

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, DECEMBER 14, 2006

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; Sharee Palmer, Planning & Zoning Commission; Dana Izatt; Lois Webb; Jan Gallup; Tom Gallup; Marlene Webster; Steve Webster; and Vaun Waddell.

The Mayor asked if there were any corrections to the minutes of the regular meeting held December 6, 2006. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Deitz to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$51,263.91. It was moved by Councilmember Deitz and seconded by Councilmember Harris to pay the current bills, together with all regular November bills that have not yet been received; motion carried.

CITIZEN INPUT: Marlene Webster reported she submitted a letter at the last meeting and wanted to explain what it meant. It was over the design review. Being on the board for design review, she understood that they were organizing and trying to put forth a plan that was supposed to be set up so that it could be reviewed, checked over. It was supposed to come from their board to Planning and Zoning, and then to the Council. Anything that wasn't liked was supposed to be rejected right back to their committee. Everything was not set in stone. That's why she didn't understand why it was taking a year for the Council to decide what to send back so it could be done and reviewed. Also in her letter, she stated that there were some people on City Council she wondered about. She knows about the pressure business owners take.

AUDITOR'S REPORT: Dana Izatt of Searle, Hart & Associates addressed the Council. He explained the Independent Auditors' Report and the Management Report for the year ended September 30, 2006. Discussion was had. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember King to accept said audit as it was presented; motion carried.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Subdivision Ordinance: P&Z had a public hearing in May on the revised subdivision ordinance, but failed to make a recommendation to the Council. It is the Planning & Zoning's recommendation that City Council accept the revised subdivision ordinance. Jan will provide the Council with copies of it. City Council needs to look at it and have a public hearing.

Home Occupation and Home Business: P&Z had their public hearing for home occupation/home business. She feels it went well. Everybody who wanted to go to testify. A lot of good comments were made. After the public hearing they made a motion and recommendation to put aside what they had taken to public hearing and to start over and rework the ordinance.

Cell Tower: P&Z wants to get some feedback from Dave Thompson and he is working on it. If they get that information from him quick enough, they will have a public hearing in January. Extending the moratorium was discussed. They will plan to give their recommendation to Council on January 11th.

Recommendation on Comprehensive Plan Map: Sharee reported the comprehensive plan map has been approved by us but has not been approved by the County. P&Z talked about it and decided to bring it to City Council with a request that P&Z look at it and downsize what we are requesting and take it to the County for approval. A discussion was had. The Mayor felt it might be premature to try to push anything with the County at this time. Attorney Lee recommended not to do it until we get further down the road. It was the consensus of the Council to let the matter sit at this time.

MOTION ON COMPREHENSIVE PLAN MAP: Discussion was had. It was moved by Councilmember Deitz and seconded by Councilmember Harris that we direct the Planning & Zoning Commission to present our approved Comprehensive Plan Map 2005-06 to the County Planning & Zoning Commission for approval. Further discussion was had. The Mayor called for a roll call vote.

Those voting aye: Councilmembers Harris and Deitz

Those voting nay: Councilmembers King and Orme

Deciding vote: Mayor Dalling voted nay.

Thereupon, the Mayor declared the motion failed.

New P&Z Members: Sharee reported we are supposed to have the new P&Z replacements in January.

City Web Site: Sharee said she tried to get on the Sugar City Web site today and there is nothing there. P&Z has talked about the importance of having a Web page. Councilmember King reported it is on the agenda later tonight.

LOIS WEBB – HOME BUSINESS LICENSE (FUN IN THE SUN SWIMMING

LESSONS: Lois Webb read a letter into the record: "Dear Councilmen. I want you to know how much I appreciate all that you have done for me this year. I don't know what I would have done if you had not allowed me to continue running the planned classes for swimming. I cannot express my gratitude enough. I had no idea that I was out of compliance and when I found out about it the classes had already been formed and that was a terrible mess. I apologize for not knowing the rules before I began. I truly am sorry about that. I have thought long and hard about this problem of being out of compliance. The official complaint was about being outside which is confusing for me because they knew I would be outside in the first place. Noise and parking. When I read the actual rules, I informed you that I was also out of compliance for my

hours and that I intended to have more than one employee. I could fix the employee problem by not hiring my neighborhood children for help. Chandler was our main teacher and my partner, and we hired one employee for five hours a day. Parking was taken care of by making sure all our clients knew to park either in front or to the side of my house and not over in any of our neighbors' yards, which they were more than happy to do. Noise was addressed by putting a sign out on the table where all the parents were asked to keep the noise down. They were really good at keeping their noise down. But I realized that the noise was coming from the waiting children jumping on my trampoline and being happy and playing, and it was coming from the parents talking. So I need to work with that. I could not undo all the hours that I had already done. I had them filled. I had them paid for. I really appreciated you letting me run the hours.

"Next year, if I am allowed to continue with the lessons, I have found a way to be in complete compliance with the correct rules that we have. I will move my business inside my garage or build a building. I have found a greenhouse tarp that I can put up inside the garage, which will keep the moisture inside the plastic tarp inside my garage so it won't ruin my garage. I can keep the waiting children and parents inside the garage with a TV in the corner with cartoons playing; and if the children won't stay and be quiet watching cartoons, I will ask the parents to take them to the park. They won't be making noise at my home. I have asked the patrons to park beside my house or else in my driveway. I would only be open for four to six hours a day and I will only have one employee teaching lessons other than Chandler, and that employee will be only part-time. I truly am sorry for all the hard things that have happened this year. I never intended to have this much publicity. I want you to know that besides the public forum articles that I wrote informing the public of a certain current situation or something that was stated in an article that was incorrect, I have never contacted the public. I have never called the TV services. I have not called anybody nor have I asked anyone to call them. I did put posters out. Somebody else called them from the posters. I feel this is important for you to know because I have been interviewed on each article and I have been interviewed on the TV. I do feel that all of the businesses were in trouble and I feel it was important for the people to know what was going on.

"I was a willing participant. I am grateful to the people of Sugar City for coming to this last hearing because I didn't know which way they were voting. I simply informed them of what those new rules were, and they came and voted, and it was very good to have them here. Once again, I am grateful to all of you. I know that this has been a very hard year for you also. I cannot express my feelings of appreciation for what you did on my behalf and I thank you. I implore you to please allow me to do swimming lessons. I will do my best not to bother my neighbors. I would do my best to be in compliance with the rules. I have asked the Planning and Zoning for this and they told me they would get back with me, but they never did. I went in to pay to renew my license and Sharon told me I should come to you. So I have come, and I'm asking you, please."

The Mayor reported the reason Sharon didn't want to issue the license is because we didn't know how Lois was going to be in compliance or whether the P&Z would approve that. We do know that some of the problems were being inside a building, off-street parking, and noise. A discussion was had. Attorney Lee feels we should allow Lois to present to P&Z what she is going to do to be in compliance and show she has it set up the way she's outlined it, then she would likely be entitled to the license. To give her a license now, we end up with the argument that she has made previously as follows: "I have a license. Don't take it away from me." Attorney Lee said to let her present her plans to see if it fits a home occupation, along with some detailed outlined plans in writing as to how she is going to do it and what she's going to do. Then P&Z can look at it at that point. If they grant the license, then the matter doesn't need to come

back to City Council. If they don't grant it, she can appeal the decision to City Council. The Mayor thanked Mrs. Webb for coming in.

ORDINANCE REVISIONS: Jan presented an overview of ordinance revisions in 2006. She said we are doing well. We have in the wings Title 10, Subdivision Ordinance revisions. We are working on Title 9, Chapter 6; Title 9, Chapter 9, Impact Area; and Planned Residential Development is in the wings. She said she has had Water and Sewer for two years. The Animal Control Ordinance does not go through Planning & Zoning. They have seen it. It doesn't go through P&Z if it doesn't have anything to do with land planning, unless state statute allows them to review it. You can have them review it, though.

Title 8, Chapters 1-5 (Design Review): Jan reported she requested to have this time after the Council deliberated and made a decision about design review, but the Mayor preferred that she do it now. She didn't want the public to feel like she was trying to influence City Council one way or another. She pointed out that in the testimony one of the people stated that Rexburg's design review was really quite short. As she studied Rexburg's development code, it is difficult to find all of the things that you would want to find. She discovered there are eight chapters in their development code that discuss design review; signs has 12 pages; commercial building standards has 10 pages; and lighting standards has six pages. Jan presented alternatives for Title 8: (1) approve Title 8, Chapters 1-5, as they are now written; (2) approve specific chapters from Title 8 as they are now written; (3) review and revise specific chapters of Title 8 and go to another public hearing; or (4) you can send specific chapters of Title 8, or the entire ordinance, back to Planning & Zoning for its recommendations. Jan asked permission to speak later in the meeting when the Web site is discussed, because that was part of her contract.

Discussion was had on Title 8, Chapters 1-5. The Mayor asked for Council remarks.

