

**City Council Meeting**  
**April 16, 2014**  
**7:30 pm**  
**Montpelier City Hall**

The meeting was conducted by Mayor Jared Sharp on April 16, at 7:30 at the Montpelier City Hall.

**Present:**

Dan Fisher  
Heather Mortensen  
Scott Nussbaum  
Ted Slivinski  
Mike Sparks  
Marden Phelps

**Others:**

Clerk Leslie Tueller  
Amy Bishop  
Chief Russell Roper  
Superintendent John Petersen  
P & Z Chairman Byron Nelson  
Chief Steve Higgins

**Approval of Agenda**

Councilmember Dan Fisher moved to add JoAnn Taylor to the agenda. JoAnn will be reporting about the Montpelier Sesquicentennial Celebration.

**Councilmember Dan Fisher moved to approve the agenda as amended. Councilmember Scott Nussbaum seconded. The voting was unanimous in the affirmative.**

**Approval of the Minutes**

Councilmember Heather Mortensen requested that the statement "There was a discussion about fence permits." Be added to the minutes of April 2<sup>nd</sup>.

**Councilmember Heather Mortensen moved to approve the minutes of April 2<sup>nd</sup> with the above change. Councilmember Marden Phelps seconded. The voting was unanimous in the affirmative.**

**Councilmember Marden Phelps moved to approve the minutes of April 9<sup>th</sup> as presented. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

**Approval of Bills**

**Councilmember Mike Sparks moved to approve and pay bills in the amount of \$80,063.33 with \$28,252.14 being payroll. Councilmember Heather Mortensen seconded. The voting was unanimous in the affirmative.**

**Public Hearing**

**Councilmember Dan Fisher moved to go into Public Hearing addressing the zoning matrix change on LO zoning. Councilmember Marden Phelps seconded. The voting was unanimous in the affirmative.**

Planning and Zoning Chairman, Byron Nelson, presented the Planning and Zoning recommendation to change the matrix on the LO zoning district to read ten foot setbacks. Bear Lake Memorial Hospital is adding on and if the matrix remains the same they would not be in compliance with the current matrix. He reported that it had been a unanimous decision by the Planning and Zoning Commission.

Mayor Jared Sharp added that the only LO zoning in the city was the area where the hospital is now built.

Those who testified in favor:

Carson Price  
Ken Yellen

There were none opposed.

John Lusk commented that he doubted if a resident could get the same consideration

Councilmember Marden Phelps asked the Planning and Zoning why a variance wasn't used instead of a setback change.

Ken Yellen replied that this circumstance did not meet the variance requirements as outlined in the Montpelier City Code. Chairman Nelson and board member Ken Yellen explained to everybody present why this did not qualify for a variance.

Scott Nussbaum had several questions as to the timing of the completion of the plans and application for the permit.

**Councilmember Marden Phelps moved to close the Public Hearing and go back into regular session. Councilmember Dan Fisher seconded. The voting was unanimous in the affirmative.**

**Councilmember Maraden Phelps moved authorize the City Attorney to draft an Ordinance amending the matrix for the LO zoning to 10 foot setbacks. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

### **Bear Lake High School Parking**

Principal Chamberlain from Bear Lake High School was present to ask that parking be prohibited on Boise Street from 4<sup>th</sup> to 2<sup>nd</sup> Street. Principal Chamberlain is implementing a

parking permit program so he can keep better track of who owns what car. There was discussion among the councilmembers about the time frame and location of where they should prohibit parking.

Police of Chief, Russell Roper, was asked for input and he stated that he had no problem with this restriction of parking.

Ken Yellen recited the city code, 10.08.070, reading that traffic can be controlled by signage, relieving the City Council of adopting an ordinance.

**Councilmember Marden Phelps moved to authorize John Petersen to order and install no parking signs for the north side of Boise street during school hours and no parking for the south side and authorized Chief Russell Roper to enforce the signage. Councilmember Heather Mortensen seconded. The voting was unanimous in the affirmative.**

#### **Date for Annual Budget Meeting**

**Councilmember Marden Phelps moved to set the annual Budget Hearing date for August 20<sup>th</sup> at 7:30 pm. Councilmember Scott Nussbaum seconded. The voting was unanimous in the affirmative.**

#### **International Building Code and Fence Permit Discussion**

Mayor Jared Sharp stated that Lincoln County had not rescinded the International Building Code, they were thinking about it but it has not been done yet. He also reported to the council that he had talked with the City Attorney, Doug Wood, and had been advised not to repeal the code due to the liability position it would put the city in. Mayor Sharp was asked to get a letter from the attorney explaining his advice.

There was discussion about the fence permit. It was suggested by Mayor Sharp that the Planning and Zoning verify neighbor's signatures on the fence permit and the charge for the fence permit be dropped. An addition of a fence would be an improvement to the property and they should not be charged a permit fee for improving their property.

P & Z member, Ken Yellen, stated that if the fence permits had to go through Planning and Zoning there was potentially a long wait before the permit holder could begin constructions since the P & Z Commission only met once a month. This could cause problems with such a short building season.

Councilmember Heather Mortensen asked that the ordinance be rewritten to include the verbiage stating that the ordinance would not be repealed by adopting the International Building Code. She felt that it needed more clarity as to whether to ordinance is still in force.

Councilmember Marden Phelps encouraged the council not to set fees in the ordinance, by setting fees in a resolution it makes it easier to change the fee structure and it also means you do not have to amend the ordinance.

There was discussion among the councilmembers and several citizens about the pros and cons of the International Building Code.

Councilmember Dan Fisher asked that the discussion be continued at a later date and would like to have some legal input from the City Attorney.

**Councilmember Marden Phelps moved to table this discussion until a later council meeting. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

### **Memorandum of Understanding**

A Memorandum of Understanding between the County of Bear Lake and the City of Montpelier was presented for discussion. The memorandum defines the duties of Wayne Davidson to be the building inspector for the City of Montpelier.

**Councilmember Marden Phelps moved to authorize Mayor Jared Sharp to present the Memorandum of Understanding to the Bear Lake County Commissioners and enter into an agreement enabling Wayne Davidson to act as the building inspector for the City of Montpelier. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

### **Terry Smith- State Highway Department**

Terry Smith, representing the State Highway Department was present to inform the council of their road maintenance schedule. They will be resurfacing 4<sup>th</sup> Street in 2019, removing and repairing the top three feet of the road .

They will also be repairing Washington Street at which time the islands will be removed. They are difficult for the city crew when they snowplow and they are considered dangerous by the highway department.

Terry also asked about the Mayor's Youth Advisory Council. They have a sections of "adopt a highway" that runs over the overpass. Terry would like to reassign that area if they are no longer a group. Mayor Sharp stated that he would get back to him on that question.

### **Ordinance #528**

Councilmember Mike Sparks asked the council to consider amending Ordinance #528. The ordinance addressed the Montpelier City Golf Commission and states that all members must be residents of the city. Councilmember Sparks would like that changed to read the simple majority will be residents of the city.

**Councilmember Marden Phelps moved to authorize the City Attorney to draft an ordinance amending Ordinance #528 to read that the simple majority be residents of the**

city. Councilmember Heather Mortensen seconded. The voting was unanimous in the affirmative.

### **Increase Cemetery Fees on Weekends**

There was discussion among the councilmembers about weekend rates on grave opening and closing. The regular amount charged does not cover the expenses when a person is paid overtime for weekend grave digging. Councilmember Dan Fisher asked that the average wage and breakdown be presented at the next meeting to arrive at a fair cost increase.

**Councilmember Dan Fisher moved to table this action item until a later date.**  
**Councilmember Mike Sparks seconded. The voting was unanimous in the affirmative.**

### **Dan Fisher**

Councilmember Dan Fisher introduced JoAnn Taylor to report on the Sesquicentennial Celebration. She reported that different groups were going to prepare the meals. The Fire Department will do a dutch oven dinner and the Lions Club will do the breakfast. She hopes to get the food donated so that each group can keep their ticket sales as a donation. She also reported that there will be a Lions Club Trio contest and a craft fair. The committee will start having articles in the local newspaper. They would like one of the activities to be a tour of the Montpelier City Hall and she would like a member of the council to be on the committee.

Councilmember Marden Phelps volunteered for this position.

### **Heather Mortensen**

Councilmember Heather Mortensen reported the Arts Council is sponsoring a raffle. All ticket sales sold in April will be matched by an anonymous donor.

Councilmember Mortensen reported that the Housing Authority is getting close to setting a date for the citywide cleanup.

### **Scott Nussbaum**

Councilmember Scott Nussbaum received a request from a citizen that they would like a "blind child" traffic sign placed in their neighborhood. Superintendent John Petersen had emailed Councilmember Nussbaum an article that highly recommends that those types of signs be taken down because it created liabilities for the city and also creates a driving zone that is distracted by signs. He also stated that the signs have no effect in lowering accidents.

Councilmember Scott Nussbaum reported that he would read the article and pass it on to the family requesting the sign.

**Councilmember Marden Phelps moved to table this action item indefinitely.**  
**Councilmember Dan Fisher seconded. The voting was unanimous in the affirmative.**

**Marden Phelps**

Councilmember Marden Phelps reported the Oregon Trail Center did not meet this month. He also reported that they are thinking of raising their admission prices for the upcoming year.

The Senior Center is sponsoring an Easter Hat contest on Friday.

Janalee Sharp mentioned the Oregon Trail Center is sponsoring a workshop featuring Jenny Doan, owner of the Missouri Star Quilt Shop.

**Ted Slivinski**

Councilmember Ted Slivinski reported that the baseball signups are finished. He also thanked the citizens for the discussion during the meeting tonight.

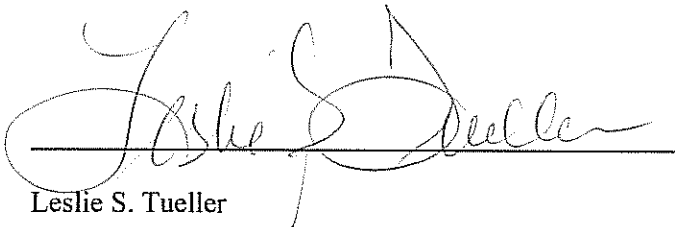
Councilmember Scott Nussbaum thanked the city crew for their help to Allen Harrison who put up the baseball nets at the baseball diamonds at Allinger Park.

Mayor Sharp thanked Councilmember Mike Sparks for coming to the meeting, his mother passed away and the week had been very busy for him.

Fire Chief Steve Higgins reported the Fire Department is doing another fund raiser this 4<sup>th</sup> of July. They will have activities as well as education stations.

Mayor Jared Sharp adjourned until the next special meeting on April 23, 2014.

Respectfully Submitted,



Leslie S. Tueller