

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 22, 2018

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

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Vaun Waddell, Joy M. Ball, and Bruce King; City Public Works Director Zane Baler; Chairman Dave Thompson of the Planning and Zoning Commission; City Building Inspector Cliff Morris; Design Review Board Chairman Paul Jeppson; Old Farm Estates Developer Ryan Lerwill; Sugar-Salem High Government Class Members Lilliann Barrus, Harry Galer, Dax Harris, Blake Neria, Paul and Peter Pickering, and Addison Wright; Citizens Bert McLaughlin, Harold Harris, Charles Ricks, and Dan Redding.

MINUTES: Mayor Ogden asked if there were any corrections to the revised minutes of the regular meeting held on February 8, 2018. Each councilor had a copy of the minutes prior to the meeting.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Waddell to accept the minutes; motion carried.

SUICIDE PREVENTION ACTION NETWORK OF IDAHO (SPAN): No report.

PLANNING AND ZONING REPORT: Chairman Dave Thompson reported on the following items:

Land Use Schedule: The commission is working on how to define and regulate cottage and tiny homes. The city code does not address this relatively new type of housing, and it will take some time to get it ready to update the Land Use Schedule. Developers Jeff and Ryan Lerwill want to start a cottage-home development this spring in Old Farm Estates Division #3. They may need to use a Planned Unit Development (PUD) option, since Planning and Zoning is still working on the cottage and tiny home details.

Special Use Permit for The City Well and Tank: The commission recommended the special use permit for the city well and tank to the council (see Attachment #1), and felt the site and design were well planned.

Before the public hearing, they reviewed the city's application and discussed landscaping, possible light and noise pollution, and fence height. A public hearing was held yesterday, Wednesday, February 21, 2018, at 7:00 p.m. and approximately 20 citizens attended. Most were neutral, but they wanted more information. Three were opposed, and one testified against granting the permit. There were some in favor, and one testified for approving the permit. The mayor, city engineers, and public works director were on hand to answer questions. All concerns were addressed and are summarized below:

- No official MUI or MU2 Zone definitions - Planning and Zoning is still working on the Land Use Schedule
- Close proximity to other wells
- Light pollution
- Variance time frame for asphalt paving
- Fence height
- Concrete roof - no code guidelines

Planning and Zoning treated the zone as MU for code guidelines. The close proximity to other wells will not affect individual water levels, since the city well will be drilled deeper to access a different water-strata source. LED downward lights will be used to minimize light pollution, if any, and the hardened gravel for paving will be properly maintained until such time as asphalt is needed. The fence height will be reviewed to meet current code.

Impact Area Expansion: The commission will meet soon with the council to discuss the impact area expansion. They would like to review the growth study and city plans and desires with the council before meeting with the six-man committee from Rexburg and the county on what the city needs to grow.

SPECIAL USE PERMIT: The council adopted the Findings of Fact on the city's requested Special Use Permit for the city well and tank.

MOTION: It was moved by Councilman Barrus and seconded by Councilwoman Ball to accept the Findings of Fact and approve the special use permit for Well #5; motion carried.

OLD FARM ESTATES DIVISION #3 FINAL PLAT: The council did not get a second on the motion to adopt the final plat for Old Farm Estates Division #3, even with the motion to include minor changes to the plat. Councilwoman Ball wanted more time to review the plat. Ms. Ball also noticed that, according to City Code 10-4-4-K, city streets having a predominantly north-south direction shall be named "avenue" or "road," while streets running primarily east-west shall be named "street" or "highway." The mayor explained that all entities who need to sign the plat had reviewed it and are satisfied that it meets all requirements. The council received the plat just prior to the meeting. It was tabled until the next meeting.

WATER COST SHARING AGREEMENT: The council did not approve the water cost sharing agreement with developers Jeff and Ryan Lerwill.

Councilman King and Councilwoman Ball noted that the information sheet given out at Town Hall meetings before the bond election listed investment from developers at \$500,000, while the cost sharing contract calls for only \$150,000, also that the cost sharing is no longer an investment in the construction but a prepayment toward water hookups, and that the \$150,000 is payable over four years rather than upfront.

The mayor said that he had been working at getting that potential investment but that upfront fees cannot be required from developers without returning back some value to them.

Enumerated developments that have occurred since the time of the Town Hall meetings: the Lerwills gifted land to the city appraised at \$250,000, and the 12" line being placed on 5th South, instead of coming under Highway 33 from well #4, will save the city \$100,000.

Councilman Waddell said that purchase of 11 water hookups per year in connection with ordinary building permits would provide the same revenue to the city as the contract's \$150,000, and that more than 11 per year could be expected, so that part of the contract is not valuable to

the city and the only part of the contract that should be considered was the 12” line on 5th South, with negotiated shares for the cost of the 12” line and a payment timeline for the Lerwills’ share.

Councilors Waddell, King, and Ball felt that a dated repayment schedule should be included, rather than having reimbursement contingent upon sale or development of properties.

TEST WELL DRILLING CONTRACT: The council approved the contract with Denning Well Drillers to drill the test well for the new city well.

RESOLUTION NO. 2018-3 (Approve Denning Well Drilling Contract for City Well) – Resolution No. 2018-3 was read in full by Councilwoman Ball.

MOTION: It was moved by Councilwoman Ball and seconded by Councilman Barrus to adopt Resolution No. 2018-3. Motion carried. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors King, Ball, and Barrus

Those voting nay: None

Councilman Waddell abstained

A copy of said resolution is attached hereto marked “Attachment #2.”

MAYOR’S REPORT: Mayor Ogden reported on the following items:

Abandonment of South 7th West: Monday, April 2, 2018, is the date the city chose to close South 7th West. Signage alerting the public of the pending closure will be posted prior to the day. Madison County GIS (Geographic Information Systems) department will be notified.

Showcase Sewer Project Update: The mayor met with Blair Rigby, owner of Showcase Interiors, and accepted \$16,000 toward the sewer project and an annexation agreement.

ITD/LHTAC Grant Application Update: The mayor reported that the city did not receive any grant money for the proposed walking path or the project to straighten Third South.

ALLOWANCE FOR CERTAIN LARGE ANIMALS: The council approved a means of making allowance for certain large animals on large lots by softening the “extraordinary hardship” wording in Chapter 6, “Council,” of the City Code (title 1-6-1-B-13). Action on individual allowances will be documented in the minutes. Mayor Ogden will write a letter to Tom MacKay specific to his property. The revised ordinance will be added to next meeting’s agenda.

MOTION: It was moved by Councilman King and seconded by Councilman Waddell to approve softening the “extraordinary hardship” wording in Chapter 6, “Council,” of the City Code (title 1-6-1-B-13).; motion carried.

SUGAR CITY HISTORICAL PRESERVATION COMMITTEE: The council discussed the need for a historical preservation committee. The council will look for key people who may like to serve on the committee and bring ideas to the next council meeting.

DEPARTMENT REPORTS:

COUNCILMAN BARRUS: No report.

COUNCILMAN WADDELL: The Easter Egg Hunt is planned for Saturday, March 31, at 9:00 a.m.

COUNCILWOMAN BALL: The Tree and Beautification Committee met last night for

the first time since being reorganized. They planned the Arbor Day Celebration for Friday, May 11. They would like to approach the high school's horticulture class to see if individual students would be in charge of designing, growing flowers, and planting the city's flower barrels.

COUNCILMAN KING: No report.

Meeting adjourned at 9:05 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

**Before the City of Sugar City
Planning and Zoning Commission**

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In the Matter of an Application for a Special Use Permit))	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
)	AND RECOMMENDATION
City of Sugar City)	
P.O. Box 56)	
Sugar City, ID 83440)	
Applicant)	
)	

FINDINGS OF FACT

1. The City of Sugar City submitted an application for Special Use Permit on January 19, 2018. The affected property located east of South 7th West, Sugar City Idaho, 83448 is described as follows:

- Sugar City Well Site #5 located on S. 7th W.

COMMENCING AT A POINT THAT IS N89°25'13"E 34.00 FEET FROM THE WEST ¼ CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N00°11'21"W 305.01 FEET; THENCE N89°25'14"E 285.75 FEET; THENCE S00°34'46"E 305.00 FEET; THENCE S89°25'13"W 287.83 FEET TO THE POINT OF BEGINNING, CONTAINING 2 ACRES.

2. The City of Sugar City is the record owner of the property featured in the Special Use Permit Application.

3. The property consists of approximately 2 acres.

4. A public hearing on the application was held on February 21, 2018 at 7:00 p.m.

5. Deputy Clerk Shelley Jones attended the hearing. She reported that the application was complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.

6. There were 21 members of the public in attendance at the public hearing that signed in for this hearing, and indicated if they were for, against, or neutral.

7. Mayor Dave Ogden introduced the Special Use Permit for the new Well #5 which system had previously been voted on and passed in the city elections in November of 2017.

8. Of those who indicated, eight were in favor, seven were neutral, and three against.

- The sentiment of those in favor felt the city did need a new well. Design Review Chairman Paul Jeppson stated that the Design Review Application for the well met all legal requirements. Variances may be required because of Homeland Security Regulations.
- Those neutral were concerned about the contribution of property from the landowner, the possibility of neighboring wells drying up and if high sub would cause problems.
- Those against had concerns about sand issues in the new well that the current well had years ago.

9. The Commission felt that all concerns and questions were addressed by Mayor Ogden and it was the sentiment of the Commission that the new well should not have any problems that the public expressed concern about. The new well will also make the city compliant with DEQ standards.

CONCLUSIONS OF LAW

The Sugar City Planning and Zoning Commission concluded regarding the Special Use Permit Application that:

1. The application complies with the Comprehensive Plan and City Code.
2. The permit complies with applicable state and federal laws and regulations.
3. The new well will bring the city in compliance with DEQ standards.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends that the City Council approve the Special Use Permit for Sugar City Well #5 with the recommendation to change the access road from South 7th W at the well site to a north entrance if a new road goes in north of the property in the future.

Signed and Dated this 21st day of February, 2018.

By:

Chairman, Planning and Zoning
Commission

Attest:

City Deputy Clerk

The City of Sugar City, Idaho

Resolution No.: 2018 - 3

“A Resolution to Approve a Contract Between Denning Well Drilling and Pump Systems and the City of Sugar City, to Drill a Test Well for the New Water Project, to be Located in the Southwest Corner of Old Farm Estates.”

WHEREAS, the Council of the City of Sugar City, Idaho desires to approve a contract to drill a test well located in the Southwest Corner of the Old Farm Estates Subdivision; and

WHEREAS, Forsgren Engineering, the engineers on the new water project, are recommending Denning Well Drilling and Pump Systems to drill the test well, because of their outstanding reputation and competitive cost; and

WHEREAS, Denning Well Drilling and Pump Systems has agreed to contract with the city to drill the test well; and

WHEREAS, the size of the contract being less than \$50,000 falls within the sole source procurement limits of the State of Idaho;

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 Contract between Denning Well Drilling and Pump Systems and the City of Sugar City, subject to the approval of the Special Use Permit applied for by Sugar City on the new well site, to drill a test well located in the Southwest corner of the Old Farm Estates subdivision, for the new water project, and authorizes the Mayor to execute said Contract and issuing a notice to proceed once the aforementioned Special Use Permit has been approved.

PASSED by the Council of the City of Sugar City on this 22nd day of February, 2018

APPROVED by the Mayor of the City of Sugar City on this 22nd day of February, 2018.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer