

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JANUARY 22, 2015

Presiding: Council President Lamont Merrill  
Meeting Convened at 6:30 p.m.  
Prayer: Bruce King  
Pledge of Allegiance

Present: Council President Lamont Merrill; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Vaun Waddell, and Burch Drake; Secretary Tom Fleming of the Planning and Zoning Commission; David Caleb Despain of the Standard Journal, Brigham Young University-Idaho Students Brock Allen, Taylor Bradey, Jacie Cecil, Mayra Chavez, Noe Chavez, Amber Fisher, Daniel Gaurdin, Ana Gazier, Ryan Hawkes, Noelle Helm, Nicholas H. Jung, Kyla Mills, Ryan Morgan, and Johan Sanchez; and Citizen Joseph Eaton.

Council President Merrill asked if there were any corrections to the minutes of the regular meeting held on January 8, 2015. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Waddell and seconded by Councilman Drake to accept the minutes, with a second attachment entitled, "Excerpts from Postal Regulations"; motion carried.

**PLANNING & ZONING COMMISSION:**

**Vacant P&Z Seats to be Filled** - P&Z Secretary Tom Fleming, filling in for Chairman Dave Ogden, reported to the council. Christine "Sam" Lines and Russell Thurston have completed their three-year terms, which ended in December. Names have been submitted by the commission for three new commissioners. Brent Barrus has accepted one of the appointments; the others have been contacted. Mr. Barrus previously served 8 years on the City Council.

**MOTION:** It was moved by Councilman King and seconded by Councilman Waddell to confirm the appointment of Brent Barrus to serve on the Planning and Zoning Commission.

**Ordinance #307** - Ordinance #307 was passed by the City Council in October 2014 and was accepted at the Madison County Commission public hearing on January 8, 2015. It is now before Madison County Planning and Zoning Commission before it goes to the Rexburg City Council. The ordinance will be published and codified when it has been adopted by the county commissioners.

**River Bend Ranch** - Terry Mortensen requested changes to the comprehensive plan and city code to allow for the proposed development in the northwest portion of the city. The city Planning and Zoning Commission hopes to have a quorum by the next scheduled meeting.

**Salem Impact Area** - Chairman Dave Odgen has been working with Madison County Commissioner Kimber Ricks and Madison County Planning and Zoning Administrator Brent McFadden to look at the feasibility of expanding Sugar City's impact area east of the North Salem Road and west of the city's boundaries. Some residents have historically and recently indicated they would like to be included in Sugar City's impact area, since the Sugar-Salem school district includes Salem.

**AT&T REQUEST:** - Council President Mont Merrill reported that he met with AT&T representatives to discuss the expansion of AT&T equipment storage at the current water tower site. Previously, the council agreed with AT&T that the building be expanded and a new roof installed. However, AT&T presented three other options that worked better with their budget. The options are in reference to the existing pump house.

1. **Option 1: Expand West** - 8'x10' just outside of the main entrance into the building. The down side for this plan is the snow and ice load could ruin equipment.
2. **Option 2: Expand South** - 8'x16' the full length of the buiding on a cement pad. A chain link fence would also be installed and the expansion landscaped. This may be the best option for the city. The council asked that the property lines be established before giving AT&T the go ahead.
3. **Option 3: Expand East** - AT&T liked this option best. However, the city felt that, given the existing electrical feed and water flush line, this was not a viable option.

**MOTION:** It was moved by Councilman Waddell and seconded by Councilman Drake to express preference for option #2; motion carried. Reasons given were:

- More property.
- Greater revenue potential.
- Encumbrances on other sides – Syringa's equipment is on the north, snow load damage potential, and limited space on the west side. The building itself cannot be used because of limited space for the battery equipment needed.

**ANIMAL ORDINANCE REVISION DISCUSSION:** Councilman Waddell recommended revision of Ordinance #304, "Animals Other Than Canines," as follows:

- **4-4-1 Definitions:** Add definitions for domestic and feral cats.
- **4-4-2 Maltreatment of Animals:** Change misdemeanor penalties to infractions consistent throughout, except where animal fights are concerned. Mr. Waddell will check the state code to see if animal fights are required to be classified higher than as an infraction.
- **4-4-3 Animal Fights:** Check Idaho Code -may need to remain a misdemeanor.
- **4-4-4 Herding Animals:** Change misdemeanor to infraction –a misdemeanor could mean a trial before a judge and jail time. The city could be liable to provide a public defender. An infraction doesn't carry jail time but rather monetary fines up to \$300.
- **4-4-5 Keeping of Certain Animals Prohibited:** Complete review of list of prohibited animals; add a line on the land use schedule designating zones where exhibitions, circuses, or other animal events can be licensed; consider making exemptions for certain 4-H animals.
- **4-4-6 Nuisance Animals:** No change.
- **4-4-7 Animals Running at Large:** Add cats.
- **4-4-8 Impoundment of Animals:** Add that during the 72-hour impoundment the control officer shall provide adequate care as provided in 4-4-8-A.
- **4-4-9 Domestic Hens:** Reconsider every provision.
- **4-4-10 Beehives:** Reconsider the prohibition on selling eggs and honey, reconciling with the home business ordinance; water source for bees; dates for winter season.
- **4-4-11 Penalty:** No change.

Include cats in the ordinance rather than exempting them from everything. Add a section providing for resolution of questions not addressed in the ordinance.. The council will start incremental discussions during the regularly scheduled meetings as outlined but not necessarily in

order of sequence. Prohibited animals, chickens, and bees will be discussed at the first meeting in February.

**MAIL DELIVERY DISCUSSION:** The council will review Attachments 1&2 to the January, 8 2015, minutes, which contain a summary of Sugar City Postmaster Richard Miller's plans for mail delivery and excerpts from the postal regulations. Two options are to let the matter lie as it now is or to have the city attorney prepare a letter to the postmaster. A decision is expected at the next meeting.

**WATER RESOURCES AND RECHARGE MEETING REPORT:** Councilman Burch reported on the Upper Valley Cities Water Coalition meeting held in Idaho Falls. The coalition consists of all mayors north of American Falls, formed to procure water management laws that would benefit this area's water resources through legislation. It is desirable that Sugar City be represented within the coalition and be involved. The coalition is working at getting credit for water flows downstream, to keep and obtain water rights, and to obtain funding from water monies set aside for water systems to help farmers irrigate.

**SEWER LIFT STATION FUNDING:** The outdated electrical panel for the sewer lift station in the Ricks Subdivision has been completely rebuilt. The panel has not been working for some time, although efforts have been made to replace or fix parts -but to no avail. The cost will be substantial and will be noted as a capital improvement. The invoice for the work has not yet been received.

**DELINQUENT UTILITY PAYMENTS:** It was discussed if Sugar City should offer an avenue through which citizens could donate to a relief fund for those who have difficulty paying their utility bills. Some councilmen said it would not be in the city's or the payee's best interest, since it would add more responsibility to the city and may give an excuse for those who choose not to pay their utility bills to shift the responsibility to others. The existing collection system, with local churches helping as needed, seems to work. The council took no action.

**INTERIM MAYOR APPOINTMENT PROCEDURES DISCUSSION:** Council President Lamont Merrill read a memo from the attorney giving guidelines and procedures on appointing an interim mayor to fill Mayor Dalling's term, which ends Dec. 31. The council discussed concerns and ideas and then decided to move forward at the next regularly scheduled meeting to appoint a new mayor. Residents will be notified via the February mailer from the city of the opportunity to apply for the interim-mayor appointment by notifying the city clerk of their interest. The deadline for this notification is Monday, February 9.

**DEPARTMENT REPORTS:**

**COUNCILMAN MERRILL:**

**Legislative Teleconference** -Councilman Merrill reported that the Legislative teleconference was interesting and informative. There are many issues before the state, one of which is whether to increase the tax on motor fuel to generate more revenue for road design, construction, and maintenance.

**COUNCILMAN WADDELL:**

**Moveable Soccer Goals:** Councilman Waddell reported that six soccer goals will cost \$2,000, plus the cost of nets. This item will be placed on the agenda for discussion next month, along with park-use fees.

**COUNCILMAN DRAKE:**

**Snow Removal** – Councilman Drake reported that snow removal is going well. One vehicle used for snow plowing is currently in the garage for repair.

**Mayor Recognition** -A retirement party is being planned to honor Mayor Dalling in the near future.

**COUNCILMAN KING:**

**Responsibilities of Public Office** - Councilman Bruce King shared a quote from Sunday's issue of the *Idaho Press Tribune*, which is the newspaper published in Nampa: "Being elected to political office means that, at some point, you're going to have to make decisions that won't be popular with some factions of people. Anyone who enters politics under the delusion that a good public servant can make everyone happy all the time -while still doing what's in the best long-term interest of the people as a whole -would be better served writing fantasy novels ....

"Sometimes you have to make tough choices that won't sit well with large swaths of people. That's why they're called 'hard choices,' and anyone who isn't thick-skinned enough to make them and face the heat afterward has no business putting his or her name on the ballot." ("Raise gas tax, registration fees," editorial section, *Idaho Press Tribune*, Nampa, Jan. 18, 2015)

Meeting adjourned at 8:35 p.m.

Signed: W. Lamont Merrill  
W. Lamont Merrill, Council President

Attested: Wendy McLaughlin  
Wendy McLaughlin, Clerk-Treasurer