

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MARCH 11, 2010

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Janette Clark, Assistant; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Brian Hawkes and Jesse Brown, Planning & Zoning Commission; Deputy Cameron Stanford; Carter Stanford; Shad Whaley; Josh Porter; Austin Whaley; and Jeremiah Calder. Treasurer Marcie Smith was excused. Mayor Dalling was excused for most of the meeting. In his absence, Council President Harold Harris presided.

COURT: "UNDER GOD" IN PLEDGE IS CONSTITUTIONAL: Councilmember King asked that the following be entered into the minutes: "The words 'under God' in the Pledge of Allegiance are an appeal to patriotism, not religion, and do not violate the separation of church and state, a federal appeals court ruled today – the same court that declared the pledge unconstitutional in 2002. In a separate ruling, the Ninth U.S. Circuit Court of Appeals panel in San Francisco upheld the placement of the national motto, 'In God We Trust,' on coins and currency. The language is patriotic and ceremonial, not religious," the court said. See national news reports today.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on February 25, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept said minutes with one minor correction; motion carried.

6:35 p.m. Mayor Dalling was excused. Council President Harris welcomed the scouts who were in attendance, and he conducted the remainder of the meeting.

In Marcie's absence, Janette presented the February reconciliation reports for the General Fund. It was moved by Councilmember Merrill and seconded by Councilmember King to accept the February reconciliation reports for the General fund; motion carried. Janette presented the February reconciliation reports for the Utility Fund. It was moved by Councilmember Merrill and seconded by Councilmember Waddell to accept the February reconciliation reports for the Utility Fund; motion carried.

Janette presented the current bills in the amount of \$75,093.71. It was moved by Councilmember King and seconded by Councilmember Merrill to pay the current bills, together with all regular March bills that have not yet been received; motion carried.

RESOLUTION NO. 2010-3 (Dog ordinance fee schedule): Councilmember Waddell read Resolution No. 2010-3 setting a fee schedule for the dog ordinance. It was moved by Councilmember Waddell and seconded by Councilmember King to approve Resolution No. 2010-3. Thereupon, the Clerk called roll upon said motion.

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

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

PLANNING & ZONING REPORT: P&Z Chairman Brian Hawkes addressed the council.

Recommendation on Einerson zone change: Brian presented P&Z's written recommendation on the Einerson zone change: "On Thursday, March 4, 2010, a public hearing was held in behalf of Trever Einerson concerning his application for a zone change from R-1 to R-2 for the Jacob Price property. The purpose of this zone request change was to make it legal to rent the apartment above the garage. After discussing this issue at length, the Sugar City Planning and Zoning Commission does not recommend this zone change for the following reasons: (1) all of the neighbors who spoke at the public hearing spoke against this zone change; (2) it would extend an R-2 zone into an R-1 neighborhood; and (3) making this zone change does not fix the original problem – an illegal, non-conforming apartment in an R-1 zone. It should be noted that Trever has acted in a forthright manner and has done all that he could do to preserve his integrity. He has complied with all of the city ordinances and has strived to resolve this apartment issue in the correct and legal manner by applying for a zone change. It is recognized that the city needs to take steps to ensure that this problem is not repeated in the future."

Report on Calaway Ranch: Brian said Terry Mortensen spoke with P&Z last week. They are aiming to get things moving next year.

Planning and Zoning projects for 2010: They are still compiling a list of projects for 2010.

Wind turbine application: Brian presented P&Z's latest draft of a wind turbine application and asked for the council's suggestions. P&Z will probably do something similar with the cell tower application.

DISCUSSION/POSSIBLE DECISION ON P&Z RECOMMENDATION ON EINERSON ZONE CHANGE: Discussion was had.

MOTION TO DENY ZONE CHANGE: It was moved by Councilmember Waddell and seconded by Councilmember Merrill to deny Trever Einerson's application for zone change; motion carried.

