

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, AUGUST 28, 2014

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

**PUBLIC HEARING (Reopen 2014 Budget):** Mayor Dalling welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and explained why the budget needed to be amended to accommodate 2013 Budget projects that did not develop until the 2014 Budget year. City Clerk-Treasurer Wendy McLaughlin reported that there was no prior written testimony submitted. Mayor Dalling called first for those in favor of approving the proposed budget amendment. No one testified.

The mayor called for those neutral to the proposal to testify. Mark Oliphant asked some general questions about the budget, which the mayor answered.

The mayor then called for those against the proposal to testify. No one testified.

6:45 p.m. The public hearing ended, and the council convened the Public Hearing for the proposed 2014-15 Budget.

**PUBLIC HEARING (Proposed Budget 2014-2015):** Mayor Dalling welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and reviewed the general fund and the utility fund budget items. City Clerk-Treasurer Wendy McLaughlin reported that there was no prior written testimony submitted. Mayor Dalling called first for those in favor of approving the proposed budget. No one testified.

The mayor called for those neutral to the proposal to testify. No one testified.

The mayor then called for those against the proposal to testify. No one testified.

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

Present: Mayor Glenn W. Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmans Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; City Attorney Bill Forsberg; Chairman David Ogden, Planning and Zoning Commission; City Engineer Dick Dyer; Idaho Transportation Department District 6 Traffic Engineer Ben Burke; Old Farm Estates Representative Ryan Lerwill; Robert Atkinson; Daniel Baird; Heather Baird; Jess Brown; Joe Eaton; Nita Eaton; Michelle Eaton; Mike Courtney; Kyle Kimball; Todd Lines; Mark Oliphant; and Mary Lou Wilding.

**MOTION TO AMEND AGENDA:** It was moved by Councilman Waddell and seconded by Councilman Drake to amend the agenda to include the Public Hearing on reopening the 2014 Budget; motion carried.

**MOTION TO APPROVE TO REOPEN 2014 BUDGET:** It was moved by Councilman Waddell and seconded by Councilman Drake to amend the 2013-2014 Budget to transfer from savings needed funds allocated in the 2013 Budget for projects that were not yet completed, and as noticed in the newspaper and presented at the public hearing tonight. The mayor called for a roll call vote:

Those voting aye: Councilmans King, Merrill, Waddell and Drake

Those voting nay: None

Thereupon, the mayor declared the motion passed.

**MOTION TO ADOPT 2014-2015 BUDGET:** It was moved by Councilman Drake and seconded by Councilman King to adopt the fiscal year 2014-2015 budget as prepared and proposed for Sugar City, and as noticed in the newspaper and presented at the public hearing tonight. The mayor called for a roll call vote:

Those voting aye: Councilmans King, Merrill, Waddell and Drake

Those voting nay: None

Thereupon, the mayor declared the motion passed.

The mayor asked if there were any corrections to the minutes of the regular meeting held on August 14, 2014. 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; motion carried.

**LARGE VEHICLE PARKING ORDINANCE DISCUSSION:** Attorney Bill Forsberg addressed the council about possible changes to the ordinance to consider:

- Residential Parking only or city wide parking restrictions – some streets are zoned residential on one side and commercial on the other
- RV Parking occupied vs unoccupied – should there be a difference in length of time before the RV must be moved
- Infraction vs Misdemeanor – the city code lists misdemeanor as the default when a code has been broken. An infraction would bring about behavior change more easily without involving the criminal justice system and less involvement from the city.

It was also noted that the proposed ordinance should define “restricted vehicles” by width and weight and also to include farm machinery. The council will review a current copy of the proposed ordinance with changes made so far and will send to Wendy additional suggested revisions before the next council meeting.

**PLANNING AND ZONING REPORT:** : P&Z Chairman David Ogden addressed the council. The commission is prepared for a September 4, 2014, public hearing on proposed changes to the land-use and zoning maps, and on proposed additions to verbiage in the Impact Area Ordinance, which coordinates county and city impact area regulations.

**New P&Z Commission Member:** Wendy administered the oath of office to Bill Barnhill at the last P&Z meeting held on August 21. The commission is still one member short.

**Oliphant Short Form Plat Application:** Mark Oliphant has applied for a Short Form Plat to divide his 5-acre property into 3 parcels. Planning and Zoning recommended the application to the council. The council will review it and be prepared to act next meeting.

**Comprehensive Plan Amendment:** The council reminded P&Z about the amendment to the Comprehensive Plan to add a lighting objective. The proposed objective develops the idea for

better and more pleasing lighting within the city. The public needs to be notified of the proposed changes. A decision could be delayed.

**ADDITIONAL TRAFFIC SIGNS:** District 6 Traffic Engineer Ben Burke addressed the city council on traffic signage that could help alleviate the confusion about how to enter and/or exit Sugar City on U.S. Highway 20. The current signage is inadequate. Mr. Burke has worked out a solution to most of the confusion, with new signage on specific routes and streets. Councilman King noted that changes may need to be made to re-route truck traffic away from the Toscano development when it should be finished in the future. Businesses on the route could be notified by email of any route changes with a 2-month lead time.

**OLD FARM ESTATES PHASE 1 DEVELOPMENT:** City Engineer Dick Dyer addressed the council to present the Phase 1 development of Old Farm Estates and to recommend that the city receive the completed development. Four issues were identified and addressed:

- **Infrastructure:** Internal TV inspection of the sewer lines, pressure testing water system, bacteria testing of water, and repairing/improving/replacing the physical structure to an acceptable condition.
- **Warranty:** Normally, completed developments are to be warranted for up to a year following construction. Since this development began six years ago and has sat dormant for some time, the bonding will be done through an escrow account of \$75,000 to ensure the infrastructure.
- **Water Rights:** The developer will transfer all water rights to the city when at least 50% of the development is completed.
- **Restrictive Covenants:** The underlying zoning codes govern the appearance and function of the development. Two restrictions were added by the city and agreed upon by the developer – homes cannot access Fifth South directly and all properties in the subdivision will participate in improvements to the Kmart pump station when/if it becomes necessary.

City resident Kevin Galbraith, whose family owns the property just east of Phase 1 of the Old Farm Estates development, requested that the city not accept infrastructure installed for Phase 1 until the city grants a utility easement to his family. In response to that request, city officials noted that they cannot grant an easement on land the city does not own. Furthermore, the property for which Mr. Galbraith is concerned about access to city utilities lies outside the city's boundaries.

The Galbraith family is concerned about access to city utilities and about landscaping and maintenance of a 20-by-600-foot strip of land just east of South Austin Avenue on the west side of their property. Gary Stillman, of Utah, owns this strip of land along with all of the Old Farm Estates development and is the only one who can grant an easement on his land.

**MOTION:** It was moved by Councilman King and seconded by Councilman Drake to accept ownership, operation, and maintenance of streets, curbs, gutters, storm drains/systems, sidewalks, and utility lines for Phase 1 of the Old Farm Estates development, subject to commitments of the developer in a letter to the city dated Aug. 25, 2014, concerning completion of subdivision improvements.

Thereupon the clerk called roll upon the motion.

Those voting aye: Councilman Merrill, Waddell, Drake, and King

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.

The motion carried unanimously, enabling the city to issue building permits for lots in Phase 1 of the development.

**ANIMAL ORDINANCE PUBLIC COMMENTS (2<sup>ND</sup> OF 3 MEETINGS):** Several citizens commented on the animal ordinance passed in May of this year. These comments are recorded and available for the council to review. The council will again hear from the public at our next regularly scheduled meeting before discussing any possible changes to the ordinance.

**URBAN RENEWAL DISTRICT MEETING:** Councilman Merrill reported that the North Interchange District development has slowed because Walmart will not begin construction this fall as planned. However the Eligibility Report is completed and Sugar City and Madison County will be invited to the public hearing. Part of the Todd Harris property is in the Sugar City impact area. The Sandra Ball property is located within the city limits. Todd Harris and Sandra Ball have both signed the revised agreement.

**PSN REVIEW:** The council decided to wait until after the September training meeting in Boise to make any further decision on the PSN payment options. The company is back east and is not supported by Caselle. However, St. Anthony is currently using them with their Caselle software. The time zone difference delays payments.

**DEPARTMENT REPORTS:**

**COUNCILMAN KING:** No report.

**COUNCILMAN MERRILL:** The front façade is moving forward as planned. Danial Morris of Morris Masonry will do the masonry work. Nava Masonry owned by Sergio Navarrete of Sugar City put in a bid to do the work. The bid came after Morris Masonry had been granted the rock laying job and could not be considered.

**COUNCILMAN WADDELL:** Councilman Waddell submitted a drawing of the office sign after the council decided in the previous meeting that the horizontal drawing with the old bell would not work.

**COUNCILMAN DRAKE:** With the Tree and Beautification Committee Chair Jody Huntsman gone, the committee is looking for a replacement to water the flowers and lead the committee. Councilman Drake will meet with a couple tomorrow.

**MAYOR'S BUSINESS:**

**Island Park Mayor's Meeting:** No report

**AT&T Expansion:** Mayor Glenn Dalling reported that we are currently working on an appointment to meet AT&T at the proposed construction site.

**Fog Coat City Streets:** The mayor cast the deciding vote against re-fog coating the streets with streaks. Madison County Public Works Director Dave Walrath felt it was not justified.

**Soccer Park Committee:** The mayor reported a need for a soccer park committee and appointed Councilman Vaun Waddell to chair it. Public Works Director Zane Baler will also be asked to sit on the committee. A member of the Tree and Beautification committee could also be on the committee. The purpose is to review charges and scheduling for protection and use of the field at Heritage Park.

Meeting adjourned at 9:45 p.m.

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

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer