

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JULY 10, 2008

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; Janette Clark, Assistant; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Brian Hawkes, Planning & Zoning; Dwayne Seiter; Jan Gallup; Sharee Palmer; and Paul Lusk.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on June 26, 2008. 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.

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

Janette presented the current bills in the amount of \$229,721.20. It was moved by Councilmember King and seconded by Councilmember Orme to pay the current bills, together with all regular July bills that have not yet been received; motion carried.

PLANNING & ZONING REPORT: Brian Hawkes addressed the council.

Kimball Galbraith/Kington Property Discussion: Brian reported that Kimball Galbraith would take possession of the Raymond Kington property when Raymond leaves the property. The issue is that 5th South (major collector) on the Old Farm Estates subdivision will divide the north 1/3 of the property from the remainder. They are concerned about this potential division of their property.

Toscano Design Review: Brian reported that Toscano has applied for a design review for the resort area. This design review has been scheduled for 7 p.m., July 17. He wondered who would be on that design review in addition to P&Z. The mayor will work on it.

Transportation Map/Land Use Map Discussion: P&Z has been working on the transportation map and land use map. They had discussion on the transportation study, which will be done by Forsgren Associates and wondered if they need to wait for it before they come out with the transportation plan. The mayor said Forsgren is authorized to do the transportation study immediately, and he feels it should be incorporated in P&Z discussions. He will set up an

appointment with a representative of Forsgren to come to P&Z's meeting next week to discuss the matter. Results of the study should be available in late fall or early winter.

Daniel Baird Additional Dwelling: Brian reported that Mr. Baird is seeking to turn his garage into a mother-in-law residence. The former owners received a special use permit. Attorney Garner recommended allowing Mr. Baird to build the garage into a dwelling for Daniel's mother-in-law and recommended allowing him to proceed with his building permit on the basis that (1) the grandfather clause did apply to Daniel, and (2) that Wilson Walker built the structure with the intent of eventually inhabiting it. This occurred before there were city ordinances in place to prohibit it.

Sugar-Salem School District Special Use Permit discussion: Brian reported he contacted Alan Dunn, Superintendent of the Sugar-Salem School District, and informed him that the special use permit could not be acted upon until the school district had a financial interest in the property. Alan indicated he would take the next step and contact the city concerning obtaining the property, conditional upon obtaining the special use permit. Attorney Garner reported that we can give the school a "legal interest" in the property and then have it deeded back to the city if things fall through.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Thomas Neibaur and Veterans Memorial Program and Unveiling: Harold reported they would pour the base concrete for the monument on July 11. The monument is being engraved now and will be set on the base on July 21. The unveiling will take place on July 26 in conjunction with the community breakfast. The program is at 10:30 a.m. in the high school auditorium, with the unveiling planned at 1 p.m. Harold reported they enclosed the south and west sides of the Heritage Park pavilion.

Roads: Harold reported that 3rd North will be chip sealed and Madison County will do it for \$8,000, from Railroad Avenue to 7th East. He also plans to put in at least three storm drains at a cost of \$7,500 each.

COUNCILMEMBER ORME:

Community Breakfast: The mayor reported that 80 Neibaur family members plan to attend the program and unveiling. They have been invited to the community breakfast, so we need to plan for extra food.

New Park Signs: Brad is working to get bids for new park signs.

COUNCILMEMBER KING:

Variance Application Form: Bruce presented an application form for variance requests and discussion was had. **MOTION TO APPROVE APPLICATION FOR VARIANCE:** It was moved by Councilmember King and seconded by Councilmember Merrill to approve the application for variance, dated June 10, 2008; motion carried.

Web site: Bruce reported that he would like to train city staff to maintain more of the city Web site. He said he is pleased with the .gov office Web site/hosting service. When you go to Google and type in "Sugar City Idaho," the Sugar City Web site now is at the top of search results, he mentioned.

Title 9-13: Bruce invited P&Z to simplify and refine Title 9, Chapter 13. He feels components of it may be better placed in title 1.

COUNCILMEMBER MERRILL:

Water Tower: Lamont reported he has two bids for painting the water tower – one for \$20,000 and one for \$60,000. He estimates it has been 30 years since the tower was

painted. Lamont will solidify the \$20,000 bid and report to the council at their July 24 meeting.

A discussion was had on Edge Wireless and Dave Thompson, who have cell antennas on the water tower. Edge Wireless is current on their bill to the city. The mayor said he and Lamont will handle billing Dave Thompson, and will work with Marcie on it.

7:30 p.m. PUBLIC HEARING (Reviewing the fee schedule for applications, amending the fee amounts for the applications, and establishing a design review fee):

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Janette Clark, Assistant; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Brian Hawkes, Planning & Zoning; Dwayne Seiter; Jan Gallup; Sharee Palmer; Joseph D. Law, Standard Journal; and Paul Lusk.

The mayor welcomed everyone and brought the hearing to order. He said the reason for the problem with the public hearing on May 22, 2008, was because we didn't publish the notice twice, so we rescinded Resolution No. 2008-3 and started over. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet in hand, Mayor Dalling called first for those in favor of approving the fee schedule. No one testified in favor.

The mayor then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those who want to testify against the proposal. No one testified.

7:35 p.m. The public hearing ended and the council convened their regular meeting.

DISCUSSION AND DECISION ON PUBLIC HEARING: It was the consensus of the council that the matter was discussed thoroughly last month.

RESOLUTION NO. 2008-4 (Planning and Zoning Fee Schedule): Resolution No. 2008-4 was read in its entirety. It was moved by Councilmember Harris and seconded by Councilmember Merrill to pass Resolution No. 2008-4; motion carried. A copy of said resolution is attached hereto marked "Attachment 1."

MAYOR'S BUSINESS:

Bike Path Update: Region Engineer Wade Allen of the Idaho Transportation Department will oversee the project, which will be completed this fall. The water needs to be out of the canal before crews install the bridge.

The mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

8:20 p.m. It was moved by Councilmember King and seconded by Councilmember Merrill pursuant to Idaho Code 67-2345(1)(e), that we move into executive session to discuss trade or

commerce issues. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King, Orme and Merrill

Those voting nay: None

Thereupon the mayor declared the motion passed.

Discussion during executive session was on exchanging property between two tax-supported entities.

8:40 p.m. The executive session ended and the regular council meeting reconvened.

The Mayor recommended that the city council look at raising sewer hookup fees to keep pace with the increased cost of capacity at the sewer plant. Attorney Garner advised the council not to discuss the matter, since it was not listed on the agenda.

Meeting adjourned at 8:50 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

RESOLUTION NO. 2008-4

BE IT RESOLVED by the Mayor and Sugar City Council that pursuant to the planning and zoning ordinance which has been duly adopted by the City, the City hereby adopts the following fees applicable to requests made pursuant to the planning and zoning ordinance:

CATEGORY:

Application for Annexation	\$250
Application for Re-zoning	Less than 1 acre \$200
.....	1 to 10 acres \$300
.....	Above 10 acres \$500
Application for Conditional Use Permit	\$200
Application for Variance.....	\$200
Application for Special Use Permit	\$200
Appeal fee	\$100

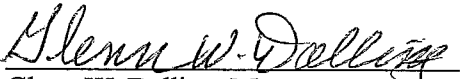
SUBDIVISION PLATTING & DEVELOPMENT:

Preliminary Plat	\$250
(Plus \$4/lot or \$8/acre, whichever is greater)	
Final Plat	\$150
(Plus \$15/lot or \$30/acre, whichever is greater)	
Design Review:	
Administrative Review	\$50
Board Review.....	\$100
(Plus \$100 per hour, not to exceed \$1,000)	
Street & Utility Improvement Drawings.....	
(Professionals' review time for whatever expense is actually incurred)	
Construction Inspection	
(Professionals' review time for whatever expense is actually incurred)	
County Plat Review	
(Whatever costs are incurred by the County or other governmental agencies to verify the correct legal description of the entire subdivision)	

In addition to the foregoing minimum fees, the Clerk will charge the applicant the actual costs of professional fees, publication fees, filing fees, postage fees and/or other similar direct costs, which are incurred.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL AND MAYOR THIS 10TH DAY OF JULY 2008.

ATTEST:


Glenn W. Dalling, Mayor


Sharon L. Bell, City Clerk