

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JULY 28, 2011

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Bruce King
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; Rachel Snow, Standard Journal; Teri Tengaio, Intermountain Gas Company; and Aaron Swenson, Forsgren Associates.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on July 14, 2011. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Harris to accept said minutes; motion carried.

DISCUSSION OF ORDINANCE NO. 294: The matter of solicitors and peddlers (door-to-door sales) was discussed. This proposed ordinance would promote the general welfare of the community by furthering public safety, neighborhood tranquility and local commerce. It would also simplify city administration and law enforcement.

ORDINANCE NO. 294:

Councilmember Waddell introduced Ordinance No. 294 entitled:

“AN ORDINANCE REPEALING ARTICLE 3-2B (Solicitors and Peddlers) OF THE SUGAR CITY MUNICIPAL CODE, ENACTING A NEW SECTION 3-2B REGULATING DOOR-TO-DOOR SALES, REPEALING AND CANCELLING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING A SEVERABILITY CLAUSE.”

It was moved by Councilmember Waddell and seconded by Councilmember King 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, Merrill and Waddell
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 Waddell and seconded by Councilmember Merrill to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

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

Ordinance No. 294 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. 294 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: P&Z Chairman Christine (Sam) Lines addressed the council.

Horse shelter: Sam reported that Daniel Baird wants to build a temporary horse shelter, with no foundation and tethered to an interior fence in an R-1 area west of Ponderosa, north of the impact area on the west side of South Teton, in an area called, "The Acre Lots." The lots are twice to three times as big as normal city lots and have been used for pastureland for as long as anyone here seems to remember. Mr. Baird is currently boarding a horse there in the Whittington's pasture. Ag buildings are exempt from the International Building Code, but are disallowed in the R-1 zone. A building such as Mr. Baird's is designated an accessory building and the city attorney said that as such, since it is in the city, city codes apply. City code allows for a 200-square-foot building so Mr. Baird will not need a building permit. Sugar City has no general animal-control ordinance. When animal problems have occurred in the past, they have been dealt with using the nuisance ordinances. The city attorney recommended that the city not disturb the longstanding practice in that neighborhood.

Smith's proposed driveway: Ron and Loretta Smith, who live on a corner lot at 224 North Park, would like to put a new driveway in on 3rd North to accommodate storing a fifth wheel in their shed. Sam reported that the city attorney saw no real issue with this as long as it didn't present an encroachment or a hazard. He quoted Idaho Code 50-313(1), which necessitates that the city resolve the issue.

MOTION ON SMITH'S PROPOSED DRIVEWAY: It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve the request for an additional driveway on 3rd North; motion carried.

Recommendation for repeal of 9-1-2F (grandfather clause): Sam consulted with the city attorney about the grandfather clause. He recommended that 9-3-9 should be retained and 9-1-2F should be repealed.

Proposed changes to 9-8B-3 Impact Area Land Use: P&Z modified part of the Land Use Schedule. Sam recommended that changes be adopted and to take it to a public hearing.

DISCUSSION ON INTERMOUNTAIN GAS COMPANY FRANCHISE ORDINANCE:

Teri Tengaio, Teton District Manager, addressed the council. She discussed changes in the new proposed franchise ordinance from the old Franchise Ordinance No. 229, which expires in October. (1) Intermountain Gas wants to change the time from 10 years to 20 years. (2) Section III governs the repair of streets. They would like to increase from one to three years on maintaining a street that has been repaired. (3) Section VI, payment to city and filing of quarterly written reports with the city instead of annual reports. (4) Section VIII, they would double all insurance coverage. Ms. Tengaio said everything else is exactly as it reads in the old ordinance. She asked the council to make any changes they would like to the proposed new franchise ordinance and present them to Intermountain Gas. The council was pleased with the proposed

changes, with the exception of increasing the term from 10 to 20 years. They also request that Intermountain Gas obtain an excavation permit. The mayor thanked her for her presentation. He asked that a franchise ordinance discussion be put on the next agenda. Sharon reported that a franchise ordinance cannot be passed until 30 days after its introduction, so it can be passed in September.

BUDGET DISCUSSION: Marcie led a discussion on the draft budget, which was presented to the council for review last meeting.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

7TH East (Digger Drive) project: Aaron Swenson of Forsgren Associates addressed the council and presented a map with project suggestions, including a new school bus turn lane on the northeast corner of the high school. It would also include a 2" asphalt overlay and chip seal the full length of Digger Drive. He estimated the cost at \$95,350. The city will have to pay any engineering fees for the project. Mr. Swenson recommended that a letter be submitted to the Local Highway Technical Assistance Council (LHTAC) in Boise asking for a one-year extension on the use of the \$100,000 grant to Sugar City and said he would be happy to write the letter for the mayor's signature.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Harris to approve the mayor signing a letter drafted by Forsgren Associates requesting a one-year extension on the LHTAC grant to improve 7th East; motion carried.

COUNCILMEMBER KING:

Evaluation of council's participation in St. Anthony parade: Bruce expressed the opinion that the council's participation in the parade was useful. No other comments were made.

COUNCILMEMBER MERRILL: No report.

COUNCILMEMBER WADDELL: No report.

MAYOR'S BUSINESS:

Water rights on Old Farm Estates, Toscano and River Bend Ranch (formerly Calaway): The mayor said that prior to the development agreement, the developer should be required to grant to the city all natural flow and storage water for the land.

Overcrowding at DelMar Condominiums: Marcie reported receiving the call that there are three apartments being rented out to 11 men. In the two apartments that have four men each, two are related.

Meeting adjourned at 9:50 p.m.

Meeting reconvened at 9:51 p.m.

MOTION TO AMEND THE AGENDA: It was moved by Councilmember Waddell and seconded by Councilmember King to amend the agenda to include consideration of a letter

from Councilmember Harold Harris dated today; motion carried.

The mayor read the correspondence, which was a letter of resignation from Councilmember Harris. He thanked Harold for the letter and accepted his resignation. Mayor Dalling said he had served with Harris for 11-1/2 years, and it is impossible to evaluate his tremendous service to the city. His contribution is immeasurable. Each of the councilmembers expressed thanks to Harold for his years of faithful and effective service to Sugar City. Harold said his terms on the City Council have been fun but challenging.

Meeting adjourned at 10 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk