

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JUNE 12, 2008

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Janette Clark, Assistant; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Vaun Waddell, acting chairman of Planning & Zoning; Alan Parkinson; Terry Mortensen; Brent Bawden; Larry Perkins; Dwayne Seiter; Symen VanderLinden; Paul Lusk; Verla Moss; Darlene Moss-Fareti; Stephanie Blackburn; Jared Jenks; and Sharee Palmer.

The Mayor asked if there were any corrections to the minutes of (a) the regular meeting held on May 22, 2008, (b) the special meeting held May 27, 2008, and (c) the special meeting held June 3, 2008. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept the minutes of May 22, 2008; motion carried. It was moved by Councilmember Harris and seconded by Councilmember King to accept the minutes of May 27, 2008; motion carried. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept the minutes of June 3, 2008; motion carried.

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

Janette presented the current bills in the amount of \$146,288.03. It was moved by Councilmember King and seconded by Councilmember Orme to pay the current bills, together with all regular June bills that have not yet been received; motion carried.

RESOLUTION NO. 2008-3 (Planning and Zoning Fee Schedule): Changes in fees for various applications made regarding the Planning & Zoning Ordinance were discussed, and Resolution No. 2008-3 was read in its entirety. It was moved by Councilmember Orme and seconded by Councilmember Merrill to pass Resolution No. 2008-3; motion carried. A copy of said resolution is attached hereto marked "Attachment 1."

ORDINANCE NO. 276 (Toscano Zone Change):

Councilmember Orme introduced Ordinance No. 276 entitled:

“AN ORDINANCE AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF SUGAR CITY, IDAHO, AND PROVIDING THAT THE ZONED DESIGNATION OF THAT CERTAIN PROPERTY HEREINAFTER DESCRIBED, SITUATED IN SUGAR CITY, MADISON COUNTY, IDAHO, BE CHANGED AS HEREINAFTER DESIGNATED; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilmember King and seconded by Councilmember Harris to waive the reading on three different days and in full and place it upon its final passage. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Thereupon, the Mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilmember Orme and seconded by Councilmember King to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Councilmembers Harris, King, Orme and Merrill
Those voting nay: none

Ordinance No. 276 was thereupon declared by the Mayor to have been duly passed by not less than two-thirds of the council, and the clerk was instructed to publish said Ordinance No. 276 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

PLANNING & ZONING REPORT: In the absence of P&Z Chair Brian Hawkes, Commissioner Vaun Waddell addressed the council.

Recommendation – Toscano Special Use Permit for Resort Area: Vaun reported that at P&Z’s public hearing on June 5, 2008, four testimonies were heard, one in favor and three opposed. Later in the evening, under commission business, P&Z decided that the application for special use conforms to city code 9-5-3 and 9-5-6-B. Vaun presented a written recommendation, which reads: “Planning & Zoning recommends approval of the special use permit for the Toscano resort area as “hotel/motel” and/or “other residential.” Again, P&Z determined that the uses applied for are consistent with city code 9-5-3 and 9-5-6-B.”

Recommendation – Comprehensive Plan: Vaun reported that pursuant to a public hearing on May 15, 2008, on the comprehensive plan draft and on discussion in P&Z that night, and after further discussion on June 5, 2008, P&Z voted unanimously to recommend the draft to City Council for enactment, with a suggestion that City Council may wish to hold its own public hearing. Changes to the draft subjected to the public hearing at P&Z include three non-substantive changes in wording (on draft pages 4, 10, and 30) and a handful of clerical corrections. Vaun presented a written recommendation, which reads as follows: “Planning & Zoning recommends for action by City Council the comprehensive plan draft with changes agreed to by P&Z on June 5, 2008, and suggests that City Council might hold an additional public hearing.”

MOTION FOR PUBLIC HEARING ON COMPREHENSIVE PLAN

REVISION: It was moved by Councilmember King and seconded by Councilmember Harris to (a) set a public hearing on the proposed comprehensive plan for July 10 at 7 p.m., (b) review the plan prior to our next meeting and insert into the draft any agreed upon changes, (c) post the

proposed new comprehensive plan on the city Web site after the next council meeting on June 26, and (d) announce in the July newsletter this posting and that paper copies will be available for review at city hall; motion carried.

Old Farm Estates Development Agreement and Engineering Review: Attorney Garner reported that officials of Old Farm Estates have accepted in principle his recommendations and those of the P&Z relative to the development agreement for Phase 1. Winston Dyer reported that officials have accepted the recommendations in his engineering review. These reports indicate that the development agreement is approaching final form.

