

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

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Tim Kershaw, Brent Barrus, Walter Deitz and Harold Harris; Scott Lee, City Attorney; Dick Dyer, City Engineer; Sharee Palmer, Planning & Zoning Commission; Angela Brown, Standard Journal; Kirby Forbush; Jan Gallup; Don Rydalch; Rayo Budge; Vaun Waddell; Tom Kershaw; and Dave Thompson.

The Mayor asked if there were any corrections to the minutes of the special meeting held October 21, 2005; the minutes of the regular meeting held November 10, 2005; the minutes of the special meeting held November 17, 2005; the minutes of the special meeting held November 21, 2005; and the minutes of the special meeting held December 3, 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 Barrus to accept the minutes of October 21, 2005 with the stipulation that we review and revise the History of Sugar/Rexburg Sewer attached thereto and correct any errors at our next council meeting; motion carried. It was moved by Council member Deitz and seconded by Council member Harris to accept the minutes of November 10, 2005; motion carried. It was moved by Council member Deitz and seconded by Council member Kershaw to accept the minutes of November 17, 2005; motion carried. It was moved by Council member Deitz and seconded by Council member Barrus to accept the minutes of November 21, 2005; motion carried. It was moved by Council member Barrus and seconded by Council member Deitz to accept the minutes of December 3, 2005; motion carried.

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

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

Marcie presented the current bills in the amount of \$62,181.96. It was moved by Council member Deitz and seconded by Council member Kershaw to pay the current bills, together with all regular December bills that have not yet been received; motion carried.

CITIZEN INPUT:

Ball, Brown, Harris & Jeppesen Annexation: Tom Kershaw expressed concerns about a letter that Jan Gallup, as a private citizen, is asking people to sign regarding the annexations. He asked for a little input as to whether or not this would do any good, as he doesn't understand the problem. The Mayor diverted the matter to Jan. Jan said basically as people have found out about the annexation that Rexburg is trying to do and the annexation that Sugar City is trying to do, they have had some major concerns about the school district being involved with that property. They haven't known how to write a letter or what they can do. She said people have requested that she put something together that they can sign. The letter states that Rexburg shouldn't annex because part of the property, Mountain Gold and the Harris property, is already being processed for annexation by Sugar City; and, secondly, that property is in the Sugar-Salem School District and it should stay with the city that works with that school district. A lot of these were taken from the negotiation meetings that we had with the county. They were approved by P&Z and the City Council. She said the last part urges Rexburg officials to allow Sugar City to grow, hoping that Sugar City and Rexburg can work together and mutually develop that property by the interchange. Sharee Palmer said the letter would be presented as written comment at Rexburg's public hearing. The other letter is for Sugar City P&Z and it basically states the same reasons that while we are opposed for Rexburg to have it, we are in favor for Sugar City to have it. Jan reported it is just as important that Sugar City Planning & Zoning know that citizens support the annexation as Rexburg knows that they object to them annexing it. Jan explained the letter has nothing to do with City Council or Planning & Zoning – it is herself as a private citizen. She said citizens have a choice whether they sign it or not. It is just information for them to consider.

Grant for Rock Welcome Sign: Don Rydalch said Sugar City has been awarded a \$10,615 grant to design and enhance the transportation corridor at the southwest entrance to the City at the juncture of Highway 33 and Railroad Avenue. The City's obligation is 10% match in cash and/or labor (\$640 cash and the remainder in the nature of work). The project period for this grant is December 1, 2005 to December 31, 2006. He discussed the specific project scope items: trees, shrubs, sprinkler irrigation system, and the purchase and installation of a lighted slab rock entry sign on a concrete foundation. He said we would need to procure bids on trees, sprinkler parts, travertine stone, electrical work, and a landscape professional to supervise and oversee the project from start to finish. Dick Dyer will help him with the forms and format. The bids should be out by the end of December and due back in by the end of January. They plan to do the project in April or May.

KIRBY FORBUSH – PONDEROSA ESTATES DEVELOPMENT AGREEMENT: The Mayor said a couple of council members felt there was a problem in the development contract. Two problems were discussed: (1) problems in manholes, and (2) unfinished streets. Mr. Forbush said the streets would have been finished last year but there was a main junction box that Qwest had to move. They moved it in September. In the spring he will get the curbing and paving in. A discussion was had on the compaction tests, which the City has requested but not received. Mr. Forbush said they have been done and he will get copies to the City. A discussion was had on

the size of the culvert, which goes back and forth from 24" to 30", and problems with leaking. Council member Barrus went on record that the water users that have the water shares own the ditch, and the City doesn't have any interest in the ditch at all. The Mayor thanked Mr. Forbush for his willingness to work the problems out.

JAN GALLUP:

Ball, Brown, Harris & Jeppesen Annexation: Jan presented the Council with a list of meeting dates because there has been a lot of confusion about them. She said the annexation ordinance was revised in 1995 and that is causing us to redo the calendar that she has been working on. Because of that ordinance, P&Z can't make a recommendation to the City Council tonight. The property owners have to have annexation agreements sent to them ten days prior to P&Z making that recommendation. Discussion was had on setting a date for the Council to meet to receive P&Z's recommendation and to set a public hearing date. Jan will set up a meeting with the property owners on December 13 to talk to them about the pre-annexation agreement and the direction they want to go before Planning & Zoning's public hearing. Rexburg's hearing is Wednesday, December 14.

Sewer Report on Brown/Harris Properties: A discussion was had on the sewer report Jan presented to the Council last month. Jan said it is factual and she can back everything up with documents.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council. P&Z decided they would have two meetings a month starting in January.

P&Z Appointments: They need two commission members since they are losing two, and presented a list of suggestions for the Council to consider. She reported Kara Lee Ricks' term is up but she is willing to stay to help with the ordinance revisions.

Yellowstone Meadows Annexation (Stillman/Plewe): Sharee said P&Z couldn't give a recommendation on this annexation until after the ten-day period. She said they went through the pre-annexation and made a recommendation on that to get a final annexation agreement. Once Mr. Stillman has had that agreement for ten days, she will give the recommendation to the Council.

SEWER AND WATER BILL FOR SUGAR CITY PRODUCE: Discussion was held on the sewer and water bill for Sugar City Produce after they closed the plant. Their bill, with penalty, is now \$7,916.44. They have paid \$4,158.16. They have a two-inch meter and are currently being charged \$94.15 per month for water and \$16.38 for sewer. The consensus of opinion was the water bill should have been calculated on a ¾ inch meter basis of \$13.24. Therefore, the amount owed would be \$4,082.06.

MOTION: It was moved by Council member Harris and seconded by Council member Kershaw that the City forgive \$2,984.58, leaving them owing \$697.60 as of November, 2005, and that the future billing would be on the basis of a ¾ inch meter @\$13.24 and the sewer bill at \$16.38 until, if and when they open a fresh pack potato business. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw and Harris

Those voting nay: Council members Deitz and Barrus

The Mayor cast the deciding vote: aye

Thereupon, the Mayor declared the motion passed.

DEPARTMENT REPORTS:

COUNCIL MEMBER DEITZ: No report.

COUNCIL MEMBER BARRUS: No report.

COUNCIL MEMBER KERSHAW: The only thing Tim had was to report on the successful filing of our injunction.

COUNCIL MEMBER HARRIS:

Retaining Wall at Smith Park: Harold said we are making progress on the concrete wall at Smith Park. They didn't get it completed because of bad weather, and it will be completed next summer.

MAYOR'S BUSINESS:

Sun River Lake Estates: A discussion was had on the \$1,000 we are putting aside from the water hookup fees for the first 70 homes in the subdivision. Attorney Lee said we could amend the agreement to clarify it. The Mayor said we would put it on a later agenda.

Christmas Party: Instead of a Christmas party, it was discussed having a party to thank the two council members going out and to welcome the two coming in.

EXECUTIVE SESSION:

8:55 p.m. It was moved by Council member Deitz and seconded by Council member Harris to go into executive session for the purpose of discussing potential litigation and personnel. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

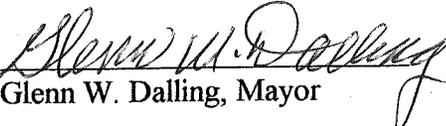
9:40 p.m. The executive session ended and the regular Council meeting reconvened.

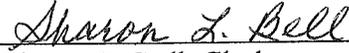
P&Z Appointments:

MOTION: It was moved by Council member Barrus and seconded by Council member Deitz that we appoint Kara Lee Ricks to finish Brad Orme's term; motion carried. A discussion was had on the list of suggested P&Z appointments.

MOTION: It was moved by Council member Barrus and seconded by Council member Harris that we give the Mayor permission to talk to the individuals we discussed to be appointed to the Planning & Zoning Commission; motion carried.

Meeting adjourned at 9:55 p.m.

Signed: 
Glenn W. Dalling, Mayor

Attested: 
Sharon L. Bell, Clerk