

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 13, 2005

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Tim Kershaw, Walter Deitz and Harold Harris; Scott Lee, interim City Attorney; Dick Dyer, City Engineer; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Patty Miller, Bob Carlson, Bobette Carlson, Jody Johnson and Karen Siepert of Four Paws Pet Adoption; Ruth Miller and sons, Chad and Devin; and Sugar-Salem School District Supt. Bob Devine and son Jerren, High School Principal Jared Jenks, and Matt Grover. Council member Brent Barrus was excused.

The Mayor asked if there were any corrections to the minutes of the regular meeting held December 8, 2004. A correction was discussed on page 4 regarding the sewer hookup requirements and rates in the impact area. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Deitz and seconded by Council member Harris to accept said minutes with the correction on the sewer hookup requirements and rates; motion carried.

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

Marcie presented the current bills in the amount of \$67,635.22. It was moved by Council member Deitz and seconded by Council member Harris to pay the current bills, together with all regular January bills that have not yet been received, except the bill from Pump Tech and three bills from Reynolds Electric for the lift station, pump station well and the lift power outage until they are approved by Council member Deitz; motion carried.

CITIZEN INPUT: There were no comments from citizens.

FOUR PAWS PET ADOPTION: Patty Miller addressed the Council. Accompanying her were Bob Carlson, Bobette Carlson, Jody Johnson and Karen Siepert. She said one of their goals is to save adoptable pets in the area surrounding Rexburg. They started about a year ago working with the Rexburg animal pound because they were putting 90% of the animals down which were brought in there; and they felt that was unacceptable. They have turned that around since then, so 90% of the animals either go back to their original homes or are being adopted into new

homes. They would like to help Sugar City do basically the same thing. Instead of the City paying the vet to put animals down, they have been able to place two of our pets in the past month. Mrs. Miller said they are willing to continue doing what they have been doing, but they need some financial help. The Mayor said we are supportive of what they are doing and will work with them and pass something to approve the expenditure to compensate them. Mrs. Miller presented a form they fill out to make sure they have the information on the home the animal is going to. They like to follow up on their animals. The Mayor thanked them for coming.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Jan Gallup: P&Z recommends that Jan be kept on and paid to help with the changes that need to be done with the ordinances. There are a lot of revisions and Jan feels it will take another year to do it. The ordinances that match the comprehensive plan will be done first.

North Rexburg Interchange (proposed cement plant): Sharee went to a public hearing in December where someone is trying to put in a concrete batch plant at the northwest corner of the North Rexburg U.S. Highway 20 Interchange. The Commission discussed it and decided to come up with a letter voicing their concerns and objections to a proposed zone change and application for said plant. She, Bruce King and Attorney Lee wrote a letter and she will present it to the County P&Z tonight. P&Z feels it should be a commercial area with no industrial which would be more compatible with the residential around there. Sharee said tonight the County P&Z is going to decide if they are going to recommend approval of the plan for the cement plant. They are only recommendations, then it goes on to the County Commissioners; so it is up to the County Commissioners on what they do with it. She read the letter to the Council. **MOTION:** It was moved by Council member Harris and seconded by Council member Deitz that we support the efforts that Planning & Zoning is going to present to the Madison County Planning & Zoning tonight of the letter and the concerns it addresses. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Harris and Deitz

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

JAN GALLUP — COMPREHENSIVE PLAN: Jan said she received the feedback from Jerome Mapp. She took his recommendations and put them into the comprehensive plan. Copies of that have been given to the P&Z, and they will meet on January 26th at 7 p.m. for discussion on the revisions. Jan discussed Mr. Mapp's recommendations with the Council.

Build-out Study: On January 20th Dick Dyer will be here at 7 p.m. to present our build-out study. She invited the Mayor and Council to attend that meeting. Dick will present the build-out study, our comprehensive land use map, and a transportation map. We want to be focused on the issues that will affect the comprehensive plan.

City Code Revision 2005: Jan presented a list of her recommended changes to the City Code. She suggested, because of time limitations tonight, that the Council review them and schedule another time to go over them.

SCHOOL BOARD -- ROAD PROJECT: Sugar-Salem School District Supt. Bob Devine, High School Principal Jared Jenks, and Matt Grover appeared before the Council. Discussion was held concerning safety factors of State Highway 33 business loop through Sugar City. No action was taken. The Mayor said we are basically alerting the school about what might be happening, but he talked with Mr. Cole of ITD who said everything we talk about today is premature. The ITD will study the project, measure the traffic counts, etc., and make a proposal. Then we can give our input. He told the school officials that this is Council member Harris' area and he would be the one to contact and work with on this matter. He thanked them for coming.

GLENN DALLING & WALTER DEITZ — DISCUSSION ON INSURANCE: The Mayor said he has the information on the insurance on our vehicles, our buildings where the lift pumps are, etc., but he couldn't get it prepared for tonight. ICRMP is going around the State appraising the buildings throughout the cities. They are working down from the big cities. In 2006 they will do the cities with 100,000 or less population, which is when they'll come to Sugar City. In the meantime, with Gary Archibald's help, City Hall should be increased from \$160,000 to \$190,000. He said ICRMP will not charge a premium increase until next year. The storage building south of City Hall should be changed from \$108,000 to \$112,000. The building with the pumps and lift station located at Front and 3rd South is insured for \$235,000. The storage building by the grain silo on Railroad Avenue will be insured for \$63,000. It has not been insured. He will go ahead and work with Mr. Archibald on the increases.

ENGINEER'S REPORT: Dick Dyer addressed the Council.

Wastewater Certification: The DEQ requires us to have a certified water operator and a certified backup operator to be responsible for the system to safeguard the public health and welfare. To date they have not made that requirement of any wastewater facilities. However, that has now changed. As of April 15, 2006, we will be required to have everyone working on the wastewater systems be certified with the State. Similar to the water, we'll have an operator of record and a backup but they did say that all operating personnel must be licensed. They have two licenses that they issue — one for collection system operation and one for treatment operation. Sugar City just has the collection system. Dick said he is the operator of record for the water system and Robert Cardwell, who is in maintenance at the school district, is the backup operator. Dick said he could become the operator of record for the collection system also. He will be licensed anyway and will distribute the cost among his clients. He said to take the exam is a couple of hundred dollars, then the renewal each year is \$60. Council member Deitz expressed a desire to become the backup operator. **MOTION:** It was moved by Council member Kershaw and seconded by Council member Harris that we authorize Dick Dyer to be certified as a wastewater collection operator and that we authorize Walter Deitz to get trained to be the backup wastewater operator, and to cover any fees to be involved. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Harris and Deitz

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Annual Water Usage Report: Dick said he is sending in annual reports to the Department of Water Resources. We are up 48% in our water usage this past year, and he doesn't know why. He said it was in August but he is not sure what we did to use that kind of water. Walter said we had the fire department out flushing the hydrants. Dick asked for authorization for \$100 in fees to make the report. The Mayor authorized him to get a check from Marcie.

Water Quality Testing: Dick has completed all the required tests for this year. He tested all three wells for nitrates which is an annual thing. We are allowed 10 parts per million — our values ranged between 1 and 2.7, so we are very good there. Nitrates are an indicator of fertilizers and things in the wells. A discussion was had on concerns about Boyle's Fertilizer since they are in our impact area. The Mayor will help write a letter to Boyle's. Dick said they tested for pesticides and fertilizers and none were detected. He said there have been no violations in our water system at all this last year, and our water quality is excellent. When we put out a report in June to the citizens, we will have high marks.

