

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JANUARY 27, 2011

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Lamont Merrill and Vaun Waddell; Christine (Sam) Lines and Steve Hawkes, Planning & Zoning Commission; Shannon Self, *Standard Journal*; Deputy Cameron Stanford; David Davis, Madison Fire Department; Rachel Mills; Christine Anderson; Zeb Anderson; and Boss Anderson. Councilmember Harold Harris was excused.

The mayor asked if there were any corrections to the minutes of the regular meeting held on January 13, 2011. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Merrill to accept said minutes; motion carried.

**DISCUSSION OF ORDINANCE NO. 292:** The mayor reported on Ordinance No. 292 (deannexation of Garry Jeppesen home). With the annexation of property west of Highway 33, Garry Jeppesen agreed to give the city a strip of land. Somehow in the mix-up with attorneys and establishing the description of the property, his home was included in the annexation. Basically we are correcting an error in the original annexation. Councilmember Waddell questioned whether the procedural steps have been followed and would like to speak with the city attorney. The mayor said Ordinance No. 292 would be addressed later in the meeting after they had a chance to speak with Attorney Forsberg.

**PLANNING & ZONING REPORT:** The mayor welcomed new P&Z Chairman Christine (Sam) Lines, who gave the following report:

**Election of officers:** Sam reported that the following were elected as P&Z officers for the coming year: Christine (Sam) Lines, Chairman; Steve Hawkes, Assistant Chairman; Jesse Brown, Secretary; and Joy Ball, Assistant Secretary.

**Assignment of new commissioners to fill assignment vacancies:** Two commissioners work on each assignment. They have a primary expert and a secondary expert.

**Goals for 2011:** P&Z set the following goals: (1) revise the sign ordinance; (2) work on a lighting ordinance; \*(3) Revisit the zoning map, focusing on zoning the impact area; (4) revisit the land use map to see if it needs any updating; \*(5) after the county commissioners, with the cities of Sugar City and Rexburg, make a decision on the east parkway or beltway, update the transportation map; (6) review the land use schedule in title 9, chapter 6.5, to see what is allowed in each zone and if any changes need to be made; (7) train commissioners – general and specific; and (8) see if title 10 needs any updating for future developments. \* Contingent on other

agencies finishing their work related to these issues.

**Planned commissioner training:** Training for 2011 is to help commissioners familiarize themselves with responsibilities and how to better carry them out. They plan to review the Mason and Harrington DVDs and have specific code book training.

**Projector:** Councilmember King said he is working on the purchase of a projector system for the council room. Sam asked permission to put a TV/VCR in the room for a couple of weeks so P&Z can view the Mason and Harrington training DVDs.

**DISCUSSION OF WATER RIGHT PROPOSAL:** The water rights proposal by Upper Snake Mitigation Solutions, LLC, (USMS) was discussed. A telephone conference call was made to Dave Tuthill, who is the principal of USMS. The council had some questions regarding his written presentation at the January 13 meeting. Following the telephone call and the discussion with Mr. Tuthill, the council decided to proceed.

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember Merrill to authorize Mayor Dalling to enter into a contract with Upper Snake Mitigation Solutions, LLC, consistent with their memo dated January 11, 2011; motion carried.

**HAZMAT RESPONSE:** Assistant Fire Chief David Davis addressed the council. He reported that the Idaho Bureau of Homeland Security has come up with agencies that will be in authority to respond to Hazmat emergencies. They need to update their records and make sure everything is current. Sugar City has never made a resolution or adopted a local emergency response authority. The Madison Fire Department would be the local authority to take care of any Hazmat situation.

**RESOLUTION 2011-1:** Councilmember Waddell read Resolution No. 2011-1 designating the Madison Fire District as the Local Emergency Response Authority for hazardous substance incidents occurring within the corporate limits of the City of Sugar City. It was moved by Councilmember Waddell and seconded by Councilmember King to approve Resolution No. 2011-1. Thereupon, the clerk called roll upon said motion:

Those voting aye: Councilmembers King, 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."

Mr. Davis reported that they have received nine applications for firefighters for the new Sugar City Facility and will interview them next week. It will be good for the city to have local people help out. The station will be turned over to the Madison Fire Department tomorrow. The landscaping and stucco will be finished in the spring.

A telephone conference call was made to Attorney Forsberg regarding Ordinance No. 292. He said that when a mistake is made in the legal description of an annexation, deannexation of the parcel in question could proceed without a public hearing, even though an annexation requires one. The comprehensive plan and the zoning map will need to be amended. Idaho Code 63-215 requires that copies of the legal description and map are to be recorded in and filed with the county and with the State Tax Commission. The correct procedure for deannexation is being followed.

**ORDINANCE NO. 292:**

Councilmember Waddell introduced Ordinance No. 292 entitled:

“AN ORDINANCE DEANNEXING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF SUGAR CITY, MADISON COUNTY, IDAHO, A SPECIFICALLY DESCRIBED PORTION TO WIT, BEGINNING AT A POINT 726 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO AND RUNNING THENCE NORTH 174 FEET; THENCE WEST 250 FEET; THENCE SOUTH 174 FEET; THENCE EAST 250 FEET TO THE POINT OF BEGINNING; BY DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF SUGAR CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE.”

It was moved by Councilmember Waddell and seconded by Councilmember Merrill 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 King, Merrill and Waddell  
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 King and seconded by Councilmember Merrill to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmembers King, Merrill and Waddell  
Those voting nay: none

Ordinance No. 292 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. 292 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.

Councilmember King will talk to the Planning and Zoning Commission about amending the comprehensive plan and zoning map to reflect the deannexation.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER KING:** Bruce would like to see the local agreement with the Idaho Transportation Department updated. This would include snow removal and maintenance on the Highway 33 business loop from Horkley’s Corner through Sugar City and north to Highway 33, and the short distance between the overpass off Highway 20 and Center Street. Bruce will check to see if there is an agreement on file in the Idaho Transportation Department records and Sharon will check the city records for the same agreement.

**Projector:** Bruce will keep working on getting a projector for the council room.

**Link on city Web site:** Bruce reported that Scott Bergstrom of the Tree and Beautification Committee asked that a Web page be added to the menu bar of the city Web site and that a link to tree information be added to this new page. Bruce will assume responsibility for making these additions.

**COUNCILMEMBER MERRILL:** No report.

**COUNCILMEMBER WADDELL:** No report.

**MAYOR'S BUSINESS:**

**Proposed purchase of additional pickup:** Discussion was had on the proposed purchase of a 2011 Dodge Ram regular cab 4x4 pickup.

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember Merrill to approve the purchase of a 2011 Dodge Ram pickup as described in Stone's Vehicle Bid dated today for the price of \$19,964 and to authorize Mayor Dalling at his discretion to include or not include the number one addition or option on the second page of the bid with a price of \$838; motion carried.

Meeting adjourned at 8:15 p.m.

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

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

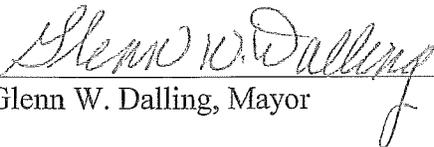
RESOLUTION 2011 - 1

ADOPTING  
LOCAL EMERGENCY  
RESPONSE AUTHORITY

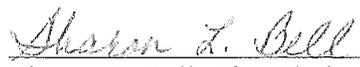
**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, IDAHO, THAT:**

Pursuant to Idaho Code, Section 39-7105 (2) (a), the City of Sugar City hereby designates the Madison Fire Department, as the Local Emergency Response Authority (LERA), for hazardous substance incidents occurring within the corporate limits of the City of Sugar City with the point of contact being the Chief of Services. A copy of this resolution shall be forwarded to the Idaho Bureau of Homeland Security.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS 27<sup>TH</sup> DAY OF JANUARY 2011.

  
\_\_\_\_\_  
Glenn W. Dalling, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon L. Bell, City Clerk

(SEAL)