

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, OCTOBER 8, 2009

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 Bruce King, Brad Orme and Lamont Merrill; Brian Hawkes, Jesse Brown and Vaun Waddell, Planning & Zoning Commission; Kim Welch, American Exteriors; Lori Searcy; and Daniel Searcy. Councilmember Harold Harris was excused.

**MOTION TO AMEND AGENDA:** It was moved by Councilmember Orme and seconded by Councilmember Merrill that an item be added to the agenda for approval of the State/Local Agreement for Bridge Inspection due to an oversight; motion carried.

The mayor asked if there were any corrections to the minutes of the regular meeting held on September 10, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Orme to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$163,215.55. It was moved by Councilmember King and seconded by Councilmember Merrill to pay the current bills, together with all regular October bills that have not yet been received; motion carried.

**ORDINANCE NO. 284:**

Councilmember Orme introduced Ordinance No. 284 entitled:

“AN ORDINANCE AMENDING AND REVISING TITLE 1 OF THE SUGAR CITY, IDAHO, CODE TO SIMPLIFY AND CLARIFY ITS LANGUAGE BY AMENDING SECTIONS 1-1-1, 1-1-2, 1-1-3, AND 1-1-4; ADDING NEW SECTIONS 1-1-5, 1-1-6, 1-1-7, AND 1-1-8; AMENDING SECTIONS 1-2-2, 1-2-3, AND 1-2-4; REPEALING AND REPLACING CURRENT CHAPTERS 3, 4, 5, 6, 7, 8, AND 9; ENACTING NEW CHAPTERS 10, 11, AND 12, AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF;

AND AN ORDINANCE REPEALING CHAPTER 14, TITLE 9, OF THE SUGAR CITY, IDAHO, CODE AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.”

It was moved by Councilmember Merrill and seconded by Councilmember King 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: Councilmembers King, Orme and Merrill  
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 Orme and seconded by Councilmember Merrill to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmembers King, Orme and Merrill  
Those voting nay: none

Ordinance No. 284 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. 284 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.

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

**Recommendation from P&Z for zoning map:** Brian presented a typewritten recommendation from P&Z that the proposed zoning map be approved by the City Council, with the change that Cindy Van Wagner’s and Irene Park’s property be changed to the Multiple Use classification. A copy of said recommendation is attached hereto marked “Attachment 1.”

Brian suggested that the council approve the proposed zoning map without another public hearing. Councilmember Orme recused himself from voting on the map. It was agreeable with the City Council to postpone action on this matter until their next meeting on October 22, 2009.

**Wind turbine ordinance:** Brian reported that P&Z is taking the wind turbine ordinance to public hearing on Thursday, October 15, 2009, at 7 p.m.

**Discussion of Title 9:** Brian reported that P&Z hopes to complete its revision of title 9 and to take it to public hearing before the end of the year.

**INTRODUCTION OF CABLE ONE, INC. FRANCHISE ORDINANCE:** The mayor introduced the proposed Cable One franchise ordinance, and copies of the draft ordinance were presented to the council. City Clerk Sharon L. Bell reported that no ordinance granting a franchise shall be passed on the day of its introduction, nor for 30 days thereafter. The mayor asked for any citizen input, and there was none given. He said Attorney Forsberg and the attorney for Cable One are modifying the proposed ordinance, which has to be published in its entirety at least once prior to passage. Cable One is obligated to pay the cost of any publication required. After the ordinance is passed, a summary of the ordinance will be published.

**EAST PARKWAY CORRIDOR:** The mayor said he would schedule a two-hour meeting on

the East Parkway Corridor during the next City Council meeting on Thursday, October 22, 2009, at 7 p.m. Keller Associates will be here to present an information update and listen to what the city wants. Forsgren Associates should be ready for their report on the transportation study. Harold Harris and the transportation committee will give a report on how they feel. The mayor officially invited the P&Z Commission to attend. After this meeting, the city will set a public meeting to seek citizen input.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER HARRIS:**

**Transportation Committee/Forsgren Associates Transportation Study:** In Harold's absence, the mayor said Forsgren Associates has supplied the secretarial work for the transportation committee. Forsgren led the discussion and took the minutes for the three meetings. At present, we do not have copies of the minutes. Sharon said the city needs copies of said minutes for our files.

**COUNCILMEMBER ORME:** No report.

**COUNCILMEMBER KING:**

**Dog ordinance:** Bruce reported he hasn't had a chance to ask Attorney Forsberg questions on the dog ordinance. Now that title 1 is complete, he will have time to help finalize this ordinance. He will work with Councilmember Orme.

**COUNCILMEMBER MERRILL:**

**Manholes in the sewer line in Old Farm Estates:** Lamont said that the mayor met with Roger Muir, who approved the city digging out the manholes. City public works employees have dug them up and will add extensions to raise the manholes 12 to 14 inches above ground level to prevent water from spilling into them. Lamont said there is no doubt water was entering the manholes. A contractor will video the lines within a few days to see if any other sub water is entering into the sewer lines.

**MAYOR'S BUSINESS:**

**Sharon and Marcie report on ICCTFOA meetings in Boise:** Sharon and Marcie provided a brief report on the training classes they attended in Boise on September 23-25, 2009, which were interesting and informative.

**Forsgren Associates Transportation Study:** The mayor reported that the transportation study under way should be completed in the next 30 days. Forsgren Associates will give a preliminary report to the council on October 22.

**Approval of State/Local Agreement for Bridge Inspection (Idaho Transportation Department):**

**MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to authorize Mayor Dalling to sign the State/Local Agreement for Bridge Inspection; motion carried.

Meeting adjourned at 8:40 p.m.

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

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

In 2008, the zoning districts for the City of Sugar City were changed to provide more flexibility and clarity (Ord. 272, 1-24-2008). The new zoning districts (Title 9, Chapter 6-2) were used in the updated Land Use Schedule (Title 9, Chapter 6-4). The Comprehensive Plan was also updated in 2008 and approved by the City Council on July 24, 2008. The land use map, as part of the Comprehensive Plan, was approved by City Council on April 9, 2009. With the acceptance of the Comprehensive Plan and the Land Use Map, the next step is to update the zoning map for the city.

Two public meetings were held to discuss the proposed zoning changes.

A quasi-judicial public hearing on the proposed zoning map was held on Sept. 17, 2009 by the Planning and Zoning Commission. At this public hearing, each of the members of the Planning and Zoning Commission were given a chance to declare that they had no conflicts of interest. Steve Hawkes was contacted by Cindy Van Wagoner, but he declined to discuss the rezoning matter with her until after the public hearing.

At the public hearing there were essentially two who spoke against the proposed zoning map. The first was Jan Gallup who felt that it was wrong to rezone the Jr. High and other associated school district owned property to Downtown Commercial since it creates non-conforming uses. Also, she didn't want any residences in a manufacturing zone. She was supported by Tom Gallup. Also, a letter from Michael Ball was read into the minutes asking that the Ball Family property north of Sunglo and west of the baseball diamonds not be rezoned to open since their future plans will involve industrial, commercial and possibly residential uses.

After considering all the facts in this public hearing and after consulting with the city attorney, the Planning and Zoning Commission recommends that the proposed zoning map be approved by the City Council with the change of Cindy Van Wagner and Irene Park's property be changed to Multiple Use.

#### Rational Behind This Decision

The school district was contacted concerning the issue of being rezoned to downtown commercial. The school district is in favor of this change. It will require the use of a special use permit when they need to make any changes or additions in the future. It also fits within their future plans to someday move the Jr. High nearer the high school. It creates a nonconforming use, but is aligned better with the goals of the land use map in the comprehensive plan.

The Ball Property is currently zoned Heavy Manufacturing on the current zoning map. This zone no longer exists. Therefore, not rezoning the property is not an option – it has to be rezoned to a current zoning district. Since the Ball Family has no immediate plans, zoning it manufacturing, commercial and/or residential would only be guessing what they want to do with it in the future. Zoning it as Open allows its current use, agriculture, to continue and does not preclude the Ball Family rezoning it in the future to conform to their plans. The other concerns expressed by the Ball Family deals with their property outside the city limits and were not considered at this time.

The Van Wagoner/Park residential property creates an issue with residences among commercial and manufacturing enterprises. Upon advice from the city attorney, this property was changed to Multiple Use. This would allow the residences to be conforming uses in this zone as well as the businesses. All permitted uses in this zoning district require a special use permit. This change was not considered to be a substantive change since it allows the current activities in the zone to continue, does not create nonconforming uses, and meets with the approval of the current property owners. This has been discussed with Mike and Cindy Van Wagoner and approved by them (after the Planning and Zoning Commission voted to recommend the zoning map to the City Council).

No other property owners had any objections to the proposed rezoning map.

Brian Hawkes  
8 Oct. 2009