Councilmember King Input: Bruce expressed appreciation for all the work that has gone into Title 8. He feels we have five options: (1) pass Title 8 as is; (2) modify it slightly; (3) modify it significantly; (4) scrap it and start over; or (5) decide against a design review ordinance entirely. He feels #4 and #5 are not good options and is uncomfortable in tabling Title 8. He feels we should go ahead with something immediately and get it revised and passed.

Councilmember Harris: Harold is in favor of some kind of design review, but feels it is too restrictive and too detailed as it is presently written. He would be in favor of tabling it until more research can be done or modify it significantly.

Councilmember Orme: Brad expressed concerns. If they pass Title 8 the way it is presently written, he wonders what that would do to development down the road. He feels we need to move forward on it and decide what to do. He is concerned about how it applies to existing structures or areas that are already in place. He is not in favor of anything that would cause existing businesses to spend more money down the road just to come into compliance with something when what they already have is decent. He is also not in favor of anything that may require future development or businesses to spend more, thus causing them to think twice about coming into Sugar City.

Councilmember Deitz: Walter feels design review is important but there are some things that need to be taken out. Design review shouldn't have anything to say about site grading and drainage, utilities, fences, parking, how many trees or what kind of trees to plant, and signage. Title 8 is too restrictive as it is presently written.

DECISION ON TITLE 8, CHAPTERS 1-5 (DESIGN REVIEW):

MOTION : Further discussion was had. It was moved by Councilmember King and

seconded by Councilmember Deitz that (a) we direct the new Planning & Zoning Commission to revise the existing form of Title 8, making it simpler and less restrictive, and (b) the City Council meet with the Planning & Zoning Commission to present their concerns orally and in writing; motion carried.

DON RYDALCH UPDATE:

West Entrance Project: Mr. Rydalch gave a follow-up report on his November 7th letter to Phil Choate at the Idaho Transportation Department. Mr. Choate sent back a letter dated December 5th. He made the following statements: (1) I believe your project is eligible, and an appealing design will be the key to the project. (2) You should connect up with Bill Shaw in Rigby for the project development process should you decide to go forward. (3) You might consider applying for assistance from the Idaho Department of Lands for help on the landscaping in next year's application cycle – that's trees, shrubs and signage. (4) He suggested applying for some quick funds from the State Commission of Arts to pay somebody to come up with a design for the whole project. After discussion, it was the consensus of the Council to move forward.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember King that we authorize Mr. Rydalch to proceed with the proper steps to begin the advancement of this process; motion carried.

Remodeling of City Hall: Mr. Rydalch said if the continued remodeling of City Hall is still important, he would like to resubmit the grant application for the CHC Foundation. The Council gave him the go-ahead to proceed with the application for the grant.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Meeting with Ted Hendricks and Clair Boyle: Harold reported he and the Mayor met with Ted Hendricks of ECIPDA and Clair Boyle from MEDCO. They gave us some guidelines on how we could begin to proceed toward getting a community block grant or Rural Development grant from the Department of Commerce and what steps we would have to go through. Mr. Hendricks has access to a lot of money and he has access to the knowledge of how to get there. He talked very positively about what we need to do, and he wants to set up more meetings so we can continue to proceed. Mr. Boyle wants to help in any way he can. The Mayor reported the talk centered around the fact that the piece of ground on the north and east of the half interchange could be developed into a business park.

COUNCILMEMBER DEITZ: Walter has been investigating our sewer lift station pumps. A factory representative came up today and Walter took him around to see the system. We have been spending \$6,000 for our new sewer lift station pumps. We can buy those pumps out of Salt Lake for \$3,780, plus shipping. A discussion was had on the pumps. At the present time we have no backup pump. It takes eight weeks to get one at that price. He feels we should order a new pump at the first price he mentioned, and then in our next budget year. There is also a significant savings on water pumps.

MOTION: It was moved by Councilmember Deitz and seconded by Councilmember Harris that we purchase one additional sewer lift station pump in the amount of \$3,800, plus shipping; motion carried.

COUNCILMEMBER KING:

Web site: Bruce reported he had been doing a lot of thinking about the City Web site and did considerable research. He prepared a letter dated today that summarizes his thoughts and feelings. "Dear City Council: Our letter this summer to our independent contractor, Jan

Gallup, confirmed our decision to develop a City Web site. However, I feel that we should formalize that decision by a motion. Before offering that motion, I wish to state my opinion that Sugar City's Web site should be user-friendly and easily maintainable as well as serviceable. City staff should be able to maintain it. I believe a quality Web site will promote our City in addition to improving its communications. To host our Web site, I recommend we use a proven service such as govoffice.com, which offers development and training on top of hosting. Used by numerous cities and counties, govoffice.com is powerful, yet easy to use. The startup fee is \$500, then \$30 per month thereafter. We may also wish to consider other national hosting services such as 'network solutions' and 'godaddy.com.' Both are inexpensive but dependable. Furthermore, we could investigate local services such as ida.net. I think the time has come for a serious Web site. To place our ordinances on-line immediately, I recommend that we consider directing Sterling Codifiers to do so. They already handle our paper ordinances and now offer Internet access. This would be an additional startup fee of \$500 and then a yearly maintenance fee of \$100. Thus, I recommend both developing a Web site and linking to Sterling's server for our ordinances – the latter because our code requires us to use codifiers and because Sterling provides competent service. Sterling attorneys and editors review each ordinance we send.

"Incidentally, Sterling now offers a feature that allows the Internet version of a city's code to be updated within 24 hours of receipt of a new or revised ordinance. Using govoffice.com would enable us to import Jan's Web-site design into their system for a customized look. Thus, her efforts would not be wasted. The cost for this transfer would be approximately \$400. Under this approach, the total cost to put Sugar City online is an initial outlay of about \$1,400 and then a yearly fee of \$460. Given the exposure and access that a fine Internet presence could provide, I believe it is in the best interest of officials and citizens to establish one. Given all this, I am prepared to make a motion." Councilmember King asked Jan Gallup to report on what she had found out.

Jan Gallup's Input on Web site: Jan said the biggest problem we have had is not having a server and not having the Web site maintained by the server. She discussed a server that she just signed up with for her business as planning consultant. She is aware that her contract with the City ends this month. She said she would not hand over all of her hard work to be thrown out the door. She would like to manage the City's Web site for three months and see what we come up with, and then she would be in a position that she could help Sharon or Marcie manage the Web site.

MOTION ON WEB SITE: It was moved by Councilmember King and seconded by Councilmember Orme that we (a) develop a reliable Web site, (b) prepare a site that staff members can easily maintain, and (c) direct Sterling Codifiers to promptly place our ordinances online. 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.

Revisions to Title 1, Chapters 3 and 5: Bruce feels there are some changes that need to be made on the entire Title 1. He isn't prepared to talk about them tonight, but will present something on December 28th.

COUNCILMEMBER ORME: No further report.

MAYOR'S BUSINESS:

Lot by Moon Park: The Mayor reported that John Barnes was surveying the lot by Moon Park yesterday.

Triangular Property South and East of Half Interchange: The Mayor reported we have received the title to the property from the State.

Business Park: The Mayor suggested the piece of property north and east of the half interchange has a potential to be developed into a business park. To get that rolling we must research how much money we can put into it. We will need to have a public hearing on it, or at least a public information meeting.

EXECUTIVE SESSION:

10:00 p.m. It was moved by Councilmember King and seconded by Councilmember Deitz, 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.

Discussions during executive session were on extending independent contractor agreement, appointments to P&Z Commission, and pending litigation on annexations.

11:10 p.m. The executive session ended and the regular Council meeting reconvened.

MOTION TO EXTEND INDEPENDENT CONTRACTOR AGREEMENT: It was moved by Councilmember King and seconded by Councilmember Orme that we extend our independent contractor agreement with Jan Gallup three more months into the new year, with a possible final extension of an additional three months, and that we direct Jan to develop the City Web site in connection with her other responsibilities specified in our July 14th letter. Councilmembers King and Orme voted in favor of the motion, while Councilmembers Harris and Deitz voted against it. Mayor Dalling cast the deciding vote by voting nay. Thereupon, the Mayor declared the motion failed.

AMENDED MOTION TO EXTEND INDEPENDENT CONTRACTOR AGREEMENT: It was moved by Councilmember King and seconded by Councilmember Harris that we extend our independent contractor agreement with Jan Gallup three more months into the new year and that we direct her to develop the City Web site in connection with her other responsibilities specified in our July 14th letter; Councilmember Deitz opposed; motion carried.

MOTION ON APPOINTMENTS TO P&Z COMMISSION: It was moved by Councilmember Orme and seconded by Councilmember King that we authorize the Mayor to visit with the individuals that we talked about in executive session regarding their interest in possibly serving on the Planning & Zoning Commission; motion carried.

Meeting adjourned at 11:20 p.m.

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

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