

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, SEPTEMBER 28, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Brittani Lusk, Standard Journal; Jan Gallup; Yvonne Kinghorn; Cody Kinghorn and Nicholas Belnap, scouts; and Vaun Waddell.

The Mayor asked if there were any corrections to the minutes of the regular meeting held September 14, 2006, and the minutes of the special meeting held September 15, 2006. Each Councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Deitz and seconded by Councilmember Harris to accept the minutes of September 14, 2006; motion carried. It was moved by Councilmember Harris and seconded by Councilmember King to accept the minutes of September 15, 2006; motion carried.

CITIZEN INPUT: There was no citizen input.

DISCUSSION ON DOG PROBLEM: Discussion was had on a complaint received at City Hall on September 18 about Kurt Hibbert's dogs and possibility of needing a kennel license.

MOTION: It was moved by Councilmember Deitz and seconded by Councilmember Harris to table the issue of discussing the dog problem until our next meeting; motion carried. The Mayor and Sharon will research the facts and have the matter on the agenda for next meeting. We have put notices in several monthly newsletters about problems with dogs.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Zane Palmer Division of Property: Sharee reported Zane Palmer wants to subdivide his property (approx. 10 acres) into one or two acre parcels. He said he has two accesses onto the highway. P&Z told him he would have to do a cul de sac, not a road straight through. Sharee said he is annexed into the City, and the issue came up of sewer and water and if he is going to be required to do that. Discussion was had. Sharee feels because he is annexed into the City, he would be required to hook up to the sewer. She said it would be for manufacturing, like a business park. The Health Department would have a lot to say about what he would be able to do. Sharee said she asked Zane to come up with what he wants to do and bring it to P&Z. He just wanted to know what he needed to do and if it would be feasible.

Recommendation on FFKR: Sharee reported P&Z's recommendation: In our comprehensive plan we talk about a growth master plan. We are supposed to take the 20-year growth impact study and develop a growth master plan. P&Z recommends that that would be a suggestion to have professional planning and help on. The Mayor said he took P&Z's proposal to the meeting yesterday. There was a strong feeling among the County Commissioners that we

shouldn't just look in Salt Lake City for a planner. We ought to be looking in Boise or someplace in Idaho. The Mayor said no official action would be taken until some planning firm makes a proposal, outlines it and gets a cost figure on it.

Comprehensive Plan: Sharee reported Bruce had mentioned on the comprehensive plan instead of saying "schedule" to have it say "priority" on the implementation. That was never done. P&Z felt that was okay as long as it wasn't considered a material change. Councilmember King discussed it with Attorney Lee who didn't think it would be a material change. Discussion was had. Jan Gallup said she feels it should go back to P&Z to decide what the priority should be, have another public hearing on it and present it to City Council. If City Council is agreeable, they don't have to have a public hearing and can just approve it. Sharee isn't sure about switching to "priority" instead of having a date on it. She said the date is when you start, not the date it is to be finished. Jan feels if City Council sends it back to P&Z to review and then bring it back, you should have P&Z do a public hearing just to cover the bases and to make sure that everything is above board. Then if City Council approves it and doesn't make any changes to it, they don't have to have a public hearing. Councilmember King feels Attorney Lee gave us the go ahead to do this without a public hearing. Sharee feels if we are making a change to our comprehensive plan, which is of vital importance to our community, it won't hurt to have a public hearing. But it is the Council's decision. Councilmember King feels it might be useful to go back and look at the minutes and refresh ourselves on that, then come back and reconsider this. The Mayor asked Sharon to locate that for us and make copies.

JAN GALLUP – ORDINANCE REVISIONS:

Title 8, Design Review: Jan said we finished Chapter 2, Design Review. Bruce suggested a few grammar changes on Chapter 3. Jan gave a power point presentation on Chapter 3, Design Standards; Chapter 4, Landscape Standards; and Chapter 5, Sign Regulations. Some changes were made. She feels we've made enough changes that we'll need to have another public hearing. Councilmember King reported we have received a couple of letters from Vaun Waddell and he feels Vaun brought up some good points. He would like to talk about that before we vote on this issue. The Mayor said we are not going to vote on it tonight. He feels we should have Vaun Waddell's letters as a line item on our next agenda.

Gary Stillman: Jan reported she had a meeting this week with Gary Stillman and his attorney from St. George. She had some information for Gary that she needed to copy on a disk, so she wanted the Council to know that she met with them, discussed some of the plans that he wants to do out there and she felt that she wasn't violating her contract with the City because Gary has not presented an application to the City. It was at his request.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Meeting with Tom Cole: Harold reported he and the Mayor met with Tom Cole, ITD District 6 Engineer, to discuss several issues. He was excellent to work with.

Property north of interchange: The first issue was the use of the 20 acres north of the Sugar City interchange. Mr. Cole was confused about which property was involved when the Mayor approached him originally about the possibility for the City to acquire that. He was thinking it was out on Highway 33 where there are wetlands. When we got that clarified, he was very interested in what we wanted to do. He suggested he would contact JoAn Wood, a representative in the legislature and the chairman of the highway board, and tell her we are interested in purchasing the property and developing it into a business park.

Property south of interchange: On the acre and a half just south of the interchange, Mr. Cole said historically that that property should first be offered to adjoining property owners. JoAn Wood would like to get it on the tax rolls. That's why she was dragging her feet about the north property because she was afraid it was not going to get on the tax rolls. Harold reported if we do it into a business park, that changes the whole concept. Mr. Cole said that wasn't a law that they had to do that – it was just a policy they followed that offered the adjoining property first to private landowners so they could get it on the tax roll, and then to public entities.

Rest area by grain elevator: They also asked Mr. Cole to consider a rest area around the elevator in conjunction with our developing an information center of historical areas. He thinks that is unlikely to happen. Funding for rest areas is 20 - 30 years down the road.

Center Street improvements: They talked about the maintenance project from Front Street through the east end of town to Highway 33. The project was set to be funded in 2008. It was moved to 2010. It has now been removed entirely. Mr. Cole thinks there is a possibility we can get it back on. Discussion was had. The soonest they could reintroduce the financing for this is 2010.

Advertising Sugar City on highway system: Discussion was had on not having much advertisement for Sugar City on Highway 20, coming or going. Mr. Cole is reviewing that. He videoed everything from Ashton to south of Thornton, and he admitted that we only had one indication of Sugar City south of Ashton that says, "Sugar City 22 miles."

COUNCILMEMBER DEITZ:

Sweet Haven Apartments garbage bill: Walter feels Sweet Haven Apartments needs to be directed to get an 8-yard dumpster instead of the 6-yard that they have, because it is not big enough. He feels we should charge them for an 8-yard instead of charging them a residential fee for each apartment. Right now they are getting a 6-yard dumpster and are paying \$193.60 a month. A 6-yard dumpster is \$104.49. They have one container and we are billing them for 16. A discussion was had on the difference between two families living in two apartments and two families living in separate houses as far as garbage is concerned. Walter proposed that we have P&Z redesign the garbage ordinance. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Harris that we direct Sweet Haven Apartments to calculate their garbage collection container based on 90 gallon residential per apartment into one container or two, if need be, that reflects the size of the 16 apartments; motion carried. A discussion was had on making it retroactive. The Mayor said we should come up with a compromise that would be satisfactory. The Council agreed.

Water meter charge: Walter discussed Sweet Haven Apartments and other apartments in town, homes with apartments, or mobile home parks. Currently we are charging each apartment at Sweet Haven a full water meter for each apartment and they only have three 1" water meters. He has talked with several cities and they say in an apartment building they charge them for every meter they have regardless of size. They only get one water meter charge no matter how many units. Walter said the way our ordinance is written, we can currently charge them for one water meter per apartment. His contention is whether it is right or not. They are paying for 16 water meters, but they only have three meters and they pay for the water they use. Walter read from the code book: "7-1-11: Branch service. No service connection serving more than one customer shall be made. Where an existing water service provides service to several customers, the City may terminate water service until a separate service is provided at the owner's expense. If the City does not terminate service to such existing services, the established rate shall

be charged for each customer receiving service from the existing line.” After discussion, it was the consensus of the Council to leave the ordinance as it is.

Sun River sewer line on Railroad Avenue: Walter feels we need to send a letter to Sun River directing them that the sewer line has been installed out of the engineer’s specifications for the project, and that the sewer line needs to be moved where it was designed. The Mayor said we have that in the motion. We just haven’t got the letter. Walter said we directed Dick and DePatco to do it, but our beef is not with those guys. Our beef is with Sun River, and then Dick and DePatco have to answer to Sun River. When the project starts up out there, they are required to do it. He says we need to do that now, because that might be ten years from now. Discussion was had. Walter said the letter should go to Sun River Lake Estates directing them to move the sewer line that is installed out of the engineer’s specifications and it should be put back where the engineer designed it; and patch the curb and gutter and the street. The Mayor discussed the letter we wrote to Sun River saying that because they hadn’t recorded the plat that it was no longer valid. He feels the idea was from the beginning that if they don’t record it, then they just pay agricultural taxes. He said we have upset Sun River and they are uptight about the fact that we’re renegeing on our agreement. Walter reported a performance bond was never required. Everything required a performance bond, a completion bond, and it was never done. The Mayor suggested we go into an executive session to talk further about the matter.

COUNCILMEMBER KING: No report.

COUNCILMEMBER ORME:

Tennis court repairs: Brad reported Harold deserves all the credit on this because he has done the work. Brad said they organized with the high school and the tennis club. They took half of the tennis court and got all the junk out of the cracks, but the other side hasn’t been done yet. They ran into some inclement weather and couldn’t get back to it. Harold reported the west tennis court is completely cleaned. He needs to do some touchup, but basically the west tennis court area is cleaned. They will finish the repairs soon.

MAYOR’S BUSINESS:

Bike Path Funding Restored for Budget 2007 (Oct. 2006): The Mayor reported everything is cleared on restoring of the bike path money. He got information from Donn Carnahan today saying that their engineers had inspected what the county has done and it seems to be pretty good. It looks like we’re ready to put it out for bids.

EXECUTIVE SESSION:

9:30 p.m. It was moved by Councilmember King and seconded by Councilmember Orme, pursuant to Title 67-2345(b) and (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.

11:01 p.m. The executive session ended and the regular Council meeting reconvened.

MOTION REGARDING THE EMPLOYMENT OF JAN GALLUP: It was moved by Councilmember King and seconded by Councilmember Orme that we continue our independent contractor agreement with Jan Gallup for three months starting October 1, 2006, and continue to pay the independent contractor rate of \$500 per month, and that we set a goal of completing much of the ordinance revisions that are outstanding. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Deitz, King and Orme

Those voting nay: Councilmember Harris

Thereupon, the Mayor declared the motion passed.

MOTION ON POSTMASTER: It was moved by Councilmember Harris and seconded by Councilmember Deitz that we issue a letter to the controlling officer of the postal department under which the Sugar City postmaster serves, a letter indicating our frustration and concerns and ask that he be transferred, not terminated, and get a new postmaster. Councilmember King said: given all the concerned citizens in the community concerning the postmaster, I feel like it is probably appropriate for the City to take this action, recognizing that it is a strong action. 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.

The Mayor said he would devise a letter and bring it to the next meeting. The Council can then make changes and we will all sign it.

No decision was made concerning the letter to Sun River Lake Estates. The Mayor suggested we let the matter sit for a couple of weeks and give it a little more thought.

Meeting adjourned at 11:10 p.m.

Signed: Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested: Sharon L. Bell
Sharon L. Bell, Clerk