

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 14, 2010

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Bruce King, Lamont Merrill and Vaun Waddell; Jesse Brown, Planning & Zoning Commission; Stephen Parker; Tanner Puzey; John Meier; Ryan Barker; and Brad Parkinson. Treasurer Marcie A. Smith and Councilmember Harold Harris arrived after the meeting had started.

On the advice of City Attorney Forsberg, the mayor reported that the item, "Zoning at 202 West 3rd South (Einerson home)," is taken off the agenda and asked the council not to discuss the matter at this time.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on September 23, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Waddell to accept said minutes; motion carried.

ORDINANCE NO. 290:

Councilmember Waddell introduced Ordinance No. 290 entitled:

"AN ORDINANCE REPEALING, REDESIGNATING AND ENACTING CERTAIN CHAPTERS OF TITLE 9 OF THE SUGAR CITY, IDAHO, CODE AS FOLLOWS: CHAPTERS 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, AND 13 OF TITLE 9 ARE REPEALED; CHAPTER 7 OF TITLE 9 IS REDESIGNATED AS CHAPTER 6 OF TITLE 8; CHAPTER 9 OF TITLE 9 IS REDESIGNATED AS CHAPTER 8 OF TITLE 9, AND CHAPTER 15 OF TITLE 9 IS REDESIGNATED AS CHAPTER 9 OF TITLE 9. THIS ORDINANCE AMENDS TITLE 9 WITH REGARDS TO ADMINISTRATION OF THE PLANNING AND ZONING ORDINANCE INCLUDING THE CITY PLANNING AND ZONING COMMISSION, AMENDING, ADDING AND DELETING DEFINITIONS OF CERTAIN TERMS USED IN TITLE 9; AMENDING THE PROCEDURES FOR ANNEXATION AND RECLASSIFICATION OF LAND; AMENDING THE PROCEDURES FOR CONSIDERING SPECIAL USE PERMITS AND VARIANCES; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE."

It was moved by Councilmember King and seconded by Councilmember Merrill 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 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 King, Merrill and Waddell

Those voting nay: none

Ordinance No. 290 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. 290 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 Jesse Brown addressed the council.

Gutenberger apartment: Mr. and Mrs. Gutenberger asked to build an apartment to the west of their current house. It would be a separate apartment and they will put on siding to match the current siding of the structure. The property is zoned R-2 and an apartment is permissible in R-2. P&Z said the setbacks from the property lines are okay and recommends approval of a building permit.

Splitting lot for Agri Service: Jesse reported that P&Z can't see a problem with splitting the lot for Agri Service. The five-acre parcel is where the Agri Service building is being built and they want to split it off from the existing property. All of the property remains in the name of Zane Palmer and Agri Service is leasing the five acres from him.

6:40 p.m. Treasurer Marcie A. Smith arrived.

Home Business ordinance (title 9 chapter 10): Jesse reported that P&Z would take title 9 chapter 10 home business (draft dated October 7, 2010) to public hearing on Thursday, November 4, 2010, at 7 p.m.

Title 9 area of impact: Jesse reported that P&Z would take the area of impact chapter to Attorney Forsberg for review.

6:45 p.m. Councilmember Harold Harris arrived.

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

by Councilmember Merrill to accept the September reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$132,594.38. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, together with all regular October bills that have not yet been received; motion carried.

DISCUSSION ON P&Z REIMBURSEMENTS: Marcie reported that we have been informed in city meetings and by the AIC that cities are not allowed to give a flat rate of compensation to their Planning and Zoning Commissions for the hard work they do. See Local Land Use Planning Act 67-6504(a). But they can be reimbursed for any mileage and expenses that they incur while performing their duties. Any other payment or wages will require a timecard and taxes being withheld. Lately, cities that have been found paying flat wages have had to pay back taxes. The Planning and Zoning Commission members also had to pay back taxes on the monies they had received. The Planning and Zoning Commission can be reimbursed for expenses, mileage and food. Discussion had. Marcie was assigned to check into the matter.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Crack seal: Harold reported that the crack seal contractor, Klingler Asphalt of Blackfoot, will be submitting a map of the crack sealing that has been done. They picked up a city map and are marking on each street that they have worked on and the approximate amount of tonnage of crack seal on each street. Harold said they are doing good work.

B Street bid proposal (fire substation): Harold said we received a bid proposal to install curb, gutter and asphalt patch on B Street by the new Madison Fire District-Sugar City Facility Project. Thompson Paving bid \$1,925 and Shook Construction bid for 150 lf of curb and gutter 30" @ \$25 lf for \$3,750, for a total of \$5,675. He reported that the fire hydrant is in the radius of our curb and gutter and he asked them to give a bid to move the hydrant. They have to have a fire hydrant by their building. The mayor assigned Harold to check it out.

COUNCILMEMBER KING:

Potential ordinance on Spice: Bruce reported that Madison County and Rexburg have adopted an ordinance against Spice, which is an illegal drug. He was wondering if we need to adopt an ordinance against Spice.

Chickens and hens: Bruce reported that Idaho Falls is thinking of passing an ordinance on how many chickens and hens can be had in town. No roosters will be allowed. He will do more research on it.

COUNCILMEMBER MERRILL: No report.

COUNCILMEMBER WADDELL: No report.

MAYOR'S BUSINESS:

City Council meeting on Veterans Day: Discussion was had that the first regular city council meeting in November falls on Veterans Day and the second falls on Thanksgiving Day. It was the consensus of the council to hold the regular meeting on Veterans Day and to cancel the regular meeting on Thanksgiving Day.

Idaho Roving Port of Entry request: Matt French of the Idaho Roving Port of Entry team would like to pull over trucks to check their weight, etc. in our business park. The consensus of the council was that we would prefer not to have those heavy trucks on our business park street. If Port of Entry rovers divert them from Highway 20 at the south Sugar City exit to our business park for checking, the trucks will then drive through the park and over 3rd North to reach Highway 33 or Highway 20. This additional heavy truck traffic on Sugar Avenue and 3rd North is objectionable, since Sugar City streets are not constructed to the high standards of a state highway. The council asked the mayor to express our concern to Mr. French and ask him to choose another location for monitoring trucks in our community. Bruce took the assignment to investigate the extent of Port of Entry authority in a municipality.

Meeting adjourned at 7:45 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk