

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 26, 2017

Presiding: Mayor David D. Ogden
Meeting Convened at 6:30 p.m.
Prayer: Bruce Arnell
Pledge of Allegiance

PUBLIC HEARING (Property Transfer to Madison County): Mayor Ogden welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and the city's desire to transfer two Business Park lots back to Madison County where Madison County Search and Rescue is located. Clerk-Treasurer Wendy McLaughlin reported that there were no prior written testimonies submitted.

The mayor called for those in favor of approving the proposed revisions. No one testified.

The mayor called for those neutral to approving the proposed revisions. No one testified.

The mayor called for those against approving the proposed revisions. No one testified.

6:35 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce Arnell, Matt Garner, Joe Cherrington and Bruce King; Chairman Brent Barrus of the Planning and Zoning Commission, Commissioner Dave Thompson of Planning and Zoning; Design Review Chairman Paul Jeppson; Dana Izatt, CPA of Searle Hart & Associates; and Citizen Elaine King.

DISCUSSION AND POSSIBLE MOTION TO ADOPT THE ORDINANCE FOR TRANSFER OF PROPERTY: The council discussed the proposed transfer of property to Madison County and agreed it was proper and in accordance with existing building ownership associated with the two lots.

ORDINANCE NO. 323_2017 (Authorization of Conveyance of Real Property):

Ordinance No. 323_2017 was introduced and read in its entirety by Councilman Cherrington entitled:

“AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY OF SUGAR CITY, IDAHO TO MADISON COUNTY, IDAHO; DESCRIBING SAID REAL ESTATE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilman Cherrington 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 Arnell, Garner, Cherrington, 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. It was moved by Councilman Cherrington and seconded by Councilman Garner to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

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

Those voting nay: None

Ordinance No. 323_2017 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 323_2017 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.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on January 12, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Garner and seconded by Councilman King to accept the minutes; motion carried.

SUGAR CITY FINANCIAL AUDIT REPORT: Dana Izatt, of Searle Hart & Associates, presented to the City Council the financial records for 2016. He reported that the financial statements looked good and that the city was in a good financial position at the end of 2016. He counseled officials to take extra precautions to separate financial-office duties as much as possible with the limited staff and for the council to diligently review all spending. Mr. Izatt also noted that there is about \$316,716 of unsecured monies the city needs to secure. The city is currently investigating viable options to secure the funds. The U.S. Internal Revenue Service (IRS) now requires that 1099s be filed by January 31 instead of filing by the end of February as in prior years.

MOTION: It was moved by Councilman Cherrington and seconded by Councilman King to approve the 2016 Financial Audit Report as presented by Dana Izatt, CPA; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Chairman Brent Barrus reported on items of business:

Jeff Parkinson (Desert Gem Farms building) Special Use Permit Report: A public hearing is scheduled for Jeff Parkinson's application for a special use permit on Thursday, February 16, 2017. Mr. Parkinson has applied for a permit to defer provisions of city code that require paving a parking lot on commercial property. This could cost several thousand dollars and make the project to remodel the existing Desert Gem Farms potato factory into an events center financially difficult.

Impact Area Study Summary Report: The commission sent the council the summary of the study done by economics students at Brigham Young University-Idaho. The study

investigated how cities of similar size and culture developed positive growth or failed to thrive. Two key factors were strongly noted in positive growth patterns: a strong business district and highway commercial property. Sugar City has potential for positive growth in its highway commercial (C3) district.

Land Use Title 9 Revision Report: The commission presented to the council its recommendations in the matter of amending the land use table and specifically to change the downtown commercial (CD) district to allow special use permits. There were several other minor changes that the council also reviewed. A public hearing was held November 17, 2016. Although the commission learned of other needed changes to the land use map, it went ahead and recommended the current changes to the council because of time constraints on Mike Stears' application for a special use permit to construct three 4-plex apartment buildings next to the old Sugar City Market, which will be remodeled into a restaurant. The commission will continue its work to finish the land use map and table revisions and hold another public hearing.

PLANNING AND ZONING RECOMMENDATION ON LAND USE TABLE/SCHEDULE AND POSSIBLE ADOPTION: The council thanked the Planning and Zoning commission for their diligent work and efforts to improve the table/schedule. In light of the fact that the commission had more revisions to complete the land use table/schedule and map, the council asked the commission to wait and bring the completed revisions to the council with their recommendation then. Planning and Zoning asked that a public work meeting be held together with the council to facilitate the work.

PLANNING AND ZONING RECOMMENDATION ON MIKE STEARS' SPECIAL USE PERMIT APPLICATION AND POSSIBLE ADOPTION: The council discussed the idea of changing the CD zoning district to allow for special use permits and specifically how it relates to Mike Stears' proposed project. Councilman King suggested that a better way to solve the CD zoning ban on multi-family units would be to change the zone itself instead of changing the definition of the current zone. The council concurred and recommended that Mike Stears apply for a zone change to Mixed Use 2 (MU2). Another public hearing will be held, and all fees in conjunction with the application will be waived. Or, Mr. Stears could build the proposed 4-plexes in the current zone if he offered a retail business on the first floor, given that vertical mixed use is allowed in CD by special use permit.

