

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, SEPTEMBER 9, 2010

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Lamont Merrill and Vaun Waddell; Brian Hawkes, Planning & Zoning Commission; Kevin Coles; Joshua Coles, Jeremiah Calder; Bradon Calder; Josh Porter; Jeff Porter; Ben Moser; Bridger Hibbert; Andrew Swapp; Vanessa Hawkes; Trever Einerson; Tom Tanner; Deanna Fowler; and Robin Fowler.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on August 26, 2010. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Waddell and seconded by Councilmember Harris to accept said minutes; motion carried.

Marcie presented the August reconciliation reports for the General Fund. It was moved by Councilmember King and seconded by Councilmember Waddell to accept the August reconciliation reports for the General fund; motion carried. Marcie presented the August reconciliation reports for the Utility Fund. It was moved by Councilmember Harris and seconded by Councilmember Waddell to accept the August reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$96,392.91. It was moved by Councilmember Harris and seconded by Councilmember King to pay the current bills, together with all regular September bills that have not yet been received; motion carried.

ORDINANCE NO. 289:

Councilmember Waddell introduced Ordinance No. 289 entitled:

“AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, FOR THE FISCAL YEAR OCTOBER 1, 2010, TO SEPTEMBER 30, 2011, AND APPROPRIATING TO THE SEVERAL DEPARTMENTS, OFFICES AND FUNDS OF THE SAID CITY GOVERNMENT FROM THE REVENUE DERIVED FROM TAXES LEVIED FOR SAID FISCAL YEAR, AND ALL OTHER SOURCES, SUCH SUMS AS MAY BE NECESSARY OR DEEMED NECESSARY BY THE MAYOR AND CITY COUNCIL TO DEFRAY THE EXPENSES AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011.”

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

Those voting aye: Councilmembers Harris, King, Merrill and Waddell
Those voting nay: none

Ordinance No. 289 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. 289 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.

Title 9 chapter on home occupation: Brian discussed the August 27, 2010, revision of title 9 chapter on home occupation with the council. Several changes were suggested. It was decided to change home occupation to home business throughout the document. Brian encouraged the council to continue to review the document and if there are any other suggestions, to please get them to him.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Road update – Cutler Avenue, Jaxon Drive: Harold reported that the two areas of road construction have been completed – the Cutler Avenue project and Jaxon Drive has been repaved.

COUNCILMEMBER KING:

Meeting at BYU-Idaho: Bruce and Lamont attended a meeting and toured the new “BYU-Idaho Center” and the new additions to the Manwaring Center. The BYU-Idaho Center seats 15,000 and has three levels. The student body is 14,300 for this semester.

COUNCILMEMBER MERRILL:

Leaking in manholes at Old Farm Estates: Lamont said the city should put a balloon plug in the sewer line in Old Farm Estates and shut it off. Marcie said that Zane already bought one and put it in at a cost of \$200.

COUNCILMEMBER WADDELL: Vaun said the Tree and Beautification Committee is concerned, in the interest of the “green world,” about the city residents using plastic bags for

leaves during city cleanup. It is almost impossible to load loose leaves and haul them, especially if the wind is blowing.

MAYOR'S BUSINESS:

Don Rydalch complaint (home at 202 West 3rd South): Sharon gave a brief history of the home at 202 West 3rd South, formerly owned by Jacob Price and presently owned by Trever Einerson. Mr. Einerson requested that the formal complaint be read to him, which Sharon did. The complaint stated: "Since 29 June 2010, the two dwelling units in the building have been used day and night, making it a functioning multi-family unit which is a clear violation of the city zoning regulations. It is operating as if it were in an R-2 zone, the very situation that was denied earlier this year." Mr. Einerson stated that when he was denied a zone change he said that he would not put separate families in the home. One of the current tenants was present with her mother and also Tom Tanner, who is the property manager. They presented copies of drivers' licenses of each of the tenants who are living in the premises and a list of all the motor vehicles presently there. The definition of a "family" was discussed. Living in the house are a woman, her fiancé, her two children, her father and her brother. Mr. Einerson stated that he believes they are within the definition of family. Mr. Tanner said there is only one lease for the entire building. He had the understanding that they were okay and complying with the code. He also felt that four of the cars are within their parking rights. The other two had been or would be removed. The brother and father are living above the garage, and there is a separate kitchen up there.

Chairman of the Planning and Zoning Commission Brian Hawkes said the problem is a multi-family dwelling in an R-1 zone. It is a courtesy to let people have a mother-in-law apartment and he feels this complaint is a couple of years too late. It is Jacob Price who created the problem and Mr. Einerson is left holding the bag, but he was aware of it when he bought the property.

The mayor said no decisions would be made at this time. He expressed appreciation for Mr. Einerson, Mr. Tanner and the tenants coming in to give the council a better understanding of their side of the situation. It was determined to have the city attorney review the matter further with the additional information that has been obtained. We will place the matter on the agenda of the September 23 meeting.

Meeting adjourned at 8:50 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk