

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

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Kyra Anderson, Standard Journal; Jan Gallup; Tom Gallup; Brent Kinghorn; Kathy Stillman; Gary O. Stillman; and Rick Plewe.

PUBLIC HEARING (GARY O. STILLMAN ZONE CHANGE): The Mayor welcomed everyone and explained the zone change requested is from M-2 zone to R-2 zone. Comments were made as follows:

BRENT KINGHORN: He resides at 225 West 3rd South, Sugar City. As a property owner located very close to this property, he is in favor of the change from a manufacturing zone parcel to a residential parcel. It meshes well with the rest of the community and with any future development in that area; and he is supportive of it.

JAN GALLUP: She resides at 309 South Austin, Sugar City. It is important that we identify there are three parcels with this rezone. Two are on the east side of Highway 33 and one is on the west side of Highway 33. She is in favor of all three parcels being rezoned to R-2. They are entryway corridor parcels that we would want to have a nice development there. R-2 would allow that over an M-2 zone. The small triangular piece on the west side, she believes, is too small to entertain any type of M-2 development there. R-2 is better use of the space and allows Mr. Stillman to put something there that would fit on a smaller size lot. She is in favor of all of the parcels being rezoned to R-2.

TOM GALLUP: He resides at 309 South Austin, Sugar City. He is in favor of the zone change from an M-2 zone to an R-2 zone. He has looked at different uses of M-2 and none of them seem to be what we would want to have as we come into the City. It seems so reasonable to make the change and he is in favor of it.

The Mayor asked if there was anyone who didn't sign up that would like to testify.

RICK PLEWE: He didn't sign up to testify because he thought the Mayor might question him. He resides at 2045 E. Wilmington Avenue, Salt Lake City, Utah. He is working with Yellowstone Meadows, LLC to develop the property. In looking at the proposed zone change, he thinks it would be totally in line with what the proposed comprehensive plan would be in Sugar City and that it would complement and support the other zones that are currently in that area. It is across from a city park, and it would enhance that and make it more usable. By having

an R-2 zone would be much more compatible than having an industrial facility adjacent to the city park.

GARY O. STILLMAN: He resides at 2430 South Berkeley Street, Salt Lake City, Utah. He feels it would be a good entrance to the City and their plan is to continue cleaning the farm machinery out of there and get rid of some of the buildings to make it a better entrance. The small piece is too small to do much manufacturing on, so they want to incorporate the whole thing into the R-2 zone to be compatible with the whole area.

6:30 p.m. The public hearing 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; Kyra Anderson, Standard Journal; Jan Gallup; Kadie Sharp; Bob Worrell; Tim Whitworth; Don Rydalch; Rayo Budge; Clair Boyle, MEDCO; and Dave Thompson.

MOTION ON STILLMAN ZONE CHANGE: A discussion was had on said proposed zone change from M-2 to R-2 and the possibility of changing the zone on two of the parcels only. Title 9-13-6 states: "Following the City Council hearing, if the City Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided within 60 days of the previous hearing before the City Council adopts the amendment." A rezone is an amendment to the Planning & Zoning Ordinance because it changes the map. **MOTION:** It was moved by Council member Harris and seconded by Council member Orme that we approve the zone change from manufacturing to R-2 on all three parcels because it can be based on the fact that we can control it. The Mayor called for a roll call vote.

Those voting aye: Council members Harris, King and Orme

Those voting nay: Council member Deitz

Thereupon, the Mayor declared the motion passed, with one dissenting vote.

The Mayor asked if there were any corrections to the minutes of the regular meeting held January 26, 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 Deitz to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$27,383.51. It was moved by Council member Deitz and seconded by Council member King to pay the current bills, together with all regular February bills that have not yet been received; motion carried.

CITIZEN INPUT: There was no citizen input.

GRAIN SILO REPORT: A discussion was had with Bob Worrell, Tim Whitworth, Don Rydalch and Rayo Budge on the grain silo. Mr. Worrell presented the Council with copies of a drawing of the silo as it now stands and one showing a three-dimensional design drawn by Mr. Whitworth that could be painted on it. Mr. Whitworth explained his design, which would portray the history of Sugar City. Mr. Rydalch feels the silo has the possibility of being a very rare and unique landmark. We need to clean out the inside to a large extent, and make sure it is sound; safe and solid. He feels there is some potential of grant money for historical preservation. It would take a lot of work to put a plan together. The grant cycle will come up again January 31, 2007, and we will need that much time to put something together. Mr. Budge was for putting a painting on the silo that would depict the history of the City. He feels it would be a very unique landmark. It was the consensus of the Council that they would like to do something on the silo. Discussion was had on how to proceed. Mr. Whitworth said we need a three-dimensional model of it, which he agreed to do. Mr. Worrell will work on the graphics part of it and the layout. They will give their first presentation on April 14th. Mr. Rydalch asked for and received permission to contact the historical people to see what the steps are to apply for a grant and find out, if the silo is historical, if we can change the appearance of it. The Mayor thanked them all for coming in.

