

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, SEPTEMBER 8, 2005

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Tim Kershaw, Brent Barrus, and Harold Harris; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Hayden McNeill; Greg Adams; Brent Rigby; Jan Gallup; and Vaun Waddell. Council member Walter Deitz was excused.

The Mayor gave a report on Dan Thomas' condition. He had five bypasses on September 7 and is doing as well as can be expected. He sent flowers from City Hall.

The Mayor asked if there were any corrections to the minutes of the special meeting held July 13, 2005; the minutes of the regular meeting held July 14, 2005; the minutes of the special meeting held July 21, 2005; the minutes of the special meeting held August 4, 2005; the minutes of the special meeting held August 9, 2005; the minutes of the special meeting held August 25, 2005; and the minutes of the special meeting held August 31, 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 Harris to accept the minutes of July 13, 2005; motion carried. It was moved by Council member Barrus and seconded by Council member Kershaw to accept the minutes of July 14, 2005; motion carried. It was moved by Council member Barrus and seconded by Council member Kershaw to accept the minutes of July 21, 2005; motion carried. It was moved by Council member Kershaw and seconded by Council member Barrus to accept the minutes of August 4, 2005; motion carried. It was moved by Council member Kershaw and seconded by Council member Barrus to accept the minutes of August 9, 2005; motion carried. It was moved by Council member Barrus and seconded by Council member Harris to accept the minutes of August 25, 2005; motion carried. It was moved by Council member Kershaw and seconded by Council member Harris to accept the minutes of August 31, 2005; motion carried.

Marcie presented the July reconciliation reports for the General Fund. It was moved by Council member Kershaw and seconded by Council member Barrus 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 Council member Barrus and seconded by Council member Harris to accept the July reconciliation reports for the Utility Fund; motion carried.

Marcie presented the August reconciliation reports for the General Fund. It was moved by Council member Kershaw and seconded by Council member Barrus to accept the August reconciliation reports for the General fund; motion carried. Marcie presented the August reconciliation reports for the Utility Fund. It was moved by Council member Barrus and

seconded by Council member Kershaw to accept the August reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$54,977.57. It was moved by Council member Harris and seconded by Council member Kershaw to pay the current bills, together with all regular September bills that have not yet been received; motion carried.

ORDINANCE NO. 256:

Council member Kershaw introduced Ordinance No. 256 entitled:

“AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, FOR THE FISCAL YEAR OCTOBER 1, 2005, TO SEPTEMBER 30, 2006, AND APPROPRIATING TO THE SEVERAL DEPARTMENTS, OFFICES AND FUNDS OF THE SAID CITY GOVERNMENT FROM THE REVENUE DERIVED FROM TAXES LEVIED FOR SAID FISCAL YEAR, AND ALL OTHER SOURCES, SUCH SUMS AS MAY BE NECESSARY OR DEEMED NECESSARY BY THE MAYOR AND CITY COUNCIL TO DEFRAY THE EXPENSES AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006.”

It was moved by Council member Barrus and seconded by Council member Kershaw 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 Kershaw, Barrus and Harris

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 Council member Kershaw and seconded by Council member Harris to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: none

Ordinance No. 256 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. 256 in summary or full immediately in at least one issue of the Standard Journal, a newspaper published by the City of Rexburg, Madison County, Idaho.

RESOLUTION 2005-2: Council member Kershaw read Resolution 2005-2 on changes in the sewer and water rates. **MOTION:** It was moved by Council member Barrus and seconded by Council member Harris to approve Resolution 2005-2 dated September 8, 2005. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: none

Thereupon, the Mayor declared the motion passed. A copy of Resolution 2005-2 is attached hereto, marked “Attachment 1.”

RESOLUTION 2005-3: Council member Kershaw read Resolution 2005-3 on changes in the garbage collection rates. **MOTION:** It was moved by Council member Barrus and seconded by Council member Kershaw to approve Resolution 2005-3 dated September 8, 2005. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: none

Thereupon, the Mayor declared the motion passed. A copy of Resolution 2005-3 is attached hereto, marked "Attachment 2."

CITIZEN INPUT: There were no comments from citizens.

LAWN DAMAGE: The Mayor asked Johnny Luthy to address the Council regarding lawn damage to Jared Jenks' front yard. He asked Johnny to handle the matter after Mr. Jenks complained that someone from the City sprayed his lawn with Round-up and caused considerable damage. Damage was also done on the grass at the Seminary. After discussion on the possibility of vandalism, it was decided that an investigation needs to be done before a decision is made.

JAN GALLUP:

Impact Area/North Rexburg Interchange: Jan said she received a phone call from Todd Harris who is the son of the Harris who owns property south of the North Rexburg Interchange. Mr. Harris sent Jan a letter he sent to the Madison County P & Z Administrator, copies of which were discussed. This was in response to a letter he received from Madison County requesting that he respond to which impact area he would like to belong to. He chose the Sugar impact area. He will be to the meeting on September 15th at 6 p.m. P&Z scheduled a meeting with him later that evening at 8 p.m. at the City Building. He is anxious to start a development on that property. Jan reported Mr. Harris and Sandra Ball are in favor of being in Sugar City's impact area. Mr. Harris gave Jan permission to present this letter to the Council. Jan said she sent an email to County Clerk Marilyn Rasmussen informing her that the property owner contacted us. We did not approach them.

Jan said she would be at the meeting with the two cities and the county on September 15th. She said she would be prepared to make comments, if needed. Discussion was had on our stand to take at the meeting. **MOTION:** It was moved by Council member Barrus and seconded by Council member Kershaw in negotiations with the City of Rexburg and Madison County Commissioners on September 15th that we will be willing to give up everything west of 2nd East and south of Highway 20 and will retain everything east of 2nd East and north of Highway 20 in our impact area, and nothing else. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: none

Thereupon, the Mayor declared the motion passed.

Ordinance Revisions: Jan said they are to a point where they will be ready to have public hearings in November. She needs to have a time with City Council where she presents some of the changes. There will be some big changes and the Council needs to be aware of what the committees are doing and the direction they are going. The Mayor said he would call for a special meeting the fourth Thursday in October just for the purpose of reviewing ordinances. Jan said for these ordinances to be approved, Planning & Zoning has the public hearings for the changes in the ordinances and they make a recommendation to the City Council. City Council doesn't have to have a public hearing. They just approve the ordinances.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Gary Stillman: Sharee said Mr. Stillman and Rick Plewe came to their meeting and gave a 1-1/2 hour presentation. They are going to try and do a planned unit development with condominiums, some commercial, and some mixed uses. She believes they have some good ideas, which will be a benefit to the City. They will come up with ideas and present them to P&Z. Jan Gallup said Rick Plewe is planning to be to P&Z's October meeting. She will send Mr. Plewe the new ordinances on planned unit development and design review standards so he will know the direction the City is going. Sharee suggested that the Council put a moratorium on anything other than single-family building permits.

Hickman Property/Impact Area Building Permits: Sharee said there were some issues with the Hickman property that have been settled. One good thing to come from it is Brent McFadden, Madison County P&Z Administrator, has said that all building permits in the impact area will come to us and they will have to have a letter of approval from P&Z to be able to get their building permit. Sharee said she could look at the permits and determine if it should come before the whole P&Z to see if it meets our ordinances. The county will do the inspections.

Work Meeting: P&Z's work meeting will be September 22nd.

HAYDEN McNEILL – CHRISTMAS LIGHTS: Mrs. McNeill agreed to do the Christmas lights again this year. After discussion, the Mayor said he would talk with Hayden and come up with a proposal for next month. He asked Hayden to get the price down to \$2,000 or \$3,000 at the most. He said to put on the October agenda to approve an amount of money and the date for the Christmas lighting celebration.

GREG ADAMS – MADISON COUNTY EMERGENCY OPERATIONS PLAN: Greg Adams addressed the Council. Brent Rigby accompanied him. The Mayor said Deputy Cameron Stanford is our representative for emergency operations. Greg presented a letter of acceptance to be the official plan for Madison County Governmental Emergency Operations. This is an attempt to get the counties, cities, state and federal government all on the same page, and they are seeking approval of the plan. The Mayor gave Mr. Adams his cell phone number for the person to call, and Council member Harris will be the backup. They will have a full-scale emergency exercise on November 5th. They will work with District 7 Health, who will be doing 2,000 flu shots up at the college. **MOTION:** It was moved by Council member Barrus and seconded by Council member Kershaw that we approve the draft Emergency Operations Plan for Madison County and the cities of Rexburg and Sugar City, and authorize the Mayor to sign it; motion carried.

DEPARTMENT REPORTS:

COUNCIL MEMBER DEITZ: In Walter's absence, the Mayor reported that Bron Leishman of Leishman Electric is working on correcting the problem at the water tower caused by the power outage. The Mayor asked the Council to look at the damage to Mr. Jenks' lawn and report back to him.

COUNCIL MEMBER BARRUS:

School – Tennis Courts: Brent said he talked to the school about helping with the tennis courts and they haven't gotten back with him. He said they use the courts and should help us. The Mayor asked Brent to work with Hayden McNeill on the Christmas decorations. He will also contact the Standard Journal and see if they will help us.

COUNCIL MEMBER KERSHAW: Tim is concerned about the fall cleanup. The Mayor said the cleanup should be done. Discussion was had. People that don't have alleys will

be allowed to put their garbage in the front of their homes.

COUNCIL MEMBER HARRIS: Harold reported they have done additional grading around Railroad Avenue and the grain elevator. He said he asked the guys to mow both sides of the street going through Sun River Lake Estates and Highway 33 at the base of the overpass. Harold said we sent a letter to Kirby Forbush to clean the weeds at Ponderosa Estates.

MAYOR'S BUSINESS:

Redesignation of Highway 33: The Mayor and Council read an entry from the Transportation Committee minutes of August 18, 2005: "Tom reported on issues involving SH-33 through Rexburg, Sugar City and Madison County. He said SH-33 through Rexburg is more of a local road and shouldn't be a state highway or a business route. Getting the route changed (to turn onto US-20 at Rexburg and follow US-20 to the SH-33 interchange north of Sugar City) will require a lot of negotiation. State regulations point to LHTAC as the negotiator, and Tom said he plans to make a formal request to LHTAC to do that." Discussion was had.

MOTION: It was moved by Council member Kershaw and seconded by Council member Barrus that we authorize the Mayor and Council member Harris to arrange a meeting with Tom Cole to express our complete objection to the plan of abandoning the business loop through Sugar City and Rexburg; motion carried. The Mayor said they would go down and talk with Mr. Cole and come back with an idea of what to do.

Lot by Moon Park: The Mayor said he and Harold looked at the proposal of selling part of the north side of Moon Park to make the lot big enough to sell as a housing unit. If we keep the lot, we will need to do some work there. He asked the Council to look at the property and we will make a decision sometime in the future.

EXECUTIVE SESSION:

9:05 p.m. It was moved by Council member Barrus and seconded by Council member Harris to go into executive session to discuss possible litigation. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:00 p.m. The regular Council meeting reconvened.

MORATORIUM: **MOTION:** It was moved by Council member Kershaw and seconded by Council member Barrus that we place a moratorium on all new building in the city except for single family residential or any amendments or revisions to any existing plats until we have sufficient time to update the ordinances relating to subdivision development for a period of six months. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Barrus and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

OLD FARM ESTATES (GARY STILLMAN): Discussion was had on the Stillman subdivision. **MOTION:** It was moved by Council member Barrus and seconded by Council member Kershaw that we authorize the Mayor to talk with Mr. Stillman indicating to him that we would allow him to hook up as many homes as Kirby Forbush has in the first three phases of Ponderosa subdivision with a normal hookup rate and after that he should expect an impact fee; motion carried. Further discussion was had that the Mayor should tell him this is what we have

talked about, what we are thinking of, and ask him what he thinks. This is just a discussion with Mr. Stillman and not a final agreement at this time.

Meeting adjourned at 10:20 p.m.

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

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

RESOLUTION 2005-2

BE IT RESOLVED by the Mayor and Sugar City Council that effective October 1, 2005, the following changes in the sewer and water rates in the applicable ordinances are made:

A: SEWER

1. The base rate of \$16.38 will remain the same.
2. Usage rate of \$1.63 per one thousand gallons of sewage.

B: WATER

Water rates will be as follows:

- | | | | |
|----|-------------|-----------|-------------------|
| 1. | 3/4" meter, | base rate | \$13.24 per month |
| 2. | 1" meter | base rate | 23.57 per month |
| 3. | 1½" meter | base rate | 52.97 per month |
| 4. | 2" meter | base rate | 94.15 per month |
| 5. | 3" meter | base rate | 211.86 per month |
6. Usage rate: 62¢ per one thousand gallons of water.

Unanimously adopted and approved by the Mayor and City Council this 8th day of September, 2005.

CITY OF SUGAR CITY

By: Glenn W. Dalling
Glenn W. Dalling, Mayor

ATTEST:

Sharon L. Bell
Sharon L. Bell, City Clerk

RESOLUTION 2005-2

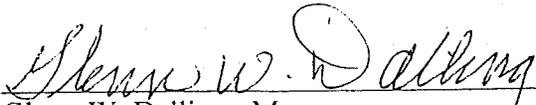
RESOLUTION 2005-3

BE IT RESOLVED by the Mayor and Sugar City Council that effective October 1, 2005, the garbage collection rates for Sugar City residences and businesses shall be:

A: GARBAGE	<u>PER MONTH</u>
1. Residential	10.50/can
2. 2 nd Residential	7.61/can
Clean up fee for Residential	1.60
3. Business 300 gallon container	26.88
4. Residential 300 gallon container	28.48
3 Yard	53.76
6 Yard	99.51
8 Yard	129.02

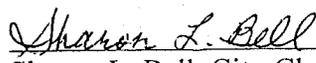
Unanimously adopted and approved by the Mayor and City Council this 8th day of September, 2005.

CITY OF SUGAR CITY



 Glenn W. Dalling, Mayor

ATTEST:



 Sharon L. Bell, City Clerk

RESOLUTION 2005-3