

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 14, 2008

Presiding: Mayor Glenn W. Dalling

Meeting Convened at 6:30 p.m.

Prayer: Harold Harris

Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Lamont Merrill; Josh Garner, City Attorney; Kyra Davis, Standard Journal; Vaun Waddell; Leola Barnhill; Paul Lusk; Amy Lee Brown and two sons; Maxine K. Wilding; Linda J. Larsen; Spencer Larsen; Verle Wilding; Jan Gallup; Tom Gallup; Karen L. Johnson; Philip Johnson; and Austin Clingler. Councilmember Brad Orme was excused.

PUBLIC HEARING (Transfer of Property to Madison County Fire Protection District):

The mayor welcomed everyone and brought the hearing to order. He asked Chief Spencer Larsen of Rexburg/Madison County Emergency Services to speak. Chief Larsen said the fire district is seeking ground to put a future fire station in Sugar City to provide better protection and a better fire classification. This is the first step. The district does not yet have the money to build the station. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet in hand, Mayor Dalling called first for those in favor of approving the transfer of property to the Madison County Fire Protection District to testify. No one testified in favor.

The mayor then called for those neutral to the proposal to testify. Comments were made as follows:

JAN GALLUP, 309 South Austin Avenue. Ms. Gallup said we need a fire station in Sugar City. She is concerned that citizens whose property borders that property ought to have a say and feels the council needs to take that into account. She said there might be a better location for a fire station. The council should listen.

Mayor Dalling called for those who want to testify against approving the transfer of property to the Madison County Fire Protection District. Comments were made as follows:

AMY LEE BROWN, 205 B Street. Ms. Brown expressed concerns about access, safety, noise, property values and property boundaries. She checked with her insurance carrier, who said there is no reduction in fire insurance for her if the fire station is constructed there.

Chief Larsen addressed her concerns. He explained it will be nice building, and there won't be much activity. They usually put fire stations in the middle of town. He feels it would increase the value of their property.

Ms. Brown said she wished it were going to be placed somewhere else.

VERLE WILDING, 105 N. Front. He feels there is a better location in town to put the fire station.

TYLER BROWN, 205 B Street. He agreed with what his mom said. If the fire station makes the value of their home go down, he feels the city should help pay for their home.

CHIEF LARSEN said if the surveying has been done wrong, they want to take care of it. He said it was professionally done. Fire officials want this to be a positive thing all the way around.

6:50 p.m. The public hearing ended and the council convened their regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King and Lamont Merrill; Josh Garner, City Attorney; Brian Hawkes, Planning & Zoning; Kyra Davis, Standard Journal; Vaun Waddell; Paul Lusk; Tom Gallup; Jan Gallup; Verle Wilding; Maxine Wilding; Clair Boyle; Ted Hendricks; Matthew Hendricks; and Terry Mortensen. Councilmember Brad Orme was excused for part of the meeting.

The Mayor asked if there were any corrections to the minutes of (a) the regular meeting held January 24, 2008, (b) the special meeting held January 31, 2008, or (c) the special meeting held February 7, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept the minutes of January 24, 2008; motion carried. It was moved by Councilmember King and seconded by Councilmember Harris to accept the minutes of January 31, 2008; motion carried. It was moved by Councilmember Harris and seconded by Councilmember King to accept the minutes of February 7, 2008; motion carried.

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

Marcie presented the current bills in the amount of \$101,880.19. It was moved by Councilmember Merrill and seconded by Councilmember King to pay the current bills, with the exception of the Fire Services of Idaho, LLC statement in the amount of \$515, together with all regular February bills that have not yet been received; motion carried.

7:15 p.m. Councilmember Brad Orme arrived.

DECISION ON TRANSFER OF PROPERTY TO MADISON COUNTY FIRE

PROTECTION DISTRICT: The mayor entertained a motion either to act on the matter tonight or to delay it. Councilmember King expressed empathy for the property owners who spoke

against the proposed location for the fire station, feeling the council should review again its options. Councilmember Merrill expressed his feeling that the council sometimes has to weigh the needs of a few against the needs of the community as a whole. **MOTION:** It was moved by Councilmember King to delay action on the question for two weeks. **The motion died for lack of a second.** **SECOND MOTION:** It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept the location and to transfer the property to the Madison County Fire Protection District for the installation of a satellite fire station; Councilmember King voted nay; Councilmember Orme abstained from voting because he was not present for the public hearing; motion carried.

SPRING RUNOFF: Councilmember King reported that a neighbor told him the spot where the south fork of the Teton River turns south on 3000 North is 10 feet higher in elevation than the township of Sugar City, prompting him to feel concern about the effects of runoff this spring. The mayor asked Bruce to research the matter and report back in two weeks.

COST OF PUBLIC HEARINGS: Marcie reported that nearly all the cost of a public hearing is for space in the local newspaper to advertise it. Other minimal costs are for copies of notices and postage to mail them to adjacent property owners. The cost of space in the newspaper averages \$80 to \$90, although it can be as low as \$35 or as high as \$300, depending on the size of the notice necessary.

IMPACT FEE COMMITTEE: The mayor reported the city has formed an impact fee committee of Dewey Furness, Roy Hill, Lawrence Nielsen, Mark Hymas and Paul Lusk. Two of the committee members have to be realtors, developers or contractors. The mayor discussed impact fees and feels we presently have impact fees as part of the water and sewer hookup fees and possibly a little in the cost of building permits. Councilmember Orme feels we need to call our hookup fee for water and sewer a connection fee, not an impact fee. The mayor said the City of Rexburg has spent thousands of dollars to study impact fees, and he doesn't feel we ought to do that. We can use some of their study results. Copies of the 2008 Eastern Idaho Residential Water and Sewer User Rates and Connection Fees Survey by Schiess & Associates were presented to the council. The mayor assigned Councilmember Orme to call a meeting with the impact fee committee to discuss their assignment. Brad said the next step should be to develop a capital improvement plan for the city. The mayor reported that he and Marcie would show him what they have done. Brad feels the city engineer should be involved.

7:50 p.m. Kerry Moser, a member of P&Z, arrived.

BIKE PATH: The mayor reported that the bike path has been advertised for bids. Bid opening is March 4, 2008. At present, there are five interested contractors.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: No report.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING:

Provision on Bonds in Title 1: Attorney Garner said that the surety bond or crime insurance policy we purchase through the Idaho Counties Risk Management Program, Underwriters (ICRMP) is all that is necessary to meet requirements of state statutes.

Resolutions on Web site: Sharon will put council resolutions on the ordinance page of the Web site in addition to including them with the minutes.

COUNCILMEMBER MERRILL: No report.

MAYOR'S BUSINESS:

Business Park: Ted Hendricks met with the council and part of the P&Z Commission to discuss the necessity for moving rapidly on our plans for the business park. He would like to have the project advertised for bids in March and construction to begin in April.

Trails of Madison County Committee: The mayor reported Sugar City should have two people on that committee. So far we haven't been able to get anyone interested.

PLANNING & ZONING REPORT: In the absence of P&Z Chair Brian Hawkes, Commissioner Vaun Waddell addressed the council.

Results of Public Hearings 2-7-08: Mr. Waddell reported that P&Z held the following public hearings on February 7, 2008, namely: (1) Business park zone change from R-1 to B-P zone; (2) amendment of title 9, chapter 13-4-C; (3) new draft of title 10, subdivision; and (4) impact area expansion to impact the Harris and Calaway properties. He said the only testimony given at all the public hearings was by Terry Mortensen, who read the letter from Mr. Calaway asking for Sugar City to expand its impact area to include his property. There was a letter from Basic American Foods stating they would like to be good neighbors. However, there could be some odor from their wastewater spray on the neighboring field. There was also a letter from Rane Palmer objecting to the impact area expansion, although she didn't state a reason for her objection. Mr. Waddell reported all the voting for the evening was unanimous. P&Z voted to recommend approval of the zone change. They recessed and came to the city council special meeting to give their recommendation. The mayor reported that the council passed the zone change. Mr. Waddell said P&Z voted to recommend that title 9, chapter 13-4-C be changed. P&Z also recommended approval of the new draft of title 10. The commission also voted to recommend the impact area change according to the published map, which is now in the hands of the city council and county commissioners.

Other Items Discussed at P&Z Meeting 2-7-08:

Business Park – preliminary plat application: Mr. Waddell reported that P&Z worked with Randy Johnson on the business park preliminary plat application. The role of P&Z is to see that the city code is followed. They hope to have a motion on the preliminary plat at their meeting on February 21. This would entail variances: length of the loop street, block length, sidewalks and curb. He said variances do not require a public hearing, but people within a certain distance need to have seven days notice.

Business Park – design review: Mr. Waddell said we have a design review ordinance. An application for design review needs to be submitted soon. P&Z needs a design review board. It will consist of P&Z members and up to five additional people if the council desires to appoint them.

8:55 p.m. P&Z Chairman Brian Hawkes arrived.

MOTION ON TITLE 9, CHAPTER 13-4-C: It was moved by Councilmember King and seconded by Councilmember Merrill to approve the recommendation of the Planning and Zoning Commission to amend title 9, chapter 13-4-C as proposed, bringing that provision in line with state statutes; motion carried.

9:05 p.m. Randy Johnson arrived.

MOTION ON IMPACT AREA EXPANSION: It was moved by Councilmember Orme and seconded by Councilmember Harris that we recommend to Madison County the extension of the Sugar City impact area to include the Calaway Ranch and the Harris property; motion carried. A copy of the map showing said areas is attached hereto marked "Attachment 1."

MOTION ON TITLE 10, SUBDIVISION: It was moved by Councilmember Orme and seconded by Councilmember Merrill that we approve and adopt title 10, subdivision, as recommended by the Planning and Zoning Commission; motion carried.

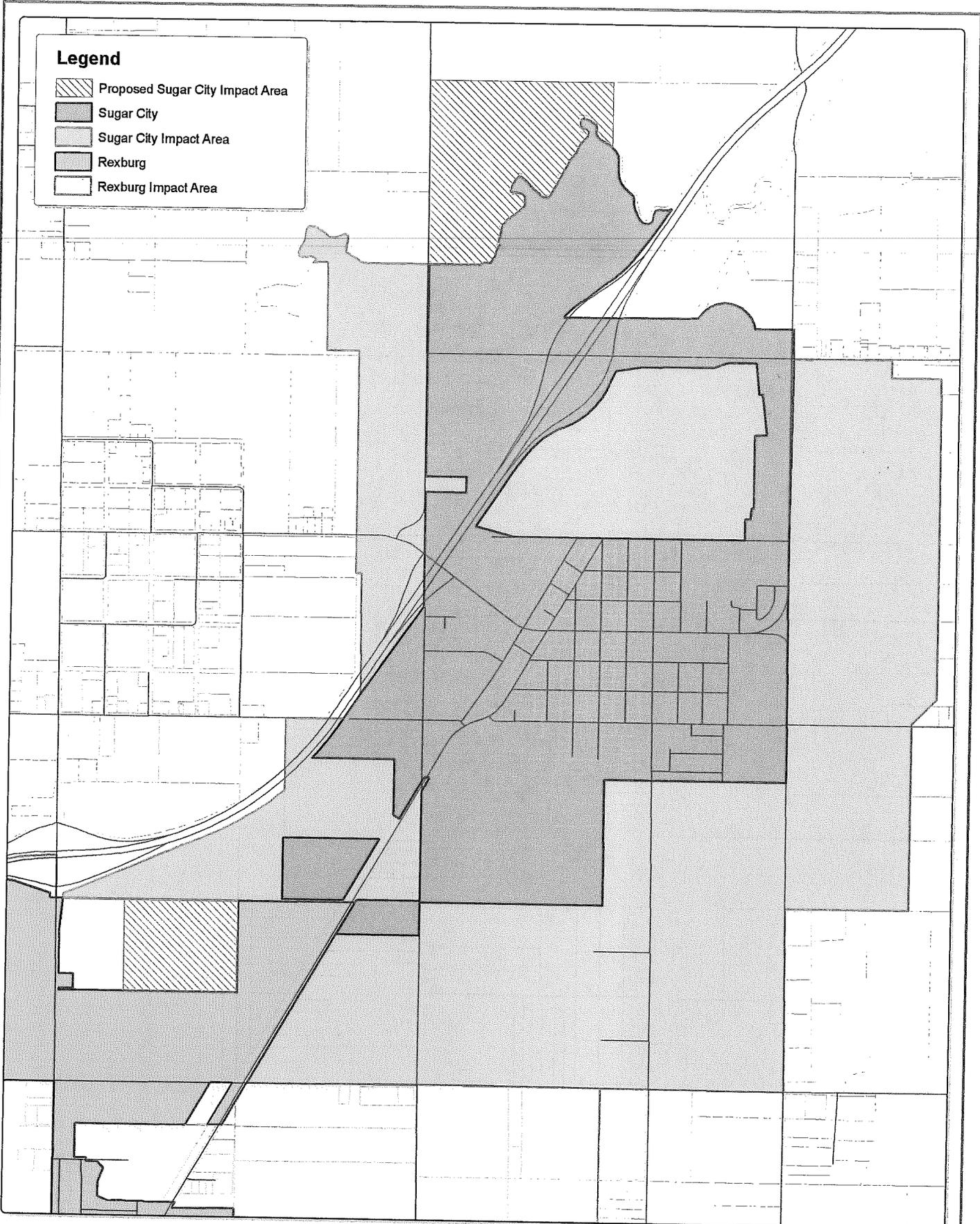
OLD FARM ESTATES – FINAL PLAT APPLICATION: Planning and Zoning Chairman Brian Hawkes reported that Old Farm Estates has submitted a final plat application. There are some conditions that P&Z asked them to fulfill on their preliminary plat application. If they are not fulfilled, then the final plat application is remanded back to the status of a preliminary plat application.

BUSINESS PARK: Randy Johnson reported he is working on design review and a preliminary plat for the business park. He wants to make sure it is ready for the February 21 P&Z meeting. He said he also submitted four variances. Attorney Garner warned that granting variances might set an unwise precedent, but the cost will go up if a variance isn't granted. He recommended that the city narrowly tailor variances and give reasons for granting them. P&Z will consider whether variances should be issued. The city needs to remain neutral and objective.

Meeting adjourned at 9:35 p.m.

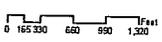
Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk



Legend

- Proposed Sugar City Impact Area
- Sugar City
- Sugar City Impact Area
- Rexburg
- Rexburg Impact Area



SUGAR CITY PROPOSED IMPACT AREA EXPANSION

The information contained in this map is for reference purposes only. Madama County and the City of Rexburg cannot be held responsible for use and/or unintended misuse of the data.

Updated 31 December 2007

