

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 12, 2009

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; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes and Joy Ball, Planning & Zoning Commission; Todd M. Tuckett, Keller Associates; JaNece Tuckett; Stephanie Tuckett; Aaron Swenson and Husk Crowther, Forsgren Associates; and Debra Thompson.

MOTION TO AMEND AGENDA: It was moved by Councilmember Orme and seconded by Councilmember Merrill to amend the agenda to include (1) a decision on the wind turbine ordinance, (2) a crack sealing report, and (3) discussion of a fire substation grant, for the reason that the three items were overlooked when the agenda was originally prepared; motion carried.

The mayor asked if there were any corrections to the minutes of the regular meeting held on October 22, 2009, and of the special meeting held on November 9, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember King to accept the minutes of the regular meeting held on October 22, 2009, with three minor corrections; motion carried. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept the minutes of the special meeting held on November 9, 2009; motion carried.

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

Marcie presented the current bills in the amount of \$88,583.82. It was moved by Councilmember Orme and seconded by Councilmember Harris to pay the current bills, together with all regular November bills that have not yet been received; motion carried.

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

Discussion of Cory Newton request for lot division: Brian reported that Cory Newton requested a lot division. He wants to divide his 14,500 sq. ft. lot. The lot where his home is located would be 8,500 sq. ft. and the other lot would be 6,000 sq. ft. for a small home. P&Z told him he could apply for a zone change to the MU (multiple use) zone. Then he would need a

special use permit. Each application would require a public hearing. P&Z feels it doesn't make a nice community to have these small lots, and told Mr. Newton that it is his option to go through the effort and expense of trying to obtain a zone change and possibly a subsequent special use permit.

Discussion of Title 8, Title 9 and comprehensive plan amendments public hearing: Brian reported that P&Z held a public hearing on November 5, 2009, to consider the following: (1) modify title 8 to recognize communication towers and wind turbines as auxiliary land uses; (2) title 9, chapter 6 (land use schedule) has been modified by adding auxiliary uses as shown on page 9 of the land use schedule, a copy of which is attached hereto marked "Attachment 1," and (3) modify the comprehensive plan to recognize the beneficial use of wind turbines.

P&Z written recommendation on amendments to title 8, title 9 and the comprehensive plan: The Planning and Zoning Commission recommends that the City Council approve these changes to titles 8 and 9 and to the comprehensive plan.

City Council decision to approve changes to title 8, title 9, and the comprehensive plan: It was moved by Councilmember Orme and seconded by Councilmember King to approve the changes to title 8, title 9, and the comprehensive plan as presented by P&Z; motion carried.

Discussion of Title 9: Brian reported that P&Z is completing a large revision of title 9. The first six chapters will go to public hearing on November 19, 2009.

1000 E. (7th W.) Bridge (Todd M. Tuckett, Keller Associates): Todd Tuckett reported that the existing bridge is eligible to be on the national register, so we now have to justify removing it. Built in 1930, it is a Warren pony truss bridge. To help Keller with the justification, Todd requested that the city draft a letter to the Local Highway Technical Assistance Council (LHTAC) in Boise stating that Sugar City cannot afford to maintain the old bridge or to assume liability for letting it stand. Mr. Tuckett said Madison County would write the same letter. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Harris to authorize Mayor Dalling to draft a letter to LHTAC explaining that Sugar City cannot afford to maintain the bridge on 7th West or to assume liability for letting it remain in place; motion carried.

FORSGREN ASSOCIATES: Husk Crowther and Aaron Swenson of Forsgren Associates addressed the council.

Transportation Plan: The community meeting on the transportation plan will be in January 2010. Mr. Swenson presented 15 draft copies of the transportation study and asked everyone who is going to take a copy to read through it in the next couple of weeks. Forsgren needs to get back marked up copies by December 2, and then company representatives will review the comments. Councilmembers should return copies to City Clerk Sharon Bell at city hall by December 2. Forsgren will address comments submitted at the next Sugar City Transportation Committee meeting.

Discuss this year's LHTAC application: For the past couple of years, Forsgren has helped the city complete LHTAC applications. Mr. Swenson suggested that applying for funds to change the intersection behind the junior high be a top priority this year. It was the consensus of the council to have Forsgren submit to LHTAC an application, with the council to decide later the project for which to apply. The mayor said he would work with Forsgren on an application.

DISCUSSION OF CABLE ONE FRANCHISE: City Clerk Sharon L. Bell discussed the

Cable One franchise. Attorney Forsberg and Cable One's attorney, Emerson Yearwood, have finalized the proposed franchise ordinance, which must be published in full in the *Standard Journal* prior to passage. Sharon sent the full ordinance to the newspaper for publication on Tuesday, November 17, which Cable One will pay for, so the ordinance will be ready to adopt at the December 10, 2009, City Council meeting. Sharon will then send a summary of the ordinance for publishing in the newspaper at a later date. The city will cover this cost.

DECISION ON WIND TURBINE ORDINANCE: Discussion was had on height limitations and on the need for a special use permit for a wind turbine in R-1, R-2 and R-3 zones.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Orme to approve the wind turbine ordinance recommended by the Planning and Zoning Commission as written. The mayor called for a roll call vote on said motion.

Those voting aye: Councilmembers Harris, Orme and Merrill

Those voting nay: Councilmember King

Thereupon, the mayor declared the motion passed. Councilmember King asked that the minutes reflect the reasons he voted nay, which are that "the ordinance should include a specific entry on height under section 8-5-3, and the neighborliness provision under section 8-5-3 should require that a majority of surrounding residents in an R-1 or R-2 zone support the application."

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Do any ordinances address trees in new developments: P&Z Chair Brian Hawkes said title 8 stipulates trees in new developments are required only in open spaces. Recommendations for trees fall under design review, he said. There is nothing in the city code that requires a developer/land owner to plant a certain number of trees in a new development.

Report on crack sealing: Harold reported that crack sealing is being done all over the city. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to approve payment to Klinglers to cover crack sealing in the amount of \$12,925.50; motion carried.

COUNCILMEMBER ORME:

Rental properties: Discussion was had on the Jacob Price home on 3rd South. The house is now for sale, and councilmembers are concerned that someone will buy it under the assumption it has a legal apartment. The city needs to urge conformance with city ordinances and to enforce the law. Brian Hawkes asked the council to give P&Z time to better define "apartment" in the zoning ordinance. Sharon reported that she talked with Jeff Lerwill of Countrywide Properties in October. He said the Price property is listed for sale as a single-family residence, with a mother-in-law apartment. It was suggested that Attorney Forsberg send a letter to Jacob Price, with a copy to Jeff Lerwill, setting forth city policy. The mayor said he would handle the matter. Mr. Hawkes said that while P&Z is discussing issues in title 9, commissioners would revise the definition of "apartment." The other thing the commission needs to do in the land use schedule is to include "apartments" and the zone(s) permitting them.

Park signs: Brad reported he has some bids from Vital Signs. A 4 x 8' sign with installation (white vinyl posts, one-sided), aluminum face with corrugated back would cost \$1,200. Reflective material would be \$200 more per sign, and a two-sided sign would be a little more.

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL:

Videoing south sewer line: Lamont reported the city is seeing a drop in sewer flow. The video showed the high water stain and three joints that were leaking severely. Water was coming in at the manhole near 3rd South. Zane has patched the manholes, because the level of sub water has dropped. He hasn't patched the one on Railroad Avenue yet, but he will. Videoing the sewer line will pay for itself in the coming year, when sewer treatment costs decline.

MAYOR'S BUSINESS:

Business Park: The mayor reported that a real estate agent is interested in purchasing the whole business park and the grain elevator. Clair Boyle of Madison Economic Partners is in charge of selling lots in the business park.

Lot by Moon Park: The mayor said he feels the city should sell the lot by Moon Park, which has 11,000 square feet. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to offer for sale the lot by Moon Park; motion carried.

City Council November 26th: **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Orme to cancel, not postpone, the November 26, 2009, City Council meeting, because it falls on a national holiday; motion carried.

Fire substation grant: The mayor reported that The Development Company and Madison County Fire Department are joining together to apply for a grant to build a Sugar City fire substation. They have the land and believe it would strengthen their application for the city to waive (1) water and sewer hookup fees, (2) building permit fees, and (3) the plan check fee. Company and county representatives request the city only charge for reinspections. **MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Harris to waive water and sewer hookup fees, building permit fees and the plan check fee for the proposed fire substation and to charge only for reinspections, on the grounds that a fire substation in Sugar City would be a community asset; motion carried.

Meeting adjourned at 9:35 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

	R1	R2	R3	MU	O	CD	C1	C2	C3	BP	M1	M2
Wrecking yard												S
Other industrial								S	S	S	S	S
AUXILIARY USES												
Personal Wireless Service Facility												
Virtually invisible on building or alternate support structure			S	S	S	Y	Y	Y	Y	Y		
Visible on building or alternate support structure				S	S	S	S	S	S	Y		
Leased utility pole			S	S	S	Y	Y	Y	Y	Y		
Stealth tower			S	S	S	S	S	S	Y	Y		
Monopole tower				S	S				S	Y		
Lattice frame tower												
Guyed support tower												
Wind turbine	S	S	S	S	S	S	S	S	S	S	S	S
Other auxiliary use	S	S	S	S	S	S	S	S	S	S	S	S
PUBLIC/QUASI-PUBLIC¹												
Cemetery		S	S									
Church	S	S	S	S			S	S	S			
City park	S	S	S	S	Y	S	S	S	S	S	S	S
Golf course	S	S	S	S	S				S	S		
Governmental or public service	S	S	S	S	S	S	S	S	S	S	S	S
Hospital			S	S				S	S	S		
Library		S	S	S		S	S	S	S	S		
Museum		S	S	S		S	S	S	S	S		
School	S	S	S	S		??	S	S	S			
Waste treatment plant												S
Other public or quasi-public	S	S	S	S	S	S	S	S	S	S	S	S

¹A public or quasi-public facility is sometimes desirable in a zoning district whose description it does not fit. These facilities may be permitted as indicated.