

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, MAY 10, 2007

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Joette Lookabaugh, City Attorney; Stephanie Blackham, Planning & Zoning Commission; Michael Bates; Vaun Waddell; Doris Robbins; Jan Gallup; Sharee Palmer; Alyna Perez; Jared M. Neeley; Verla Moss; and Deputy Cameron Stanford.

The Mayor asked if there were any corrections to the minutes of the regular meeting held April 26, 2007. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$64,729.37. It was moved by Councilmember Deitz and seconded by Councilmember Harris to pay the current bills, together with all regular May bills that have not yet been received; motion carried.

**DISCUSSION – CITIZENS ON 3<sup>RD</sup> SOUTH:** Jan Gallup presented a letter signed by 15 owners of real property abutting 3<sup>rd</sup> South Street asking that City officials approve an official city ordinance determining the finished width of 3<sup>rd</sup> South Street from Highway 33 to Digger Drive to be thirty feet (30'). A copy of said letter is attached hereto, marked "Attachment 1." Jan reported 10 to 12 property owners were present at a meeting on Tuesday night. She went door-to-door to the property owners who were not in attendance and talked about the street width. There are 30 property owners along 3<sup>rd</sup> South Street. The Mayor recommended that 100% of the property owners' signatures be included on the letter presented by Mrs. Gallup.

**PLANNING & ZONING REPORT:** Stephanie Blackham addressed the Council.

**Judy Hobbs – Edward Fisher Special Use Permit:** Stephanie reported that Ms. Hobbs is representing Edward Fisher in a request for a public hearing to change the status of Sweet Haven Apartments to condominiums to be sold individually. Attorney Lookabaugh suggested we see a copy of their restrictive covenants before the public hearing. A discussion was had on the

fact that there are three water meters servicing the apartments and that this will have to be addressed in some type of special agreement.

**Bill & Angelika Gutenberger – Home Business License Application (Cozy Swimming Critters):** Stephanie reported that Mr. and Mrs. Gutenberger have applied for a home occupation license so they can teach swimming lessons in their garage.

**Doris Robbins -- Dogs:** P&Z determined that this was not a P&Z issue, but Stephanie reported that a kennel is not permitted in R-1 and R-2 zones.

**Jared Neeley – Property in Impact Area:** Stephanie presented a letter with P&Z’s recommendation to City Council dated May 9, 2007. “In regards to Mr. Jared Neeley’s request to tear down one home and put another in its place and build an additional home on his property in the impact area, we would approve it in accordance with Title 9, Chapter 9B-1-B as well as Title 9, Chapter 9B-3 (land use schedule) and with the following condition: (1) The establishment of three separate parcels by the county appraiser’s office.” Since Stephanie was not in attendance at the last P&Z meeting, she requested that the following two conditions are also met in accordance with the city code: “(1) Setback requirements for dwellings and accessory buildings—Title 9, Chapter 9B-5 and 6; and (2) Frontage regulations—Title 9, Chapter 9B-7-A through F.”

**Adam Dunn & Eddie Pincock – Old Farm Estates:** Attorney Lookabaugh reported because the impact study hadn’t been presented to the engineer, she advised Mr. Dunn and Mr. Pincock it was premature to come to P&Z on May 17<sup>th</sup>. P&Z needs the engineer’s report and more information back and forth by the developer before they can make a decision to recommend or deny the preliminary plat. She is in touch with Mr. Dunn and he will get back with P&Z. The Mayor expressed appreciation for Attorney Lookabaugh’s work with P&Z.

**DISCUSSION ON CELL TOWER APPLICATION FORM:** Councilmember King recommended some minor changes on the Application for PWSF (Personal Wireless Service Facility) Permit. Sharon will put the final draft together, including the three appendix pages from the corrected ordinance.

**DISCUSSION ON JEFF PATLOVICH POINTS:** Councilmember King led a discussion on ten points which Jeff Patlovich, Fremont County Planning and Building Administrator, made in his presentation to the P&Z Commission and the City Council on April 19, 2007. A copy of said points is attached hereto, marked “Attachment 2.”

**PUBLIC COMMENT:** A discussion was had on “Public comment is limited to agenda items – five minutes per person” which was on the agenda tonight. It was decided to discuss the matter at a later time.

**Sharee Palmer:** Sharee, as former chairman of P&Z, explained ex parte only comes into play on quasi-judicial issues – not on legislative issues.

