

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, APRIL 26, 2007

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Brad Orme; Stephanie Blackham, Planning & Zoning Commission; Joette Lookabaugh, City Attorney; Kyra Davis, Standard Journal; Vaun Waddell; Devyn Walker; Cody Walker; Terry Mortensen (Teton Development); Ches Blackham; Jan Gallup; Marlene Webster; Sharee Palmer; and Attorney Richard Smith. Councilmember Walter Deitz was excused.

The Mayor asked if there were any corrections to the minutes of the regular meeting held April 12, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember King to accept the minutes of April 12, 2007; motion carried.

PUBLIC COMMENT: There was no public comment.

BUDGET DATES FOR APPROVAL: It was moved by Councilmember Harris and seconded by Councilmember Orme that we approve the budget dates of Thursday, July 26, review budget; Thursday, August 9, adopt tentative budget; and Thursday, August 23, budget hearing; motion carried.

TERRY MORTENSEN – DEVELOPING PROPERTY: Mr. Mortensen, Consultant and Project Manager for Teton Development in Jackson, Wyoming, addressed the Council. He is interested in developing property (Blair Calloway property) north of the river from Sun River Lake Estates. It is not in the impact zone, and Mr. Mortensen discussed the possibility of becoming part of the impact zone or possibly being annexed into the City. The sewer and water lines are adjacent to the property across the river, which might be convenient for them to hook into. The Mayor said Mr. Mortensen would need to go to the County to change the impact area and then come back to the City.

JARED NEELEY – PROPERTY IN IMPACT AREA: Mr. Neeley was told by City Attorney Joette Lookabaugh that first he needed to be put on the Planning & Zoning agenda. Attorney Lookabaugh reported Mr. Neeley is a landowner. He has a building on his property, which he wants to tear down and rebuild, then build another one.

Building Permits in Impact Area: A discussion was had on seeing if the County will relinquish their rights on building codes to Sugar City in the impact area. The City of Rexburg

has full control of their impact area for building codes, and the City Attorney said the County must treat all cities in the county the same. Councilmember Harris said the City was supposed to review the building permits that the County issues in our impact area. Attorney Lookabaugh will look into the building permits issued in the impact area and find out what the policy is.

CITY ATTORNEY – JEFFREY L. PATLOVICH PRESENTATION: City Attorney Joette Lookabaugh reported on Mr. Patlovich's presentation. She said setting up the format for proper meeting procedures is very important. She and the Mayor will make a sheet on how these meetings are to be conducted and how public comments are geared. She will do the same for Planning & Zoning, attaching format that Mr. Patlovich suggested. She suggested a joint work session where only policies are discussed by P&Z and the City Council. We need to talk about where we want to go, what ordinances we are missing and make sure we are both working in the same direction. She suggested quarterly meetings to discuss policy and vision. She said she plans to use Mr. Patlovich as a resource. Councilmember King recommends we further discuss what Mr. Patlovich said and agree on what to implement.

PLANNING & ZONING REPORT: Stephanie Blackham addressed the Council.

Title 8, Chapter 3, Wireless Telecommunications: Stephanie reported P&Z approved the cell tower ordinance. Attorney Lookabaugh said it is a technical ordinance and in her opinion it needs to go to another public hearing. Councilmember King suggested some minor changes and discussion was had on each of them. Bruce thanked Jan Gallup for helpful reminders on the proper procedure in developing ordinances. He recommended we more carefully follow this procedure, starting with Title 8, Chapter 3, Wireless Telecommunications. **MOTION – DIED FOR LACK OF A SECOND:** It was moved by Councilmember King that, pursuant to Title 9-13-1, Title 9-13-2, and Title 9-13-7 of the Sugar City Code, we deny the proposed Title 8, Chapter 3, so that the Planning and Zoning Commission can incorporate our minor edits and then hold another public hearing. The motion died for lack of a second. The Mayor thought it would be appropriate to make the minor changes and the City Council could set the date for a public hearing.

MOTION TO SET PUBLIC HEARING: It was moved by Councilmember Orme and seconded by Councilmember Harris that we accept the recommendation of Planning and Zoning on Title 8, Chapter 3, with the editing changes discussed tonight, and that we set Thursday, May 24, 2007, at 6:30 p.m. as the time for a public hearing on the revised ordinance; motion carried.

MOTION TO EXTEND CELL TOWER MORATORIUM: It was moved by Councilmember Harris that we extend the moratorium on cell towers until June 1. Motion withdrawn. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember King that we extend the moratorium on Title 8, Chapter 3, Wireless Telecommunications, through May 24; motion carried.

Title 8, Design Review: Stephanie reported that P&Z did not work on the design review ordinance at their last meeting.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold reported crack sealing on the streets is under way. There will be an asphalt-repairing project at a later date.

COUNCILMEMBER ORME: Brad reported the Arbor Day celebration is tomorrow, April 27, at 10:30 a.m., on the southwest corner of Heritage Park.

COUNCILMEMBER KING:

Title 1, Chapter 2: Bruce reported that he just had minor changes. He would like to continue to work on Title 1, Chapters 1 and 2, and will e-mail them to the council. It was the consensus of the Council for him to proceed.

Title 9, Chapter 6, Zoning Districts, Maps: Bruce would like to fine-tune this chapter. He feels we should finalize the text, but leave the maps till later. The Mayor thought this effort could be delayed while the Utah city planners work with the City. Bruce would like the City Council to prepare their suggestions first and then have these planners go over it. He recommends the Council provide him their changes two weeks from tonight on May 10. Councilmember Harris reported the city planners are supposed to have ideas for the City by December. The Council agreed to send their changes on Title 9, Chapter 6, to Bruce and the matter will be on the May 10 agenda. Bruce asked Sharon to send him Title 9, Chapter 6, so he can verify that he has the latest electronic version.

PDF (Portable Document Format) and Web Site: Bruce would like to meet with Sharon and Marcie tomorrow at 2:30 p.m. to show them how to (a) use a free PDF Converter application and (b) place PDF files on the city Web site.

MAYOR'S BUSINESS:

Lot by Moon Park: The Mayor reported the owners of the house at 132 South Front Street have agreed to a land and easement exchange between them and the City. He will work with Attorney Lookabaugh to draw up a legal agreement.

Update on Three-Entity Cooperative Planning Meeting: A discussion was had on the basis of our participation in the joint planning effort. The Mayor feels it should be on a per capita basis, and we are listed with the same level of financial commitment as Rexburg. He said the matter is still open to negotiation. Two consultants from Utah were at the meeting, and they asked the Mayor if we would like them to come and talk to us directly. He said yes. The Mayor said we would like them to review our comprehensive plan. He said the joint meeting is set for the 4th Wednesday of every month, and they will submit project reports on a monthly basis. The planning consultants would be there probably, if progress was being made.

Bike Path: The Mayor reported there was some discussion about the bike path. A press release was issued stating that requests for bids for completion of the bike path will go out in June and the completion date will be mid-September, except for the bridge across the canal. Rexburg feels that the State is responsible for the required pedestrian light for the crossing on Idaho Highway 33. Rexburg will then take the path down to the river along the railroad track. They are working on a grant for that project.

Holly Harrison Special Use Permit: The Mayor reported Mrs. Harrison is entitled to her special use permit. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember King that we approve Holly Harrison for her nursery school for a regular Special Use Permit; motion carried.

Business Park (Idaho Community Development Block Grant): The Mayor reported the request for proposals for engineering and for administration have been published in the newspaper. In order to comply with the Idaho Community Development Block Grant, we need to do three things:

(1) **Accept Proclamation – Fair Housing Month:** It was moved by Councilmember King and seconded by Councilmember Orme that we accept the Proclamation to declare April as fair housing month; motion carried. A copy of said proclamation is attached hereto, marked "Attachment 1."

(2) **Adopt Resolution No. 2007-1:** Resolution No. 2007-1 was read in its entirety. It was moved by Councilmember King and seconded by Councilmember Harris that we adopt the Fair Housing Resolution No. 2007-1; motion carried. A copy of said resolution is attached hereto, marked "Attachment 2."

(3) **Accept Citizen Participation Plan:** It was moved by Councilmember Orme and seconded by Councilmember Harris to adopt the Idaho Community Development Block Grant Citizen Participation Plan, City of Sugar City; motion carried. A copy of said document is attached hereto, marked "Attachment 3."

8:50 p.m. Attorney Richard Smith arrived.

EXECUTIVE SESSION:

9:00 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 potentially personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Discussion during executive session was on negotiations with Rexburg on annexation.

9:45 p.m. The executive session ended and the regular Council meeting adjourned.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk