

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JULY 13, 2006

Presiding: Council President Harold Harris  
Meeting Convened at 6:30 p.m.  
Prayer: Walter Deitz  
Pledge of Allegiance

Present: Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme; Scott Lee, City Attorney; Sharee Palmer, Planning & Zoning Commission; Rogue Stierle, Building Inspector; Jan Gallup; Lois Webb; Jeff Webb; Charles Ricks; Holly Wrigley; Dallen Wrigley; Eddie Pincock; and Sharla Pincock. Mayor Glenn W. Dalling was excused.

In the absence of the Mayor, Council President Harold Harris presided. Council President Harris asked if there were any corrections to the minutes of the regular meeting held June 22, 2006; the minutes of the special meeting held July 3, 2006; and the minutes of the special meeting held July 10, 2006. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Deitz and seconded by Councilmember Orme to accept the minutes of June 22, 2006; motion carried. It was moved by Councilmember Orme and seconded by Councilmember Deitz to accept the minutes of July 3, 2006; motion carried. It was moved by Councilmember Deitz and seconded by Councilmember King to accept the minutes of July 10, 2006; motion carried.

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

Marcie presented the current bills in the amount of \$73,698.74. It was moved by Councilmember Deitz and seconded by Councilmember King to pay the current bills, together with all regular July bills that have not yet been received; motion carried.

**CITIZEN INPUT:** There was no citizen input.

**ROGUE STIERLE, BUILDING INSPECTOR:** Rogue Stierle addressed the Council. There is a problem with non-builders trying to get building permits without knowing what they are doing and how it is supposed to be done. A discussion was had about a problem with a fence and a storage building that didn't have any permit. They don't meet the safety regulation in the front where the fence meets the street. Councilmember Harris reported we wrote to them and gave them a 10-day notice to contact us. Mr. Stierle said he is okay with the financial arrangement he has with the City.

**Certification:** Rogue has taken the certification test and passed it. They have two weeks to review the computer tests and he has to pay his fees, then it is all done. The City will reimburse him for his fees.

**LOIS WEBB – CONTINUATION OF SWIMMING LESSONS:** Lois Webb addressed the Council. She asked the Council to help her keep her business of swimming lessons open. She went to P&Z and asked for a seasonal permit for 10 to 12 weeks during the summer to do her business outside. She will move into her garage, if need be, to be in compliance. She explained it has become a neighbor problem and an ordinance problem. Mrs. Webb feels if new rules are put into effect, she will not be in compliance. She asked the Council to take a serious look at the rules. They are taking away her freedom to run a home business. Sharee Palmer explained this is something P&Z is working on and is not completed yet. Mrs. Webb presented a petition with 129 signatures that was put out by people who are her supporters and her friends. They are asking the City to please allow her to do a seasonal home business. Council President Harris thanked her for coming in and spending the time.

**PLANNING & ZONING REPORT:** Sharee Palmer addressed the Council.

**Lois Webb – Continuation of Swimming Lessons:** Sharee reported Lois Webb came in and visited with P&Z. She gave suggestions for a seasonal permit and P&Z discussed it. They are in the process of redoing home business/home occupation because there are some issues with it. She can't say Mrs. Webb will be in compliance even if she does move the pool into her garage because there is still the issue of off-street parking, which would require a special use permit. P&Z discussed a seasonal permit. Seasonal means all year. You can't look at strictly one type of business and think that's going to be the only seasonal business. It would be very difficult to enforce a seasonal license.

**Home Business/Home Occupation:** P&Z is working on this ordinance. Sharee reported it has turned into an emotional issue for a lot of people, but they are not targeting anyone. People are doing businesses in their homes now in residential areas and P&Z feels obligated to protect the City and the residents in the City. It is a work in progress. People will have the right to come and voice their opinion on what P&Z comes up with at a public hearing, and they will listen to them. P&Z is working on it, looking at options and how other cities are dealing with it. The whole point of having ordinances is to protect people. No one wants to complain against a neighbor, and we need to have some rules.

**Alyse Burt (The Lighting Boutique) – Home Business/Home Occupation License:** Sharee reported Alyse Burt is going to have a home occupation to sell home lighting fixtures. She filled out an application and received a license.

**Debbie Davenport – Sale of Lot:** Sharee reported Debbie Davenport came in regarding the lot behind where they live. She would like the lot turned into a cul-de-sac, so she can sell the lot for someone to build a home on. There is over 12,000 square feet. Her biggest issue would be the 100 feet of frontage. The lot is peculiar where it is located. P&Z asked Debbie to do a diagram on what she intended to do. Sharee wanted the Council to be aware P&Z is researching it to see what can be done. She feels it would be a good thing for the City if a home could be built on the lot.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER ORME:** Brad reported the community breakfast is scheduled for July 22 and everything is proceeding as planned. We need to get some volunteers.

**MEDCO:** The report from MEDCO is that we have had talks about MEDCO joining with Fremont County. The board moved to not proceed with that. Brad and the Mayor are talking to Clair Boyle about economic development in Sugar City. He talked to Clair about the proposal that was presented to the Sugar City Council about having an economic development committee in town and how it might work, and what the benefits would be. He isn't quite ready to make a recommendation yet.

**Community Service Hours:** Brad reported he contacted the Madison County Juvenile Probation Department to check into some community service hours being done on projects here in Sugar City. He suggested having them do weeding in the parks, and asked the Council to let him know if they have any ideas. The kids on the caseload are required by court order to do community service hours and their work is monitored.

**COUNCILMEMBER KING:**

**Ponderosa Estates:** Bruce reported Jan Barrus called him about weed buildup in the unsold lots behind their house (Ponderosa Estates). It is a nuisance and a fire hazard. She wondered if we could encourage Kirby Forbush to address that problem. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Deitz that we authorize our attorney, Scott Lee, to prepare a letter to Kirby Forbush about the weed problem in the properties east of the Barruses and elsewhere in Ponderosa Estates; and that in connection with that letter, he review the development agreement between the City and Mr. Forbush to determine the extent of his responsibility in this regard; motion carried.

**COUNCILMEMBER DEITZ:** Walter reported this last month we have had some troubles with the main water pumping station, which have been corrected. We have had some problems with the lift station and have fixed those. They are in the process of determining how to put in that 3<sup>rd</sup> North lift station pump.

**Sweet Haven Apartments – Hookup fees and user fees:** Attorney Lee was asked to look into the issue with the bond and fees for water meters. He visited with someone from the bond attorney's law firm. He reported this was done before he was city attorney. Walter said this is coming from the discussion on Sweet Haven Apartments where we have one meter and six apartments and we are billing each apartment for a water meter. The way our ordinance is written we can do that, but we are trying to determine whether that's fair to do. Attorney Lee wondered if it is a revenue bond or an LID. The answer to that may determine whether or not we can consider reducing the base fee citywide on applicable lots or properties. He said a revenue bond is a bond where you pledge the revenue that comes in towards payment. Discussion was had. Attorney Lee will get with Marcie and see which law firm actually did the legal work, and then go from there. He said it is possible, depending on what type of bond it is.

**Delinquent Accounts:** Walter reported last month there was a considerable amount of severely delinquent accounts. Marcie reported we have three that are in bankruptcy or foreclosure. The mortgage company is supposed to take over. One of the homes has been sold and we're not turning the water on until it is taken care of. Attorney Lee said that is the way it should be done. Marcie said the other two just sit. The Mayor is aware of them and he has contacted the mortgage companies. She said the base fees keep accruing and penalties and the LID. Attorney Lee said we just make sure that the mortgage companies know that that's out there because when they do get it sold, we just ask them to let us know, and we let the new buyer know that has to be paid. Walter reported there is a problem with weeds on some of the properties that are in foreclosure. Attorney Lee said our ordinance gives us the right to go in and take care of the weeds if they refuse to do it, and we can charge them for that.

**Sewer Line Cleaning:** Walter said we have cleaned in the last three years all the sewer lines in town except for the portion of Ponderosa that goes across the Stillman property to the 3<sup>rd</sup> South lift station. Those manholes are two to three feet below the surface. Harold reported there was an agreement that those were dropped so they could farm over them. Attorney Lee will check into the easement to see if we can go in and uncover the manholes.

**COUNCILMEMBER HARRIS:** Harold reported we had some street patching and repairing to do, but because of budget restraints they will not do it. They are starting to grade the alleys. He said D is doing a good job and is on top of the work.

**Inmate Labor:** Harold reported the inmates are completing the fence at Heritage Park.

**CITY ATTORNEY SCOTT LEE – REPORT ON LEGAL ISSUES (Executive Session):**  
**JAN GALLUP – EXECUTIVE SESSION:**

Attorney Lee addressed the Council. He reported he visited with Attorney Richard Smith earlier today and he has some information he wants to share with the Council regarding the annexation dispute. He invited him to come tonight around 8:30 p.m. Mr. Smith will only be here a few minutes. Attorney Lee reported we can go into executive session now and when Mr. Smith gets here, he can knock on the door, come in and report to us, then he will leave. Then when we finish with that part, we will call Jan in to the executive meeting.

8:25 p.m. It was moved by Councilmember King and seconded by Councilmember Orme, pursuant to Title 67-2345(b) and (f), that we move into executive session to discuss personnel and litigation matters. Council President Harris called for a roll call vote:

Those voting aye: Councilmembers Deitz, King and Orme

Those voting nay: None

Thereupon, the Council President declared the motion passed.

10:55 p.m. The executive session ended and the regular Council meeting reconvened.

**MOTION TO REVISE LETTER TO JAN GALLUP:** It was moved by Councilmember King and seconded by Councilmember Orme that we revise our letter of June 22, 2006, to Jan Gallup to add the words “on matters related to Sugar City concerns” after #6 through #10 and then to delete #11, and then resubmit the letter to Jan Gallup. Discussion was had. Council President Harris feels he can vote, because he is not acting as the mayor but as Chairman of the Council, which is a voting member of the Council. Council President Harris called for a roll call vote:

Those voting aye: Councilmembers King and Orme

Those voting nay: Councilmembers Harris and Deitz

City Attorney Scott Lee declared that the motion failed. If we want to make another motion right now, that would be proper. If we want to modify a little bit, that is proper.

**2<sup>nd</sup> MOTION TO REVISE LETTER TO JAN GALLUP:** It was moved by Councilmember King and seconded by Councilmember Orme that we revise the letter of June 22, 2006, to Jan Gallup to include the words “on matters related to Sugar City concerns” at the end of #6 through #10 and resubmit the letter to Mrs. Gallup. Discussion was had. Councilmember King withdrew the motion; seconded by Councilmember Orme.

**AMENDMENT TO MOTION TO REVISE LETTER TO JAN GALLUP:** It was moved by Councilmember King and seconded by Councilmember Orme that we revise the letter of June 22, 2006, to Jan Gallup by adding the words “on matters related to Sugar City concerns” at the end of items #6 through #10 and that we authorize our Attorney Scott Lee to prepare language for Item #11 that would prevent Mrs. Gallup from acting as an enforcer of City ordinances; and that we resubmit that letter to Jan Gallup. Council President Harris called for a roll call vote:

Those voting aye: Councilmembers King, Orme and Harris

Those voting nay: Councilmember Deitz

Thereupon, the Council President declared the motion passed.

Meeting adjourned at 11:20 p.m.

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

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