

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JUNE 23, 2011

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; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Lamont Merrill, and Vaun Waddell; Christine (Sam) Lines, Planning & Zoning Commission; Burch Drake; and Erin Barrow.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on June 9, 2011. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Merrill to accept said minutes, with one correction to remove the word “design” from the phrase “five-member Business Park Design Review Committee;” Councilmember Harris opposed; motion carried.

PLANNING & ZONING REPORT: P&Z Chairman Christine (Sam) Lines addressed the council.

Recommendation for building permit for Madison County Search & Rescue building in Business Park: P&Z recommended that the city issue a building permit, when it is applied for, to the Madison County Sheriff’s Department for a Search & Rescue Building and future dispatch office to be located in the Sugar City Business Park. The commission was concerned about the need for a special use permit according to the land use schedule. However, the city attorney made the following comment: “With regards to your question on permitted uses under the zoning ordinance, the use is what is regulated, not the identity of the user. In this case it is a public entity that will use the property. The use is permitted under the BP zone. As stated in Section 9-1-2 of the code, ‘The intent of the [zoning] title is to separate land uses that might be incompatible.’ The focus is on the use, not the user. The fact that the entity making use of the property is a public entity instead of a private entity is irrelevant.” The council recommended that P&Z look into changes in the land use schedule.

Recommendation for updating sign code, title 8: P&Z recommended that the sign code, last revised in the year 2002, be updated to reflect current zoning districts. They would like to see the sign code become easier for local business owners to use. It appears that the allowed signs in the ordinance do not represent the needs of business and other building owners who need to place signs. Further, many of the illustrations in the current code do not appear to represent the signs allowed in the actual ordinances, which is both confusing and misleading to people wishing to purchase and place signs.

Request for city council to review Ole’s freestanding sign permit: P&Z referred to the council a sign permit request made by Ole’s LLC, for a freestanding sign to be placed in the M1 zone on Kelly Baker’s property. They sent it to the council on neither a recommend nor a non-recommend basis.

6:55 p.m. Councilmember Harris asked for permission to explain what he had found out about the sign. He disqualified himself and moved from the council table. The mayor gave Harold Harris, as a private citizen, permission to address the council. Harold said he discussed this problem with the Idaho Transportation Department and the man in charge, Derk Williams, said the signs on Highway 33 are not on Kelly Baker's property. They are on the state right-of-way, which eliminates the problem of one sign per individual property. Mr. Williams said they would defer it to the city and would allow it if he receives a sign permit.

7:00 p.m. Councilmember Harris resumed his position at the council table.

Revision of title 9-8 to match 9-3-2: P&Z would like to have some special meetings to try to address these matters. It may take a little time.

Revision of Land Use Schedule to match Comprehensive Plan regarding gravel pits: Sam reported that the gravel pits issue would be the next thing P&Z will address.

DECISION ON P&Z'S RECOMMENDATION ON THE MADISON COUNTY SEARCH & RESCUE BUILDING IN THE BUSINESS PARK:

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Harris to approve issuance of the building permit for the Madison County Search & Rescue building in the Business Park. The mayor called for a roll call vote:

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

Those voting nay: None

Thereupon, the mayor declared the motion passed.

DECISION ON P&Z'S RECOMMENDATION FOR UPDATING SIGN CODE:

Discussion was held. There is nothing in the city code about signs in the state right-of-way. This matter was deferred to the council without any P&Z recommendation. It was the consensus of the council to encourage the Planning and Zoning Commission to go ahead and make revisions to the sign code and make a recommendation to the council.

7:10 p.m. Councilmember Harris disqualified himself, moved from the council table, and did not vote on the following matter.

Review Ole's freestanding sign permit:

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember King to approve the issuance of a sign permit for Ole's sign on the Highway 33 Business Loop. The mayor called for a roll call vote:

Those voting aye: Councilmembers King, Merrill and Waddell

Those voting nay: None

Thereupon, the mayor declared the motion passed, and the sign permit is approved.

7:12 p.m. Councilmember Harris resumed his position at the council table.

PARK SIGNS:

Names: The mayor reported that in our centennial year 2003, the city council made an effort to get names on parks and came up with Smith Park, Moon Park, Heritage Park and Neibaur Park. They actually approved those in the city council meeting and the people were told that the parks were named after them. He feels we need to make a decision, but we should think twice before we change any names. Discussion was held on making a policy on naming parks. In the meantime, the signs should be installed. The mayor said that "Moon Park" was named

after Lyle H. Moon, who was the mayor at the time of the flood. Discussion was held on the other parks. Burch Drake discussed the differences of the sign he brought as an example. The mayor talked about adding a brass plaque to the base of the sign that tells about the name of the park and about that person it is named after, or any other related information.

MOTION ON PARK NAMES: It was moved by Councilmember Waddell and seconded by Councilmember Harris to respect the park names established in 2003 as we move toward installing new signs in the four city parks in question; motion carried unanimously.

7:40 p.m. The council meeting recessed and the mayor and council traveled to view the proposed sign locations in the four city parks.

8:20 p.m. The mayor and council returned and the regular council meeting reconvened.

Sign designs: The sign design on the sample sign was discussed.

MOTION: It was moved by Councilmember Harris and seconded by Councilmember Waddell that we address the configuration of the sign presented tonight with Heritage Park on it, and I prefer the gray background as in "Park" to the red background in "Heritage." The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris and Waddell

Those voting nay: Councilmembers King and Merrill

Deciding vote: Mayor Dalling voted nay

Thereupon, the mayor declared the motion failed.

SECOND MOTION ON SIGN DESIGN: It was moved by Councilmember King and seconded by Councilmember Waddell to accept the proposed sign configuration with the red shadow behind the park name; motion carried unanimously.

Location:

MOTION ON HERITAGE PARK SIGN LOCATION: It was moved by Councilmember Merrill and seconded by Councilmember Harris to accept the midway location on Heritage Park; Councilmember Waddell opposed; motion carried.

MOTION ON NEIBAUR PARK SIGN LOCATION: It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept the mid location for Neibaur Park; motion carried.

MOTION ON MOON PARK SIGN LOCATION: It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept the only relocation on Moon Park as midway around the building; motion carried.

MOTION ON MOON PARK NAME: It was moved by Councilmember King and seconded by Councilmember Waddell that the sign in Moon Park carry the name Lyle H. Moon Park; motion carried.

MOTION ON SMITH PARK SIGN LOCATION: It was moved by Councilmember Merrill and seconded by Councilmember King to place the sign at Smith Park inside the fence boundary and that we add a new retaining wall and place the fence behind the sign in Smith Park. The motion died for lack of a vote.

SECOND MOTION ON SMITH PARK SIGN LOCATION: It was moved by Councilmember Merrill and seconded by Councilmember King to place the sign at Smith Park behind the existing fence boundary and move the fence boundary to be placed behind the new sign; motion carried.

DISCUSS AND POSSIBLY APPROVE STATE-LOCAL AGREEMENT ON HIGHWAY MAINTENANCE: In the interest of time, the mayor requested that this discussion be postponed until a future meeting.

DISCUSS CHURCH SERVICE PROJECT PLANNED FOR JUNE 29: The mayor discussed the projects that could be done on June 29: painting crosswalks at the elementary school and high school; painting parking lines on the east side of the parking lot at Heritage Park; hoping for two wards to go out to the Sugar City cemetery for cleanup; painting the inside of the Smith Park building (can't paint the inside because it needs a lot of work); fixing backboards at the tennis court in Smith Park. Eight to ten people could bring trimmers and trim fences. The new fence at the fire station is completed and some volunteer can put the slats in it. They can also pour concrete pad for bleachers and pads for bases of the park signs. We need people knowledgeable about painting and concrete work. The mayor said he is meeting with Brian Hawkes on Friday and asked Councilmember Harris to meet with them to discuss the projects and the individuals who are in charge of the projects. The stake needs to play a major role in the organization of the work project. The city will furnish the materials and the stake will furnish the manpower.

DISCUSS PEDDLER RULES: Bruce King responded to an assignment given to him two weeks ago. Through discussions with the city attorney and other city officials, he determined that we did not successfully resolve the peddler issue. Right now in our city code we ban door-to-door sales, but in our resolutions we allow these sales with a permit. The regulations thus are in direct conflict with each other. Given the attorney's input, Bruce proposed the following: (1) ban door-to-door sales, leaving Ordinance 151 in place; (2) amend Ordinance 151 slightly by adding a paragraph; (3) rescind Resolution 97-3 with a new resolution; (4) install "No Soliciting" signs at city entrances; (5) notify residents of the ban, sharing the proposed law; and (6) invite residents to call city hall or the sheriff if peddlers ignore the ban. He recommended that the council replace title 3-2B-1 "Declaration of Nuisance," with a new title containing language declaring door-to-door sales to be a public nuisance punishable as a misdemeanor.

The new paragraph proposed to be added to Ordinance 151 is as follows: "Nothing herein shall prevent door-to-door dissemination of political campaign materials, the exercise of the political franchise, or campaign activities, voter registration activities, proselytizing or dissemination of religious faith or viewpoint or the solicitation of contributions or donations by any education related, charitable or religious organization qualified under 26 USC Section 501. Door-to-door fundraisers for Boy Scouts, Girl Scouts, and other nonprofit organizations also are permitted."

MOTION: It was moved by Councilmember King and seconded by Councilmember Waddell to leave Ordinance 151 of our code in place, with slight revisions and with the addition of the qualifying paragraph (above), and to rescind Resolution 97-3 with a new resolution; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: Harold reported that the improper construction on the curb and gutter around the fire station has been corrected. Patching of the paving has been done and it looks nice.

COUNCILMEMBER KING: Bruce reported that the county has reduced the speed

limit on a half-mile stretch of 3000 North between 2000 East (Digger Drive) and a point east of the canal bridge near the Jex home from 50 to 35 mph.

COUNCILMEMBER MERRILL:

LEPC meeting: Lamont reported that officials are considering rebuilding the Teton Dam as one of 15 recommendations to help the water situation.

COUNCILMEMBER WADDELL: No report.

Meeting adjourned at 9:45 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk