

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 12, 2009

Presiding: Mayor 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, Brad Orme and Lamont Merrill; Brian Hawkes, Jesse Brown, Steve Hawkes and Vaun Waddell, Planning & Zoning; Sharee Palmer; Debra Thompson; Grant Nelson; Shawna Nelson; and Terry Mortensen.

PUBLIC HEARING (Proposed Comprehensive Plan Transportation Map): The mayor welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of approving the proposed transportation map. Comments were made as follows:

VAUN WADDELL, 275 E. Appaloosa. He is in favor of the transportation map. He said State Highway 33 is a minor arterial that goes through schools and home areas. He feels the width, speeds and access are fine. He said this map can be changed as needed with an ordinance.

The mayor then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those against the proposal to testify. Comments were made as follows:

SHAREE PALMER, 1087 East Moody Road. She is against the proposed transportation map. There are discrepancies between county transportation map and city map. County map has Highway 33 as minor and major arterial. She thinks Highway 33 should be a minor arterial through the city, then a major arterial. Toscano needs something more than local streets for commercial. Ninth and 7th North also need to be arterials. Does not like round-a-bouts period, especially in Old Farm Estates. She proposes possible frontage roads through the Ball and Harris property. She recommends getting together with the county so that there is consistency between the two entities. She objects to Vaun Waddell testifying as a P&Z member. (Commissioner Steve Hawkes said the round-a-bout was suggested by Old Farm Estates.) Commissioner Vaun Waddell said as a commissioner of P&Z he does not give up his right to speak as a citizen.

7:00 p.m. **PUBLIC HEARING (Proposed Comprehensive Plan Land Use Map):**

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, and Lamont Merrill; Brian Hawkes, Jesse Brown, Steve Hawkes and Vaun Waddell, Planning & Zoning; Sharee Palmer; Debra Thompson; Grant Nelson; Terry Mortensen; and Peter Gutenberger. Councilman Brad Orme recused himself from the public hearing because he owns a piece of property that could be changed from residential to commercial.

The mayor welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and asked Commissioner Steve Hawkes to introduce the subject of tonight's hearing. Commissioner Hawkes presented the proposed land use map. The comprehensive plan requires a land use map. He feels P&Z has addressed every need of what land is to be used for what. This map can also be changed.

7:09 p.m. The mayor suspended the public hearing in order for City Clerk Sharon Bell to inquire of Attorney Forsberg whether Commissioner Vaun Waddell can testify. Mr. Forsberg said Mr. Waddell can testify because this is a legislative matter, not a quasi-judicial one.

7:22 p.m. The public hearing continued. With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of approving the proposed land use map. Comments were made as follows:

VAUN WADDELL, 275 E. Appaloosa. He said it has been a year since the city revised title 9, chapter 6, creating some new zones and thereby creating the necessity to do some rezoning. There is a distinction between the comprehensive plan and the zoning map. He said this plan represents a concept of how things ought to be. The land use map does not tell anyone what any piece of property is zoned. It is not a zoning map.

TERRY MORTENSEN, 159 East 3900 North, Rexburg. He said he is in favor of the land use map and said that P&Z has spent a lot of time on it. This concerns property he is looking to develop.

The mayor then called for those neutral to the proposal to testify. Comments were made as follows:

DEBRA THOMPSON, 634 South 7th West. She asked about her zoning. Commissioner Steve Hawkes said P&Z's desire would be to propose that the stretch of land she lives on eventually become commercial.

Mayor Dalling called for those against the proposal to testify. Comments were made as follows:

SHAREE PALMER, 1087 East Moody Road. She said P&Z has done an excellent job on the land use map, but she has an issue with the piece across from the high school that has been designated as quasi public. If the property owner hasn't been notified, she feels it should be left agriculture. Her other issue is with open space. The river by Toscano should be designated open space. We need to designate open space in Old Farm Estates and Toscano and also in Mr.

Mortensen's property.

REBUTTAL BY P&Z CHAIR BRIAN HAWKES: There are several changes proposed on the map and all of the landowners have not been notified. For instance, property along Center Street has been designated commercial. This is a plan that says this will be a good place to do that. Consequently P&Z had not felt they needed to notify the landowners. When people want to build something, they need to be notified. **Open Space:** Open space will be designated in subdivisions at the time of subdivision. Open spaces are not on the map because they are simply proposed.

7:40 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, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes, Jesse Brown, Steve Hawkes and Vaun Waddell, Planning & Zoning; Deputy Cameron Stanford; Todd Tuckett; Commissioner Kimber Ricks; Sharee Palmer; Grant Nelson; Terry Mortensen; Peter Gutenberger; Mary Louise Barney; Nathan Barney; and Nate Fogle.

The Mayor asked, in the interest of time, that Todd M. Tuckett of Keller Associates address the council next.

TODD M. TUCKETT, P.E. (KELLER ASSOCIATES) – 1000 E. MADISON BRIDGE (7TH WEST): The county worked on and received funding to replace the old bridge on 1000 East (7th West). Keller Associates were hired by Madison County to do the design work. When the city annexed the Calaway property they inherited the bridge and the county has no jurisdiction over it. This is to be constructed with federal funding, so a concept report has to be signed by the recommending entity. It is to go through LHTAC and the Idaho Transportation Department for approval. A hydraulics report is required also. Mr. Tuckett talked about a 50 year flood needing to be two feet below the bridge and with a 100 year flood it would pass underneath. These reports have to go in, but nothing can be done without the city's approval. The city can give the county permission to administer this grant project. Mr. Tuckett said they are on a two-year schedule and are about 8 to 10 months into having the bridge designed. It will go out to bid in the spring of 2010. The cost is estimated at \$1 million, but the city would have a 7% match (approximately \$73,000). Commissioner Ricks said the county can't build a bridge within the city limits, and they would like the city to sign over to them the responsibility of administering the grant. They don't want to lose the grant that has already been approved. He also said the main thing tonight is to authorize the attorneys to work on the agreement so as to enable the county to continue administering the grant project.

MOTION: It was moved by Councilmember King and seconded by Councilmember Merrill to authorize Sugar City's attorney, Mr. Forsberg, to work with the Madison County Attorney on drafting an agreement to transfer ongoing authority to Madison County to administer the 1000 East bridge project, subject to being able to work out finances; motion carried.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on January 22, 2009. Each Councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Merrill and seconded by Councilmember Harris to accept said

minutes; motion carried.

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

Marcie presented the current bills in the amount of \$170,738.89. It was moved by Councilmember King and seconded by Councilmember Merrill to pay the current bills, together with all regular February bills that have not yet been received; motion carried.

ORDINANCE NO. 280:

Councilmember Orme introduced Ordinance No. 280 entitled:

“AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, SECTION 9-2-1 AND ADDING NEW SECTION 9-2-2 TO CHANGE CERTAIN DEFINITIONS AND ADD A DEFINITION FOR A SMALL LOAN BUSINESS; AMENDING THE LAND USE SCHEDULE FOUND IN SECTION 9-6-5 TO PERMIT CITING OF ADULT BUSINESSES; AMENDING SECTION 9-7-6 TO ADD PROVISIONS FOR MIXED DENSITY AND USE OF LOTS IN SUBDIVISIONS WITH MORE THAN FOUR LOTS, ALL OF THE SUGAR CITY, IDAHO CITY CODE AND PROVIDE FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.”

It was moved by Councilmember Harris and seconded by Councilmember King 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: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Thereupon, the Mayor declared that 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 Harris to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Ordinance No. 280 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. 280 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.

ORDINANCE NO. 281:

Councilmember Orme introduced Ordinance No. 281 entitled:

“AN ORDINANCE AMENDING TITLE 10, BY REPEALING THE CURRENT CHAPTERS 10-2, 10-3, 10-4 AND ADDING NEW CHAPTERS 10-2, 10-3 AND 10-4 OF THE SUGAR CITY, IDAHO CITY CODE TO ADD DEFINITIONS, AND PROVIDE FOR THE EFFECTIVE DATE THEREOF.”

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: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Thereupon, the Mayor declared that 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 Merrill to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Ordinance No. 281 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. 281 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.

RESOLUTION NO. 2009-1 (Records Retention): Councilmember Orme read Resolution No. 2009-1 pertaining to classification and retention of certain public records pursuant to Idaho Code. It was moved by Councilmember Harris and seconded by Councilmember King to approve Resolution No. 2009-1. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: None

Thereupon, the Mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment I.”

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

Priority A List: Brian reported that P&Z’s priority A list is as follows: (1) to complete Title 9 revisions; (2) rezone Sugar City; (3) come to agreements with Madison County on impact areas; (4) evaluate sign ordinance, write a lighting ordinance and a home occupation business license; and (5) work out something on windmills.

Interlocal Agreement between Madison County, Rexburg and Sugar City on Impact Areas: Brian said the city needs to submit our title 9 and title 10 to the county so they can adopt

them in order to administer our ordinances in our impact area. The mayor presented a copy of the proposed agreement. The interlocal agreement sets up a committee representing the three Planning and Zoning Commissions. The mayor said we need to come to the meeting in two weeks and approve or disapprove it. Teton and Newdale also will help with the impact area and annexations. Brian said the city needs to sign the agreement before we send titles 9 and 10 to the county. The mayor said this matter will be on the agenda in two weeks.

DISCUSSION OF DOG ORDINANCE AND RESOLUTION: Councilmember King reported on his assignment to compare the dog ordinance against state statutes. He also reviewed the St. Anthony dog ordinance and spoke with Deputy Cameron Stanford. He learned there are some things that need to be added and changed. For instance, the ordinance does not provide any rules governing the treatment of police dogs. On page 5, Bruce suggested we add a paragraph from the state statute concerning vicious dogs. On page 7 are indicated two kinds of offenses – infractions and misdemeanors, etc. Bruce proposed making necessary changes and having our attorney review the completed ordinance. This matter will be included on the agenda in two weeks.

ATTORNEY’S RECOMMENDATION ON ORDINANCES NO. 151 AND NO. 179 AND RESOLUTION 97-3 – “PEDDLER, SOLICITOR, TRANSIENT AND ITINERANT MERCHANT” LICENSES: Sharon reported that as of the start of council meeting, she had not received a recommendation from Attorney Forsberg.

DISCUSSION OF INPUT FROM ABOVE PUBLIC HEARINGS ON MAPS:

Comprehensive Plan Transportation Map: Discussion was had. There were concerns about roads going through private property. It was felt that the proposed minor collector north of the Moody Road should be moved or taken out at this time and that Idaho Highway 33 should be reclassified from a major collector to a minor arterial in keeping with the state transportation department designation. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Orme not to approve the comprehensive plan transportation map as recommended by the Planning and Zoning Commission and to set another public hearing on the transportation map for Thursday, March 12, 2009, at 6:30 p.m.; motion carried. The mayor assigned Bruce to arrange for the changes to be made and to prepare another map to present at the council meeting on February 26. Bruce will double check the state map to ensure Sugar City’s map is in full harmony.

Comprehensive Plan Land Use Map: Councilmember Orme recused himself from the discussion. It was felt that the city should notify the owner of the property east of the high school and people along Center Street before the map is approved. Discussion was had on whether open space in subdivisions should be shown. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember King not to approve this comprehensive plan land use map on the basis of the concerns for property owners and the lack of designated open space and ask the Planning and Zoning Commission to take another look; Councilmember Orme abstained; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

City Hall Remodeling: A discussion was had on building a fireproof records retention room and installing a floor in the room between city hall and the shop. Harold

presented a floor plan and a cost estimate for the whole project. No action taken.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

Projects to Propose for Possible Federal Stimulus Funds: Bruce said if the city wants to get on the list for possible federal stimulus funds we need to send a letter providing the project name, work, estimated cost, map, and plan specifications, etc. to LHTAC in Boise. He said he personally does not have time to do it. Possible projects are reconstruction of 3rd South and/or the grain silo beautification project. The mayor reported that Forsgren Associates has already applied for \$378,000 of the stimulus money to chip seal and oil city roads as well as to work on 3rd South. He said he will talk to representatives of Forsgren to see what they have done already, and he will also talk with Rexburg Mayor Larsen.

COUNCILMEMBER MERRILL: No report.

Meeting adjourned at 10:35 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2009-1

A RESOLUTION OF THE CITY OF SUGAR CITY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE CLASSIFICATION AND RETENTION OF CERTAIN PUBLIC RECORDS PURSUANT TO IDAHO CODE; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the Idaho Code allows for the classification, retention, preservation, and destruction of certain records as “permanent,” “semi-permanent,” and “temporary” records; and

WHEREAS, Idaho Code requires the City Council adopt by Resolution a records retention schedule listing the various types of City records and the retention period for each type of records; and

WHEREAS, the City has made a survey of all its records and has reviewed current Idaho Code regarding classification of records; and

WHEREAS, the City has determined that the records categorization, as set out in Idaho Code Section 50-907, is appropriate for the City to adopt, with some minor clarifications; and

WHEREAS, the City wishes to classify some writings, documents, and other similar City information as neither “permanent records,” “semi-permanent records,” or “temporary records” because they have no reasonable intrinsic, historical or other value which requires their retention; and

WHEREAS, the City Council is confident that the City Clerk and City Attorney (with the input of relevant City staff) can make determinations regarding those records not considered “permanent records,” “semi-permanent records,” or “temporary records,” as those terms are defined in Idaho Code Title 50, Chapter 9;

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

- I. Permanent Records:
 - A. The following records be classified as permanent records:
 1. Adopted meeting minutes of the City Council and city boards and commissions;
 2. City Council meeting agendas;
 3. Ordinances and resolutions;
 4. Building plans and specifications for commercial projects and government buildings;
 5. Fiscal year-end financial reports; published quarterly financial reports;
 6. Records affecting the title to real property or liens thereon;

7. Cemetery records;
8. Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, notices of election, and records of voting results by precinct; and
9. Executed contracts.

B. Retention Schedule:

Permanent records shall be retained by the City in perpetuity, or may be transferred to the Idaho State Historical Society's permanent records repository upon Resolution of the City Council authorizing such transfer.

II. Semi-permanent Records:

A. The following records be classified as semi-permanent records:

1. Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
2. Building applications for commercial projects and government buildings;
3. License applications;
4. Departmental reports;
5. Bonds and coupons; and
6. Financial records.

B. Retention Schedule:

Semi-permanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within such semi-permanent record.

Semi-permanent records may only be destroyed by Resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The Resolution ordering destruction of semi-permanent records shall list in detail such semi-permanent records to be destroyed.

Prior to destruction of semi-permanent records, the City Clerk shall provide written notice, including a detailed list of the semi-permanent records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

III. Temporary Records:

A. The following records be classified as temporary records:

1. Building applications, plans, and specifications for noncommercial and non-government projects after the structure or project receives final inspection and approval;
2. Election ballots and duplicate poll books;
3. The most current draft of an unexecuted contract until such contract is executed; and
7. Records which are normally believed to be the subject of litigation discovery and determined to be so after consultation with the City Attorney.

B. Retention Schedule:

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the City's financial audit as provided in Idaho Code Section 67-450B related to such financial records.

Temporary records may only be destroyed by resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The resolution ordering destruction of temporary records shall list in detail such temporary records to be destroyed.

Prior to destruction of temporary records, the City Clerk shall provide written notice, including a detailed list of the temporary records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

- IV. Writings, documents, and other similar City information not classified as "permanent records," "semi-permanent records," or "temporary records" herein shall be classified as "transitory records," which may be destroyed when no longer needed for the conduct of city business. Such "transitory records" include, but are not limited to, drafts, unapproved minutes, "post-it" notes, duplicates, phone call slips, voice mail, to-do lists, telephone text messages, appointment books, calendars, public records requests and e-mail which are not related to the promotion of the business of City government, etc. Writings, documents, and other similar City information which, in the reasonable belief of the recipient or custodian which do not have any historical, intrinsic or other value, and records which are not reasonably believed to be the subject of litigation discovery shall be considered "transitory records" for purposes of this records retention schedule.

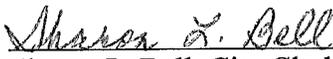
Where there is a question regarding the classification of records or their retention, such questions should be directed to the City Clerk and/or the City Attorney prior to any destruction.

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

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL
AND MAYOR THIS 12TH DAY OF FEBRUARY, 2009.


Glenn W. Dalling, Mayor

ATTEST:


Sharon L. Bell, City Clerk

(SEAL)