Well #3 (City Hall): The City Hall well is being taken out. Dick said it has been

abandoned on the records. He said long ago he had DEQ take it off their records and show it as being shut down, but it never has been abandoned properly according to the Water Resource Rules (to take it out and seal the well) which would be good to do. Dick said we have existing water rights with the well that we should get transferred.

Water Rights: A discussion was had on our need to establish our water rights. The Mayor said the records show that the water rights for the water tower were filed in 1939. He said in 1914 it was tested and found that the cesspools in town were contaminating an 80-foot well, so it had to be deepened. The water system was redefined at that time. The Mayor said he will talk to the water resource people. Dick said there is information in the operation and maintenance manual or in the water study that preceded it (1990 right — cover with green lettering).

Snake River Basin Adjudication: The Mayor presented a letter to the Council from the Mayor of the City of Kooskia and a resolution contesting the agreement with the Nez Perce Indians over the water rights. He said the letter asks us to adopt a similar resolution. He said Representative Dell Raybould indicated he is going to vote for approval of the agreement in representing this area. The agreement is under a tight schedule as ordered by the court and must be finalized by March 31, 2005. Dick said the legislature worked it out with the tribes and negotiated it over a couple of years in secret, and they are ready to sign it and make it law now. A number of people, now they are finding out about the terms, are pretty adamant against it. At the Mayor's request, Council member Kershaw read the City of Kooskia's Resolution #91 opposing the proposed settlement agreement to the Snake River Basin Adjudication and the water claims of the Nez Perce Tribe. The Mayor said he will try to contact Representative Raybould and set a time when he and the Council can discuss the matter with him.

DEPARTMENT REPORTS:

COUNCIL MEMBER DEITZ: Walter said he called and visited with Ron Clark. They will discuss the matter and get back with him.

COUNCIL MEMBER HARRIS:

Snow Removal Review: Harold said we are on top of snow removal. The decision was made that if we had two or more inches fall, we would begin plowing. He hesitates having them plow during a storm, because he doesn't want to see them have to turn around and plow again. As long as there are heavy snow storms, you don't see the county plowing until the storm is over. The state does because they travel consistently up the main arterial. He said we upgraded the equipment to allow for a little speedier removal of snow in some areas.

MAYOR'S BUSINESS:

Redesignation of Highway 33: The Mayor read a letter from Tom Cole of the Idaho Transportation Department as follows: "Dear Mayor: I have received a letter from the City of Rexburg supporting a change to the designation of State Highway 33 through Rexburg to State Highway 33 business route. This change would affect three different jurisdictions: the City of Rexburg, Sugar City and Madison County. I have informally talked with each jurisdiction and no one is opposed. All have questions that need to be answered because of the impact of each, both positive and negative. I have scheduled a meeting on Tuesday, January 25, at 10 a.m., in the Rexburg City Hall to discuss this possible change." The Mayor explained the basic change and said the County is very anxious to have the State take the road from Horkley's stoplight out to Highway 20. They know that road has to be widened and it's going to have a lot of expense, so the County is anxious to make that part of the State highway system. In so doing, they give to

the County the road from that stoplight to Sugar City. However, the State will continue to use this Sugar City Highway 33 business loop from the overpass. Concerns were expressed about plowing: **MOTION:** It was moved by Council member Deitz and seconded by Council member Kershaw that we will support the State changing of the designation of Highway 33 to the business loop through Sugar City on certain conditions to be worked out and to maintain and plow the road from Horkley's corner to Center Street in Sugar City, with a high priority on maintenance; motion carried.

Plans for the Year: The Mayor said we aren't going to get exact dates, but it would be nice to have months on the things we want to do.

Council member Barrus: He said Brent called and said the Easter Egg Hunt will be on March 27th, the Flood Run on June 4, and the Community Breakfast on July 23. The Mayor said he will do everything he can to get Rexburg to say, "The City of Rexburg and Sugar City are sponsoring the Marathon instead of the City of Rexburg." He said we have some responsibility on the softball and T-ball equipment. He is also concerned about the tennis courts. They need to be repaired. We need to finish the south parking area by Smith Park. Harold will help with engineering, hopefully in April.

Council member Kershaw: Cleanup dates: June 6-13 and again either the last week of September or first week of October for fall cleanup. He asked permission to attend an RDA workshop having to do with economic development in Idaho Falls on January 28. It will cost \$18. The Mayor asked him to submit something to the City and he can go.

Council member Harris: He presented a handout on projected concerns on the streets in town. Crack seal needed on Railroad Avenue from Center Street to 3rd South, Cutler Avenue from Center Street to 2nd South, and Teton Avenue in a few areas. Patch and repair needed on Cutler Avenue between 1st South and 2nd South. Seal coating on 3rd South from Highway 33 to the west entrance of SunGlo, and Cutler Avenue from Center Street to 3rd South. These are things to be considered during the summer of 2005. Realignment of 3rd South from Highway 33 to 7th East. This isn't on the plan for next year, but is something that is on the plan before he leaves office. The storm drain consideration on South Fremont Avenue and Main Street, and the storm drain at North Austin and Main Street. That is something to consider because he is sure some of these things will probably take care of themselves once we get the State on line with doing something on Center Street (lowering the existing grade) and addressing the widening of the eastern portion of Center Street with the curve and two entrances to Center Street from 7th East. There are other issues with South Teton that may not be able to be resolved until a solution to 3rd South has been finalized. We will need to enlist the help of Mr. Dyer in some of these issues. We need to address Brown Avenue.

Walter Deitz:

Water & Sewer: The Mayor said on water and sewer there are some projects that he would like on a monthly assignment. Walter expressed concerns with Pump Tech sending people up who don't know what they are doing. He gave an update on repairs and maintenance on water pump and main lift station.

Videotaping Sewer Lines: He is a little concerned about running out of funds. We can cut the \$30,000 cost in half if we just clean the lines. On the south side of town we have little or no problem. The lines should be cleaned but not videotaped unless a problem is detected during cleaning. Cleaning will start about the end of April.

Discussion on Sewer Repairs: A discussion was had on the pressure pipe from Ricks Addition, and complaints on the line backing up. Dick said we should extend the pressure

line to the west side of manhole 36. ~~The Mayor will work with the city crew to do the project.~~
Walter would like it done the first week of April.

Pipeline that is caving in under Railroad Avenue: Walter said this comes from the West 1st South subdivision area. Three options were discussed: (1) excavate and repair; (2) pipe burst; or (3) manholes and realignment. Our options go from \$13,000 to \$29,000. The Mayor said we ought to put this on an agenda and discuss it closer to work. Walter said this needs to happen the end of March or April.

Safety Equipment: When someone goes into the manholes we need to purchase some safety equipment— a tripod with a harness to keep someone from falling. It would cost \$3,000 to \$4,000. Dick said we should consider getting a blower. He said we have the responsibility for anyone who gets in our system. DEQ standards require that we have this confined entry equipment for the system and it's also an OSHA requirement.

City-owned vacant lot adjacent to Moon Park: The Mayor feels it is distracting to the park and he would like to see us look into selling it. A discussion was had on whether it was big enough to build a home. **MOTION:** It was moved by Council member Deitz and seconded by Council member Kershaw that we get an appraised value for the lot and put it up for sale; motion carried. The Mayor said in the next month we will get an appraisal and be sure we have an accurate measurement on it.

Citizens' Committees: The Mayor feels we need to give some thought to some citizens' committees — beautification committee, etc. He asked the Council to be thinking about it for our next meeting.

ATTORNEY SCOTT LEE — QWEST (West 1st South) MATTER: Attorney Lee presented a signed Settlement Agreement and General Release between Sugar City and Qwest Corporation; also a check in the amount of \$4,960.

Meeting adjourned at 10:15 p.m.

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

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