

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JUNE 28, 2007

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; Councilmembers Harold Harris, Bruce King, Walter Deitz and Brad Orme; Joette Lookabaugh, City Attorney; Vaun Waddell; Judy Hobbs; Thane Siddoway; Melvin Rudd; Dave Thompson; Sharee Palmer; Michael Garner; and Michael Kirkham.

The Mayor asked if there were any corrections to the minutes of the regular meeting held June 14, 2007. 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.

PUBLIC COMMENT: There was no public comment.

DECISION ON EDWARD FISHER SPECIAL USE PERMIT (Conversion of Sweet Haven Apartments to condominiums for individual sale): The mayor reported that P&Z approved the Edward Fisher Special Use Permit to convert the Sweet Haven Apartments to condominiums with the following conditions: (1) that the exterior maintenance comply with city regulations; and (2) that a soft-surfaced, enclosed play area be provided. Judy Hobbs, of Realty Quest, addressed the council. She represents the developers of the property. Ms. Hobbs reported there are 16 apartments in the three buildings, so they will convert to 16 condominiums. The proposed price for each is \$96,500. Concerns were expressed about the fact that each building is served by one water meter. When they change to condominiums, each will need to be assessed a water meter charge plus a usage fee charge. Discussion was had on an agreement between the city and the homeowners' association. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we approve the special use permit for the Edward Fisher conversion of Sweet Haven Apartments to condominiums based on certain conditions that will be reiterated in writing and in accordance with meeting all ordinance requirements that are the same requirements for private single-family residences; the two conditions that P&Z has applied; and the water and sewer charges will be applied; motion carried.

TITLE 8, CHAPTER 3, WIRELESS TELECOMMUNICATIONS: Councilmember King led a discussion on wireless telecommunications. He appreciated the review that was done by Vaun Waddell and City Attorney Joette Lookabaugh at the invitation of the mayor, in which they considered objections to the proposed ordinance raised by citizens at the public hearing, but he didn't agree with all of their conclusions. He suggested a few clerical modifications, which are not material changes. The council unanimously agreed to such modifications, which will be made in Ordinance No. 267 (Wireless Telecommunications).

ORDINANCE NO. 267:

Councilmember Deitz introduced Ordinance No. 267 entitled:

“AN ORDINANCE ADOPTING REGULATIONS AND STANDARDS FOR LOCATING, CONSTRUCTING, AND MODIFYING EQUIPMENT USED FOR WIRELESS TELECOMMUNICATIONS IN THE CITY OF SUGAR CITY; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilmember Orme and seconded by Councilmember Harris to waive the reading on three different days and in full and place it upon its final passage. Thereupon the Clerk called roll upon said motion.

Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: none

Thereupon, the Mayor declared that the motion, having been passed by not less than two-thirds of the Council, had been duly carried. It was moved by Councilmember Deitz and seconded by Councilmember Orme to adopt said ordinance, together with the additional clerical changes recommended by Councilmember King. Thereupon, the Clerk called roll upon said motion.

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

Those voting nay: none

Ordinance No. 267 was thereupon declared by the Mayor to have been duly passed by not less than two-thirds of the Council, and the Clerk was instructed to publish said Ordinance No. 267 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the City of Rexburg, Madison County, Idaho.

APPLICATION FORM FOR PERSONAL WIRELESS SERVICE FACILITY (PWSF)

PERMIT: Discussion was had. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Deitz that we approve the application form for a PWSF permit; motion carried.

EDITORIAL STYLE RESOLUTION: Councilmember King reported his proposed resolution to establish editorial style standards has been submitted to the planning and zoning commission. After they make a recommendation, we will be able to decide how to proceed.

WEB SITE: Councilmember Bruce King recommended that we add to our Web site another item to our menu bar that says “Statements” before “Maps,” as a place to hold such items as the letter we prepared in opposition to the gravel pit. The council felt this should be done. He also recommended that we start adding the city newsletter to the Web site. Sharon will do so.

PLANNING & ZONING REPORT: There was no Planning & Zoning Commission report, as they didn't have their regular meeting on June 21. They attended the charette on the Madison County joint planning project.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Balance of roadwork and French drain repairs: Harold assigned the maintenance workers to identify problem areas in the streets and to get them cut out. They are preparing to do the work. He has solicited estimates on the storm drains. It will be about the middle of July before we can get a paver in to finish the roadwork.

COUNCILMEMBER DEITZ:

Water and sewer for Moon Park lot: Walter reported the five homes on Railroad Avenue ran their water line two feet out of the alley on their property, and the line dead-ends. To get the water line where it dead-ends across the lot will cost about \$7,000. He doesn't feel we ought to do it. He feels we don't need to take water to that lot because we have a fire hydrant on the south side of the lot. We will need to move the fire hydrant and attach a meter to the line. It will cost \$6,400 to move the sewer line, plus the cost of moving the fire hydrant. The work will start Monday morning. The Mayor informed the council that the survey on the property has been completed.

Water Booster Pump: Walter reported the #2 water booster pump has gone down. The #4 water pump by the water tower is in need of repair. When we get the booster pump repaired, we will take the other one to be repaired.

COUNCILMEMBER ORME:

Community breakfast details: Brad reported the annual community breakfast would be held Saturday, July 21, from 7 to 10 a.m., at Heritage Park. The Mayor would like flags flying, and Councilmember Deitz will take care of it.

COUNCILMEMBER KING:

Title 1, Chapter 4 (General Penalty): Bruce reported he is making a few simplifications on title 1, chapter 4, and will present them at the next meeting. He will also present a new chapter 5.

Title 9, Chapter 6 (Zoning Districts): Bruce reported his recommendations on title 9, chapter 6, have been taken to P&Z. They will look at it at their next meeting. Walter reported we should move on the water and sewer ordinance. Bruce said P&Z is reviewing it now. The ordinance needs to be updated very quickly. Title 7, water and sewer, should be put on our next agenda.

MAYOR'S BUSINESS:

Consumer Confidence Report: The mayor reported that Dick Dyer prepared the Consumer Confidence Report for 2006 and submitted it to the Idaho Division of Environmental Quality (DEQ). An entry will be put in the next letter to residents that a copy of said water quality report is available at the front desk for anyone who is concerned about or interested in our water quality. The quality of our water is good as usual, with no contamination problems. Everything that we tested for last year met the specifications for safe culinary water.

Madison County Fire Substation Location: The mayor discussed possibilities for the location for a fire substation. The Madison County Fire Department would like to locate it on the north 200 feet of our property by the grain silo. **MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Deitz that we follow up on the suggestion to allow the Madison County Fire Department to put a satellite station in and negotiate with them on the north

200 feet of the city's commercial property in the area known as the elevator shop property bordering Railroad Avenue on the west and "B" Street on the north; motion carried.

West Entrance Project: The mayor reported he doesn't know what we should do, but something should be done about the west entrance project. A discussion was had but no decision was made.

Sun River Lake Estates: The mayor reported some people bought the property from Steve Young. They met with BYU-Idaho, who said they need housing for married foreign students that can't get grants to go to school. They have done a lot of checking. If all the profit they make is donated to BYU-Idaho, they will be able to get grants. They would like to expand the commercial areas by about three times and reduce houses significantly. They would like to meet with the city council and the planning and zoning commission on July 12 at our next city council meeting. Dick Dyer will be the captain on the project, but not the engineer. They plan to be done in three years if we will work with them.

Business Park: The mayor reported he signed the request for a \$500,000 grant. District 6 Engineer Tom Cole of the Idaho Transportation Department is working to help us in the exchange for the wetlands. Councilmembers Deitz and Harris met with the engineers on the project last night. Walter reported the negotiations went very well. The cost for them to design this project is \$94,000. He feels we ought to move forward and get the job done right. The mayor expressed appreciation for their good work.

The Mayor entertained a motion to go into executive session.

EXECUTIVE SESSION:

8:35 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Idaho Code 67-2345(1) (b) and (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.

Discussions during executive session were on annexation negotiations and personnel matters.

10:15 p.m. The executive session ended and the regular Council meeting adjourned.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk