

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, SEPTEMBER 23, 2010

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; Brian Hawkes, Planning & Zoning Commission; and James Briscoe, Standard Journal.

**PUBLIC HEARING (Title 9, proposed repeal of chapters 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, and 13; redesignation of chapters 7, 9, and 15; enactment of new chapters 1, 2, 3, 4, 5, 6, and 7):** Mayor Dalling welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing. City Clerk Sharon Bell reported there was no prior written testimony submitted. Councilmember Waddell reported that all comments from the last public hearing on August 12, 2010, were considered and changes were made accordingly, except for the set number of commissioners for the Planning and Zoning Commission. The two changes made were on the land use schedule: (1) manufactured home, manufactured home park and mobile home; and (2) concrete batch plant. He said it was never the intent of anyone to have a traditional concrete batch plant anywhere in the city limits. With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of approving the proposed revisions to Title 9. No one testified.

Mayor Dalling then called for those neutral to the proposal to testify. No one testified.

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

6:45 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Brian Hawkes, Planning & Zoning Commission; James Briscoe, Standard Journal; Peter Gutenberger; and Don Rydalch.

**DISCUSSION AND DECISION ON PUBLIC HEARING:** Discussion was had.

**MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris to approve the proposed changes to title 9. The mayor called for a roll call vote:

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

Thereupon, the mayor declared the motion passed.

Councilmember Waddell will e-mail Sharon title 9 with today's date and she will distribute copies to the mayor and council.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on September 9, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Merrill and seconded by Councilmember Waddell to accept said minutes; motion carried.

**PLANNING & ZONING REPORT:** P&Z Chairman Brian Hawkes addressed the council.

**Title 9 chapter on home business:** Brian discussed the September 20, 2010, version of the home business chapter, which implements the changes the council made. Part A requires a business license, and Part B requires a business license and a special use permit. This is the version P&Z plans to take to public hearing. If there are any other comments from the council, please notify him. P&Z has put the direct responsibility to enforce this chapter on the city council.

**COMPLAINT – VAN WAGNER/MOODY CREEK ODOR:** Mr. Van Wagner filed a complaint on August 30, 2010, alleging that Moody Creek Produce is producing odors that are causing health problems in his family, which letter of complaint was sent to the city attorney for response. The mayor reported that the Parks home was there before Moody Creek, but the Van Wagner home was built there after the business was established. Moody Creek was not as big when the Van Wagner home was built as it is now. The mayor discussed the letter that Attorney Forsberg wrote to Mr. Van Wagner. It was decided that the mayor would write a letter to Mr. Van Wagner as a matter of courtesy.

**1000 EAST BRIDGE/MADISON COUNTY:** The council discussed the three options in the letter dated September 15, 2010, from Keller Associates about moving the bridge. They would consider options 1 or 2, but not 3. The new bridge will be started in 2011.

**MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Merrill that the city's priorities for removal of the bridge are options 1 or 2, and that the third option is not even considered a viable option; motion carried.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:** No report.

**COUNCILMEMBER KING:** No report.

**COUNCILMEMBER MERRILL:** No report.

**COUNCILMEMBER WADDELL:** Vaun discussed the subject of an annual service award to be given out at the annual Christmas dinner, which the mayor suggested. The mayor reminded Vaun to develop a criteria and a method of selection for the award.

**MAYOR'S BUSINESS:**

**Zoning at 202 West 3<sup>rd</sup> South:** A discussion was had on the ongoing problem at the above address and whether the city should prosecute or not. Jacob Price built the home, but

Trever Einerson is the current owner and knew of the problem when he purchased the property. It is basically a two-unit apartment in an R-1 zone, which is not allowed. The council discussed the problem and since the city received a complaint they are obligated to take action.

**MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember King to act on the complaint from Mr. Rydalch and that the first step of action be to invite Mr. Einerson to discuss with the city council and city attorney the potential for installing an interior stairway. A further discussion was had.

**AMENDED MOTION:** It was moved by Councilmember Waddell and seconded by Councilmember King to amend the motion by adding after stairway, "or some other resolution;" motion carried.

**Proclamation – National Long-Term Care Residents’ Rights Week:** The mayor reported he received a letter from Eastern Idaho Community Action Partnership asking all the mayors in our nine-county area (Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton and also include Blackfoot) to sign a proclamation to declare October 3-9 as National Long-Term Care Residents’ Rights Week.

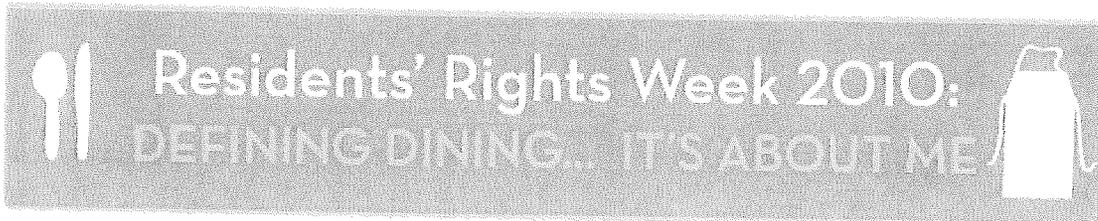
**MOTION:** It was moved by Councilmember Harris and seconded by Councilmember King to accept the National Long-Term Care Residents’ Rights Week 2010 Proclamation; motion carried. A copy of said proclamation is attached hereto marked Attachment "1."

Meeting adjourned at 8:55 p.m.

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

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

# National Long-Term Care Residents' Rights Week 2010 Proclamation



**Whereas**, there are more than 1.6 million individuals living in 16,000 nursing homes; and 1 million individuals living in 50,000 board and care/assisted living facilities in the U.S.; and

**Whereas**, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

**Whereas**, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

**Whereas**, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens, including the right to have a say in their care; and

**Whereas**, individuals and groups across the country will be celebrating Residents' Rights Week with the theme – "Defining Dining: It's About Me" – to emphasize the importance of affirming these rights through facility practices, public policy and resident-centered decision-making that impacts quality of care and quality of life.

**Now, therefore, I, Glenn W. Dalling**, Mayor of the City of Sugar City, do hereby proclaim October 3– 9, 2010, as **National Long-Term Care Residents' Rights Week**, in the City of Sugar City, and encourage all citizens to join me in these important observances.

Signed this 23 day of Sept. 2010

Glenn W. Dalling, Mayor