**Gutenbergers’ Home Business License Application:** Sharee discussed the zoning on Mr. and Mrs. Gutenberger’s property, which P&Z left as R-2. The property is surrounded by commercial zoning; but because it is residential, they decided to leave the zoning the way it was. She said P&Z had a lot of discussion on it. Sharee doesn’t believe Gutenbergers’ business falls under the category of home occupation. It doesn’t comply with Title 9-3(f) where no significant traffic can be generated. That takes them out of the home occupation category. She said it should be home business, which requires a special use permit and a public hearing. She said parking could be put in the alley. Attorney Lookabaugh said P&Z told the Gutenbergers

to apply for a special use permit, but she feels they erred in this. The Mayor directed the City Attorney to contact the P&Z chairman and go through the proper channels and paperwork so we comply with our ordinances.

**Deputy Cameron Stanford:** Deputy Stanford reported he had received a complaint that there are no garbage containers in the downtown area.

### **DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:** Harold reported all identified streets have been crack sealed. The city will now do patching.

**COUNCILMEMBER DEITZ:** Walter reported Roto Rooter would be cleaning some sewer lines. He discussed the sewer line on Stillman's property and said he will meet with Stephanie Blackham and request in the development agreement that Mr. Stillman cleans the sewer line. Walter reported NorSun has changed their sewer meter system from hours to gallons and he feels there is a significant difference in what they pay the city. They are required to calibrate it and they need to pay what they are dumping in the line. He feels we need to insist that it be checked on an annual basis, and it is their responsibility to make sure their clock is reading properly. The Mayor said he contacted NorSun and they had their gallon meter calibrated. Dick Dyer suggested to the Mayor that the next time they calibrate it that he or someone from the city be present. The Mayor will see that it gets done.

**COUNCILMEMBER ORME:** Brad reported a successful Arbor Day celebration. Two second grade classes attended. A history was given about Arbor Day. Garry Bates from Tree City USA gave the city a flag, which is now flying in Heritage Park, and a plaque was presented to Mayor Dalling. The school children sang a song, after which we planted a 12-foot birch tree. Ice cream was then enjoyed.

### **COUNCILMEMBER KING:**

**Title 1, Chapters 1 and 2:** Bruce presented some minor changes to Chapters 1 and 2, and said he will move forward with Chapter 3. We won't hold a public hearing until we revise the whole title. He also recommended editorial style standards for the city code.

**Title 9, Chapter 6, Zoning Districts, Maps:** Bruce reported no one from the Council got their changes to him. He said P&Z would like to see us move forward with it and asked that it be put on the next agenda two weeks from now.

**Title 7, Water and Sewer:** Councilmember Deitz reported a need to move forward on the water and sewer ordinance. The Mayor said we would get it on an agenda in the near future.

### **MAYOR'S BUSINESS:**

**Review Proposals for Proposed Business Park Engineering and Administrative Services:** The Mayor and Council began the review of the written proposals for the proposed business park engineering and administrative services. Three written proposals for engineering services and one proposal for administrative services were submitted to the city.

**MOTION FOR PROCUREMENT OF ADMINISTRATIVE SERVICES:** Only one proposal for administrative services was submitted to the City. The Council reviewed the proposal from The Development Company of Rexburg, Idaho. Because no other proposals were submitted, the Council moved to accept the proposal for services from The Development Company and did not complete individual scoring sheets. It was moved by Councilmember Deitz and seconded by Councilmember Harris that we accept the proposal of The Development Company for administrative services; motion carried.

**Deputy Cameron Stanford:** Deputy Stanford led a discussion about no soliciting in the city without a permit. He also discussed Mrs. Robbins' dogs and reported she is already on probation for continually violating our dog ordinance. He reported Attorney Lookabaugh filed an Affidavit and we will let the judge handle the matter. Further discussion was had on our dog problems, and Deputy Stanford asked that we make another entry in the newsletter.

The Mayor entertained a motion to go into executive session.

**EXECUTIVE SESSION:**

9:10 p.m. It was moved by Councilmember King and seconded by Councilmember Deitz, pursuant to Idaho Code 67-2345(1) (a), (b) and (f), that we move into executive session to discuss hiring, personnel and probably litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz and King

Those voting nay: Councilmember Orme

Thereupon, the Mayor declared the motion passed.

Discussions during executive session were on annexation negotiations and procurement of engineering consultants for the proposed business park.

10:20 p.m. The executive session ended and the regular Council meeting adjourned.

Signed: \_\_\_\_\_  
Glenn W. Dalling, Mayor

Attested: \_\_\_\_\_  
Sharon L. Bell, Clerk