

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, APRIL 28, 2011

Presiding: Mayor 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; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Christine (Sam) Lines and Steve Hawkes, Planning & Zoning Commission; Kathie Westwood; Burch Drake; and Kristina Davis.

The mayor asked if there were any corrections to the minutes of the regular meeting held on April 14, 2011. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Waddell to accept said minutes; motion carried.

DISCUSSION OF ORDINANCE NO. 293: The city clerk reported on Ordinance No. 293 (title 9 chapter 9, Sexually Oriented Businesses). On 12-18-08, the Planning and Zoning Commission held a public hearing on title 9 revisions/additions, including the then chapter 15 on sexually oriented businesses. P&Z recommended that the council approve said revisions/additions (including chapter 15) and the council approved them on 1-22-09. Ordinance No. 280 was approved on 2-12-09, but chapter 15 was not included due to a clerical oversight. Revisions were made to title 9 and P&Z held another public hearing on 11-19-09 (no revisions to chapter 15). The city council held public hearings on title 9 revisions on 8-12-10 and 9-23-10 (title 9 chapter 15 was redesignated as title 9 chapter 9, but no changes were made to it at these public hearings). Ordinance No. 290 was approved on 10-14-10 and sent to Sterling Codifiers for codification. Sterling Codifiers notified Sharon on 3-23-11 that they were not sent a chapter 15 in title 9. The city files were searched. At that time Sharon discovered that title 9 chapter 15 was approved but never included in an ordinance. On 4-8-11 the city attorney recommended that the city pass Ordinance No. 293 to include the current title 9 chapter 9 (sexually oriented business) with no further public hearing.

ORDINANCE NO. 293:

Councilmember Waddell introduced Ordinance No. 293 entitled:

“AN ORDINANCE AMENDING TITLE 9 OF THE SUGAR CITY MUNICIPAL CODE TO ADD A NEW CHAPTER 9 WHICH REGULATES ADULT ENTERTAINMENT/SEXUALLY ORIENTED BUSINESS; 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 Harris, 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 Waddell and seconded by Councilmember Harris to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

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

Ordinance No. 293 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. 293 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 2011-2: The mayor introduced Resolution No. 2011-2 regulating the time limit for parking in front of city hall to five minutes. After a lengthy discussion, it was moved by Councilmember Merrill and seconded by Councilmember Harris to approve Resolution No. 2011-2. Thereupon, the clerk called roll upon said motion:

Those voting aye: Councilmembers Harris and Merrill
Those voting nay: Councilmembers King and Waddell
Deciding vote: Mayor Dalling voted aye

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 1."

RESOLUTION 2011-3 (Fair Housing): Councilmember Waddell read Resolution No. 2011-3 to proclaim April as Fair Housing Month. It was moved by Councilmember Waddell and seconded by Councilmember Harris to approve Resolution No. 2011-3. Thereupon, the clerk called roll upon said motion:

Those voting aye: Councilmembers Harris, 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 2."

PLANNING & ZONING REPORT: P&Z Chairman Christine (Sam) Lines addressed the council.

Public hearing training: Sam reported that Steve Hawkes presented the highlights on holding a public hearing.

Map correlation: Sam said P&Z discussed meeting with the three entities (Madison

County, Rexburg and Sugar City) to match names of zones in the impact area. Steve will go to the meeting and report back.

Title 10: The P&Z commissioners have determined to begin studying title 10 so they understand it.

DISCUSS PROPOSED STATE-LOCAL AGREEMENT ON HIGHWAY

MAINTENANCE: Councilmember King reported that the Idaho Transportation Department has not finalized the agreement. He presented the proposed map showing the areas that will be maintained, but he reported that it has not been approved as yet.

SEALED BIDS ON SURPLUS PROPERTY: The mayor reported on the two pieces of equipment that were declared surplus property – the IH motor on the old sweeper truck, which was appraised at \$2,950; and the old lawnmower, which was appraised for \$1,000 to \$1,500. A bid was received from Dave Warnke on the motor, plus a check for \$3,000. The mayor said the lawnmower needs a governor. Without a governor, it runs too fast and could burn itself up. Zane priced a governor a year ago and it was \$1,200. Recently it was priced at \$1,700. No bids were received on the lawnmower. Zane said he would give the city \$300 for it. It is legal to sell it to someone who works for the city because no one bid on it.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Merrill to sell the IH motor, which has been appraised at \$2,950, for a price of \$3,000 to Dave Warnke; motion carried.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Merrill that, inasmuch as the cost of repairs to the lawnmower declared surplus on April 14, 2011, is greater than the appraised value of the machine, and inasmuch as Zane Baler has offered \$300 for the machine as it is, I move to accept that offer; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

HK bids for major road work/priority/crack sealing: Harold reported receiving a \$36,000 bid from HK Contractors to pave another portion of Ricks Landon Subdivision. The mayor said HK will do it at the end of the summer and will bill the project in next year's street budget.

COUNCILMEMBER KING:

Preparation of maps: Bruce presented a written proposal for preparation of maps. "I propose that we invite Craig Rindlisbacher to calculate what percent of the county's total parcels are in Sugar City and then determine if we can afford to pay that percentage of his budget each year. If we can't, I propose that we negotiate a lower annual fee or a fair hourly rate for his services, thus partnering with the county and Rexburg in sponsoring the Madison County/Rexburg GIS Department." The mayor will request a meeting with the county commissioners and Craig Rindlisbacher to discuss this matter.

Animal (chicken) ordinance: Bruce said he hasn't been able to get to this chicken assignment. He will discuss this with Vaun and report back to the council.

Report on Web search results: Bruce reported on the power of modern technology and how easy it is to search our city Web site.

Report on business park entry on Web page: Bruce posted an entry on the city's Web page as follows: "The business park in Sugar City is open for business, with a number of prime lots for sale. Contact Clair Boyle, Madison Economic Partners, at

(208) 356-6484 or (208) 709-1340 (cell). Interested parties also may call Mayor Dalling at (208) 356-7561.” He will list infrastructure included: phone, gas, electric, fiber optics, road, curb and water/sewer. He will also add an entry to see “map page” for the business park map.

Online payments: Bruce said he was asked by Marcie to include a link to an online payment window. He did that, and Marcie reported that she did her first entry today.

COUNCILMEMBER MERRILL:

Report on Henry’s Fork watershed: Lamont reported that he, in behalf of the city, attended a Henry’s Fork watershed meeting. The message in the meeting was the need to do further study in order to make any recommendations regarding effective water management.

FEMA meeting: Lamont reported that he, in behalf of the city, attended a FEMA meeting. There was discussion of potential flooding in the spring runoff, but at present there are no positive recommendations on control. There was a review of the emergency management system. The mayor thanked him for attending the meetings.

COUNCILMEMBER WADDELL:

Report on Easter egg hunt: The Easter egg hunt was a great success, with close to 200 children participating who seemed to enjoy the event.

Report on proposed Arbor Day program: The Arbor Day observance is scheduled for tomorrow, April 29, at 12:50 p.m. at the north edge of Heritage Park. The mayor will speak and the children will sing.

Update on Teton Dam Marathon (also changing of half marathon route): Vaun reported that he wrote to Michael Hays last week and mentioned that the city was in support of the application to bring the half marathon through Sugar City and that we had appropriated the cost of the application. He also gave Mike the proposed route. The idea is to have the application ready before this year’s marathon so that the U.S. Track and Field people can recommend changing it when they are here. Bob Yeatman told the mayor that he would get us a banner.

MAYOR’S BUSINESS:

Electronic sign: Sugar-Salem School District Superintendent Alan Dunn would like to go in with the city and share a \$20,000 electronic sign. The location of the sign was discussed. The mayor asked for the council’s input. Three things need to be decided upon: (1) what should the heading be that is permanent on the sign; (2) location; and (3) finances. It would be a community sign. The mayor requested permission to discuss a combination sign with the school district and to provide more information at the next meeting.

Solution to the trees in the alley by the fire station: The mayor met with the fire station people and the Philip Johnsons. The recommendation is that the fire station people will remove the trees in the area. The city will pay for planting new trees and will help modify the irrigation system. The fence will be left in the center of the alley. The expenses to the city will be around \$2,500. This money could be taken from the funds the fire department paid for the property. The city sent a letter to the Johnsons inviting them to accept the proposal, which has not yet been returned.

City’s distinguished service award: The mayor said his intent for the city’s distinguished service award was to have a large board with numerous nameplates. A name would be added to the board each year when the award was given. The presentations could be made at the July breakfast or Christmas party. He said we should be careful about putting names in the minutes and then not giving the award.

Renaming of parks and streets: The mayor reported receiving a request to rename one

of the city's parks. He prefers to discuss this matter in an executive session. The mayor called City Attorney Bill Forsberg on the speakerphone. Attorney Forsberg asked the mayor to call him and he will write a memo for the next meeting, at which time the council can discuss his memo in an executive session.

Moving trees: Trees at the water tank will be moved tomorrow or Monday.

Repair of damaged sweeper truck: The mayor reported that ICRMP has agreed to cover the damage to the sweeper truck, and that bids have been sent in.

Park signs: The council ranked options for signs in city parks, with #2 and #9 tied for first place. Further information on size and expense will be presented at the next meeting.

Meeting adjourned at 9:50 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2011-2

A RESOLUTION OF THE CITY OF SUGAR CITY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ADOPTING REGULATING THE TIME LIMIT FOR PARKING IN FRONT OF CITY HALL; AND PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City has limited parking space at the curb directly in front of City Hall; and

WHEREAS, there are many persons who drive to city hall to conduct business of a brief duration; and

WHEREAS, the Mayor and City Council believe it is necessary and appropriate to adopt limits on the time a vehicle may park at the curb in front of City Hall to facilitate convenient access by the public;

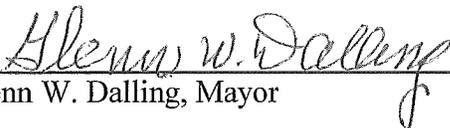
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sugar City, Idaho, as follows:

Parking on the south side of Center Street directly in front of City Hall shall be limited to five minutes.

The director of public works is ordered and authorized to erect such signs as will notify the public of this limitation.

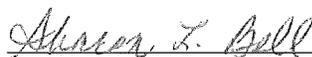
This Resolution shall become effective as of the date of its passage.

**APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS
28TH DAY OF APRIL 2011.**



Glenn W. Dalling, Mayor

ATTEST:



Sharon L. Bell, City Clerk

(SEAL)

RESOLUTION 2011-3

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

WHEREAS, April 2011 marks the 43rd anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all – regardless of race, color, religion, sex, disability, familial status or national origin – is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal – as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability; and

WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed.

NOW, THEREFORE, I, Glenn W. Dalling, Mayor of the City of Sugar City, do hereby proclaim April 2011 to be

FAIR HOUSING MONTH

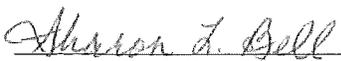
in the City of Sugar City, Madison County, State of Idaho.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS 28TH DAY OF APRIL 2011.



Glenn W. Dalling, Mayor

ATTEST:



Sharon L. Bell, City Clerk

(SEAL)