

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 8, 2007

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris; Walter Deitz; Bruce King; and Brad Orme; Josh Garner, City Attorney; Stephanie Blackham, Planning & Zoning; Don Rydalch; Tim Whitworth; Vaun Waddell; Eddie Pincock; Lamont Merrill; Sharee Palmer; Jan Gallup; Tom Gallup; and Greg Stoddard. Councilmember Walter Deitz was excused for the first 35 minutes of the meeting.

The Mayor asked if there were any corrections to the minutes of the regular meeting held October 25, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Orme to accept said minutes; motion carried.

Marcie presented the October reconciliation reports for the General Fund. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept the October reconciliation reports for the General fund; motion carried. Marcie presented the October reconciliation reports for the Utility Fund. It was moved by Councilmember Harris and seconded by Councilmember King to accept the October reconciliation reports for the Utility Fund, with the correction of one item from Hill & Son Excavating and that it come out of the street department; motion carried.

Marcie presented the current bills in the amount of \$94,702.55. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, together with all regular November bills that have not yet been received, with the exception of the DePatco bill for \$13,347.75, the Nickerson Co. bill for \$11,594.41, and the Leishman Electric bill for \$10,192.35; motion carried.

RESOLUTION 2007-4: Councilmember Orme read Resolution 2007-4 pertaining to changes in the sewer and water rates. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris to adopt Resolution 2007-4; motion carried. A copy of said resolution is attached hereto marked "Attachment 1."

CANVASS VOTES: Within six days following the November 6, 2007, election, the council is required to canvass votes: City Clerk Sharon L. Bell reported voting was as follows:

For Mayor (four-year term):	Glenn W. Dalling	436
For Councilmember (four-year term)	Janet Gallup	179
	Harold L. Harris	303
	W. Lamont Merrill	391

There were a total of 766 registered voters with 451 votes cast, which is 59 percent of the electorate. There were no complaints or objections regarding the election.

MOTION: It was moved by Councilmember Orme and seconded by Councilmember King to approve the election results as reported and to proclaim the results as final; motion carried. The following were declared elected officials to serve a four-year term beginning January 1, 2008:

Mayor: Glenn W. Dalling
Councilmembers: Harold L. Harris
W. Lamont Merrill

PLANNING & ZONING REPORT: Stephanie Blackham addressed the council.

Impact Area – Citizen Input Meeting: At their December 20, 2007, regular meeting, P&Z would like citizen input from the impact area. Stephanie asked Sharon to include that in the December newsletter.

New Subcommittees: P&Z decided not to form any new subcommittees at this time.

Title 9, Chapter 2, Definitions: P&Z is planning to have their public hearing the first Thursday in December. When it is finished, they will present the chapter to the council.

Old Farm Estates: Stephanie presented the following P&Z recommendation: “We recommend conditional approval of the first phase of Old Farm Estates. We direct your attention to the attachments to this letter, which contain the conditions and other pertinent information.” The attachments included a letter from City Attorney Joshua Garner to Attorney Adam C. Dunn, outlining eight conditions that must be complied with. The council needs to approve or disapprove the recommendation of the P&Z tonight, and it was decided to do it later in the meeting.

Jan Gallup asked for and received permission to address the council. She feels citizens have the right under the subdivision ordinance to give public input. Citizens have many concerns and asked her to come tonight and express those concerns. Jan wants to make sure the council is aware of those concerns. Stephanie feels the citizens have had input and their concerns have been aired.

7:05 p.m. Councilmember Walter Deitz arrived.

DON RYDALCH & TIM WHITWORTH – PROPOSED ARTISTIC DESIGN FOR GRAIN ELEVATOR (SILO PROJECT):

Mr. Rydalch reported the purpose in being here is to listen to Tim’s suggestions for the images that would be on the grain elevator if that project is approved. They would appear on the artistic design that is intended to go in with the grant application. The letter of agreement between the mayor and Tim contains the statement that the council needs to give final approval for all images that would appear on the elevator. He wants the council to realize that time is important for Tim to meet his deadline of December 3rd to have the design done. Mr. Whitworth presented his proposed artistic design for the silo and explained he is trying to develop a three-dimensional look. Mr. Rydalch stated that the council needs to make a decision tonight on this proposed plan from Mr. Whitworth. Mr. Whitworth needs time to finalize the plan as quickly as possible to give Mr. Rydalch time to finish the application and have it in the mail by January 15, 2008. The mayor said the council would make a decision and give direction to Mr. Whitworth within the next few days. Mr. Whitworth said he is commissioned to do the rendition only, not the painting of the silo. We will have to get bids out

to do the actual painting.

TITLE 8, CHAPTER 4, DESIGN REVIEW: Councilmember King led a discussion on design review and received each councilmember's revisions. He will prepare a final draft, which will go to public hearing on December 29, 2007, at 6:30 p.m. The motion for the public hearing was made on October 25, 2007.

TITLE 9, CHAPTER 6, ZONING DISTRICTS: The council will consider this chapter after they have title 9, chapter 2, definitions.

DECISION ON OLD FARM ESTATES:

MOTION: It was moved by Councilmember Harris and seconded by Councilmember King that we approve the first phase of Old Farm Estates based on P&Z's recommendation and on the recommendation from our legal counsel to allow this to go forward under the conditions stated; Councilmember Deitz voted nay; motion carried. A copy of Attorney Josh Garner's letter to Old Farm Estates officials is attached hereto marked "Attachment 2."

DEPARTMENT REPORTS:

COUNCILMEMBER DEITZ:

DePatco Land: Walter asked Greg Stoddard to address the council. Mr. Stoddard said for the short term there is a pile of rock, dirt, etc. on the property, which is zoned light industrial in the City of Rexburg. Their long-term plan will be something more commercialized. Mr. Stoddard said they have a good relationship with Rexburg, and it has been a struggle to do things with Sugar City; but he stated that de-annexation from Rexburg and annexation into Sugar City is possible. He said he would have to sit down with his family and discuss the pros and cons of such an action. He would like to see a proposal from Sugar City and the city's concerns written out. Sugar City has an agreement with Rexburg that Rexburg would allow the property to be de-annexed. The mayor expressed appreciation to Mr. Stoddard for meeting with the council. He suggested that Mr. Stoddard and Walter Deitz sit down and work out an agreement and then have Walter present it to the council.

Title 7, Water and Sewer: Walter reported Attorney Garner would review Title 7, Water and Sewer, and give his recommendation. Attorney Garner said he would give his recommendation at the next meeting, November 29th.

COUNCILMEMBER HARRIS: Harold reported the paving is completed on Railroad Avenue. It is cleaned up and finished.

COUNCILMEMBER ORME:

Idaho Code, Title 67, Development Impact Fees: Brad wondered if we want to start the process and organize a committee to work on development impact fees. Councilmember King proposed that P&Z be the committee along with two developers. Brad reported he asked Attorney Garner to review title 67. Attorney Garner will provide the council with a memo on organizing this committee. The mayor reported we have a type of impact fee in sewer and water hookup fees.

Sugar/Rexburg Wastewater Agreement: Attorney Garner reported Rexburg Mayor Shawn Larsen has signed the Wastewater Agreement and that Mayor Dalling needs to sign it as soon as possible. The council approved the agreement, but it needs to be signed.

COUNCILMEMBER KING:

Web site: Bruce asked for and received permission to send out two more

notifications of our new Web site address to search engines for \$20 each in an effort to raise our Web site position in search results.

Title 1: Bruce reported he is about finished with his review of Title 1, so the council can consider the whole title together.

Restrictions on .gov: Bruce reported he resent the information on .gov domain restrictions to the mayor and council for their consideration.

Building Permit Database: Bruce feels the city eventually should have a Web-based database system for processing building permit and design review applications.

MAYOR’S BUSINESS:

Bond for Sharon and Marcie: The mayor reported he checked with Archibald Insurance Agency on bonding for public officials with ICRMP. The ICRMP policy includes coverage for these individuals up to a limit of \$500,000. See “Attachment 3.”

Harris Annexation: The mayor reported nothing could be done on the Harris annexation until we complete the annexation process on the Ball and Jeppesen properties. Attorney Garner asked City Engineer Dick Dyer to prepare the legal description so the process can move forward.

Business Park: The mayor reported the \$500,000 grant has been approved.

City Attorney: Attorney Garner reported he is in the process of leaving his position as an attorney for Fremont County, which should free up a lot of his time. He will be working in his office in Rexburg now. He feels it will be beneficial for Sugar City.

Staff for P&Z: Attorney Garner feels the city has growing pains and may need to employ professional staff to advise and assist P&Z. The mayor reported the matter would need to be on a future agenda.

Bike Path: The mayor reported there was only one bidder for the bike path and the bid was \$103,000 over the Idaho Transportation Department’s (ITD) engineer’s estimate. Dave Walrath of ITD will cut amenities, the department will advertise the job again, and he feels the next bidding will be more competitive. A discussion was had on keeping the asphalt depth at 1.8 inches as originally planned, rather than reducing the depth to 1.2 inches to save money. Councilmember King feels the council should insist on 1.8 inches, which would provide a more durable surface. The mayor will go with Councilmember King to visit with Mr. Walrath in Rigby when arrangements can be made.

DECISION ON ARTISTIC DESIGN FOR GRAIN ELEVATOR (SILO PROJECT):

MOTION: It was moved by Councilmember Harris and seconded by Councilmember King that we approve the tentative proposed artistic design submitted by Tim Whitworth, with a mural in each of the four arches of the bottom floor of the proposed elevator design. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris and King

Those voting nay: Councilmembers Deitz and Orme

Deciding vote: Mayor Dalling voted aye

Thereupon the mayor declared the **MOTION PASSED.**

Meeting adjourned at 10:20 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2007-4

BE IT RESOLVED by the Mayor and Sugar City Council that effective November 1, 2007, the sewer and water rates for Sugar City residences and businesses shall be as follows:

A. SEWER

1. The base rate for sewer will be \$16.38
2. Usage rate of \$1.78 per one thousand gallons of sewage.

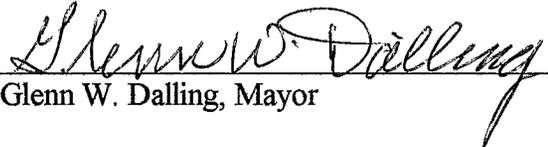
B. WATER

Water usage rate is as follows:

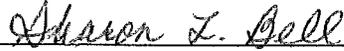
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|-----------------|-----------|----------------------------------------|
| 1. 3/4" meter | base rate | \$13.24 per month |
| 2. 1" meter | base rate | \$23.57 per month |
| 3. 1-1/2" meter | base rate | \$52.97 per month |
| 4. 2" meter | base rate | \$94.15 per month |
| 5. 3" meter | base rate | \$211.86 per month |
| 6. Usage rate: | | 65c per one thousand gallons of water. |

Any hookup to the city water system will pay the base rate for the size of the hookup line. Any additional units using that line will be charged the base rate of \$13.24.

**UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND
MAYOR THIS 8th DAY OF NOVEMBER 2007.**


Glenn W. Dalling, Mayor

ATTEST:

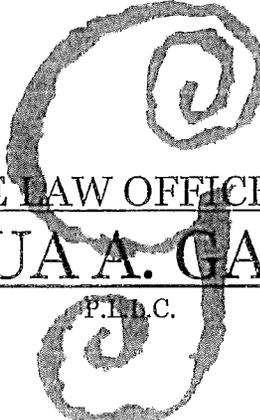

Sharon L. Bell, City Clerk

(SEAL)

RESOLUTION 2007-3

24 South 1st West
P.O. Box 1014
Rexburg, Idaho 83440
E-mail: garnerlawoffice@gmail.com

Telephone: 208-360-0102
Facsimile: 208-624-3404



THE LAW OFFICE OF
JOSHUA A. GARNER
P.L.L.C.

November 8, 2007

SENT VIA U.S. MAIL

Old Farm Estates
c/o Adam C. Dunn
P.O. Box 2318
St. George, UT 84771-2318

Re: Old Farm Estates

Dear Old Farm Estates,

On November 1, 2007, the Planning and Zoning Commission for the City of Sugar City took up the issue of reviewing Old Farm Estates' Preliminary Plat. After much discussion and review, the Commission has APPROVED the Old Farm Estates' Preliminary Plat with the following CONDITIONS:

1. Old Farm Estates shall provide for lots in the area adjacent to homes that currently border the development that are in harmony with the lot sizes where current homes exist. Meaning, Old Farm Estates will need to provide lots of .33 acres or .50 acres in size. Doing this would provide for consistent development with the current lots in place and be in harmony with the now existing lots adjacent to this development. Please refer to the following:

Idaho Code 50-13-65
Idaho Code 50-13-67
Article 12, Section 2, Idaho Constitution
Sugar City Code 10-1-2
Sugar City Comprehensive Plan, Chapter 15, page 47

LETTER OF APPROVAL WITH CONDITIONS RE: OLD FARM ESTATES

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2. Transportation:

A. Continuation of the grid system used by Sugar City, which provides for the public health, safety of the community and connectivity to the City at large. Madison County's proposed Comprehensive Plan encourages the grid system as well as Sugar City Ordinances.

B. Impact study on Third South. A development plan must include impact fees for improvements and/or provide alternative routes to improve the ability of Third South to handle any increase in traffic from the proposed subdivision.

C. Adherence to Sugar City's transportation map.

D. Identification of any roads in the Commercial or PUD areas.

Please refer to the following:

Idaho Code 50:1302 & 1305

Sugar City Code 10-1-2B

Sugar City Code 10-1-2D

Sugar City Code 10-6-2A, E(2), & F

Sugar City Comprehensive Plan, Chapters 3 & 4, Pages 4, 9, 10, 13, 37
Transportation Map

3. Providing an updated impact study for the entire projected subdivision, which is to include sewer and water, and use the most recent data available.

Please refer to Sugar City Ordinance 10-5-2F as well as City Engineer Dick Dyer's April 2, 2007 and October 19, 2007 letters.

4. Receiving a master plan for the whole Old Farm Estates project. Places for school facilities, a centralized park, and church, as well as proposed roads, etc. or any public facility to be dedicated.

Please refer to:

Sugar City Code 10-5-2E(6)

Sugar City Comprehensive Plan, Chapter 13, pages 40, 41

5. Provide resolution of question of ownership on south boundaries with attendant issues.

6. Compliance with issues raised in the City Engineers correspondence of April 2, 2007 and October 19, 2007. See attached letters.

Compliance with issues raised in the Madison-Fremont Irrigation District's correspondence of March 23, 2007. See attached letter.

Compliances with issues raised in the Rocky Mountain Power correspondence received February 26, 2007. See attached letter.

7. That the Old Farm Estates proposed subdivision address all applicable Idaho State Code particularly Idaho State Code 50:1302, 1305, 1326, 1329, 1330, 1332.
8. Old Farm Estates meet the above conditions as well any others specified in Sugar City Code and Idaho State Code.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Joshua A. Garner
Sugar City Attorney



11/5/2007

City Of Sugar City
Mayor Glenn Dalling
PO Box 56
Sugar City, ID 83448

Dear Glenn:

I have reviewed your questions regarding bonding for Public Officials with ICRMP. The ICRMP Policy does include coverage for these individuals up to a limit of \$500,000.

We appreciate working with you in your insurance needs. If you have any other questions, please let us know.

Regards,

A handwritten signature in cursive script, appearing to read 'J'Lean Wadsworth', is written over a light-colored background.

ARCHIBALD AGENCY
J'Lean Wadsworth, CISR