips down eight inches and comes back up for eight feet. That whole line is completely under water for eight feet. Walter said the problem is under control. There will be some costs to the City – we will have to pay the \$500 deductible and the insurance (ICRMP) should pick up the rest on the damage to their home. The Mayor said the adjustor has been there and there are no glitches.

Well #4 by Water Tower: Walter said we have low voltage and high voltage problems. Volts run up to 170 volts often and electronic equipment doesn't handle that, and the surge protection that we have doesn't kick in until it gets above that. Bron Leishman is putting together some costs to see what it will cost to put in our own monitoring equipment. It will probably cost \$2,000 to \$3,000 to do it but he feels it will save us a lot of money. There is no equipment there to protect against the low or high voltage. He will get the costs together and report to the Council. The Mayor said we could discuss it further in December. Walter said we would document the low voltage and the high voltage and then contact the PUC; then with our documentation, they will require Utah Power to come in and correct everything. Utah Power is denying that anything is their fault.

Curb with hump on Railroad Avenue: Walter inquired if anything had been done and Harold said Dick Dyer has not followed up on that. Walter said before the bike path can go in we have to get something done with the water and sewer line that has to be moved. If we do all of the bike path paving, we may have to have it torn up to do the water and sewer line. The Mayor will talk with Dick Dyer about it.

COUNCIL MEMBER BARRUS: No report.

COUNCIL MEMBER KERSHAW: Tim said last time we met we were talking about writing something in the paper in opposition to the County's proposal in our joint meeting. Under

the circumstances he didn't feel we wanted to pursue that. He feels we should handle everything professionally – that we stand up for ourselves, but that we don't make waves that are not necessary.

COUNCIL MEMBER HARRIS: Harold reported the street sweeper has been retired for the winter.

Webbs' Sewer Problem: Harold said we capped off the line under the house and in the spring we will go out into the street. Their broken driveway was discussed. We feel it didn't have anything to do with the compacting. Harold said he visited with the Webbs after and told them they inherited some of the damage when they bought the home. It didn't have anything to do with settling. The line wasn't broken going directly into the house. They will dig it up in the spring because another section of the street has a settling problem out next to the curb. We will cut that section out and try to repair them all at once.

EXECUTIVE SESSION:

8:25 p.m. It was moved by Council member Barrus and seconded by Council member Deitz to go into executive session to discuss personnel. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

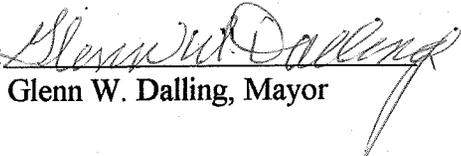
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

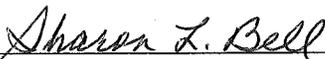
9:50 p.m. The regular Council meeting reconvened. During the executive session potential litigation was also discussed.

Meeting adjourned at 9:50 p.m.

Signed:


Glenn W. Dalling, Mayor

Attested:


Sharon L. Bell, Clerk