

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

Presiding: Mayor David D. Ogden

Meeting Convened at 6:30 p.m.

Prayer: Mayor Ogden

Pledge of Allegiance – Troop #109 posted the colors and led in the pledge of allegiance

PUBLIC HEARING (Reopen 2015-2016 Budget): Mayor Ogden welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and explained why the budget needed to be amended to accommodate expenses in connection with the Community Development Block Grant, which was awarded to the city in February 2016. City Clerk-Treasurer Wendy McLaughlin reported that there was no prior written testimony submitted. Mayor Ogden called first for those in favor of approving the proposed budget amendment. No one testified.

The mayor called for those neutral to the proposal to testify. No one testified.

The mayor called for those against the proposal to testify. No one testified.

6:40 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Joe Cherrington, and Bruce Arnell; Chairman Brent Barrus of the Planning and Zoning Commission; Sugar City Building Inspector Cliff Morris; Scout Leaders Dan Porter and Spencer Cook. Scouts – Braden Guymon and Garisen Madsen. Citizens Mary Louise Barney, Bo Crofoot, Rachel Distelhorst, Helen Harris, Paul Jeppson, Barry and Laurie King, Elaine King, Barbara Lusk, Kim Madsen, Jaron Miller, Glade & Toby Pinnock, Dave Thompson, Dalen Tolman, Travis Williams and Suzanne Williams (no relation). Councilman Matt Garner was excused.

MOTION TO APPROVE TO REOPEN THE 2015-2016 BUDGET: It was moved by Councilman Cherrington and seconded by Councilman King to amend the 2015 – 2016 Budget to accommodate grant monies received from the Department of Commerce and to show the expenditures of the same as noticed in the newspaper and presented at the public hearing tonight. The mayor called for a roll call vote:

Those voting aye: Councilmen King, Cherrington, and Arnell

Those voting nay: None

Councilman Garner was excused.

Thereupon, the mayor declared the motion passed.

ORDINANCE NO. 314:

Councilman Cherrington introduced Ordinance No. 314 entitled:

“AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, AMENDING ORDINANCE NO. 309, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF SUGAR CITY, IDAHO IN THE SUM OF \$750,000 AS OUTLINED; THE IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$400,000; THE DEVELOPER IN THE AMOUNT OF \$250,000; AND THE CITY OF SUGAR CITY PROVIDING CASH AND /OR INKIND IN THE AMOUNT OF \$100,000; AND PROVIDING AN EFFECTIVE DATE THEREOF.”

It was moved by Councilman Cherrington and seconded by Councilman King to waive the reading on three different days and in full and place it upon its final passage. Thereupon the clerk called roll upon said motion.

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

Councilman Garner was excused

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 Bills and seconded by Councilman Garner to adopt said ordinance. Thereupon, the clerk called roll upon said motion.

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

Councilman Garner was excused

Ordinance No. 314 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council, and the clerk was instructed to publish said Ordinance No. 314 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 March 24, 2016. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Cherrington and seconded by Councilman King to accept the minutes; motion carried.

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

seconded by Councilman Cherrington to accept the March reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$260,454.68. The jump in accounts payable reflects the grant monies received and expended. It was moved by Councilman Arnell and seconded by Councilman King to pay the current bills, together with all regular April bills; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Chairman Brent Barrus reported on items under review that the commission is currently working on:

River Bend Ranch: The commission has been reviewing the preliminary plat for River Bend Ranch to ensure that the plat meets City Code and the Comprehensive Plan. Roads, area frontage, setbacks, heights, buffer zones, postal service all comply. Open space is still being considered. The small lake may be considered as open space. The overall plat looks good, and a public hearing may be set in June. The Design Review Board will also review the plat and give recommendations. The board needs to be independent of Planning and Zoning, although three members of the commission will serve on it. A councilman, the City Engineer Dick Dyer, and the Public Works Director Zane Baler will also be asked to serve on the board. Questions on water rights, cost-sharing agreements, and development agreements are items that still need to be considered. The water study currently being conducted by Forsgren and Associates will need to be completed.