ORDINANCE NO. 324_2017 (Rezone Old Farm Estates Division #2):

Ordinance No. 324_2017 was introduced and read by title only by Councilman Cherrington entitled:

“AN ORDINANCE AMENDING THE ZONING MAP TO REZONE CERTAIN LANDS WITHIN THE CITY OF SUGAR CITY AS HIGH DENSITY RESIDENTIAL, R-3, (SUCH LAND BEING COMMONLY KNOWN AS A PORTION OF OLD FARM ESTATES, DIVISION TWO) UNDER THE CITY’S ZONING ORDINANCE; AMENDING AND REVISING THE CITY’S OFFICIAL ZONING MAP TO REFLECT THIS CHANGE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilman Garner and seconded by Councilman Cherrington 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 King, Garner, Cherrington, and Arnell
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. It was moved by Councilman Cherrington and seconded by Councilman King to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman King, Garner, Cherrington, and Arnell
Those voting nay: None

Ordinance No. 324_2017 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 324_2017 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.

PROPOSED WATER FACILITIES PLANNING STUDY AGREEMENT ADOPTION:

The council discussed the benefits of having a secondary irrigation system. It would be considered a “green development,” which adds points to help procure government grants. There is also a possibility of partnering with the school district to share pumps and lines. The cost is the biggest hurdle; however, a grant could help offset some of the cost to the city. The council adopted Resolution No. 2017-4 to include the secondary irrigation study.

RESOLUTION NO. 2017-4 (Amendment to Forsgren Water Study Rate Fee to Include Secondary Irrigation Study): It was moved by Councilman King and seconded by Councilman Garner to approve Resolution No. 2017-4. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmen Arnell, Cherrington, Garner, and King
Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment 1.”

PROPOSED PARKING RESTRICTION VIOLATION RESOLUTION: The council agreed with the appeals process and adopted Resolution No. 2017-5.

RESOLUTION NO. 2017-5 (Parking Violation Appeals Process): It was moved by Councilman Cherrington and seconded by Councilman King to approve Resolution No. 2017-5. 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 2."

PROPOSED MUNICODE SOFTWARE ADOPTION: The mayor explained the benefits of the codification software and also had the approval of the city attorney.

MOTION: It was moved by Councilman Arnell and seconded by Councilman Garner to authorize the purchase of the codification software; motion carried.

DEPARTMENT REPORTS:

COUNCILMAN KING: No report

COUNCILMAN CHERRINGTON: No report

COUNCILMAN ARNELL: No report

COUNCILMAN GARNER: No report

MAYOR'S BUSINESS:

Impact Area Study Report: See above.

Utility Software Report: The mayor reported the desire to move ahead to purchase new utility software for the city.

MOTION: It was moved by Councilman Cherrington and seconded by Councilman Garner to authorize the purchase of the utility software; motion carried.

ICRMP Training Report: It was reported that only one more individual needed to complete the online training and the city would get their 5% discount on their annual ICRMP insurance premium of around \$10,000.

Meeting adjourned at 9:45 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City, Idaho

Resolution No.: 2017 - 4

“A Resolution to Approve a Professional Services Contract between Forsgren Associates, Inc. (engineer) and the City of Sugar City, to provide services for an amendment to the water study of the City system, currently being done by them.”

WHEREAS, the Council of the City of Sugar City, Idaho desires to facilitate the provision of a secondary water system for the City, by amending the current Water Study being done by Forsgren Associates, Inc. (engineer); and

WHEREAS, Forsgren Associates, Inc. (engineer) has been selected by the City of Sugar City to provide the aforementioned Water Study, and is willing to provide the additional analysis amending that Study;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the Professional Services Contract in the amount of \$13,300 between engineer and the City of Sugar City and authorizes the Mayor to execute the aforementioned Contract.

PASSED by the Council of the City of Sugar City on this 12th day of January, 2016

APPROVED by the Mayor of the City of Sugar City on this 12th day of January, 2016.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

The City of Sugar City, Idaho

Resolution No.: 2017-5

“A Resolution to Adopt a Policy Setting Out the Appeals Process for the Parking Restrictions Required by the City Code of Sugar City, Idaho, Section 5-2-6, Prohibited Parking”

WHEREAS, the Council of the City of Sugar City, Idaho desires to adopt a policy setting out the appeals process for violations of the Prohibited Parking as defined in Section 5-2-6 of the City Code for the City of Sugar City, Idaho; and

WHEREAS, the Mayor and City Clerk have prepared a policy for the handling of said appeals for violations of Parking Restrictions set out in Section 5-2-6; and

WHEREAS, the Mayor and City Clerk are recommending approval of this policy;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby adopts the attached appeals process policy, which sets out the process of appealing a violation of Section 5-2-6, Prohibited Parking, of the City code for the City of Sugar City, Idaho, and authorizes the City Clerk to place the policy in the appropriate policy manual.

PASSED by the Council of the City of Sugar City on this 12th day of January, 2017

APPROVED by the Mayor of the City of Sugar City, on this 12th day of January, 2017.

(Seal)

David D. Ogden
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer