

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 25, 2012

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; David Ogden and Russell Thurston, Planning & Zoning Commission; Clayne Bloom; Tish Bloom; Jared Thurston; and Mikel Walker.

The mayor asked if there were any corrections to the minutes of the regular meeting held on October 11, 2012. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Drake and seconded by Councilmember King to accept said minutes; motion carried.

PLANNING & ZONING REPORT: In the absence of P&Z Chairman Steve Hawkes, Commissioner David Ogden addressed the council.

Approval of Brad Orme sign permit: Commissioner Ogden reported that P&Z approved Brad Orme's sign permit under the new sign ordinance.

Recommendation on East Parkway Corridor: Commissioner Ogden presented P&Z's written recommendation on the location of the northern leg of the proposed East Parkway Corridor as follows: "We recommend that option E, which goes out beyond the east side of the canal, and then connects to State Highway 33, be the preferred option. It appears that this route has the least impact of all the options in the areas of number of parcels affected, prime farmland being divided, parcel splits, nearness to existing homes, number of driveways affected, surface water crossings, and potential connection to Center Street."

DISCUSSION/POSSIBLE DECISION ON RARICK SPECIAL USE PERMIT: The mayor explained that due to the fact that an audible recording, as required by law, was not made of the Planning and Zoning Commission's public hearing September 6, 2012, Attorney Forsberg advised that another public hearing was needed. Consequently, the city council held a public hearing October 11, 2012. According to section 9-6-5C(3), the city council has 35 days after its final public hearing to approve, conditionally approve, or deny the application, unless this time limit is extended by mutual agreement with the applicant. Discussion was had. Councilmember King proposed granting the Rarick application for a special use permit to have an apartment on five conditions. A copy of said proposal is attached hereto marked "Attachment 1." Sharon was asked to contact the Raricks and obtain the information they presented to the council so the council could study it. The information is to be reviewed by the council and the decision will be made in the next meeting.

UTILITY BILLS FOR PUBLIC BUILDINGS: Mike Walker, representing the fire

department, addressed the council. They would like to only pay for garbage, not water and sewer. He said that was the arrangement with the City of Rexburg. The mayor was concerned that we may need to consider doing for the Madison Search and Rescue building the same that we would do for the fire station. At present, Search and Rescue is paying their entire utility bill. The school district is a public entity and has a separate taxing district than the city. Therefore, they pay for their utilities. There was some confusion as to what the city can or cannot legally do as far as not charging for or reducing water and sewer fees. The mayor said he will talk to Fire Chief Corey Child regarding the matter and a decision will be made in the next meeting. He assured Mike Walker they will be informed of the decision.

DISCUSSION ON EAST PARKWAY CORRIDOR: Both the school district and the Planning and Zoning Commission have recommended Keller Associates' designated option E from Digger Drive to State Highway 33 for the northern leg of the East Parkway Corridor. The mayor was concerned that neither the school district nor P&Z recommended the portion from the Moody Highway to Digger Drive. He said we need to make the recommendation from the Moody Highway to Digger Drive.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Drake that we reply to the relevant letter dated September 19, 2012, from the county commissioners to the effect that we continue to support Keller Associates' favored option as far as to Digger Drive and from there to Highway 33 by Keller's designated option E, with supporting documents showing that this was the unanimous recommendation of the Planning and Zoning Commission and the school board. The mayor called for a roll call vote:

Those voting aye: Councilmembers King, Waddell and Drake
Abstaining: Councilmember Merrill

Thereupon, the motion carried.

Councilmember Merrill abstained from voting because he said that lets the farmers know that someone was considering their situation and opposition to this route. All things considered, option E is the least obtrusive – in not taking out any homes – and in general the least intrusive. However, there was public opposition to all the options.

BUSINESS PARK SIGN: The mayor presented the council with pictures of four proposed signs. It was felt that the prices should be obtained before a sign is decided upon. Councilmember Drake accepted the assignment to get bids. This sign will not be erected until next spring.

MEMORANDUM OF UNDERSTANDING FOR BUSINESS PARK INCOME AND DISBURSEMENTS: The mayor reported that East Central Idaho Planning and Development Association, Inc. prepared the Memorandum of Understanding, which describes the method of disbursement of funds involving the Business Park. The council discussed the document and made a few changes.

MOTION: It was moved by Councilmember Waddell and seconded by Councilmember Merrill to approve the recitals to the Memorandum of Understanding between the City of Sugar City and East Central Idaho Planning and Development Association, Inc., as revised today; motion carried. Sharon was asked to type the new Memorandum of Understanding.

DEPARTMENT REPORTS:

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL:

Building permit inspections: Due to Cliff Morris' wife being seriously ill and Cliff not being available for a couple of weeks, Lamont Merrill has been performing the inspections on the school project.

LEPC meeting: The mayor reported he would like to find out how Sugar City is going to be contacted in the event of emergencies. He asked Councilmember Merrill to see if there is an existing plan.

COUNCILMEMBER WADDELL: No report.

COUNCILMEMBER DRAKE:

West Entrance sign: The sign is almost done. Crews just need to put the top on it and get the electricity hooked up.

MAYOR'S BUSINESS:

AT&T modification on water tower antennae: The mayor reported that AT&T claims they have three antennas on the city water tower and they want to install three more. They actually have nine antennas on the tower, but they still want to install three more. They will pay \$100 for each additional antenna. At present they are paying \$850 total per month. There are four sides to the water tower – Syringa has the north side and AT&T has the other three sides. They requested permission from the city to have a surveyor come in.

Meeting adjourned at 8:50 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk

Apartment above Rarick Garage

At our council meeting Oct. 11, neighbors opposed to approving the Rarick application for a special use permit to rent out their apartment said the city should “make things right” by denying the application and thus fully protect the R-1 zone.

Protecting the R-1 zone is very important. However, after considerable deliberation that included weighing the recent and past recommendations of the Planning and Zoning Commission and the input of citizens at our public hearing Oct 11 and at past public hearings on the issue, I have concluded that, unfortunately, denial would not make things fully right.

The city approved construction of the apartment in 2004, after its attorney instructed the owners to submit as-built plans if the construction was not the same as represented in the original building-permit application. The then owners submitted revised plans and the city approved them and the building. Given the prior approval of the building by the city, remedial action to correct this error is no longer within the city’s power, according to our attorney.

Now the apartment exists.

During the past eight years, the city has denied requests of homeowners to rent out the apartment. Presently, the new owner, Tim Rarick, requests permission to do so. These requests are expensive and time-consuming, not only for the homeowner but also for the city. And there appears to be no end in sight to this pattern, which is disruptive.

The property of the Rarick home indeed is in an R-1 zone, which is for single families. Yet, our code allows an apartment in this district by special use permit. I wonder now if perhaps we should grant the permit, on certain conditions.

Before going further, I propose that we change our code to help prevent this situation from recurring. I propose that we disallow a multifamily dwelling with two units – including twin homes – in an R-1 zone, striking the *S* from the land-use schedule allowing such a dwelling by special use permit. If you agree, we would need to refer the change for the appropriate hearing and recommendation of the Planning and Zoning Commission.

If the International Building Code – as we have adopted it – permits, I also propose that we disallow construction of a residence in an R-1 zone, when plans do not contain an internal connection between main parts, such that residents can travel between the parts from the interior.

These two code changes would strengthen protections for the R-1 zone, which furthers family-friendly neighborhoods. In saying this, I note that we can’t regulate structures as tightly as CC&Rs in a subdivision. CC&Rs (covenants, conditions and restrictions) are limitations and rules placed on a group of homes by a builder, developer, neighborhood association or homeowner association.

Now to my recommendation on the application before us: I propose that we grant the application on the condition that:

1. Occupancy of the apartment space be limited to two (adult) residents and one child.

2. Vehicles of apartment residents be limited to two.
3. Guests in the apartment be limited to two at a time, with no one able to stay longer than two weeks during a 12-month period.
4. Owners of the home live in the main part of the house, unless they have moved from the area, in which case only one family unit may occupy the main house.
5. The permit be reviewed for renewal – without fee – every three years.

In my mind, this approach includes concessions for all involved. I believe it would minimize neighborhood disruption by inviting long-term ownership and responsible tenancy. Meanwhile, it would reduce demand on city time and resources.

My thoughts,

Bruce King
Sugar City Councilman