Transportation Map, Land Use Map, and Zoning Map: Vaun reported that P&Z discussed the transportation map (Appendix B to the new comprehensive plan). A revised map will be subject to further discussion at the next meeting. Due to the lateness of the hour, the land use map and zoning maps were not discussed.

The mayor thanked Vaun for his report and asked him to carry back to P&Z his and the council's appreciation for all they do.

DISCUSSION OF P&Z RECOMMENDATIONS:

TOSCANO SPECIAL USE PERMIT: Councilmember King said, given public concerns about the Toscano development and its scope, the council should hold its own public hearing on the application for a special use permit. Discussion was had. Attorney Garner said the purpose of the special use permit is to allow Toscano flexibility in how they use their C2-zoned property. The city's land-use schedule provides for both contemplated uses in the areas by special use permit. He also said we can place any conditions deemed necessary in the development agreement.

Dwayne Seiter reported that if the special use permit were not granted tonight, there would be no serious problems. If it is approved, their next application is for design review, and then the next procedure is for the final plat. Mayor Dalling reported that a lot of work has been done on water and sewer and related problems concerning the proposed development.

MOTION ON TOSCANO SPECIAL USE PERMIT (FAILED): It was moved by Councilmember King and seconded by Councilmember Merrill to (a) set a public hearing on the recommended special use permit for July 10 and decide at our next meeting what to require as conditions of approval, if any; (b) ask Forsgren, who is the city engineer for the Toscano project, our planning consultant and our attorney for recommendations on conditions; and (c) ask the developers what conditions they think are fair. Councilmember King voted aye; Councilmembers Harris, Orme and Merrill voted nay. **MOTION FAILED.**

MOTION TO APPROVE TOSCANO SPECIAL USE PERMIT FOR RESORT AREA: It was moved by Councilmember Harris and seconded by Councilmember Orme to follow the recommendation of Planning and Zoning to approve the special use permit for the Toscano resort area for the "hotel/motel" and/or "other residential," which is consistent with city code 9-5-3 and 9-5-6-B; Councilmember King voted nay; motion carried.

Councilmember Orme requested a statement be entered in the minutes: "It is time for the Sugar City Council to stop annexing land into the city and then not allow property owners to develop it, which is their right. This has happened in the past, and it is wrong. We need to allow land owners to develop their property and to pursue the way the land use should best be designated," he said.

GATEWAY PROJECT: The mayor presented each councilmember with a letter from the Idaho Transportation Department (ITD) dated June 6, 2008, regarding the city's Gateway Project.

Councilmember King, who works for ITD, explained that, given the funding shortfall for highway construction, ITD has removed all monies for the transportation enhancement program to use for highway construction and maintenance. He said Sugar City's grant application for enhancement program funds in 2011 did not make the cut. Bruce feels we have four options: (1) wait for enhancement funding to be restored; (2) seek other funding for the project; (3) fund the project as a city, as a full-fledged or pared-down project; or (4) abandon the project and remove the grain elevator. He recommended deciding in two weeks what to do and then scheduling a public hearing on our decision. This will be on the agenda in two weeks.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Business Park: Harold reported the water and sewer are in, and the contractor is making preparations for pavement of roads.

Thomas Neibaur Monument: Harold reported that because of the great number of names of veterans obtained, two additional monument stones have been ordered, which will be placed in October. On July 26, 2008, the city will have its annual breakfast; which will include a program at 11 a.m. at the high school, with the monument to be unveiled at 1 p.m. at Neibaur Park. The Neubaur family will hold a family reunion at 2 p.m. in the high school commons room.

COUNCILMEMBER KING:

MOTION TO APPROVE APPLICATION FOR ANNEXATION: It was moved by Councilmember King and seconded by Councilmember Merrill to approve the application for annexation, dated June 10, 2008; motion carried.

Report on meeting with President Kim B. Clark of BYU-Idaho: Bruce reported that approximately 40 civic leaders attended the meeting held at the university. President Clark recommends three "keys" of focus: (1) extending the runway of the Rexburg airport to accommodate larger aircraft; (2) strengthening planning of the university and the surrounding communities; (3) working together on economic development.

Letter of feedback received through city Web site: Bruce reported receiving a letter on the Web site from Paul Lusk saying there is a lot of air in the water line.

COUNCILMEMBER ORME: The mayor assigned Councilmember Orme to look at acquiring new signs for Heritage, Smith and Moon Parks.

COUNCILMEMBER MERRILL:

Fire Hydrant: Lamont reported he ordered a backflow valve for a fire hydrant where construction workers haul water. He reported the fire hydrant at Moon Park does not have water to it. The line to the fire hydrant has a leak and needs to be fixed before the hydrant can be activated. The mayor said we need to have it fixed immediately.

Sewer Cleaners: Lamont reported that on June 16 the sewer cleaners would be here with a camera.

Painting Water Tower: Lamont contacted seven painting contractors. Painting the water tower will be extremely expensive, but he doesn't have any figures this meeting to present.

MAYOR'S BUSINESS:

BYU-IDAHO: The mayor reported BYU-Idaho has appointed a committee and Paul Lusk is on it. The committee has been charged with providing for 5,000 additional students without constructing any additional buildings. Madison County is discussing the possibility of moving the Rexburg airport to the north side of the South Fork of the Teton River.

Neibaur Memorial: Sugar City received a \$10,000 contribution that more than takes care of the monument for Thomas Neibaur. Councilmember Harris will pour the concrete. The other two monuments will cost \$3,900 each. Harold reported we might get additional donations from the Neibaur family and we may have to fund part of the total project as a city.

Lot by Moon Park: The mayor gave the appraisal he received from Ted Whyte to Attorney Garner. Whyte appraised the lot between \$32,000 and \$37,000.

West Entrance Project: The city obtained water and power at the site, and the project is moving along. Grass seed will soon be sprayed on the prepared grounds.

New Hire: The mayor reported that Zane Baler accepted the position of public works director for the city and will begin work on June 23.

The mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

8:55 p.m. It was moved by Councilmember King and seconded by Councilmember Merrill pursuant to Idaho Code 67-2345(1)(c), that we move into executive session to discuss acquiring interest in real property. The mayor called for a roll call vote:

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

Those voting nay: None

Thereupon the mayor declared the motion passed.

Discussion during executive session was on potential acquisition of real property.

9:35 p.m. The executive session ended and the regular council meeting reconvened.

MOTION FOR PUBLIC HEARING TO SET PRICE FOR LOT BY MOON

PARK: It was moved by Councilmember Orme and seconded by Councilmember Harris to set a minimum price of \$37,500 for the city-owned residential lot by Moon Park and to hold a public hearing on the sale of that lot on July 10 at the city's regular council meeting at 6:30 p.m.; motion carried.

Meeting adjourned at 9:38 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION NO. 2008-3

BE IT RESOLVED by the Mayor and Sugar City Council that pursuant to the planning and zoning ordinance which has been duly adopted by the City, the City hereby adopts the following fees applicable to requests made pursuant to the planning and zoning ordinance:

CATEGORY:

Application for Annexation	\$250
Application for Re-zoning	Less than 1 acre \$200
.....	1 to 10 acres \$300
.....	Above 10 acres \$500
Application for Conditional Use Permit	\$200
Application for Variance.....	\$200
Application for Special Use Permit	\$200
Appeal fee	\$100

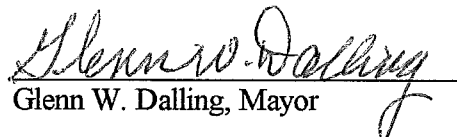
SUBDIVISION PLATTING & DEVELOPMENT:

Preliminary Plat	\$250
(Plus \$4/lot or \$8/acre, whichever is greater)	
Final Plat	\$150
(Plus \$15/lot or \$30/acre, whichever is greater)	
Design Review:	
Administrative Review	\$50
Board Review.....	\$100
(Plus \$100 per hour, not to exceed \$1,000)	
Street & Utility Improvement Drawings.....	
(Professionals' review time for whatever expense is actually incurred)	
Construction Inspection	
(Professionals' review time for whatever expense is actually incurred)	
County Plat Review	
(Whatever costs are incurred by the County or other governmental agencies to verify the correct legal description of the entire subdivision)	

In addition to the foregoing minimum fees, the Clerk will charge the applicant the actual costs of professional fees, publication fees, filing fees, postage fees and/or other similar direct costs, which are incurred.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS 12TH DAY OF JUNE 2008.

ATTEST:


Glenn W. Dalling, Mayor


Sharon L. Bell, City Clerk