

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

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Scott Lee, City Attorney; Stephanie Blackham, Planning & Zoning Commission; Ben Barrus; Kevin Andrews; Wilson Redd; Devin Miller; Chad Miller; Sharee Palmer; Eddie Pincock; Sharla Pincock; Dave Thompson; Kelton Thompson; and Attorney Richard Smith.

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

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

Marcie presented the current bills in the amount of \$55,019.45. It was moved by Councilmember Deitz and seconded by Councilmember Harris to pay the current bills, together with all regular February bills that have not yet been received; motion carried.

CITIZEN INPUT: Sharee Palmer read her letter to Mayor Dalling and the Sugar City Council dated 2/8/07, a copy of which is attached hereto, marked "Attachment 1."

PLANNING & ZONING REPORT: Stephanie Blackham addressed the Council.

Kerry Moser (Moser Photography) Home Occupation License: P&Z approved a home occupation license application for Kerry Moser.

Old Farm Estates: Stephanie reported Eddie Pincock came to P&Z regarding the Stillman property (Old Farm Estates). P&Z told him to bring his preliminary plat to the next P&Z meeting. There are some concerns from members of P&Z about the sewer and water. Stephanie said the City Code lists what they have to bring in for a preliminary plat, but no application form is needed. She said P&Z has 30 days after Mr. Pincock brings in the preliminary plat to approve, conditionally approve, or disapprove it.

Cell Tower Ordinance: P&Z will work on the cell tower ordinance next week. The

meeting after the cell tower, they will work on the home occupation / home business ordinance.

P&Z Training: The Mayor said there is a training session in Pocatello in March, and the City will pay for transportation and the registration fees for any or all P&Z members. Stephanie reported everyone on P&Z would like to go.

Councilmember Deitz said he would like to take exception to Sharee Palmer's letter. He feels there has been some great hostility between the past Planning & Zoning Commission and the City Council. Stephanie said the new P&Z Commission does not plan to foster a lot of animosity with the Council. The Mayor thanked her for coming in.

ORDINANCE REVISION UPDATE: The Mayor reported that Jan Gallup filed an Initiative Petition on the proposed Title 8 of the City Code. He felt like we should get all of the Council's changes to Title 8 together in one document and present the document to P&Z. Title 8 has been directed back to Planning & Zoning to simplify and make less restrictive. We would provide written input as well as oral input to the commission. After discussion, the Mayor said at our next meeting on February 22 we would set a block of two hours of time to work on it. He asked Councilmember Bruce King to help with the organization that night even though we don't expect him to rewrite Title 8. During a break, Bruce called Stephanie Blackham. She said it would be fine with her if the Council met and put together a summary of their feelings on paper, then Bruce would take it to P&Z at their first meeting in March. Then P&Z would be poised to start working on Title 8 after that. Stephanie said despite the initiative, she thought Planning & Zoning would be willing to go ahead and get started on reworking Title 8.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold wants to put in some new storm drains. He is concerned about doing anything on Center Street because of the State's anticipation in 2009 or 2010 of redoing Center Street. Two of the storm drains will affect a couple of crossings on Center Street. Harold has a concern about fire hydrants and has visited with Dick Dyer about them. Dick said the State has adopted the State Fire Code, which stipulates how far away fire hydrants can be from dwellings. Harold discussed drainage on Center Street and whether the State is responsible. He will talk with the Idaho Transportation Department about it.

COUNCILMEMBER DEITZ: Walter reported we have had a lot of problems with controls on the water system and are working through them. You can't buy parts—you've got to build your own. So that is what we're doing.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

City Web Site: Bruce reported that he sent the Council a link to the initial Web site and wanted their reactions to the site. He thinks we can improve upon its initial design. The Council felt it has good potential. He said the comprehensive plan and ordinances are presently available on the Web site. Dave Thompson expressed excitement for the new Web site. Attorney Lee feels we should have a shorter URL (Web address). Mr. Thompson agrees that the URL could be easier and more user friendly. He said there is a normal protocol for URL's for city government and feels the URL could be modified. Everything that has been done can be posted, and we can have a shorter URL. He said the correct protocol would be "sugarcity.id.us.gov." Mr. Thompson said he already has that URL on hold for the City. Bruce will pursue getting that specific designation for our Web site. A discussion was had on the home page and the messages Bruce prepared. Bruce said he weighed every word, but wants to be sure the Council approves of the messages. He said our Web site is on a server in St. Paul. The site is simple but versatile and

can be added to later, as desired. He will work with Dave to get the new Web address. We could announce the new Web site in the March newsletter so that it will be available to residents and the general public.

City Hall Wireless: Bruce reported that at the last P&Z meeting a commissioner wanted to know if the commission could turn on the wireless Internet feed during their meetings. Dave Thompson said it can be done but there is liability involved as others might be able to gain access to computers in City Hall. He recommended a network use agreement and policy if we did that, then we would have control of the way it is used. A discussion was had on putting a hard-wire port in the Council room so we could put a computer in the room. Dave said the jacks could have Internet access but not access to the computers in City Hall offices. A discussion was had on recording minutes on digital tapes. Bruce will report back to Planning & Zoning that we'll start working on this, but that it will take time to develop.

Projector for Council Room: The Mayor reported that he talked with Dave Thompson about getting a projector in the Council room and that Dave agreed to help. Maybe it all ties in together with the wireless access request. Mr. Thompson discussed putting a projector in the Council room, which could be mounted on the wall. A wire from the projector could run down the wall and connect to a desktop or laptop computer on a table in the Council room, which could serve as the control point, and you could project anything onto a screen. The projector could also be hooked to VCR and TV equipment. Councilmember King said this is related in that, with the laptop hard wired, we could access the Internet and get to our site and our Code and even project it on the wall. The cost would be about \$1,000 for the projector, and the extension cable would cost an additional \$30 to \$40. Dave said some of the wiring has already been completed. The Mayor asked Dave to come up with a line-by-line proposal of costs for the projector and computer, etc., in two weeks.

MAYOR'S BUSINESS:

9:00 p.m. Attorney Richard Smith arrived. The Mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

9:05 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1) (b) & (f), that we move into executive session to discuss personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:05 p.m. Attorney Richard Smith left.

10:50 p.m. Councilmember Harold Harris left.

Discussions during executive session were on litigation related to annexations and personnel issues.

11:15 p.m. The executive session ended and the regular Council meeting reconvened.

The Mayor entertained a motion regarding how to handle the initiative that has been filed regarding Title 8. Attorney Lee said that under Idaho Code Title 50-501 we are required to have an ordinance that will allow for initiatives and referendums. Upon receipt of Jan Gallup's initiative with its 20 signatures, he reviewed the document. After studying Idaho Code and realizing that we needed to have an ordinance, he went to our ordinances to check the procedure for responding that is set forth in our ordinance. At that point, he discovered that Sugar City does not have an initiative and referendum ordinance. Based upon that, he does not feel we have the ability to deal with the initiative presented to us. He proposed that he immediately draft an ordinance so we come into compliance with Idaho Code 50-501. He is prepared to draft an ordinance for the City Council's review at their next meeting. After that review, we can set a public hearing that evening and proceed to get this ordinance adopted so that Jan Gallup's initiative can go forward. He said it would be appropriate at this point for the City Council to make a motion to (1) have him write Jan Gallup a letter and indicate to her the problem we have without having an ordinance in place and outlining the timeline which he described so that we can get it in place so her initiative can go forward; and (2) have him draft an ordinance for our next meeting that would comply with Idaho Code 50-501 so that we now can accept initiatives and referendums. The City Council could then set the public hearing for it, and we could proceed on that timeline.

MOTION ON TITLE 8 INITIATIVE: It was moved by Councilmember Orme and seconded by Councilmember King that, in order to comply with Idaho Code Section 50-501 and to process an initiative petition from Jan Gallup regarding Title 8 in a timely manner, we (1) authorize our attorney to draft a letter and send it to Jan Gallup outlining our intentions on this matter as previously discussed; and (2) have our attorney draft a City ordinance to comply with Idaho Code Section 50-501, to be presented at our next meeting on February 22; motion carried.

The Mayor said Richard Smith reported that Rexburg has agreed to drop its Petition and not request costs and attorney fees if we drop our Request for Reconsideration. The Mayor entertained a motion to drop our Petition for Reconsideration and that we also direct our attorney not to file an appeal on the dismissal. Attorney Lee said then Rexburg would be willing to come to the table and start discussing and negotiating the issues.

MOTION ON PETITION FOR RECONSIDERATION OF JUDGE'S DISMISSAL OF OUR PETITION FOR JUDICIAL REVIEW OF REXBURG'S ANNEXATION OF THE BROWN AND HARRIS PROPERTIES: It was moved by Councilmember Deitz and seconded by Councilmember Orme that we direct our attorney to withdraw the Petition for Reconsideration and to not file an appeal of the Judge's dismissal; Councilmember King opposed; motion carried.

Councilmember King's Opposition to Motion: Councilmember King stated the reasons he opposed the motion and requested they be included in the record. "I very much appreciate all of your input and the points each of you made in support of this action. I think that there were some good things said, and they gave me cause for serious reflection. I also appreciate Richard's observations in our executive session. However, I chose to oppose the motion on the grounds that (1) I believe Judge Moss ruled incorrectly in dismissing Sugar City's petition challenging Rexburg's annexation; (2) I believe Scott Lee acted wisely and fairly when he petitioned Judge Moss for reconsideration, pointing out that Rexburg failed to enact an annexation ordinance; (3) I believe Judge Moss should hear this Petition for Reconsideration; (4) I

believe Sugar City should have Rexburg's so-called promises in writing; and (5) I feel that stating we will never appeal this matter could be unwise." I believe it is important to choose the right and let the consequences follow. I think what has happened isn't fair, and I am deeply disappointed about it.

Meeting adjourned at 11:30 p.m.

Signed:

Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested:

Sharon L. Bell
Sharon L. Bell, Clerk

Sharee Palmer
1087 E. Moody Road
Sugar City, Idaho 83448

To Mayor Dalling and the Sugar City Council

2/8/07

There were statements made by some of you in your January 11, 2007 city council meeting that caused me some concern and I feel there are some issues that I need to address.

There was some discussion about, as Mr. Lee and Councilman King describe, the "hostile" Planning and Zoning meeting attended by Councilman King the week before. Mayor Dalling made reference that the "stinging" letter city council received from Planning and Zoning a couple of months ago was the start of that hostility. I am assuming that the "stinging" letter referred to is the letter that was sent by me personally on September 12, 2006, over four months ago. It was not sent from the Planning and Zoning commission. It was from me, Sharee Palmer.

In reference to the economic development committee, Planning and Zoning never stated that it had to be a citizens committee. If you look at the implementation table in the Comprehensive Plan for establishing and maintaining an economic development committee, the City council is to have primary responsibility, city staff- secondary responsibility, with citizens-active involvement, and others of private interest.

As for Design Review, Councilman Harris related talking to one of the design review committee members who stated that nothing had been sent back to them. She's right. Councilman Harris stated "we're struggling with design review, it's never gone back to the design review committee to work on those changes submitted by the city, so somewhere there's no link between us and who ever takes the information back to their committee to work on these issues. If we have a design review committee they ought to be aware of the fact that we're sending this back and sending it back asking for these changes and they should be aware of that." Guess what, city council is the missing link! The committee was not aware of any changes because the city council did not recommend sending it back to Planning and Zoning until December 2006, over a year after you had received it. If you had so many issues with Design review, you could have sent it back to Planning and Zoning months earlier.

The design review chairman and committee appointments were done by the Planning and Zoning commission because we have a legal right to do that. When and if the Design Review board is put into place, those appointments will be done by the city.

Suggestions for impact area members by the Planning and Zoning Commission is not a tradition, it is a common courtesy that was shared by past commissions and city

councils. At your December 6, 2006 meeting I reported those suggestions. We had discussed six individuals in our commission meeting and decided on three to report to you for our suggestions we would be turning in to the county commissioners for new impact area members. The statement made by Mayor Dalling in your January 11th meeting that "she doesn't want to run them through us, she wants to run her suggestions through the county commissioners". I did run them by you. But the way all your eyes glazed over as I told you the names at your December 6th meeting it doesn't surprise me that you don't remember me giving you the planning and zoning suggestions.

And last I want to address a comment made by Mayor Dalling. And I quote "I believe that had we had the support of the planning and zoning we would have had an agreement on this annexation problem that would have been satisfactory. We would have been better off." How disappointed I am in that statement made by Mayor Dalling. Planning and Zoning did what they were supposed to do. We are a recommending board. We worked hard to get through the annexation process and get annexation agreements drawn up and signed, so we could make our recommendation to city council, which we did. We were behind the property owners and city 100%. Once our part was done, it was your choice to leave us out of any further negotiations or talk about the annexations and lawsuits. It is sad to see a city council and Mayor that can not take responsibility for their choices and actions, and instead choose to blame others.

A handwritten signature in cursive script that reads "Sharee Palmer". The signature is written in black ink and is centered on the page.

Sharee Palmer