MOTION ON RESPONSE TO MR. EINERSON: It was moved by Councilmember King and seconded by Councilmember Waddell to include in our response to Trever Einerson that the council denied his application for a zone change from R-1 to R-2 of his property located at 202 West 3rd South for three reasons: (1) the Planning and Zoning Commission recommended denial; (2) as the Planning and Zoning Commission stated, approving the application would extend an R-2 zone into an R-1 neighborhood, which the council decided is in opposition to provisions in chapter 11 of the comprehensive plan, especially the first and fifth objectives; and (3) as the commission stated, making this zone change does not fix the original problem, which is an illegal non-conforming apartment in an R-1 zone as set forth in 9-6-2A and 9-2-1 "family"

of the Sugar City Code; motion carried. The city clerk was authorized to write a letter to Trever Einerson explaining why his application for zone change was denied.

DISCUSSION ON EMERGENCY RADIOS: Deputy Cameron Stanford addressed the council. He said Councilmember Merrill goes to LEPC meetings. Deputy Stanford represents Sugar City at other emergency meetings. He said Sugar City at one time bought a license that the school district uses in their buses. If there were an emergency, the radios could be pulled off the buses. He suggested that the city buy a couple of portable radios for approximately \$380 each. It was agreed by the council to discuss the matter further in the presence of the mayor.

Camera system: Deputy Stanford said the camera system is only recording for a couple of days. He requested permission to buy another one, which would record for a month, for approximately \$180. Council President Harris thanked Deputy Stanford for coming and presenting the information. Mayor Dalling will be informed.

DISCUSSION ON PRIVATE USE OF COUNCIL ROOM: A memo from Attorney Forsberg was presented to the council. Discussion was had.

MOTION: It was moved by Councilmember King and seconded by Councilmember Waddell to authorize Attorney Forsberg to prepare a resolution on the use of council chambers at city hall and to include at least the seven points of his memo to Mayor Dalling and City Clerk Sharon Bell dated March 9, 2010; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold reported progress on changing of custodial closet to a new location in city hall. He feels the city should encourage businesses to join the Rexburg Chamber of Commerce.

COUNCILMEMBER KING:

Report on Sterling Codifiers: Bruce reported that title 1 is now on the Web site.

Windows Office Suite upgrades: Bruce encouraged the city to consider updating to Windows 7 because Microsoft is ceasing to support Windows XP in a month or so. He also suggested the city consider updating to Office 7, which is Microsoft's newest office software suite, which is rich in features and user friendly. He just wanted to call it to the city's attention.

COUNCILMEMBER MERRILL:

LEPC report: Lamont reported that the last LEPC meeting was short. There was a report from the national weather service about water content in our region. They were shown new foldout sandbags that lock together. Classes are being taught on earthquake preparedness. Homeland Security has some money for local units to buy emergency equipment. He will look into it. Q102 is the local emergency channel. The Red Cross training classes start March 19 at Madison Memorial Hospital

COUNCILMEMBER WADDELL:

Easter egg hunt: Vaun reported that the mayor requested that the time of the Easter egg hunt be changed from 10 a.m. to 9 a.m. on Saturday, April 3, 2010. It will be advertised on the marquee, published in the Standard Journal, and notices will be posted around town.

Arbor Day Proclamation: The 2010 Arbor Day Proclamation was presented to the council.

MOTION: It was moved by Councilmember Waddell and seconded by

Councilmember King that the city council approve the mayor's proclamation of April 30, 2010, as Arbor Day in Sugar City, Idaho; motion carried. A copy of said 2010 Arbor Day Proclamation is attached hereto marked "Attachment 2."

Rocky Mountain Power grant: Vaun requested the council to please get their comments to him by next week. When the draft is complete, he will go ahead and submit the grant application.

AT&T ANTENNA SITE LEASE AGREEMENT: Council President Harris reported that the city should take action on AT&T's lease agreement prior to April 1. Discussion was had on the current lease.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Harris to authorize the mayor to negotiate the terms of the lease agreement for two to five years with AT&T on the use of the city water tower for their transmission antennas; motion carried. It was the consensus of the council that the mayor research the going rate and ensure that the city is receiving a fair rate, including annual increases.

MAYOR'S BUSINESS:

Organ Donor Drive Proclamation: Council President Harris reported that April is to be the organ donor month. Councilmember King read the proclamation.

MOTION: It was moved by Councilmember King and seconded by Councilmember Harris to approve the proposed Proclamation on Organ, Eye, and Tissue Donation Month; motion carried. A copy of said Organ Donor Drive Proclamation is attached hereto marked "Attachment 3."

Meeting adjourned at 9:30 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION 2010-3

WHEREAS, a new dog ordinance (Ordinance No. 288) has been adopted by the Mayor and City Council, which repeals those portions of the City Code that conflict with the new ordinance; and

WHEREAS, under Section XVI of Ordinance No. 288, fees and infraction penalties are to be established by resolution;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of Sugar City, Idaho, that, as of the effective date of Ordinance No. 288, the following fee schedule shall be effective:

SECTION V. ANNUAL LICENSE FEE: The annual license fee is \$12 for each dog (prorated if new dog to household for less than a year).

SECTION VI. REPLACEMENT OF DOG TAG: Replacement of a tag is \$3 per tag for each dog.

SECTION VII (a). UNLICENSED DOG IMPOUNDMENT: Impound fee is \$100, plus \$5 a day for boarding.

SECTION VII (b). LICENSED DOG IMPOUNDMENT FEE:

	<u>TAG ON COLLAR</u>	<u>NO TAG ON COLLAR</u>
FIRST OFFENSE	\$15	\$25
SECOND OFFENSE	\$30	\$50
THIRD OFFENSE	\$75	\$100

(PLUS \$5 A DAY with any offense)

SECTION VII (d). DISPOSAL OF DOGS: If owner is known, then owner will be billed for actual cost of disposal of dog, plus three (3) days care at \$5/day, plus 20% of that total for labor of city employees.

ALL OTHER VIOLATIONS: Infractions of Chapter 1 of Title 4 of the City Code (Ordinance No. 288) shall be assessed a penalty of \$100. If the infraction continues, each day's violation shall be a separate offense. Misdemeanors shall be prosecuted in the Magistrate's Court of the Seventh Judicial District of the State of Idaho, in and for Madison County, with penalties not to exceed the limits set forth in section 1-4-1 of the City Code.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS 11TH DAY OF MARCH 2010.

ATTEST:

Sharon L. Bell
Sharon L. Bell, City Clerk

Glenn W. Dalling
Glenn W. Dalling, Mayor

(SEAL)

2010 Arbor Day Proclamation



- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving up paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I Glenn W. Dalling

Mayor of the City of Sugar City do hereby proclaim

April 30, 2010 as Arbor Day in the City of Sugar City

and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 10th day of March in the year 2010

Mayor Glenn W. Dalling

PROCLAMATION

WHEREAS, spring is a season of promise and renewal, and nothing could be more fitting during this time than to reflect on the abundant miracles of life and growth; organ and tissue donation presents an opportunity to share in these miracles. Medical technology has made it possible for thousands of Americans to benefit from organ and tissue transplantation. Sometimes this means restored vision or help for severe burns; sometimes a heart, liver or bone marrow transplant; and

WHEREAS, more and more Americans are aware of organ and tissue donation, thanks to widespread education about this worthy cause; and

WHEREAS, it is each American family and each citizen that makes organ and tissue donation work. The generosity of organ and tissue donation can save nine lives and improve over fifty lives; and

WHEREAS, there is still a critical need: over 100,000 people are on the national waiting list; locally over 300 people wait; about 18 people die every day while waiting; another name is added to the national waiting list every 12 minutes; please mark yes on your driver's license and tell your family; and

WHEREAS, April is National Donate Life Month, a month dedicated to educating people about the need for donation;

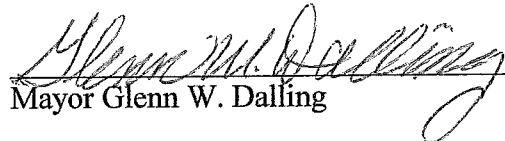
NOW, THEREFORE, I, Glenn W. Dalling, Mayor of Sugar City, Idaho, do hereby declare the month of April as:

ORGAN, EYE, AND TISSUE DONATION MONTH

in Sugar City, Idaho, and recognize the efforts and involvement of GFWC Rexburg Civic Club, Intermountain Donor Services, and our many donor families, and encourage all the citizens of Sugar City to participate in this program by registering on the Idaho Donor Registry.

Dated this 11th day of March 2010.

ATTEST:



Mayor Glenn W. Dalling



Sharon L. Bell, City Clerk

(SEAL)