

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 26, 2006

Presiding: 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; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; Kadie Sharp; Kortney Ellis; Verla Moss; Vaun Waddell; KaraLee Ricks; and Charles Ricks.

The Mayor asked if there were any corrections to the minutes of the regular meeting held January 12, 2006. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Harris and seconded by Council member Deitz to accept the minutes of January 12, 2006, with a few minor corrections; motion carried

ORDINANCE NO. 258:

Council member King introduced Ordinance No. 258 entitled:

“AN ORDINANCE PROVIDING THE CITY COUNCIL MEETING TO BE HELD TWICE A MONTH ON THE 2ND AND 4TH THURSDAYS, AT 6:30 P.M.”

It was moved by Council member Harris and seconded by Council member 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: Council members Harris, Deitz, King and Orme
Those voting nay: none

Thereupon, the Mayor declared the motion, having been passed by not less than two-thirds of the Council, had been duly carried. It was moved by Council member Orme and seconded by Council member Deitz to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

Those voting aye: Council members Harris, Deitz, King and Orme
Those voting nay: none

Ordinance No. 258 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. 258 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.

ORDINANCE NO. 259:

Council member Deitz introduced Ordinance No. 259 entitled:

“AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF SUGAR CITY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF SUGAR CITY, IDAHO; AND AMENDING AND CHANGING THE ZONING MAP OF 2000, OF THE CITY OF SUGAR CITY, IDAHO, AND THE MADISON COUNTY-SUGAR CITY COMPREHENSIVE PLAN OF 1995, TO SHOW SUCH ANNEXATION AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Council member Deitz and seconded by Council member 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: Council members Harris, Deitz, King and Orme

Those voting nay: none

Thereupon, the Mayor declared the motion, having been passed by not less than two-thirds of the Council, had been duly carried. It was moved by Council member Harris and seconded by Council member Orme to adopt said ordinance. Thereupon, the Clerk called roll upon said motion.

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

Those voting nay: none

Ordinance No. 259 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. 259 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.

RESOLUTION 2006-1: Council member Orme read Resolution 2006-1 as follows: “BE IT RESOLVED by the Mayor and Sugar City Council that effective January 26, 2006, the City Hall will open at 9:00 a.m. and close at 4:00 p.m., Monday through Friday.” **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris to adopt Resolution 2006-1; motion carried.

AUDITOR'S REPORT: Dana Izatt of Searle, Hart & Associates addressed the Council. He explained the Independent Auditors' Report for the year ended September 30, 2005. A discussion was had on bonding the employees. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris to accept said audit as it was presented; motion carried.

JAN GALLUP:

Ball, Brown, Harris & Jeppesen Annexation: Jan reported she has been working with the property owners on their legal filing. They filed an amended petition on January 24th. Their

attorney is Kent A. Higgins of Merrill & Merrill of Pocatello. She worked with him Tuesday morning because the Court ordered them to file an amended petition. In order to file the petition you have to pay estimated fees up front. Garry Jeppesen paid those fees, which would probably be shared by the property owners. Mr. Higgins had the property owners file for a taking analysis. Jan reminded the Council that a few weeks ago she presented them a paper about processing the Planned Unit Development. At the very end of that section it states that if a planned unit development is denied or the conditions are too restrictive, the property owner can request a taking analysis. She said step-by-step Mr. Higgins has been able to build a case that those property owners can request a taking analysis. She advised the Council to be careful about a moratorium on special use permits. A discussion was had that the Council doesn't need to approve every special use permit.

Annexation Agreement: Jan reported that three of the property owners have signed the annexation agreement. We are waiting for Mrs. Harris to return hers. It had to be sent to Utah.

Title 8 (Design Review) Chapters 2-5: The Mayor reported Attorney Lee feels the proposed design review is too restrictive for our area. Jan said single-family residential is exempt from design review. She asked the Council for some generalities in revisions. She said the date of the latest revision would be on the left hand bottom of the page. A discussion was had on proposed changes to design review. Jan said as the committee was working on design review they were trying to be able to have an ordinance that would reinforce this small-town atmosphere that we have, so there are some things that have to be restrictive such as lighting, glass, metal, etc., that are more urban in their appearance. After discussion, Jan will make the revisions and the Council will be able to see what she takes out and what she puts in.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

Home Business/Occupation: P&Z is working on the assignment the Council gave them to segregate home business/occupation. They will prepare an application form, which will be able to identify whether applicants are a home business or home occupation and whether they need a business license or not. In that way the City will know exactly what is going on in the City.

Public Hearings: P&Z has scheduled public hearings for February 8 – at 7:30 p.m. on the comprehensive plan map, the transportation map, and the trails map. Then at 8 p.m. is the public hearing for Title 9, Chapter 6 Zoning Districts, and Chapter 13 Amendments and Reclassification. They decided it was time to get some input from the public on Chapter 6, which is the zoning. There is a lot more work to be done and there are still some issues to resolve.

Special Use Permit Chapter: P&Z has issues with the special use permit chapter where it doesn't go before City Council for final approval. They discussed it and asked Jan to work on some revisions. They would like to write it so the City Council can have a public hearing. They feel there are a lot of special use permits that the Council wouldn't need to have a public hearing for, but they want to write it so the Council has the option to have one or not.

Secretary of P&Z: Sharee reported KaraLee Ricks was voted in as secretary of P&Z for the next year.

AIC Workshop: Sharee said there are AIC workshops scheduled with Jerry Mason and Will Herrington on March 25th in Pocatello. There are some P&Z members who would like to attend and she asked if the City would cover any costs for that. The Mayor said we would have that on the agenda for February.

MORATORIUM ON SPECIAL USE PERMITS: Walter Deitz reported that City Council

doesn't approve special use permits, just Planning & Zoning does. He proposed that we put a moratorium on issuing special use permits until we get an ordinance in place that will fit the needs of City Council, P&Z and those who are applying for a special use permit. Sharee Palmer feels it would be better to consult with Attorney Lee before we make a moratorium. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that we put a moratorium in place on special use permits for the next 30 days; Council member Orme opposed; motion carried.

GRANT TO STUDY OUR WATER AND SEWER SYSTEMS: Walter Deitz said DEQ sent a letter out wanting to know if we wanted to apply for a grant to study our water and sewer systems. It is a 50% matching grant. In light of Rexburg trying to cut us out of their sewer treatment plant and Madison County thinking of building their own treatment plant, this would help us upgrade our systems. The 3rd North lift station needs some upgrading. We are having pump issue problems that are \$7,000 to \$8,000 each. There are other wells that we need to look at. He feels it might be wise to apply for some of these grants and to study to see what we need and how to proceed. No decision was made on it at this time.

HIGHWAY 33 POSSIBLE ROUTES: Harold Harris reported the State Highway Department has come up with a new proposal to bring Highway 33 in conjunction with Highway 20 to the North Rexburg Interchange, then go south to Horkley's corner, and then up into Sugar City. He reported there is a new proposal made by the City of Rexburg, rerouting Highway 33 as follows: starting at the North Rexburg Interchange, south to Moody Highway, east to Highway 33, then north to Sugar City. A discussion was had on maintenance but no decisions were made.

MAYOR'S BUSINESS:

2006 State of the City: The Mayor presented a handout showing some of the things that happened last year. He thought the Council might be interested in it. He talked about the wall at Smith Park that didn't get finished because of the weather.

Council Assignments for Next Year: The Mayor presented a list of Council assignments, and everyone agreed with their assignments. He asked the Council, in their particular assignments, to come up with a plan of what they would like to do.

Student Youth Search: The Mayor attended the youth search program in Rexburg. It was well done. They had students from different schools come in. They split into groups and talked about things they would like to see done. The most exciting and common thing they talked about was more recreation facilities. The kids talked about Sugar City/Rexburg togetherness and suggestions to bring us closer together.

Brightest Star Awards: The Governor's Brightest Star Organization Award went to the Youth Search Group in Rexburg for \$5,000. We had the drama club go in as our organization and Hayden McNeill go in as our individual. They will get an acknowledgement with a nice pin and certificate.

Council Room Expansion: The Mayor said there is donated money for the expense of materials and Harold Harris volunteered to do the labor so it isn't going to cost the City anything. He entertained a motion authorizing the expansion. **MOTION:** It was moved by Council member Deitz and seconded by Council member King that we authorize the expansion of the City Council room using donated labor and funds; motion carried. The Mayor said there is a lot of extra space in the garage area, which could be put into rooms that are attractive. Harold will put together some design proposals and maybe we could get a grant to renovate the area. A

discussion was had about the possibility of enclosing the area between the City Hall and the shop. The Council agreed to support them in this project.

EXECUTIVE SESSION:

8:55 p.m. It was moved by Council member King and seconded by Council member Harris to go into executive session for the purpose of discussing personnel and potential litigation. The Mayor called for a roll call vote:

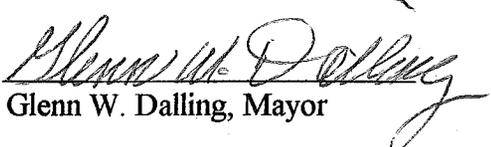
Those voting aye: Council members Harris, Deitz, King and Orme

Those voting nay: None

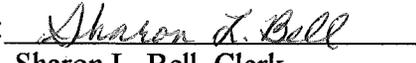
Thereupon, the Mayor declared the motion passed.

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

Signed:


Glenn W. Dalling, Mayor

Attested:


Sharon L. Bell, Clerk