

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MARCH 9, 2006

Presiding: Glenn W. Dalling
Meeting Convened at 6:00 p.m.
Prayer: Harold Harris
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Dawn T. Virgin; Dave Thompson; Jeff Luthy; Sally Luthy; Ellen Luthy; Dwayne Luthy; Randi Fogle; Karen Fogle; Paul Jeppson; Mary Louise Barney; Ray Barney; Marlene Webster; Steve Webster; Tom Gallup; and Shawna Nelson.

PUBLIC HEARING (COMPREHENSIVE PLAN MAPS): The Mayor welcomed everyone. He turned the time over to Jan Gallup, who gave a power point presentation. Jan introduced herself as the Comprehensive Plan Committee Chairman. She reported that three separate maps will be presented, and they will be voted on as separate maps. She explained the comprehensive plan map, the transportation map and the trails map. Discussion was had on said maps. The Mayor called first for those who wanted to testify in favor of approving the maps. Comments were made as follows:

STEVEN WEBSTER: He wanted to go on record as being in favor of all three of the comprehensive plan maps as explained. As we grow as a city and spread out, we need some organized plan to try to follow so it is done right.

MARLENE WEBSTER: She is in favor of all three of the maps. She feels as things start growing, things will change. But she feels if we don't have a plan and we don't have roads set up where they are supposed to be and trails where they are supposed to be, we will have a mess. We need to make sure we have a plan and a backup as to where we are going. We need to start working in the direction of a plan.

TOM GALLUP: He agreed that the maps are like setting a goal. It doesn't mean it's a finished project, but that we are looking towards something that will help us lay out plans as we grow. He is in favor of approving all three maps.

The Mayor called for those who wanted to testify against approving the maps. Comments were made as follows:

DAVE THOMPSON: He feels P&Z did a good job in regards to developing and designing the maps. He approved the comprehensive plan map and the trails map; but his concern is with the transportation map, specifically regarding 7th West and the way it is designated on the map now. He feels there is a safety issue, and also the intersection into Highway 33 is a bad

angle. Studies have been made and there are ideas on how to handle that intersection. The street was originally presented as a minor collector, then it went into a major collector toward the Moody Road. He feels 7th West should be kept slower with not as much traffic. He would be in favor of the transportation map if it were changed back to how P&Z originally recommended it to the City Council.

DAWN T. VIRGIN: She said she had no idea that they would have a problem with their street. They have 60 children and 27 adults that live on 7th West. She doesn't want to make 7th West any bigger than it is. She is in favor of the other two maps.

JEFF LUTHY: He said the comprehensive land use plan and the trails plan are well designed. He agrees with the transportation plan with the exception of 7th West. His concern is with safety. He feels the City Council should give some real consideration as to what would best benefit the City as a whole. The intersection at the end is dangerous and speed issues are a problem.

SALLY LUTHY: She agrees with the comprehensive land use map and the trails map. She feels there is a problem with the transportation map, specifically 7th West. Speed is an issue. With a bigger road and more traffic, more safety issues will come up. The corner is hard as you pull onto Highway 33 because of the angle. That is something that needs to be addressed.

RANDI FOGLE: He approved the land use map and the trails map. He has safety concerns on 7th West. A couple of things that haven't been said on the safety issue -- there are three families on street with livestock and people drive way too fast on that road. Having more traffic would cause more safety issues. There are also three farmers on that road who drive heavy equipment up and down that road during the farm season. His only objection is on South 7th West. He feels the intersection of 7th West and Highway 33 needs to be addressed also.

PAUL JEPSON: He is in favor of the land use and the trails map. He likes the 3rd map with one minor change of taking it back to a minor collector as P&Z originally recommended. The intersection closest to town is very dangerous. He is worried about the safety issues. It establishes a precedent by having it as a major collector. With the proposed planned unit development if it is left as a minor collector, there will be other plans to be made that could take the traffic and join it all the way up with the comprehensive plan that will join up with 7th West but would still handle the transportation concerns about the volume of traffic. He is in favor of the transportation map if 7th West is changed.

MARY LOUISE BARNEY: She expressed concerns about the trails map. The equestrian path would go down the canal and on their land and she is concerned about that. She doesn't want it going through her land. The other thing she is concerned about is 7th West. It is a busy road. She would be in favor of it being a minor collector instead of a major one. The land use map is okay.

RAY BARNEY: He is okay with the land use map, but he has a question about the trails map. It has a trail on their side of the canal, the south side of the canal. He feels it would be more feasible, where they are doing the development, to move that to the north side of the canal because you have bridges going over the canal and there are a lot of criteria for the canal

company to put a bridge across the canal. Where they already have a traffic bridge going across the canal, it would seem logical to use that bridge as the trails bridge and move these trails to the north side of the canal. He has two questions on the transportation map -- the biggest problem is the lateral canal that follows 7th West. If you make it a major collector, then it becomes 60 to 80 feet wide. There is not room enough for an 80-foot wide right-of-way through there, because they'd have to bury that lateral canal. The other problem is the power line to the east of that road which would be next to impossible to move further east to get it out of the right-of-way. The interchange is another issue. On the transportation map it needs to be addressed. He would like it to go back to a minor collector with a 60-foot easement being the maximum.

The Mayor asked if there were others who wanted to testify that didn't request to, and he expressed appreciation to those who testified. He declared the public hearing closed at 6:45 p.m.

6:45 p.m. **PUBLIC HEARING (TITLE 8, BUILDING AND SITE ORDINANCE):**

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Randi Fogle; Paul Jeppson; Dave Thompson; Marlene Webster; Tom Gallup; Garry Jeppesen; Karen Fogle; Dawn T. Virgin; Jeff Luthy; Sally Luthy; Ray Barney; and Steve Webster.

The Mayor turned the time over to Jan Gallup, who explained that she acted as a planning consultant for the Design Review Committee. They prepared a design review ordinance and presented it to Planning & Zoning, who approved it. It has gone to City Council for two public hearings. This is the third public hearing to try and get design review approved. Basically, design review covers four chapters -- design review, design standards, landscape standards and sign regulations. The goal of the committee was to try and develop some standards that would help us maintain a small town, family-oriented atmosphere. The ordinance is too long for me to go through but it has been available for people to read. That's what this next public hearing is about.

The Mayor read in the record a written comment by Ninette Galbraith: "Dear Sugar City Council. I would like you to know that I fully support you approving the ordinance set for in the design review. I think it is vital for our community to have some guidelines in place as the next years will bring growth in this area. In order to keep the feel of the community that we live in, we need guidelines that we as a community approve of. I was on the design review committee and spent many hours reading and thinking about the reasons why we need a plan and the plan itself. As change comes, I am sure that the design review will not address everything, but it is a starting place. Please accept my support of the design review."

The Mayor called for those who wanted to testify in favor of approving the ordinance. Comments were made as follows:

MARLENE WEBSTER: She worked on the Design Review Committee with Jan. She doesn't feel there was a thing that was overlooked. They put a lot of work into it and a lot of good plans put into it. She represented businesses on the committee and is in favor of it.

PAUL JEPPSON: He is very much in favor of it. That is a way to keep contractors

honest by having a Design Review Committee that actually buffers even before Planning & Zoning. It enables and keeps developers honest, too. He is in favor of it.

TOM GALLUP: He is in favor of design review. It makes sense to have something laid out that requires people to have guidelines to follow to keep a continuous flow, so it makes a nice community.

DAVE THOMPSON: He is in favor of design review. He feels they have done a good job putting it together.

STEVE WEBSTER: He is in favor design review. He looked over all the electrical aspects as an electrical contractor and there is a lot of strict guidelines that have been proposed on that and things that will really help the City in future growth.

The Mayor asked if there were others who would like to testify for it. Our attendance list shows that there are none who want to testify against it.

6:55 p.m. The public hearings ended and the Council convened their regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Dave Thompson; Marlene Webster; Steven Webster; and Garry Jeppesen.

The Mayor asked if there were any corrections to the minutes of the regular meeting held February 23, 2006. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member King and seconded by Council member Harris to accept said minutes; motion carried

Marcie presented the February reconciliation reports for the General Fund. It was moved by Council member Deitz and seconded by Council member Orme to accept the February reconciliation reports for the General fund; motion carried. Marcie presented the February reconciliation reports for the Utility Fund. It was moved by Council member Deitz and seconded by Council member Harris to accept the February reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$58,295.56. It was moved by Council member Deitz and seconded by Council member King to pay the current bills, together with all regular March bills that have not yet been received; motion carried.

CITIZEN INPUT: Marlene Webster said Tessa Sommer came into her shop to do massage therapy. She expressed concern that Tessa was charged for a city business license, and she feels Tessa doesn't need one. She asked the Council to discuss it and see if she needs a license. If so, she thinks Tessa should be recognized in the monthly newsletter as a new business.

Mrs. Webster also discussed the Brightest Star Awards. Hayden McNeill was chosen for an award. She went to Boise and represented Sugar City, and was very excited to do it. Boise

contacted her and she was able to go to the big banquet/party. She said that Rexburg's mayor came up and congratulated her, and she said it turned out nice and she was happy to represent Sugar City. She said we should have something in the monthly newsletter about it.

JAN GALLUP:

Zoning Regulations: A discussion was had on the zoning regulations for the City and identifying the different zoning -- R-1, R-2, setbacks, etc. She has been doing some research on some of the questions the Council had for her. Discussion was had on changing setbacks. Jan recommended if the Council wanted to change setbacks, they might want to direct this to go back to Planning & Zoning for review. Sharee suggested the Council come up with recommendations and get them back to P&Z. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that we send Title 9, Chapter 6, back to Planning & Zoning for the purpose of considering a wider setback at least on one side; motion carried.

City Website: Jan reported she, Dave Thompson and Sharee Palmer have been working on a City website. Dave has the expertise to keep the website up, but he doesn't have the time to spend on designing it. First of all, she outlined what the community values are. Then she tried to find a picture that would represent those values. We have a map that shows where Sugar City is located in Madison County. She gave a power point presentation on the website. She asked the Council if it is okay to continue working on this and get it up on the City's website. Discussion was had on highlighting businesses on the website. Attorney Lee said his concern is that we have other people that live in town that have a business that may not actually be located here, but you're giving these people free advertising. That may be a problem. Jan said this would not include a home occupation or a home business. **MOTION:** It was moved by Council member King and seconded by Council member Harris that we approve and endorse the preparation of a more sophisticated website by Jan and Dave as has been shown to us this evening; Council member Deitz opposed; motion carried.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Ainjul Hands Massage Therapy (Tessa Sommer) Business License: Sharee reported that Sharon had called her about this business license, and as Planning & Zoning Chairman it was discussed. She said it is Tessa's separate business, but is in Marlene's shop. Marlene is not paying her, so she felt that Tessa did need a business license. **MOTION:** It was moved by Council member King and seconded by Council member Deitz that we approve the recommendation of the Planning & Zoning Chairman that Tessa Sommer obtain a business license for her massage therapy in Marlene's hairdressing shop as a separate business; motion carried.

Recommendations on Public Hearings: Sharee made three recommendations from the Planning & Zoning Commission. They had some public hearings at their last meeting. (1) P&Z recommends to City Council that they accept and set for public hearings revisions of Title 9, Chapter 5, which is the special use permit. (2) P&Z recommends to City Council that they accept and set for public hearing Title 9, Chapter 14, the public hearing procedure. This is a new chapter. (3) P&Z recommends to City Council that they accept and set for public hearing revisions of the comprehensive plan text. **MOTION:** It was moved by Council member Orme and seconded by Council member Deitz that we set for public hearing before the City Council Title 9, Chapter 5 (special use permit); also Title 9, Chapter 14 (public hearing procedure); and also the comprehensive plan text revisions on the 13th of April, 2006, at 6 p.m.; motion carried. Jan will get the three items to everyone.

Moody Acres: Sharee said she checked out the plat as instructed by the Council. She decided to send a letter to the homeowners association, instead of singling out a single property owner, letting them know about the easements and fence issues. As far as the road in the center, she thinks that is something the Council should decide. That would be something to do with Depatco. P&Z required the three roads because they didn't know, with the size of the development, where the houses were going to be put. As the homes developed, they all developed on the other two roads. The road standards are in the development agreement, but this one just never got done because there were no homes that were building off of it. The homeowners might appreciate having the road done for access into the back of their property. Sharee will not address the road issue with the homeowners; she will just let them know about the easements and the fence issues. The road issue is for the Council to deal with.

Six-man Committee for Land Use Classifications in Rexburg & Sugar City: Sharee reported on their first joint committee meeting with Rexburg and Madison County. They were up front and told them that our direction was coming from the City Council, that we would not be doing anything that we weren't given direction to do. They could make suggestions and then we would have to bring it back to the Council for approval. They are trying to have the language of the land use titles flow between the County and Cities, also to match the colors, and also to look at the comprehensive plans so that where they abut that they complement each other. They will report as they have further things to report on that.

Yellowstone Meadows Presentation: Sharee said Rick Plewe made another presentation to P&Z on what he wants to do. He has 1283 units now. P&Z's direction is that that is too high of a density. She feels we need to come up with a density that we feel comfortable with and let him know. P&Z won't give on the road widths. The Mayor said we have some guidelines that we have to stick with. Attorney Lee feels the City Council needs to give P&Z direction to go back and give Mr. Plewe some guidance. Mr. Plewe asked a number of times what would work. Sharee said we need to decide and then give him something he can work with. Discussion was had on developing the project in phases, and having only a portion of it in a planned unit development. Sharee will give some feedback to Mr. Plewe.

Digital Recorder: Sharee requested a digital recorder instead of using the tape recorder system we have. She thinks we can get a good digital recorder that is voice activated and we wouldn't have to be dealing with tapes. It would be a benefit to the City. The Mayor doesn't think we've ever approved it, but it was never disapproved.

Sun River Lake Estates: Sharee reported the final plat for Sun River Lake Estates has never been recorded and we have an ordinance that states it has to be recorded within a year. If it is not, it is null and void. It has been over a year. She talked with Dick Dyer to find out where those final plats were and why they were never recorded. They are in his office and they were not recorded because the property owners chose not to have it done. Dick said their reason for that was because they didn't want to pay the extra taxes. Sharee suggested to the Mayor that maybe it be requested to the County that that not be recorded if it came in. With his okay, she went in and took them our ordinance and asked them not to record it if it came in. They were fine with that. She suggested that a letter be written to Steve Young. The Mayor said we need to evaluate what part of that we want to get changed, and basically it's the \$1,000 city-wide water hookup to help them get off the ground out there. Sharee said the developer's agreement is where the zoning is tied in. Jan said she came across it because she couldn't identify the zoning on the maps that she was doing. A question was asked if this passage of time invalidates the whole project. Attorney Lee reported he is not sure. He has read the statute and the ordinance. He doesn't know where we go with it and would have to do some more research. What we do know for sure is the plat is

no good. We don't know what the legal effect of that is. We don't know if that means that everything that goes along with it is null and void or whether they just have to present a new plat for approval. The issue needs to be resolved before we send any letter. The Mayor gave Attorney Lee an assignment to check it out.

COMPREHENSIVE PLAN MAPS: The Mayor reported in the public hearing tonight no one objected to the comprehensive plan land use map. They were quite receptive to the trails map. He was concerned about correlating with the Trails of Madison County and when we met with Joe West, we said we'd get two people on that committee so we'd have some input and we haven't got anybody that is willing to do that. He wanted to make sure we were correlating that with them. Jan reported they took everything to Madison County Trails so they're connected. The Mayor said there was little or no opposition except the feeling by the people that it shouldn't be on the south side of that canal. Jan said it is on the north. Sharee reported it's hard for them to understand that those trails only go in if the property develops. They are proposed trails.

MOTION ON LAND USE MAP & TRAILS MAP: It was moved by Council member Deitz and seconded by Council member King that we approve the comprehensive plan land use map and the trails map as presented. The Mayor called for a roll call vote:

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

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Discussion on Transportation Map:

East Parkway: Garry Jeppesen reported that East Parkway has two alternatives as proposed by Kellers: (1) running down their 9th East, our 7th West. When it ends at the Moody Highway, they don't have that planned. Alternative 2 goes slightly to the west about a quarter of a mile, and comes through a lot of his farm. The study, which will take two to three years to complete, will determine which of those would be the better alternative.

A discussion was had on the transportation map, taking into account the property owners' desires on 7th West. The safety issue is an important one. Jan reported that the transportation map needs to be approved so that we can give this new development direction, because the old map doesn't address having that main street come through Stillman's property. We really need that to reduce the amount of traffic on 3rd South. We have to take into account how all this residential traffic is going to get from north, south, east and west. We've got to have some of those major collectors in place so that traffic can move.

MOTION ON TRANSPORTATION MAP: It was moved by Council member Orme and seconded by Council member King that Jan make the change on 7th West to reflect what was approved by Planning and Zoning originally, and we set the transportation map for public hearing on April 13, 2006, at 6:15 p.m.; motion carried.

TITLE 8, BUILDING AND SITE ORDINANCE: A discussion was had on the fact that there was no opposition to this in the public hearing. The Mayor was concerned about who does the enforcement. P&Z will have to discuss who would do it.

MOTION: It was moved by Council member King and seconded by Council member Orme that we approve Title 8, Building and Site Ordinance, as currently proposed. The Mayor called for a roll call vote.

Those voting aye: Council members King and Orme

Those voting nay: Council members Harris and Deitz

Discussion was had on problems with it. Jan reported if it were turned down, we would have to

go to another public hearing with it. There hasn't been one person that has been opposed to it in all three public hearings that we've had. The Mayor asked if we had to have another public hearing if we just delay the approval of this to our next meeting to give some our council members a little more time on it. Jan said the problem she has with it is if we delay this, we delay Title 9 Chapter 6. We delay the next one. We still haven't done anything with the sewer ordinance that she worked on last year. We're not moving ahead with it when we delay, and it is going to keep stacking up. Jan said every suggestion that was agreed upon she has changed. She said action shall be taken by the City Council within 15 days of the final public hearing.

MOTION TO RESCIND THE VOTE: It was moved by Council member King and seconded by Council member Harris that we rescind the vote just taken; motion carried.

MOTION: It was moved by Council member Orme and seconded by Council member King that we approve Title 8, Building and Site Ordinance.

MOTION TO TABLE DECISION ON TITLE 8, BUILDING AND SITE

ORDINANCE: It was moved by Council member Deitz and seconded by Council member Harris that we table a decision on Title 8, Building and Site Ordinance, until our March 23 City Council meeting; Council member Orme opposed; motion carried.

DEPARTMENT REPORTS:

COUNCIL MEMBER HARRIS:

Letter from ITD: Harold reported on a letter received from the Local Highway Technical Assistance Council, signed by Lance Holmstrom, who is a mediator between the State Highway Department and the cities and the county in this particular problem, having to do with State Highway 33 exchange of ownership negotiation. It is addressed to Mayor Larsen, Mayor Dalling and Commissioner Roger Muir. "On January 18th Tom Cole and I met with Idaho State Transportation board subcommittee on highway system adjustments. It was clear that the subcommittee preferred transferring the entire segment of State Highway 33 from the Rexburg interchange on U.S. 20, west of Rexburg, to the Sugar City limits to local ownership. The subcommittee seemed very interested in moving forward in the negotiation if the local agencies can come to an acceptable agreement. Obviously, moving this alternative forward will require working through several outstanding issues: (1) revise the cost spreadsheet to account for the additional length of State Highway 33; (2) reach local agency agreement on road maintenance concerns; (3) reach agreement with Idaho Transportation Department on the Sugar City business route regarding ownership and maintenance responsibilities. I will be setting up another meeting soon where we can work through these issues and come up with a revised proposal to present to the board subcommittee. If you have any questions, please call."

COUNCIL MEMBER DEITZ:

Pump Emergency Expense: Walter reported in November we had a pump failure problem in our main sewer lift station. We ordered another pump and last week a t-shirt went through the system and sucked into one of the pumps. It shut the pump down. It was cold so they plugged the heater into an outlet and the outlet tripped the breaker that controls the telephone dialer. Then the other pump got plugged up and failed. It took Walter about six hours to get everything going. A new pump has been installed for six to seven thousand dollars, and we're getting the old one repaired if it can be repaired. We are looking at a considerable expense, but we don't know exactly what. We now have the dialer on its own separate circuit and nothing else can plug into it. We still have some issues to work through.

COUNCIL MEMBER KING: No report.

COUNCIL MEMBER ORME: Brad presented his 2006 plans for parks and recreation. The Mayor gave him the assignment to work with Rayo Budge on an Arbor Day celebration.

The Mayor said he still needs plans for the summer from Council members Deitz and Harris.

MAYOR'S BUSINESS:

Legality of Ordinance Revisions: The Mayor asked Attorney Lee if he was reviewing the ordinances enough that he is comfortable with the legality of most of it. He said he needs to look at the latest revisions. He hasn't seen the latest on Title 8, and Chapters 5 and 14 on Title 9. He has been following along with them as they have been printed up and he thinks we are pretty squared away on those.

Lot by Moon Park: The Mayor has been anxious to see us buy that little triangle piece of property by the off ramp (behind Mountain Vista Estates) and convert it into something to make our entrance on the west side coming into Sugar City very nice. There are two + acres in there and the state wants \$6,700 for it. They appraised it at \$3,000, with \$3,700 administrative costs. If we could sell this little lot down by Moon Park by including in that 20 to 30 feet on the north side of Moon Park, we could get about \$25,000 out of that lot; then we could use that money to buy this piece of property, and also money to help in the development of that area; or we could use some of that money for expansion in the back of City Hall. The Mayor asked the Council to think about it until next time and we will have it on the agenda. He would like to continue to deal on it for the next 30 days.

EXECUTIVE SESSION:

9:50 p.m. It was moved by Council member King and seconded by Council member Harris, pursuant to Title 67-2345(f), that we move into executive session to discuss possible pending litigation. The Mayor called for a roll call vote:

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

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:40 p.m. The executive session ended and the regular Council meeting adjourned.

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

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