

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, SEPTEMBER 13, 2012

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Lamont Merrill and Burch Drake; and Steve Hawkes, Planning & Zoning Commission; Tim Kershaw; Jon Ozeda; Jonas Pacheco; Don Rydalch; Clayne Bloom; and Jim Lyman. Councilmember Vaun Waddell was excused for the first part of the meeting.

The mayor asked if there were any corrections to the minutes of the regular meeting held on August 23, 2012. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Drake and seconded by Councilmember Merrill to accept said minutes; motion carried.

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

Marcie presented the current bills in the amount of \$100,378.03. It was moved by Councilmember King and seconded by Councilmember Drake to pay the current bills, together with all regular September bills that have not yet been received; motion carried.

PLANNING & ZONING REPORT: In the absence of P&Z Chairman Steve Hawkes, Commissioner David Ogden addressed the council.

Public hearing on Tim & Jodi Rarick special use permit: Commissioner Ogden reported that the public hearing went well. As a Planning and Zoning Commission, they wanted to make sure everyone understood the information presented.

P&Z's Recommendation on Rarick special use permit: Commissioner Ogden presented P&Z's written recommendation as follows: "During our regular planning and zoning meeting the commissioners discussed in depth the proposed special use permit. Some of the items based on the Planning and Zoning's recommendation to the city council are as follows: (1) an R-1 zone allows only four dwellings per acre. The density of the neighborhood home will not allow this; (2) an R-1 zone does not allow an apartment to be built in this zone; and (3) there is not a firewall between the apartment and the home. After a long discussion a motion was made to recommend to the city council to not approve said special use permit to Tim and Jodi Rarick allowing renting the apartment."

Sofa Source plans: Clair Boyle brought in the architectural drawings for Sofa Source,

who wants to build in the Business Park. Commissioner Ogden reported that the design review was approved and the Planning and Zoning Commission had no problem with it.

DISCUSSION/POSSIBLE DECISION ON P&Z'S RECOMMENDATION ON TIM AND JODI RARICK SPECIAL USE PERMIT: Discussion was had. At P&Z's public hearing on September 6, 2012, six community members spoke in favor of the special use permit, one was neutral, and three were against. It was the consensus of the council to listen to the public hearing tape, which is in the possession of City Clerk Sharon L. Bell, in lieu of making a transcript of the public hearing. According to code (Section 9-6-5C), the council has 35 days after receiving the recommendation of the Planning and Zoning Commission to approve, conditionally approve, or deny the application. If the city council takes an action that differs materially from the recommendation of the Planning and Zoning Commission, they need to hold a public hearing.

MOTION: It was moved by Councilmember King and seconded by Councilmember Merrill to defer further discussion on the recommendation of the Planning and Zoning Commission regarding the application for a special use permit by Tim and Jodi Rarick until the first regular city council meeting in October, giving time for the council to listen to the testimony of the commission hearing; motion carried.

SIGN CODE DISCUSSION: Councilmember King presented copies of the sign code, which shows the changes the attorney made after reviewing the proposed ordinance. His changes are in red. We should put this on the agenda on October 11. Sharon was asked to prepare the final ordinance for passage.

DISCUSSION ON DATE OF PIONEER COMMUNITY BREAKFAST: Discussion was had on whether to continue holding the pioneer community breakfast the same day as the St. Anthony parade, because the city council participates in both events.

7:30 p.m. Councilmember Waddell arrived.

It was decided by the council to let the matter sit right now until they asked their friends if they would like the two activities the same day. The City of Sugar City is planning to have a float in the Madison County Centennial Parade next July and there is a possibility that it could be entered in both parades. Councilmember Drake, together with his wife, accepted the assignment to oversee the making of said float.

DISCUSSION ON WEED COMPLAINTS: A complaint was made on August 20 about two houses and the property surrounding them. Our ordinance says nothing about houses, but the city can force a cleanup of the weeds around them. The mayor suggested that he would talk with the bishop about getting the weeds cleaned up at the two houses. A discussion was had about including a provision in our ordinance that talks about houses and have the attorney weigh in on it. The mayor will check with Attorney Forsberg on the matter.

NO PARKING ZONE ON 3RD SOUTH FROM PINE AVENUE EAST TO DIGGER DRIVE – DISCUSSION ON FINE AMOUNT: Deputy Stanford has been patrolling the area and has got the word out about the no parking zone.

MOTION TO RESCIND MOTION OF 8-23-12 REGARDING FINES: It was moved by Councilmember Drake and seconded by Councilmember Waddell to rescind the

motion made August 23 regarding the \$35 parking fine in the no parking zone and to follow Resolution No. 2001-1 dated January 11, 2001; motion carried.

LEASING OF CITY PROPERTY TO BRAD ORME: Councilmember Merrill reported that the draft lease had been sent to Attorney Forsberg for his recommendation. Discussion was had on a few changes Mr. Forsberg made. He said it would be difficult or impossible to do a long-term lease.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Waddell to approve the lease with Brad Orme as it is currently written, with the attorney's correction and on page 1, instead of paying \$25 per month that it be \$300 per year to begin on July 1, 2012; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL:

LEPC meeting: A new light tower will be purchased and will be stored at the Sugar City sheriff's office for emergencies. A vulnerability assessment was done for the area, and thunderstorms were listed as No. 1. They talked about the people who have been killed by the fires, and the truck that has the fire-fighting equipment has earned \$77,000 this year. As of September 1 they are letting some very difficult fires burn and are just protecting homes. The mayor asked Lamont to find out what plan the county has regarding communication with Sugar City and authority to act and make decisions in an emergency. Lamont said he has an emergency book and we are part of the county emergency plan. He will review it and report at the next meeting.

COUNCILMEMBER WADDELL: No report.

COUNCILMEMBER DRAKE:

West Entrance sign: Burch reported that the travertine rock hasn't come yet.

MAYOR'S BUSINESS:

Business Park – Sign: The mayor reported that Madison Economic Partners has approved \$5,000, but more will be needed. Clair Boyle is pushing for a nice sign like the business park has for Rexburg. The council was encouraged to look at that sign.

Business Park – repair payment: Sixteen thrust blocks have been installed at a cost of \$5,040. The repairs around the sheriff's building that were caused by the blowout of the water line cost \$4,300. The mayor said he has a meeting with Forsgren Associates tomorrow to decide payment for the problem.

Recharge water project: The mayor said the city approved it and they are ready to go ahead with it.

Cancellation of city council meeting: The mayor reported that Councilmember

Waddell will be gone for the next two meetings and the mayor will also be out of town for the September 27 meeting. In lieu of a problem, he feels the council should cancel the second meeting in September.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember King to cancel the meeting scheduled for September 27, 2012; motion carried.

Meeting adjourned at 8:45 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk