

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 14, 2016

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

Present: Mayor Lamont Merrill; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Bruce Bills, Bruce Arnell, Matt Garner and Councilman Elect Joe Cherrington; Mayor Elect and Chairman Dave Ogden of the Planning and Zoning Commission; Chairman Elect Brent Barrus of the Planning and Zoning Commission; Jeff and Ryan Lerwill, owners of Old Farm Estates, and Kurt Roland Eagle Rock Engineer for Old Farm Estates; Citizens Susan, Garrett and Jessica Garner, Cari and Debbie Cherrington, Martha Arnell, Dave Thompson, Harold and Dax Harris; and a reporter from the *Standard Journal*.

Mayor Merrill asked if there were any corrections to the minutes of the regular meeting held on December 10, 2015. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Garner and seconded by Councilman Arnell to accept the minutes, provided that \$250,000, which was already understood to be part of their contribution to the proposed grant budget for Fertile Peat Products, be added for clarification; motion carried.

RECONCILIATION REPORTS: Wendy presented the December reconciliation reports for the General Fund. It was moved by Councilman Arnell and seconded by Councilman Garner to accept the December reconciliation reports for the General Fund; motion carried. Wendy presented the December reconciliation reports for the Utility Fund. It was moved by Councilman Arnell and seconded by Councilman Bills to accept the December reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$50,490.25. It was moved by Councilman Arnell and seconded by Councilman Garner to pay the current bills, together with all regular January bills; motion carried.

PLANNING & ZONING COMMISSION REPORT: Chairman Elect Brent Barrus reported on the Old Farm Estates public hearings and recommendations (see Attachment #1):

Preliminary Plat: Recommended for approval

Land Use Map Changes: Recommended for approval

Zoning Changes/Ordinance Adoption: Recommended for approval

Old Farm Estates Proposals and P&Z Recommendations:

The council discussed at length legitimate concerns brought by the public on density, road safety, land use changes, and zoning changes, all in regards to the Comprehensive Plan. Many citizens do not welcome the proposed changes. Councilman King read a prepared statement

voicing his concerns about the proposals and urging the council to carefully consider the “weighty issues” raised by the proposals (see Attachment #2). The council seemed reluctant to move forward with his recommendations. The council were asked to consider that Sugar City has seen relatively no growth for several years and that controlled growth would help the city move forward in a positive manner into the future as growth around the city continues. Mayor Merrill also reminded the council of the prior work and review done by the Planning and Zoning Commission to work out citizen concerns. “I feel this is a very appropriate development,” said Mayor Merrill. “The concerns we have can be worked out as we move forward.” The balance to strike is controlling growth without stifling growth, he said. The council felt that the design review could help strike that balance.

MOTION: For the Preliminary Plat on Phase 2. It was moved by Councilman Garner and seconded by Councilman Arnell to approve the Preliminary Plat Phase 2 recommendation from the Planning and Zoning Commission, with one exception to address the intersection concerns onto 3rd South from the Old Farm Estates development. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, Bills and King

Those voting nay: None

Thereupon the Mayor Merrill declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried.

Land Use Map Recommendations:

The council discussed the land use map recommendations introducing some multi-family dwellings and businesses, reportedly bringing a much needed tax base to the city. The area is currently zoned residential. Residents closest to areas of density change would have landscaping berms and buffers to help alleviate concerns. These ideas appeared to be viable solutions to some of the concerns voiced by citizens.

MOTION: It was moved by Councilman Bills and approved by Councilman Garner to approve the planning and zoning recommendation for the Land Use Map. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, and Bills

Those voting nay: Councilman King, on grounds that the proposed multiple-use zones included too much area and density, and are too close to existing homeowners.

Thereupon Mayor Merrill declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried.

ORDINANCE NO 312:

Ordinance No. 312 was introduced and read in full by Councilman Bills, entitled:

“AN ORDINANCE AMENDING THE DEFINITIONS OF THE MU AND R3 ZONING

DISTRICTS IN TITLE 9, CHAPTER 2 OF THE SUGAR CITY, IDAHO CITY CODE;
PROVIDING A SAVINGS CLAUSE FOR ALL ACTIONS TAKEN IN RELIANCE ON THE
PREVIOUS ORDINANCE WHICH MAY BE IN CONFLICT WITH THE AMENDMENTS
HEREIN; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

It was moved by Councilman Arnell and seconded by Councilman Garner to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Bills, Garner, and Arnell

Those voting nay: Councilman King

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Arnell and seconded by Councilman Garner to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, and Bills

Those voting nay: Councilman King

Ordinance No. 312 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 312 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS: After concluding the fiscal matters of the preceding year, City Clerk-Treasurer Wendy McLaughlin performed the swearing in of the newly elected officers as follows: Mayor David D. Ogden for a term of four years; Council member Matthew A. Garner for a term of two years, Council members William Bruce Arnell and Joseph F. Cherrington, each for four-year terms. The mayor and council members signed the Oaths of Office and took their places at the council table. Mayor Ogden then resumed the meeting. He called for a 30-minute break to give everyone an opportunity to congratulate those who are retiring. He expressed thanks to former Mayor W. Lamont Merrill and Councilmen Bruce R. Bills, Vaun Waddell, and the late Burch Drake for their fine service to the city. Councilman King recognized each with a plaque for their devoted service. Refreshments were provided.

DAVE THOMPSON P&Z APPOINTMENT: The council approved the planning and zoning recommendation of Dave Thompson to join the commission. He would represent the impact area of the city and take Barbara Carpenter's seat, whose term ends December 2017.

MOTION: It was moved by Councilman King and seconded by Councilman Garner to confirm the appointment of Dave Thompson to the Planning and Zoning Commission; motion carried.

RESOLUTION NO. 2016-1 (ADA Grant Agreement): Councilman Joe Cherrington read

Resolution No. 2016-1 in its entirety. It was moved by Councilman Arnell and seconded by Councilman Garner to approve Resolution No. 2016-1. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilmen King, Cherrington, Garner, and Arnell

Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 3."

NEW CITY VEHICLE/COPIER: The council discussed the options of buying or leasing a new copier versus using the existing copier. The cost associated with using the existing copier is much higher per copy; it actually saves the city money to buy or lease a new copier. The council asked that the new copier have the ability to make documents searchable and selectable, since the city is looking to scan all public documents to store and make them searchable and selectable for city officials and the public.

The city is also in need of a new pick-up for the Public Works Department. The council agreed that newer equipment is important when possible. The state auction was suggested as a possible resource for newer vehicles at lower cost.

STATE URBAN RENEWAL DISTRICT LEGISLATION: A letter of support for the current review of Idaho's urban renewal law was discussed by the council. The support letter would encourage full support of the current law as well as consider ways to make this tool "broader, easier to use and more effective rather than more restrictive."

RESOLUTION NO. 2016-2 (Urban Renewal Agency Support): Councilman Joe Cherrington read Resolution No. 2016-2 in its entirety. It was moved by Councilman Arnell and seconded by Councilman Garner to approve Resolution No. 2016-2. Thereupon the clerk called roll upon said motion.

Those voting aye: Councilmen King, Cherrington, Garner, and Arnell

Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 4."

DEPARTMENT OF COMMERCE BLOCK GRANT PRESENTATION: Mayor Dave Ogden reported that the city received enough points on the grant application to be invited to Boise to present the grant. The presentation will be made on Wednesday, January 27, 2016.

DEPARTMENT REPORTS:

COUNCILMEN ARNELL AND KING: Several citizen reports on snow removal were received. Most were negative about not plowing sooner or more often and damage to property. The city cleans out most driveways as well for citizens. Recommendations of hiring on more

plow operators and staying with the job until done because of ice buildup might help.

COUNCILMAN CHERRINGTON: No report.

COUNCILMAN ARNELL: Reported he visited the new fire station in Rexburg. It is very nice, complete with housing and up-to-date equipment.

COUNCILMAN GARNER: No report

MAYOR'S BUSINESS:

River Bend Ranch Update: Mayor Ogden reported that he met with River Bend Ranch Attorney Jim Smith to discuss final costs of the new development. A grant will be sought similar to Fertile Peat's development grant. The grant is dependent upon the water study that City Engineer Dick Dyer was supposed to have completed by early December 2015. Mayor Ogden met with Mr. Dyer, who made a commitment to have it completed within 30 days. A letter will be written to Mr. Dyer as well.

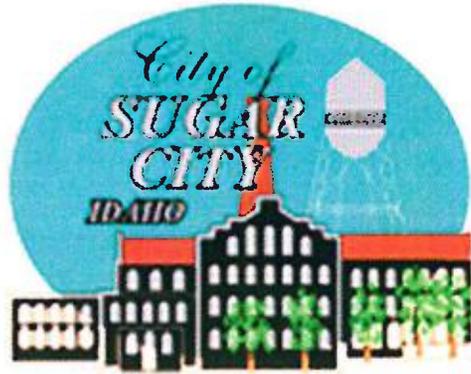
Glenn Dalling Annexation Update: The city will have City Attorney Bill Forsberg write a letter of assurance that the land use for Glenn Dalling will not change after the annexation of his property. Planning and Zoning will set a public hearing date next week.

Public Works New Office Update: Public Works Director Zane Baler has a new office, which was created out of two smaller offices that weren't being used in the back of city hall. The cost was minimal for the remodel. A door to the garage area was added, and one wall between the two smaller offices was removed.

Meeting adjourned at 9:50 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer



Planning & Zoning Commission

To: Sugar City Mayor & City Council
From: David Ogden, Chairman
Date: January 23, 2016
Subject: Old Farm Estates Public Hearing Recommendations

Dear Mayor & City Council,

Based on the information obtained in the Public Hearings held on December 3rd, and our discussions as a commission held on December 17th, we are presenting you with the following recommendations:

- 1) Public Hearing to consider the application for a Preliminary Plat approval for Old Farm Estates:
 - a) The Preliminary Plat presented by the owners of Old Farm Estates is recommended for approval, based on the following considerations, as required by City Code 10-3-5 (B):

- i) Completeness and applicability of information in the application: The application was considered to be both complete, and the information applicable.
- ii) Phased development in relation to the master plan: The preliminary division #1 was done under the original master plan, which has been changed by the owners to a new plan. This division #2 is in keeping with the new overall master plan. We believe the new master plan to be appropriate for the needs of the City.
- iii) Requirements and standards in the Idaho Code: The application and our considerations are in keeping with the Idaho Code as applicable to preliminary plat.
- iv) Requirements and standards in chapters 4 and 5 of this title: The application has met the requirements and standards in chapter 4, and chapter 5 of this title is not applicable to this application.
- v) Intents and issues in the comprehensive plan: We are not aware of any issues in the comprehensive plan that this application would not meet in its intent.
- vi) Recommendations of the design review board: This area is not applicable as there are not planned buildings or homes to be constructed as of yet.
- vii) Reports from experts, departments, and agencies: There were several meetings with the Public Works director, the existing Mayor, the Planning & Zoning Chairman, and the developers to make sure that all public infrastructures were adequate and met all required codes. The impact study done by the developer's engineer was reviewed and considered in our ultimate recommendation.

- viii) Streets requiring special approval: There were no streets that would require any special approval. They all meet with the current City Code.
- ix) Conditions relevant to special subdivisions: This is not a special subdivision, and is therefore, not applicable.
- x) Consideration inherent to the locale, including, but not limited to, the transportation plan, water and utilities, and adjacent land uses: Since this subdivision has already been approved in the past, we are now looking at items relative to any changes to be made in the future. The transportation plan was considered, and there should be fewer vehicles on the road that were anticipated in the old plan. We have discussed with the developer and the city the plans to still provide a well and storage tank for water and this will not change. The sewer capacity will be sufficient for now, but future expansion will be necessary, especially since there is another subdivision under consideration. We are working with the City of Rexburg to help ameliorate this issue. There have been some concerns with neighbors to this development, and we have tried to make the ordinance sufficient to help alleviate many of the concerns.

2) Public Hearing to consider the changes in the Comprehensive Plan's Land Use Map in consequence of the Code Changes required for the changes being requested in the Master Plan for Old Farm Estates:

a) The modified Land Use Map, a copy of which is attached, is recommended for approval. This modification is the addition of a multiple use zone to the east and adjacent to 7th west, bordering the Old Farm Estates development. The reason for this recommendation is as follows:

i) The commission feels that this change, and its location, is beneficial to the future development and growth of the city. The addition of some multi-family dwellings and businesses will provide much needed tax base, and diversity to the City. We feel that the location is appropriate for these uses, and although there are some residences close by, the developers should agree to create landscaping berms and buffers to help alleviate these concerns.

3) Public Hearing to consider changes to the Zoning Districts within the City limits of Sugar City, necessary to accommodate the requested changes for Old Farm Estates:

a) The changes to the Zoning Districts, as indicated in the attached Ordinance, are recommended for approval. The reason for these changes are as follows:

i) The changes made to the Zone districts of R2, R3, MU1 and a new Zone of MU2 were done to allow for future expansion of the City and creating more diversity. We increased some of the density requirements in order to allow for some multi-family units, which also required us to indicate minimum parking standards, and the use of design review on all buildings within the MU zones to make sure the result is family friendly and maintains a small town feel. The parking standards used are compatible to what the City of Rexburg

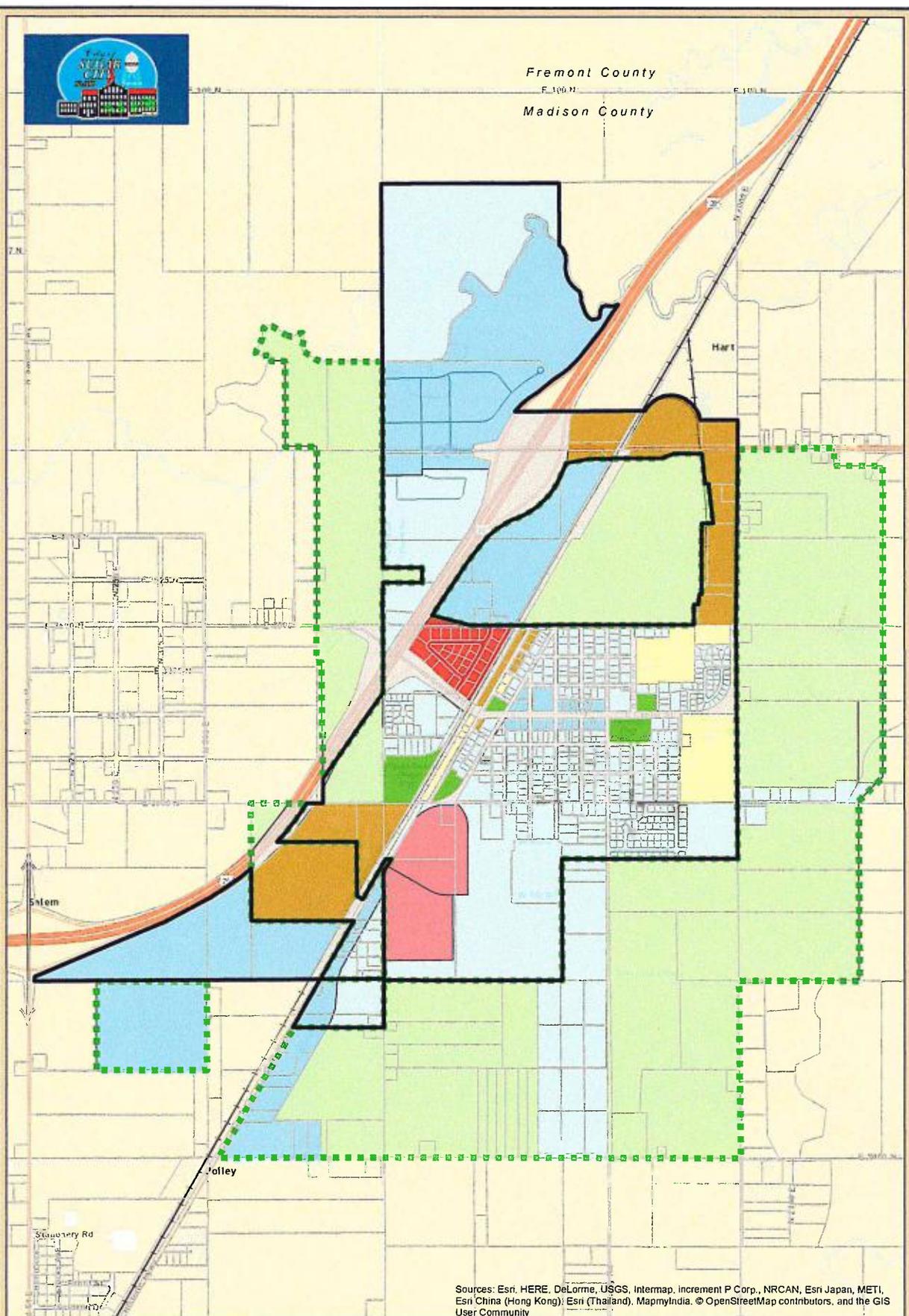
has been using for its small units. We also added a 20% minimum requirement for open space in MU2 in order to make sure it has a small town feel and looks attractive.

We appreciate your consideration of these aforementioned items, and are available to answer any questions you might have.

David Ogden
Chairman

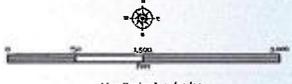


Fremont County
Madison County



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Land Use Map Sugar City, Idaho



Map Revised: 11/10/15

Legend	
Land Use Plan	Business Park
Agricultural	Public-Quasi/Public
Residential	Open Space*
Local Production	Roads
Commercial	Multiple Use
Municipal Limits	
Sugar City: City Limits	Sugar City: Impact Areas
Assessor Parcels	

*Open Space will be included in new developments as required by city ordinance.



Information as displayed on map is for Planning Purposes only. The data is approximate in terms of critical and location and has been sourced from local and state government agencies. Please contact Forsgren Associates Inc. with questions. 208.354.9201

Sugar City Comprehensive Plan
Appendix A: Land Use Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE DEFINITIONS OF THE MU AND R3 ZONING DISTRICTS IN TITLE 9, CHAPTER 3, SECTION 2 OF THE SUGAR CITY, IDAHO CITY CODE; PROVIDING A SAVINGS CLAUSE FOR ALL ACTIONS TAKEN IN RELIANCE ON THE PREVIOUS ORDINANCE WHICH MAY BE IN CONFLICT WITH THE AMENDMENTS HEREIN; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SUGAR CITY, IDAHO:

SECTION I: 9-3-2: ZONING DISTRICT AMENDMENTS:

The existing definition of R3 shall be amended as follows:

R3 High density residential (R3): Provides for high density residential use typically located near collector and arterial streets and characterized by multi-family dwellings, ample off street parking with a minimum of 1.5 spaces per unit, higher traffic volumes, open space, and low nuisance potential. Maximum density shall be ~~twelve (12)~~ sixteen (16) dwelling units per acre. All units shall be subject to approval by the Design Review Committee for the City.

The existing definition of MU shall be amended as follows:

MU1 Multiple Use (MU1) Provides for a mixture of uses such as residential coupled with business, professional and commercial. This district is intended to permit diversity within a planned community or set of uses and to encourage open space and other amenities. Residential units are small and have a minimum parking requirement of 1.5 spaces per unit. Maximum density shall be ~~eight sixteen~~ dwelling units per acre. All units shall be subject to approval by the Design Review Committee for the City.

MU2 MULTIPLE USE 2 (MU2) Multiple Use 2 (MU2) provides a mixture of uses such as high density residential coupled with business, professional and commercial. This district is intended to permit diversity within a planned community or set of uses and to encourage some open space and other amenities. Residential units shall have a minimum parking requirement of 1.5 spaces per unit and twenty percent (20%) open space. Maximum density shall be twenty-four (24) units per acre. All units shall be subject to approval by the Design Review Committee for the City.

SECTION 2: SAVINGS CLAUSE. All appointments, decisions, actions and permits made, granted or issued prior to the effective date of this ordinance are hereby declared to continue to be valid and in force, subject to the provisions of this title:

SECTION 3: SECTION IV. EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage, approval, and due publication.

Enacted by the City Council and approved by the Mayor, on the ____ day of January, 2015.

CITY OF SUGAR CITY, IDAHO

DAVID OGDEN, MAYOR

ATTEST:

WENDY MCIAUGHLIN, CITY CLERK

(SEAL)

Councilman Bruce King's presentation to the Sugar City Council Jan. 14, 2016, about the Planning and Zoning Commission's recommendation to approve increased residential density, etc., requested by new owners of the Old Farm Estates development in town.

I express thanks to the Planning and Zoning Commission for their work on processing this application. It was a big job.

The application is a sweeping proposal for Sugar City, representing a significant change in the character and complexion of our city. The proposal calls for careful analysis by the council as well as the commission.

As the governing body, charged with making the decision, we must fully vet the proposal ourselves.

The commission's recommendation to approve the proposal and to approve most of the increased densities requested for it is bold, especially since some of us have been trying keep a lid on density for 12 years.

The recommendation, it seems to me, pushes the limits of our comprehensive plan, which is the basis for our council decisions. As the comprehensive plan states, the plan is "the foundation of all municipal governance."

In my mind, the application raises a number of weighty issues that the City Council is duty-bound to consider:

1. Just what does our comprehensive plan allow? To what extent does the proposal square with the values and objectives established in the plan?
2. What are the advantages and disadvantages of allowing greater density?
3. How many new dwelling units do the revised zoning classifications invite?
4. How do city and impact area residents feel about the proposal?
5. Should we approve the whole application or just parts of it?
6. What conditions, if any, should we place on whatever portions we approve?
7. Regarding the proposed preliminary plat for Division 2, just what residential units are planned and why?
8. What problems would the proposed realignment of 3rd South near Idaho Highway 33 create?
9. Should we require that the existing development agreement be modified to reflect the new master plan?
10. What impact fees, if any, should be assessed via a revised development agreement?

Given these 10 issues and more, I feel we should not attempt to make the decision tonight, especially since we received the preliminary plat and a summary of citizen testimony only last night. Rather, we should start examining the factors involved.

Regarding the public testimony given before the Planning and Zoning Commission Dec. 3, I believe we should listen to as well as read highlights of it.

RESOLUTION 2016-1

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF SUGAR CITY**, hereafter called the **CITY**, for ADA improvements; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the **CITY** and the **STATE** are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement to construct ADA improvements within city limits is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular* meeting of the City Council, City of Sugar City, held on Thursday, 14 January, 2016.

City of Sugar City, an Idaho municipal corporation

(SEAL)

David D. Ogden, Mayor

Attest:

Wendy McLaughlin, City Clerk-Treasurer

RESOLUTION NO. 2016-2

A RESOLUTION OF THE CITY OF SUGAR CITY, A MUNICIPAL CORPORATION OF IDAHO, EXPRESSING THE SUGAR CITY COUNCIL'S SUPPORT FOR URBAN RENEWAL AGENCIES, AND REQUESTING THAT ACTION BE TAKEN BY THE IDAHO STATE LEGISLATORS AND INTERIM COMMITTEE MEMBERS TO PROVIDE THEIR FULL SUPPORT BY CONSIDERING AND ADOPTING MORE FLEXIBLE AND EFFECTIVE TOOLS THAT ALLOW FOR SUCCESSFUL ADMINISTRATION AND EXECUTION OF URBAN RENEWAL AREAS IN THE STATE OF IDAHO.

WHEREAS, the City of Sugar City and its Council Members extend their gratitude for the service heretofore provided by the Idaho Legislators and Interim Committee Members for their support of urban renewal areas, and economic development in general; and

WHEREAS, the City of Sugar City and its Council Members respectfully request increased support by Idaho Legislators and Interim Committee Members as urban renewal legislation is presently being considered for significant amendment; and

WHEREAS, the City of Sugar City and its Council Members wish to provide the following recommendations in order to provide more flexibility and effectiveness in preparation for future legislative sessions and code adoption:

1. Urban renewal law should be more flexible, with more options and opportunity, not less;
2. Urban renewal law should be reformed to help Idaho be more competitive by expanding its purpose as a fully functional and streamlined economic development tool;
3. Urban renewal law should allow greater local decision making and be more user friendly, with less bureaucracy and less impediments; and
4. Urban Renewal Board members should not be required to be elected, for various and significant reasons. First, requiring elections could change it from an independent public body, corporate and politic, into a political subdivision of the State of Idaho. This would make said governing body subject to Article VIII, Section 3, of the Idaho Constitution, which would require a 2/3 vote of the electors, of the political subdivision, to vote on any debt instruments that exceeds the income and revenue of the agency for that year. Such a change may not be legal under the current laws of the State of Idaho, nor be conducive to efficient operation of an economic development tool such as this. Therefore, Urban Renewal Agency Boards should be appointed by the local governing political body; and
5. Due to currently required public processes, Urban Renewal Plans and Agencies, should be officially acknowledged by the Idaho State Legislature, as plans and bodies that do have representation and oversight by the locally elected officials; and

6. There should be a minimum number of years set by law restricting any consideration to make changes to the urban renewal laws at the legislative level. The annual visitation of the urban renewal laws hinders the ability to convince potential investors that Idaho is not a risk. Additionally a bill should be specifically written to protect existing urban renewal plans, or tax incremental financing, and debt payment assurance, from future legislative changes.

NOW, THEREFORE, LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR CITY, that the City of Sugar City and its Council Members hereby support and encourage Idaho Legislators and Interim Committee Members to fully support urban renewal in Idaho and carefully consider ways to make this tool more flexible and effective in supporting good economic development in future legislative sessions and potential code adoption.

RESOLVED this 14th day of January, 2016.

City of Sugar City, an Idaho municipal
corporation

David D. Ogden, Mayor

Attest:

Wendy Walker, City Clerk-Treasurer

(SEAL)

RESOLUTION NO. 2016-2