

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 12, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup, Vaun Waddell; Don Rydalch; Brent Kinghorn; Kyle Williams; Kolten Williams and Kaleb Williams, scouts; and Sarah Meik, a BYU-I student. Councilmember Deitz was excused for the first 1.25 hours of the meeting.

The Mayor asked if there were any corrections to the minutes of the regular meeting held September 28, 2006. Each councilmember had a copy of said minutes prior to the meeting. Discussion was had on Sweet Haven Apartments garbage bill. It was moved by Councilmember King and seconded by Councilmember Harris to accept said minutes, with one correction on page 3 to say they are paying \$193.60 a month instead of \$200 a month; motion carried.

Marcie presented the September reconciliation reports for the General Fund. It was moved by Councilmember Orme and seconded by Councilmember King 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 Harris and seconded by Councilmember Orme to accept the September reconciliation reports for the Utility Fund, with a concern on voided information on check for \$5,250; motion carried.

Marcie presented the current bills in the amount of \$100,437.72. 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.

CITIZEN INPUT: Vaun Waddell reported he did some redrafting of Title 8. He worked with the form of the document and the content. The Mayor reported we have him later tonight on the agenda under Bruce King's department report for the two letters he has written. Mr. Waddell said it would be fine with him to wait.

FURTHER DISCUSSION ON DOG PROBLEM: The Mayor said we gathered up two dogs this week. He called Four Paws Adoption Center and they didn't want the dogs, so they were taken to the vet. Kennels were discussed. A letter was written to Mr. and Mrs. Peters following a complaint by their neighbors, and a letter needs to be sent to the Hibberts. Sharee Palmer said it is explanatory in the ordinance about kennels, and they have to get permission from their neighbors. She said according to our land use schedule, a kennel is not allowed in R-1, R-2, C-1 and C-2. It is only allowed in C-3 and 1 and 2 in industrial. She said P&Z discussed it, but ultimately the City Council needs to enforce it. Councilmember King feels we need to look to

our ordinances and, for the good of the community, enforce them. When we receive a complaint about a dog problem and someone being out of compliance with the ordinance, we need to contact that resident and discuss it. It was felt that P&Z should review the dog ordinance against our land use schedule and make sure there is not conflict or inconsistencies. Sharee Palmer said we need to help the people in our community be responsible dog owners.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

S & N Mechanics (Shaun and Natasha O'steen) Business License: Sharee reported O'steens came in to P&Z for a business license for auto mechanics. They will be renting a building on D Street from Ruth Adamson. It is in the manufacturing zone. P&Z's biggest concern would be automobiles left parked on the street, and O'steens said that would not be an issue. The license has been approved and issued.

Home Business / Home Occupation: P&Z is working on the home business / home occupation licensing. Their public hearing will be November 2nd at 7:30 p.m. They will be working on that and will start working on the kennel issue.

David Mills Fence Permit: P&Z had concerns about the fence permit, which Sharee is hesitant to sign because there are no dimensions on his map. She will notify Mr. Mills that if he wants to put a fence up, he needs to survey his property and he can put the fence on his property line. The home is on the corner of Teton Avenue and 3rd South. The 3rd South alignment problem was discussed.

3rd South Alignment Problem: The time to address the problem on 3rd South has come. The Mayor said our homework should be done before we debate this further, and then we can have it put on a future agenda. The Mayor assigned Harold Harris to confer with the County and with Dick Dyer and come back with a recommendation on what to do with 3rd South. We'll give him 30 minutes on the agenda. Sharee Palmer offered to help him.

Councilmember Deitz arrived at 7:45 p.m.

JAN GALLUP – DESIGN REVIEW: The Mayor reported that Attorney Lee said Title 8 Design Review would need to go for another public hearing because of the changes made to it. Jan recommended the City Council have their public hearing as soon as they can. Discussion was had.

MOTION: It was moved by Councilmember King and seconded by Councilmember Orme that we reschedule our second meeting in November from November 23rd to Wednesday, December 6th at 6:30 p.m. We will have the public hearing on Design Review at 6:30; motion carried.

Jan reported at City Council meeting on October 26th she plans to start on Title 9, Chapter 6, Zoning Districts. Everyone should have received the documents.

FURTHER DISCUSSION ON COMPREHENSIVE PLAN IMPLEMENTATION

LANGUAGE – “SCHEDULE / PRIORITY”: Bruce King reported at our regular meeting on April 27, 2006, that part of the business we discussed was whether we should consider changing the implementation tables in the comprehensive plan from “schedule” to “priority” in that column; and the Council decided to go ahead and do that. Then there has been some question whether that was the right thing to do. Sharee Palmer felt it was a material change and would have to go back to public hearing. Discussion was had. Bruce reported he read some information that appeared to be from the Association of Idaho Cities containing this recommendation: “It is

important to recognize that implementation is probably better stated as a matter of various priorities rather than establishing the due dates for specific tasks. The presence of those specific dates could be a source of conflict and a future challenge if planning activities are not completed on schedule." Jan Gallup said in order to follow the ordinance that was put into effect in April, you would make a motion to amend the comprehensive plan and then the Planning & Zoning Commission would go through the process of a public hearing.

MOTION TO HAVE P&Z AMEND IMPLEMENTATION SCHEDULE: It was moved by Councilmember King that we direct the Planning and Zoning Commission to amend the comprehensive plan implementation tables from schedule to priority, meaning that they change the column heading from "schedule" to "priority" and then substitute priority numbers in place of dates in the column below the heading. **MOTION DIED FOR LACK OF A SECOND.**

Discussion was had. Bruce said P&Z would make the decision of what priority to apply to each field. Jan read from the State Statute: "It shall be the duty of the Planning and Zoning Commission to conduct the comprehensive planning process designed to prepare, implement and review and update the comprehensive plan." She feels City Council should tell the Planning and Zoning Commission to review and update the implementation schedule in the comprehensive plan, and then let them come back with a recommendation. The Mayor recommended Bruce go back to his original motion and stop without any explanation of exactly what P&Z is to do and let them review it and see if they would be comfortable in changing it. They can bring it back and hopefully they would try to change it to satisfy that request.

RESTATED MOTION TO HAVE P&Z AMEND IMPLEMENTATION SCHEDULE: It was moved by Councilmember King and seconded by Councilmember Orme that we direct the Planning and Zoning Commission to amend the comprehensive plan implementation tables from "schedule" to "priority"; motion carried.

WEST ENTRANCE PROJECT: The Mayor reported that earlier Bob Worrell made a presentation on our west entrance. Don Rydalch presented the Council with a proposal for the Sugar City West Entrance dated October 12, 2006. He looked carefully at Mr. Worrell's design proposal and feels it is well done and very helpful. He discussed the background information numbered from 1 through 9. He said construction of rest areas is not eligible. Mr. Rydalch reported he called Don Choate at the Idaho Transportation Department in Boise. He said if Mr. Rydalch would get a concise written summary of what the city wants to do, with a projected cost along with a very good street map showing where the elevator is located especially in relation to State Highways 20 and 33, then he could tell us if we had a good enough project to pursue. It is now evident that the proximity of the railroad and the new path to Rexburg would also be important.

Proposed Concise Written Summary: Mr. Rydalch presented his concise summary of what the city wants to do. He said the Mayor and Council's suggestions are needed for corrections or changes, then he would need a lot of help on projected costs and getting a good city street map together. The statement, the cost and the map need to get over to Mr. Choate promptly. Summary: (1) make the grain elevator, which is already a very prominent landmark, a beautiful structure. After cleaning and other improvements, the proposed culminating feature on the exterior of the elevator would be a 3-D type mural painting depicting key elements from the history of Sugar City. (2) Landscape the area surrounding the elevator, including a "welcome entry" sign. (3) Construct an information booth that tells about the history of Sugar City, wherein a large city map could be placed. Mr. Rydalch reported there is no mention of a commercial enterprise in the proposal, and nothing about a shelter with picnic tables or anything of that

nature. Grant applications are due January 31, 2007.

The Mayor said we could probably come up with a city street map. He asked Harold if he could get a proposal on the actual construction around the building, asked Bruce to talk with a landscape architect, and he will get something done on the information wall. Mr. Choate just wants to know what the general cost is going to be. When we get to a grant application, then it has to be very specific. Mr. Rydalch asked for the information before a week from next Monday (October 23, 2006).

DEPARTMENT REPORTS:

COUNCILMEMBER KING:

Vaun Waddell Letters on Design Review: Bruce reported Vaun Waddell has sent a couple of letters to us concerning Title 8. As part of his department report, he wants to discuss those letters. He feels Vaun made some good points in his letters and we ought to address them. Bruce went through Title 8 and tried to change some places in Title 8 to address Mr. Waddell's concerns.

Mr. Waddell thanked the Council for being patient with him. His concerns are at two levels: (1) the concept, the background and the method of reasoning, and (2) the content. He started redrafting Title 8 in his capacity as a citizen. He isn't concerned with Chapter 1, Building Code. He is concerned about Chapters 2, 3 and 4. He said he has been watching the Mayor and Council wrestle with the text for a long time. It is a major research project to try to figure out what items would apply to a given application. In desperation, he worked on it with organization and clarity of wording and objectives on the one hand – on the other hand, with some significant changes in content. Mr. Waddell said he is not looking for a job, but he is available and would be willing to help with a re-write of Title 8. He presented his draft of Title 8, Chapter 2, Design Review; and then an outline for the redrafting of Chapters 3 and 4. He doesn't plan on doing anything with Chapter 5, Signs. He doesn't want to imply that 100% of what he has written ought to be the final thing. Bruce expressed appreciation for Vaun's concern about trying to make any of our ordinances clear and logical and more appropriate in how they are stated, so he would be willing to read through the draft and consider Vaun's approach.

Councilmember King feels we need to look at Mr. Waddell's suggestions. We need to also consider the work that the P&Z has done. Everyone needs to read Vaun's suggested approach, think about it and give it a thorough hearing and consideration; then consider whether we want to go ahead and take this approach and have P&Z or Vaun redraft the full ordinance with this approach; or do we just want to take Vaun's concerns and try to work them into the current Title 8. The Mayor said we should have this item on the agenda for the next meeting.

COUNCILMEMBER DEITZ:

Kinghorn Sewer Hookup: The Mayor thanked Mr. Kinghorn for coming. Mr. Kinghorn stated in 1994 when they came up with the new city sewer system; they came up with new fees. Mayor Burton and Mr. Kinghorn's father, Ron, thought he should pay the sewer hookup fee before the rates went up, so his dad paid \$250 on April 9, 1994 to hook up to the sewer whenever they decided to hook up. His plan was to hook up across the street on 3rd South, but he just put it off. Gary Stillman said he could hook up to his line when he developed his property. They have sold most of their property now to Mr. Stillman. They will be building a new home next to their old home and want to hook up to the sewer now. He talked with Mayor Dalling and hoped that the \$250 would be adequate to pay for the hookup. After discussion, the Council felt the \$250 was the hookup fee for his existing home, not his new home. The sewer

hookup fee is currently \$1,425. The Mayor suggested, under the circumstances, that Mr. Kinghorn pay \$700 for the sewer hookup fee on the basis that the matter wasn't handled right. Gary Stillman bought Mr. Kinghorn's old home; and when he hooks onto the sewer system, he pays the current hookup fee at that time.

MOTION: It was moved by Councilmember Deitz and seconded by Councilmember Orme that, due to present and past circumstances, we charge \$700 for Brent Kinghorn's sewer hookup to his new home, minus the \$250 already paid; motion carried. Councilmember King requested permission to make a comment for the record: I think it is important for the record to note that the City Council, I believe, moved to give Brent Kinghorn this discount given the fact that the City accepted his check for \$250 for a city hookup in 1994; and, therefore, the City has some responsibility to honor that payment. A copy of Mr. Kinghorn's check dated April 9, 1994, is attached hereto, marked "Attachment 1."

Rocky Mountain Power – Property Damage to Pumps at Water Tower: Walter read a Property Damage Release from PacifiCorp, a corporation doing business as Rocky Mountain Power. They will pay 100% for the damages to the water pumps at the water tower, a total of \$16,619. Walter said \$3,400 of that is for Jim Reynolds coming and making it work and the other \$13,000 will be for Leishmans to put the VFD drives back in the pumps. The Mayor expressed his thanks to Walter for setting up the meeting with the power company, for his presentation to them, and for all of his work in getting this accomplished.

COUNCILMEMBER ORME:

Tennis Court Repairs: For the sake of time, Brad reported the tennis courts are not finished. He and Harold will get together and get it organized so they can finish what they started. Brad thought he had an Eagle Scout that could do his Eagle Scout project on the other half, but they haven't got back with him yet. The Mayor said it would need to be well supervised with so much money involved in the product.

COUNCILMEMBER HARRIS:

Letter to Tom Cole: The Council read the letter which was written to Tom Cole, District 6 Engineer for the Idaho Transportation Department, regarding the state-owned land in the northeast quadrant of the Sugar City half interchange and the possibility of perhaps negotiating a purchase of that property for a business park. Also in the letter is the City's protest to any change regarding the Highway 20 off ramp to Highway 33. The Council and Mayor signed the letter.

MAYOR'S BUSINESS:

Sugar City's Postmaster: The Mayor presented the letter he was assigned to write to John Hite, Consumer Affairs Manager of the U.S. Postal Service in Spokane, Washington, regarding the postmaster. The problems with the postmaster's way of doing business were discussed. The Council was in agreement to sign the letter along with the Mayor, and send a copy to the Postmaster General in Washington, DC.

EXECUTIVE SESSION:

10:05 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1)(b) & (f), that we move into executive session to discuss personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme
Those voting nay: None
Thereupon, the Mayor declared the motion passed.

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

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

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

KINGHORN'S CUSTOM UPHOLSTERY
RONALD J. KINGHORN, OWNER
Box 178 356-5697
Sugar City, Id 83448

8178
92-6/1241

April 9, 1994

PAY TO THE
ORDER OF

City of Sugar
Two hundred fifty and no/100

\$ 250.⁰⁰/₁₀₀

DOLLARS

**First
Security
Bank**

First Security Bank of Idaho
39 East Main Street
Rexburg, Idaho 83440
800-574-4200

Brent's hook-up fee

Ronald Kinghorn

April 9, 1994

⑈ 8178 ⑈ 0000025000 ⑈

*This is our hook-up
fee to the new
city sewer - good
for whenever we decide
to hook up*