

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JUNE 25, 2015

Presiding: Mayor W. Lamont Merrill  
Meeting Convened at 6:30 p.m.  
Prayer: Bruce Arnell  
Pledge of Allegiance

Present: Mayor Lamont Merrill; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Burch Drake, Bruce Arnell, and Matt Garner. Chairman Dave Ogden of the Planning and Zoning Commission was excused. Rocky Mountain Power Customer and Community Manager Tim Solomon. Citizens Kirsten Carver, Jeffrey Carver, Trevor Decker, and Bert McLaughlin.

Mayor Merrill asked if there were any corrections to the minutes of the regular meeting held on June 11, 2015. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman King and seconded by Councilman Drake to accept the minutes; motion carried.

**PLANNING & ZONING COMMISSION REPORT:** Councilman Bruce King, liaison for the Planning and Zoning Commission, reported in behalf of Dave Ogden, who was excused. Items discussed:

**Tyson Harris:** The commission welcomed Tyson Harris to the Planning and Zoning Commission. He will take the place of Tom Fleming. Tyson was sworn in before the commission met for their public hearing on June 18.

**Ordinance No. 307:** Monday, June 15, 2015, Madison County commissioners approved the findings of fact by the Madison County Planning and Zoning Commission regarding Ordinance No. 307. Before final approval, the ordinance will have a 28-day waiting period for any objections.

**Comprehensive Plan Public Hearing Recommendation:** The commission reviewed the Comprehensive Plan and made some changes and added recommendations from the council. The suggested changes include:

- Section 3 “Property Rights” – to bring it in line with state law
- Section 6 “Land Use” – to prohibit a “General Industrial” classification within Sugar City or the impact area
- Section 11 “Housing” – to allow for more flexibility in planning subdivisions with high- and low-density areas
- Review the Comprehensive Plan at least every five years

The commission wished to thank Councilman King and former Councilman Vaun Waddell for their talents and time in drafting the Comprehensive Plan and unanimously recommended these changes to the council.

**COMPREHENSIVE PLAN REVISIONS RECOMMENDATION AND POSSIBLE**

**ADOPTION:** The council noted the recommendations from the commission but did not make a motion to accept the changes due to some concerns:

- Notice of the public hearing as an insert was not in the June newsletter
- Notice and a copy of the proposed Comprehensive Plan with associated maps have not been posted on the website for better accessibility to the public
- Minor changes to “perfect the wording”

- Section 14, “Area of City Impact” – “distinctive characteristics” - needs more consideration
  - Section 11, “Housing” - Growing Sugar City through self-contained neighborhoods, separate with distinct parts to avoid development by urban sprawl – needs more consideration
- Councilman King will prepare a final revision before the next council meeting.

**ROCKY MOUNTAIN POWER (RMP) CONTRACT RENEWAL PRESENTATION:** Tim Solomon, Rocky Mountain Power’s customer and community manager, walked through the process of renewing the franchise agreement with the city before the council. A franchise agreement allows a utility or business to install and operate its infrastructure in city rights-of-way in order to bring services to the city.

The current agreement, Ordinance No. 204, was signed in June of 1996 and will end in August of 2016. The renewal process could take up to several months to complete and must be completed 120 days before the renewal date. Some key points contained in the agreement are:

- Allow right to operate in public right of ways non-exclusively
- Define a 20-year term
- Recognize governing authority of city
- Take responsibility for any liability due to loss or damage from RMP
- Provide services to annexations
- Maintain all equipment and allows the city the right to use the equipment without cost
- Relocate facilities when required
- Manage vegetation
- Compensate the city (3% of gross revenues) – city may increase the fee

A template for the renewal process is outlined below:

- Review of proposed agreement by city attorney
- Introduce to council
- Publish in entirety
- Wait 30-day minimum before passing
- Hold a public hearing

Tim Solomon addressed concerns the council had on the term length of the agreement, meeting safety distances when other utilities are present, and usual franchise fees. He also schooled the council on what to do if you encounter a downed power line. “Never move or touch the wire or anything in contact with the wire,” said Tim Solomon. Electricity wants to ground, and the human body is a good conductor. If you must exit a car in contact with a downed line, jump and keep jumping for at least one hundred feet. Walking or running creates a conduction path that the electricity will use.

**MOTION:** It was moved by Councilman Drake and seconded by Councilman Garner to allow Tim Solomon – on behalf of Rocky Mountain Power – to begin the process of renewing the franchise agreement. Motion carried.

**ANIMAL ORDINANCE FINAL DRAFT:** Councilman King reported that the revised animal ordinance is about ready for a public input session. He reviewed a couple of changes suggested by the city attorney on “Impoundment of Animals.” Enforcement of the ordinance was discussed. Councilman Bruce Arnell reported meeting with Rexburg’s animal-control officer, with positive results. He was impressed with their animal-control policies and recommended to the council that Sugar City perhaps use Rexburg’s part-time officer in Sugar City when needed. They have the equipment, training, and expertise already in place. Councilman Arnell will work with Councilman King to revise the enforcement wording to include possible use of Rexburg’s animal-control officer and policies for presentation at the next council meeting.

**FOOD DROP AT MADISON SEARCH & RESCUE IN SUGAR CITY:** The city was asked if the monthly food drop currently being held in Thornton could be moved to the Madison Search and Rescue Building at 240 Sugar Avenue in Sugar City's Business Park. The food drop which helps feed upwards of 350 – 400 families, has been moved from other locations because of traffic problems. The Sugar City Business Park seems a natural location for easy on and off with the traffic, with the least amount of interference from other business day-to-day routines. The Madison County Sheriff's Office will handle traffic control and other details. The council was supportive of the move and will revisit it again after the first drop.

**REXBURG URBAN RENEWAL DISTRICT (URD) BOUNDARY REVISIONS:** Mayor Merrill reported to the council that the URD has moved the boundary lines of the proposed district just to the east side of Idaho Highway 33, allegedly needed to build out an "S" intersection to improve traffic navigation at the Moody Highway. Although the district affects Sugar City and its impact area, no representation has been allowed from Sugar City as boundaries are moved. Madison County rejected most of the boundary increases in the district to only "as needed" to offset potential tax cuts to the county.

**GARBAGE RATE INCREASE FOR 2016:** The council discussed the need to raise the garbage rate to offset the total 6% raise from service provider PSI in the past two years. Councilman King will present to the council what a base rate increase would do. The user rate increase will be presented by Clerk-Treasurer McLaughlin. The city can raise the fee without a public hearing as long as it is under 5%.

**MAYOR, COUNCIL, & P&Z COMMISSION PAY INCREASE:** The council discussed the possibility of raising the salary of the mayor and of council members. An increase can only be authorized during an election year. Although the mayor and council members cannot be fully recompensed for their time and abilities, the idea of some raise was discussed. Currently, the mayor receives \$650/month and council members receive \$100/month, plus PERSI (state retirement benefits). Neither the mayor nor the council has received a pay raise since 2007. Councilman King read a reflective statement regarding pay and the satisfaction that comes of community service and did not want to raise the pay for the council. "But the mayor's job is essentially a full-time position and should be raised," said King.

**MOTION:** It was moved by Councilman Drake and seconded by Councilman Garner to increase the mayor's salary to \$800/month. Motion carried unanimously.

**MOTION:** It was moved by Councilman Drake and seconded by Councilman Garner to increase the council member salary to \$200/month. Motion carried, with King opposed.

**LOCAL MAGAZINE AD:** The city was contacted by a local magazine wanting to sell an ad to showcase Sugar City. The magazine would be delivered to all households. The council decided that the money would be better spent elsewhere.

**DEPARTMENT REPORTS:**

**COUNCILMAN KING:** Reported that liquor can be sold by zone as per the attorney.

**COUNCILMAN DRAKE:** Reported that he is still trying to contact Harold Harris to establish a Historic Preservation Commission. Councilman Drake also reminded the council to keep track of the Distinguished Citizen awards.

**COUNCILMAN ARNELL:** See "Animal Ordinance Final Draft" above.

**COUNCILMAN GARNER:**

**Community Breakfast:** July 25<sup>th</sup> will be the annual community breakfast. Stone's Town &

Country will donate \$1,000 toward the event, plus cook the breakfast. Cleanup will need to be arranged. The city intends to invite state legislators and local officials.

**MAYOR'S BUSINESS:**

**4<sup>th</sup> of July Grand Marshal:** Former Mayor Glenn Dalling has been awarded the grand marshal for the Rexburg 4<sup>th</sup> of July parade.

**Rocky Mountain Engineering:** Mayor Merrill has not signed the water application for River Bend Ranch. He wants clarification on the application about what water rights the city will be diverting in order to apply for a well. The city is requiring surface and storage water rights from the developer in return. At this time, the city intends to apply for the water right in behalf of the developer.

**Old Farm Estates:** Old Farm Estates is in the process of being sold to another developer. Gary Stillman will no longer be involved with the development. Ryan Lerwill and the new developers will meet with the mayor next Tuesday. Planning and Zoning will be involved in the meeting. Plans for the development likely will be changed.

**Salt Lake Express:** Salt Lake Express has signed the sewer hook-up agreement. The next step is for City Engineer Dick Dyer to design the sewer hook-up, and for Salt Lake Express to pay the city hook-up fees.

**Business Park:** Interest in the Business Park lots has picked up lately. One buyer is looking at possibly buying three lots to build to suit.

**Fybercom:** The city will ask for more than \$100 per month and free Internet service for space rent on the city water tower.

Meeting adjourned at 9:45 p.m.

**Councilman Burch Drake Resignation:** After meeting adjourned Councilman Drake submitted his letter of resignation.

Signed: W. Lamont Merrill  
W. Lamont Merrill, Mayor

Attested: Wendy McLaughlin  
Wendy McLaughlin, Clerk-Treasurer