

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 26, 2006

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Vaun Waddell; Bruce Arnell; Verla Moss; Saralee Wadsworth; Clayton Wadsworth; Sheldon Wadsworth; Wade Briggs; Ben South; Erik Frigham; Andrew Petersen; Karen South; AnnMarie Petersen; David Mills; Mike Wood II; Alex Galbraith; Ryan Thurston; Adam Kennelly; Daniel King; T. J. Fleming; Jonathan Galbraith; Scott Evanbrack; Taylor Galbraith; Jason Hawkes; William Dalling; Brent Pingel; and Jacob Pingel. (Scouts were from Troops 354 and 104.)

The Mayor asked if there were any corrections to the minutes of the regular meeting held October 12, 2006. Each Councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Deitz and seconded by Councilmember Orme to accept the minutes of October 12, 2006; motion carried.

CITIZEN INPUT: The Mayor welcomed everyone and had the scout troops and leaders introduce themselves. They are working on their Citizenship in the Community Merit Badge. The Mayor said a lot of good things in Sugar City have been done with Eagle projects, and we look forward to a lot of Eagle projects to help our City. He said to get a City project they need to come to our office and indicate what they are interested in doing and they will be directed to the Councilman that may be in charge of that particular area.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Comprehensive Plan Implementation Language – “Schedule / Priority”: Sharee reported after P&Z’s discussion on changing “schedule” to “priority,” they recommend that the implementation schedule stand “as is” in the comprehensive plan. They felt priorities had already been addressed by the column where it states whether it is a problem, issue or concern. They also felt like most of the things they should be working on, they are working on. The dates are just a starting point. They feel their time would be better used in working on other things.

Cell Tower Ordinance: P&Z is going to start looking at the cell tower ordinance. Approximately three years ago they started working on it, then set it aside while they were working on the comprehensive plan. We have had some interest in the City on putting cell towers up in our City. They will work on it again if that’s the direction the City would like P&Z to go. Sharee reported last week a man, who had been hired by Alltel, came to stake out for a cell tower behind Allstate Machine. To put one up would require a special use permit. They are checking out the property to see if it would work. It will be on P&Z’s agenda next week. Discussion was had on the moratorium we had earlier on cell towers. It has long since expired.

MORATORIUM ON CELL TOWERS: It was moved by Councilmember Deitz and seconded by Councilmember King that we put a moratorium on building cell towers

until we finish our ordinance in 30 days; motion carried.

Kennels Issue and Fence Issue: P&Z is also going to take a look at the kennels issue and the fence that are defined in our ordinance.

Thayne Siddoway / Bill Hollist: Sharee asked if Thayne Siddoway and Bill Hollist received a letter from the City saying that they could divide off their individual apartment buildings and sell them. The Mayor said they should show that letter to us if they have one.

Home Business / Home Occupation: The P&Z public hearing for home business / home occupation is November 2nd at 7:30 p.m.

JAN GALLUP – ORDINANCE REVISIONS:

Title 9, Chapter 6, Zoning Districts and Zoning Map: Jan reported she emailed copies of Title 9, Chapter 6, to the Council. She led a page-by-page power point discussion starting with Title 9-6-1. She said some of the zones are new, and it's a new concept. The business park district, traditional neighborhood district and open space are new zoning districts that have been added. After discussion it was the consensus of the Council that we should have a special meeting that we can devote to Title 9, Chapter 6, and have it on the agenda. Jan will email the City Council the chapter on planned unit developments that we have been working on, so they can have an idea of the direction that chapter is going; then it will help them have a better understanding of the traditional neighborhood district. The Mayor thanked Jan for her presentation and said we will set up a time for another meeting to discuss Title 9, Chapter 6.

EMERGENCY PREPAREDNESS (LEPC): Bruce Arnell addressed the Council. He volunteered to work on the LEPC (Local Emergency Planning Commission) Committee for Sugar City. This is comprised of municipalities, county and city police and fire, and many units that deal with the possibility of emergencies that may happen in our community or in our county. They meet the first Wednesday of every month at 8:30 a.m., with 30+ people in attendance each time. They have scheduled a table-top exercise on November 17th and he recommended that at least one City Councilmember be in attendance so they could respond to an emergency in the event the Mayor was unavailable. A table-top exercise is when you stay in a room and a scenario is given to you, and you respond as you go along. It was decided that Councilmember Deitz and the Mayor would attend the table-top exercise on November 17th, and Mr. Arnell will let them know what time it is. The Mayor thanked him for coming.

CHRISTMAS LIGHTING: The Mayor discussed Christmas lights. The Tree & Beautification Committee would like \$1,800, but there is not the \$1,800 to give them. A discussion was had about former Councilmember Barrus asking Standard Journal for a donation. The editor at that time said we have to have a plan a long time in advance, it's going to cost this much, and we have donated money to cover this much, now what can you do to help us. He feels we can't do anything with that this year. He expressed hopes that the Tree & Beautification Committee will help with the tree lighting in the park. We may need bulbs replaced and connections fixed, and he feels we can come up with \$500. The committee will report to Councilmember Orme.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

West Entrance Project: The Mayor reported he, Harold and Bruce were assigned to do some work on the project. Harold did three pages of line-by-line item estimates that had to be done. It is very thorough, and Don Rydalch is pleased. Harold reported we are

trying to see if we can qualify for a grant to refurbish the grain elevator as a historical site. We are trying to get some paintings on there that will depict the history of Sugar City, so we had to do a lot of things to get prepared to do that. Don Rydalch is working with us to formulate the information for a grant to see if we could actually get some financial help on the \$300,000 to \$400,000 undertaking. Bruce King reported he got some information from Merrill Landscaping and he passed the figures along to Mr. Rydalch.

COUNCILMEMBER DEITZ:

Rocky Mountain Power – Property Damage to Pumps at Water Tower:

Walter reported we received the check from Rocky Mountain Power for the damages, and we need a motion to authorize Leishman Electric to finish the work. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember Harris that we authorize Leishman Electric to do the repairs on the water wells at the water tower and at the tennis courts in the amount of approximately \$13,000; motion carried.

COUNCILMEMBER KING:

Republican Tour Bus: Bruce reported yesterday we had the Republican politicians come to town in connection with the upcoming election on November 7th. We had Butch Otter who is the Republican gubernatorial candidate. He is currently a U. S. congressman representing our state. Also on the bus was Mike Simpson, U. S. congressman from Idaho, then we had several other individuals running for office on the Republican ticket. The bus stopped at Sugar City Market for 15 minutes and there were a number of high school students in attendance. It was educational to see the political process in action.

Vaun Waddell, Title 8, Design Review: Bruce reported the Mayor asked him to take the lead on the matter. Vaun Waddell has come a time or two and commented during citizen input about concerns about design review. He has sent a couple of letters to the City Council. Trying to be responsible Councilmembers, we want to take input from wherever it comes and consider it and analyze it. Last time we met, we talked about a number of suggestions from Mr. Waddell. Mr. Waddell even submitted a tentative new approach to Title 8, one that he felt was an improvement as far as clarity. We were going to discuss that tonight. Bruce said he has gone through his materials and the existing Title 8 and has some recommendations to the Council. He was curious to know how the Council felt about it.

Councilmember Deitz: Walter feels the concept of Title 8 is good. It is evident we all have different opinions. He has reservations on Title 8 in a couple of categories: (1) who is going to enforce it to see that it is followed; (2) the time constraints we are asking of volunteers who are not paid to review this, and it could get quite detailed; and (3) there are a number of areas where we are asking the design review committee, who are not professionals, to review things that should be done by professionals. He feels it would be better to set Title 8 aside for the time being until we can review it in more detail, and concentrate more on our comprehensive plan, our transportation map and our zoning ordinances.

Councilmember Orme: Brad is concerned with the design review board being volunteers and having to spend so much time looking through all the things that are presented to them. We have been on Title 8 for a long time and something needs to get done, whether we focus on it and nothing else or put it aside and focus on something else. We need to make a decision one way or the other.

Councilmember Harris: Harold feels we should set Title 8 aside and get on with some of the other issues and come back to this at a later time when some other things are

ironed out. He feels some of the things are too restrictive.

Councilmember King: Bruce expressed appreciation for the Planning and Zoning Commission's work on Title 8. It has been a meaningful and important exercise. The product that has come from P&Z and from Jan is a good product. All of the refinements that we have made over the last several months have been important and helped it. Bruce also expressed appreciation for Vaun's concerns and interests. He has brought up some important points about design review and about the way the ordinance is written. Bruce said the track Vaun took in simplifying it is definitely an improvement and it follows easier. The questions he has raised in his letters are important issues that we need to think through. Bruce's position is that he feels because of all of the effort of P&Z and Jan's work, because we have hashed it out and made a lot of improvements to it, while it is far from a perfect document, he would like to see us make a few other tweaks to the original version that we have from P&Z and try to incorporate any of the real concerns we agree on that Vaun has raised. He would be amenable, then, to passing it. He feels we need to change the areas that really give us problems. He feels we should proceed to pass it and then make adjustments later on as needed, knowing that the language allows for appeals.

Further discussion was had. The Mayor asked Mr. Waddell if he had further comments on it tonight.

Vaun Waddell: Mr. Waddell feels there are questions about how Title 8 works that are not present in the draft you have been working with. He explained in his version he added the duties of the chairperson and the secretary because that isn't mentioned. If there has been a committee working, do they have experience in processing an example? If not, how would we know whether they are really prepared to do that? He said he couldn't follow design review as it is written. He is encouraging a change of direction rather than continuing the way we are going. He said he has never said that he is opposed to an ordinance on design review. He did testify at the P&Z hearing that he did not object to having a design review process and ordinance. He objected to some of the items in it and made corrections he felt should be made.

Jan Gallup: Jan asked permission to make an official statement for the minutes. There are a couple of things that concern me. First of all, we have had three or four public hearings with the City Council and we have had people come in that are in favor of having design review. They have testified that they want design review. We had one person that's testified that they don't want design review, and I think anything that's done in relationship to this should be done at a public hearing so that people that are in favor of it and people that are opposed to it can have equal time to make their statements. I am not going to try to promote what we have been working on or discredit it because right up from the front I have said we need to try it. I'm not sure how it will work, but I think we need to give it a chance. We need to try it, and then tweak it after and see how it works; because from the beginning, a year ago, the people that I was working with were involved, they were intelligent, they had experience, they knew what was going on. I think Planning & Zoning reviewed it, two groups of people reviewed it. If you have this discussion, I think it should be in the form of a public hearing so everyone has an opportunity to voice his or her opinion to City Council one way or the other.

The Mayor said we should address the fact that maybe we delay our action on this in view of trying to get some other things done. We talked in terms of setting up a special meeting for this.

PUBLIC HEARING ON DESIGN REVIEW: We will have the public hearing on Wednesday, December 6, 2006, at 6:30 p.m. The Mayor said after the public hearing we can take care of a few essentials, then devote two hours for Jan Gallup to discuss Title 9, Chapter 6, Zoning Districts. He asked Jan to take a look at the information received from Mr. Waddell and,

if there were something she feels could be incorporated, it would be good.

COUNCILMEMBER ORME:

Tennis court repairs: Brad reported he set up with Jim Winn and tennis players for November 1st right after school. He said in the meantime as they are practicing and are waiting for their turn, he will have them do a little work at a time on the repairs. To get the ball rolling, Brad wanted to organize a project and he will be there next Wednesday. Harold said he could be there also.

MAYOR'S BUSINESS:

Appointment of Backup Wastewater Operator: The Mayor recommended Richard D. Bargman of Newdale be appointed as the city Backup Wastewater Operator. He will charge \$100 to use his name on the report to the DEQ, which Dick Dyer will file. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we appoint Richard D. Bargman as our Backup Wastewater Operator to help Dick Dyer, who is our #1 operator, to fulfill the DEQ requirement and that we pay him \$100 for his signature as a backup wastewater operator; and, if his services are required, he will be paid commensurate to his position; motion carried.

Christmas Party: The Mayor said the office staff would like to have a Christmas party. After discussion it was decided to have the party on Thursday, December 7th at 6 p.m., just prior to P&Z's regular meeting at 7:30 p.m. Sharee will have a commitment from P&Z members on November 16th.

FURTHER DISCUSSION ON COMPREHENSIVE PLAN IMPLEMENTATION LANGUAGE – "SCHEDULE / PRIORITY":

Councilmember King said the Planning & Zoning Commission has recommended that we leave the implementation table "as is" in the comprehensive plan. He said a possible compromise would be to call it "timing" rather than "priority." We need to resolve the issue and move on. The motion of October 12, 2006, was discussed. The Mayor said he is inclined to leave the motion the way it is and have the Council present it back to P&Z as a possible compromise. The P&Z will consider it and come back with a recommendation to Council.

FURTHER DISCUSSION ON VAUN WADDELL, TITLE 8, DESIGN REVIEW: Bruce said Jan has said this kind of input ought to come before a public hearing. He disagreed with that view. We have had public hearings on this issue and concerns have been shared. He feels a responsible government body will take concerns from any citizen and hear them even outside a public hearing, especially when it's a legislative matter. This is not a site-specific public hearing for property. It is about establishing legislation. If a citizen has ongoing concerns and takes the time to write a letter and comes and tries to offer public input, I think it is appropriate and responsible for public officials to hear it and to consider it. I would do that regardless of the viewpoint. We need to be open to public input, and I believe the statutes bear that out.

Meeting adjourned at 9:30 p.m.

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

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