MEDCO: Clair Boyle addressed the Council. He works with Madison County Economic Development – the County, Rexburg and Sugar City. There are eleven of them who work on economic development in southeast Idaho. The Council received copies of the Madison Economic Development Director's Report dated January 6, 2006. Mr. Boyle presented a copy of the Community Profile for the City of Rexburg. The Mayor feels the first step is to get a profile for Sugar City. He asked Council members Harris and Orme to work with Mr. Boyle on it. Mr. Boyle said he would make himself available to help us. After the book is done he will work with us on community development. A discussion was had on the process for getting a grant for a business park. Mr. Boyle said MEDCO meetings are held at noon on the first Monday of every month at the ECIPDA building.

JAN GALLUP:

Comprehensive Plan: Jan reported she and Sharee Palmer are in this together since it deals with the comprehensive plan. Sharee reported P&Z had public hearings last night on the proposed comprehensive plan map, the transportation map and the trails map. The P&Z Commission has made a recommendation on those. They recommend that the City Council accept and approve the comprehensive plan map as we discussed it and as shown on the revised comprehensive plan map that they worked out at the meeting last night which is dated 2-8-06. Sharon will make copies of said map for the Mayor and Council. The Council will need to have a public hearing on it.

P&Z Recommendations: Sharee reported she has four more P&Z recommendations that will require public hearings for the Council. P&Z recommends that City Council accept and approve the transportation plan map as shown at their public hearing on February 8, 2006; P&Z recommends that City Council accept and approve the Comprehensive Plan Trails Map as shown at their public hearing on February 8, 2006; and P&Z recommends that City Council accept and approve Chapters 6 and 13 of Title 9 as presented at their public hearing on February 8, 2006. She said Title 9 Chapter 6 is the Zoning, and Chapter 13 is the Amending

and Reclassification. Jan will get copies of Chapters 6 and 13 to the Council so they can discuss them at the regular meeting on February 23. A discussion was had on the transportation plan map. Jan reported when we go to public hearing with the comprehensive plan map, then we present it to the County Commissioners according to state statute. They are the ones that we negotiate with. Jan recommended that the Council take to public hearing Title 8, Design Review, and the three comprehensive plan maps on Thursday, March 9th.

MOTION FOR PUBLIC HEARING ON COMPREHENSIVE PLAN MAPS:

It was moved by Council member Deitz and seconded by Council member Orme that we approve for a public hearing the transportation map, the trails map and the comprehensive plan map for public hearing on March 9 at 6 p.m. 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.

Title 8 (Design Review): Discussion was had on Title 8, design review. Jan reported the public approved design review at the P&Z public hearing, the design review committee has approved it, P&Z has approved it, and the public approved it at the last City Council hearing.

MOTION FOR PUBLIC HEARING ON TITLE 8 (DESIGN REVIEW): It was moved by Council member King and seconded by Council member Orme that we schedule a public hearing on Title 8 (Design Review), as it currently stands, on March 9 at 6:15 p.m. The Mayor called for a roll call vote.

Those voting aye: Council members Deitz, King and Orme

Those voting nay: Council member Harris

Thereupon, the Mayor declared the motion passed.

BALL, BROWN, HARRIS & JEPPESEN ANNEXATION: The Mayor asked Attorney Lee to report to the Council on his attorney's meeting in Boise. Attorney Lee said it is not too late to try to compromise with Rexburg. We can do it up to the point that Judge Moss issues a ruling on it. One of the issues that the cities are extremely concerned with is the fact that we have this anti-annexation group that is in the capitol right now trying to pass legislation that would prevent cities from annexing or making it harder to annex. The concern that the Municipal Attorneys Association has is that if those folks have their way, they will make it next to impossible for cities to be able to annex property even when they really need it. He had a number of attorneys come up to him, also Ken Harward, and asked whether Rexburg and Sugar City could work this out. He said if we can compromise something, all it takes is the rescinding of an ordinance and then new ordinances. He feels comfortable with our position. He said every time you have a dispute with annexation like this, you have legislators that get mad and say they want to prevent this from happening so we are not going to let cities do it. The statute that was passed was a compromise bill that still allowed cities the ability to annex. From a long-range point of view, he feels if we can compromise and take care of the issues that we have, such as the sewer, it will be to our advantage.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Public Hearings: Planning & Zoning will be setting two more public hearings for March 2nd: at 7:30 p.m. Title 9, Chapter 5 (Special Use Permit) and in Title 9, a new Chapter 14 (Public Hearing Procedure); and at 8 p.m. they will have a public hearing on comprehensive plan text revisions. They have had to do some revisions in the comprehensive plan because of some of the different zone changes that we are planning on doing or have done.

Idaho Footworks – Business License (Gary J. Larsen): They are going to teach dance in a studio in their home. P&Z came to the conclusion it was a home occupation and she didn't need a business license.

Traditions – Sign Permit (Jennifer Leavitt): P&Z approved their sign permit. Sharee said P&Z also needs to work on the sign ordinance.

Dreamchasers – Business License (Debbie Bischoff): P&Z is trying to determine if it is a home business or a home occupation. This one falls under home business, which requires a special use permit. We told her there is a moratorium on special use permits so she will not be able to get one for 30 days; also that they weren't sure what the Council was planning to do after the 30 day period.

Application Forms: They have been updating some of the application forms and she wanted to make sure the Council is okay with them and can we start using them: special use permit, home business/special use permit, and business license/home occupation form. Sharee said we shouldn't have to worry about enforcing it until we start getting a lot of complaints. Most of them deal with businesses in residential areas, and when we start getting complaints from people in those residential areas, that's when we will have to deal with it. She said P&Z would look into defining whether a business is a home occupation or a home business.

Zoning Map: She presented a zoning map. P&Z has the comprehensive plan map, and now they are setting zones for the proposed zoning map. Jan said it is the first draft and is in the preliminary stages.

DEPARTMENT REPORTS:

COUNCIL MEMBER HARRIS: No report.

COUNCIL MEMBER DEITZ: No report.

COUNCIL MEMBER KING: No report.

COUNCIL MEMBER ORME: Brad reported he assigned the Easter Egg Hunt to a scout for his eagle project.

Council member Harris left at 9:30 p.m.

MAYOR'S BUSINESS:

Appointment of City Attorney: Attorney Lee reported he now has other time commitments. For the \$600 retainer fee he has been receiving he would be willing to attend one City Council meeting a month, one P&Z meeting a month and do minor things for the Mayor, Clerk and P&Z Chairman. All major assignments and other calls or contacts will be billed on an hourly rate. **MOTION:** It was moved by Council member Deitz and seconded by Council member Orme that we appoint Scott Lee as our city attorney for one year and authorize the Mayor to do the negotiations on fees; motion carried.

Approval of East Beltway Study: The Mayor reported the County talked about having a study on the east beltway loop and they felt like they wanted to do the \$200,000 study. They sent the Mayor a letter, and he needs to send a letter back on behalf of Sugar City that we are supportive of that study. There's a 7.34% match that comes to \$14,000 and the County, as far as he knows, is planning to pay that. If by any chance they did it on a split basis, we could get into a couple of thousand dollars; but right now they have not requested any financial contribution, just approval of the study. He asked the Council to authorize him to send a letter saying we approve of the study. **MOTION:** It was moved by Council member Deitz and seconded by Council member King that we approve the study of the East Beltway and that the Mayor notifies the

County of the approval; motion carried.

Purchase of New Lawnmower: The Mayor reported we need to purchase another lawnmower. We have the money in the budget, but he didn't want to purchase it without the new Council members being aware of it. It was approved last year but hadn't been done because we were not in any hurry to do it. It will cost about \$15,000. **MOTION:** It was moved by Council member King and seconded by Council member Deitz that we approve the purchase of the proposed lawnmower that was discussed; motion carried.

Department Reports: The Mayor informed the Council in their department reports, unless there is an emergency, anything that they would want to do that costs money, we should approve it just like any other expenditure. It should show on the agenda.

Bike Path: The bike path is ready to go in the spring.

P&Z Approval to Attend AIC Workshop March 25th in Pocatello: Attorney Lee said he had seen the literature on it and it is one meeting they should attend. **MOTION:** It was moved by Council member Orme and seconded by Council member King that we approve the authorization of expenditures to send the Planning & Zoning Commission members to the aforementioned meeting in Pocatello; motion carried.

EXECUTIVE SESSION:

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

Those voting aye: Council members Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:20 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