

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 13, 2009

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Lamont Merrill; Steve Hawkes and Jesse Brown, Planning & Zoning. Councilmember Brad Orme was excused.

PUBLIC HEARING (increasing sewer rates): Mayor Dalling welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and asked Treasurer Marcie Smith to introduce the subject of tonight's hearing. Marcie reported that the city's sewer rate increase will be 15% with the city base fee included in the calculation, but the sewer treatment fee increase is actually 28%. The increase in sewer rates is due to Rexburg's 28% increase in fees to process sewage. 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 increasing sewer rates. No one testified.

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

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

6:45 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 and Lamont Merrill; Brian Hawkes, Steve Hawkes and Jesse Brown, Planning & Zoning; and Eddie Pincock. Councilmember Brad Orme was excused.

DISCUSSION AND DECISION ON PUBLIC HEARING:

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept Mrs. Smith's explanation of the sewer treatment fee increase based on her calculation of a 15% increase, for an average increase of \$5 per month per household: motion carried.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on July 23, 2009. Each Councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Harris to accept said minutes with one minor correction; motion carried.

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

Marcie presented the current bills in the amount of \$112,375.03. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, together with all regular August bills that have not yet been received; motion carried. The mayor and councilmember Merrill suggested capping the sewer manholes in the Old Farm Estates property, because sub water is apparently flowing into our sewer lines.

ORDINANCE NO. 282:

Councilmember King introduced Ordinance No. 282 entitled:

“AN ORDINANCE REPEALING AND AMENDING ORDINANCE NO. 260 TO RECLASSIFY CERTAIN LANDS WITHIN THE CITY OF SUGAR CITY (SUCH LAND BEING COMMONLY KNOWN AS A PORTION OF THE OLD FARM ESTATES PROPERTY) UNDER THE CITY’S ZONING ORDINANCE; AMENDING AND REVISING THE CITY’S OFFICIAL ZONING MAP TO REFLECT THIS CHANGE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

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

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

Ordinance No. 282 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. 282 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. 2009-5 (Increasing sewer rates): City Clerk Sharon Bell read Resolution No. 2009-5 pertaining to increasing sewer rates. It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve Resolution No. 2009-5. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King 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.

Zoning map public hearing: Brian reported that some changes need to be made to the current rezoning effort. P&Z would like to set another public hearing for Thursday, September 17, 2009, at 7 p.m. He said Attorney Forsberg recommended in a letter that we do these changes in one zone at a time and then take them each to public hearing. This would be five or more public hearings. Then he suggested that we separate contested and noncontested property. Brian feels that the property on Railroad Avenue and Front Street is the only one being contested, and P&Z will leave the property as it is presently zoned. The school property for the maintenance building and bus yard is being zoned commercial downtown and is not being contested. Brian visited with School Superintendent Alan Dunn, who said it was okay for this school parcel to be classified as downtown commercial property. One of the commissioners from Planning and Zoning will work with Attorney Forsberg on preparing the notice of public hearing.

Wind turbine ordinance: P&Z obtained copies of wind turbine ordinances from Madison and Jefferson counties and has worked with officials from these counties to revamp Sugar City's proposed ordinance. The commission would like to set a public hearing on the ordinance for September 3. Sharon reminded Brian that there would not be time to prepare the notice and have it published before the publication deadline.

Joint P&Z meeting in July: Brian reported that they discussed the Interagency Agreement. They would like to have the five entities (Madison County, Teton, Newdale, Sugar City and Rexburg) sign it at the same time. Brent McFadden is working on getting that done.

Resignation of P&Z Commissioner Ninette Galbraith: Mrs. Galbraith submitted her resignation from the P&Z Commission effective August 31, 2009. She is in the impact area, and that position is appointed by the county commissioners. Brian recommends that the city move as quickly as possible and get someone appointed to complete her term, which expires on December 31, 2009.

BUDGET REVIEW AND DISCUSSION; ADOPT TENTATIVE BUDGET: Marcie presented a tentative budget for Fiscal Year 2010, which is October 1, 2009, through September 30, 2010. A discussion was had on said budget items. Marcie said changes can be made until August 27. The mayor thanked her for good work.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember King to accept the tentative budget as presented, with minor changes; motion carried.

2009 GENERAL CITY ELECTION: Sharon reported there are two four-year council seats up for election on November 3, 2009. Notice to potential candidates must be published once as a legal notice between Friday, August 21, and Friday, August 28. The candidate filing period opens at 9:00 a.m. on Monday, August 24. The declaration must be accompanied by (1) a nonrefundable filing fee of \$40; or (2) a petition of candidacy signed by at least five qualified city electors, with an attached verification from the county clerk. The candidate filing period closes at 5:00 p.m. on Friday, September 4.

Write-in candidates: The candidate must file a declaration of intent with the city clerk

at least 14 days before the election to run as a write-in candidate. The deadline for write-in candidate filing is Tuesday, October 20.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Update on Center Street work/sidewalk: Harold reported that the initial work on Center Street is complete. Crews are now working on Brad Orme's corner, with a 28-foot section of curb. They installed a cross drain on South Austin and are redoing the curb, gutter and sidewalk to conform with requirements of the Americans with Disabilities Act. The curb, gutter and sidewalk are completed on the west end of town. City employees stubbed another drain into Cutler Avenue and Center Street. Harold reported that we have been notified by the Idaho Transportation Department that the contractor to be selected for the Idaho 33 resurfacing project through Sugar City likely will not undertake the work until next year, given the lateness of the construction season. However, the transportation department will see that the rough area at the intersection of Front and Center streets west of town receives temporary smoothing or necessary resurfacing before winter to protect the streets and to minimize bumpy rides for motorists. Harold reported that the transportation department properly removed the hump at the intersection of Front and Center streets this spring.

Estimate on cost of 1st North Street access to Front Street: Harold presented an estimate of \$23,400 to construct a change in direction of 1st North. He feels that, from a safety standpoint, it would be a good idea.

COUNCILMEMBER KING: Bruce reported that Attorney Forsberg has returned Title 1, which he will get to the council in a week or two.

COUNCILMEMBER MERRILL:

Report on pioneer community breakfast: Lamont said the breakfast went well, and everyone said the food was good. The city served eggs, hashbrowns, pancakes, sausage, orange juice and milk to more than 650 people, which is a large turnout. Joe Cherrington's work as general chairman was superb.

Connection of well #1 to storage tank: Lamont said plans have been sent to the Idaho Department of Environmental Quality (DEQ), representatives of which accepted the plans, except for a manual safety turnoff valve. Dick Dyer corrected the drawing and returned it to DEQ for approval. No information has yet been received from DEQ. Lamont said Public Works Director Zane Baler contacted Hill & Sons and Zollinger for bids on this proposed project.

MAYOR'S BUSINESS:

Business Park and Bike Path ribbon-cuttings: The mayor reported that the ribbon-cutting ceremonies went well, with a good turnout for each one. See the picture attached hereto marked "Attachment 2."

Interest in Business Park lot (Snow Shack): There has been an interest by Snow Shack for a lot in the Business Park, but nothing has developed.

Ninette Galbraith resignation from P&Z: The mayor said this was discussed earlier under the P&Z report.

Trailer on Stillman's property sewer connection: The mayor reported that the septic system serving the trailer on Stillman's property is full. Legally, the city cannot allow the owner to install another one. The city has researched the matter, and the owner needs to hook to the city's sewer line. Ordinances #138 and #224 require mandatory connection of homes within the

city to the public sewer. Kathy Stillman is taking care of the trailer for property owner Gary Stillman.

Meeting adjourned at 8:45 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2009-5

BE IT RESOLVED by the Mayor and Sugar City Council that effective October 1, 2009, 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 per month.
2. Usage rate of \$2.51 per one thousand gallons of sewage.

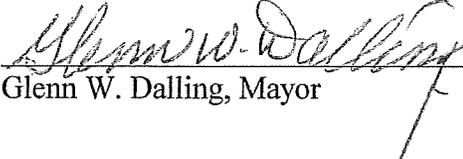
B. WATER

Water usage rate is as follows:

- | | | |
|-----------------|-----------|--|
| 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. |

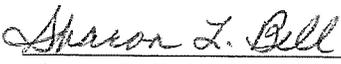
Any hookup to the city water system will pay the base rate for the size of the hookup line. Any additional units using that line will be charged the base rate of \$13.24.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND
MAYOR THIS 13th DAY OF AUGUST 2009.



Glenn W. Dalling, Mayor

ATTEST:



Sharon L. Bell, City Clerk

(SEAL)