Area of Impact: A joint area of impact meeting with the county was held. Commissioners Clay Rasmussen and Dave Thompson attended. Sugar City is working on expanding its area of impact along the west side of the Salem Highway. Madison County asked that the 70% build-out rule be followed. Letters of inclusion from the public will also be very helpful. Joint meetings will be on hold until the necessary data are obtained. At some point, the City of Rexburg will also be included in the discussion, since they are adjacent to and have claimed some of the same area of impact.

MOTION TO AMEND THE AGENDA: It was moved by Councilman King and seconded by Councilman Arnell to amend the agenda to ratify Jeanne Wright's appointment to the Planning and Zoning Commission; motion carried.

MOTION: It was moved by Councilman Cherrington and seconded by Councilman King to ratify Jeanne Wright's appointment; motion carried.

CITY NEEDS LIST: Public Works Director Zane Baler reported to and answered questions of the council regarding the city water and sewer systems and adequate backup in case of a power failure. Other items discussed were:

- SCADA installed at key points in water/sewer system
- Mapping water/sewer system
- 6" water line moved from under Kershaw Intermediate School
- Safety lights for crosswalks
- Impact fees update

MOTION: It was moved by Councilman Arnell and seconded by Councilman King to authorize the city to go out to bid for a generator that would back up both wells number 1 & 2; motion carried.

DALLING ANNEXATION AND POSSIBLE FINDINGS OF FACT ADOPTION: The council adopted the Findings of Fact of the Planning and Zoning Commission to annex the Dalling property. However, the council didn't accept the recommendation of the commission to zone the property C2 or Community Commercial. The council suggested zoning the property *Transitional Agriculture*, which the city does not currently have. The council also set 12 May for the public hearing date.

MOTION: It was moved by Councilman King and seconded by Councilman Cherrington to accept the findings-of-fact recommendation of the Planning and Zoning Commission to annex Glenn Dalling's property north of Third North, to deny the recommendation of the commission to zone the property C2, to create a new zone in Sugar City named *Transitional Agriculture* to carry the same definition as the *Agricultural District* in the impact area, to allow only agricultural use in this new zone, to hold a public hearing May 12 on these proposed changes to the zoning ordinance, and then to move forward with annexing the Dalling property; motion carried.

LARGE VEHICLE PARKING AND STREET DESIGNATION: The council revisited Ordinance No. 305 to talk about the possibility of naming a street/or streets for large vehicles to park on within the city. Currently, large trucks are not allowed to drive through the Business Park, although the roads are built for heavy traffic. The mayor will review the Business Park Covenants. The council decided to put this item on the next agenda for further discussion.

MOTION TO AMEND THE AGENDA FOR EXECUTIVE SESSION:

8:30 P.M. **MOTION:** It was moved by Councilman Arnell and seconded by Councilman King, pursuant to Idaho Code 74-206 1(f), "legal counsel on pending or imminently likely litigation, not merely when legal counsel is present," to amend the agenda to move into executive session; motion carried.

8:45 P.M. The executive session ended and the regular council meeting reconvened. No decisions were made and there was no deliberation.

ORDINANCE NO. 312 FINDINGS OF FACT: The council adopted Ordinance No. 312 Findings of Fact as corrected.

MOTION: It was moved by Councilman Arnell and seconded by Councilman Cherrington to adopt Ordinance No. 312 Findings of Fact as corrected; motion carried. Councilman King dissented.

ORDINANCE NO. 312 COUNCIL DISCUSSION: The council authorized a response to be drafted to Ordinance No. 312 concerning the petition submitted to the council on March 10.

MOTION: It was moved by Councilman Arnell and seconded by Councilman King to authorize City Attorney Forsberg to draft a response to the petition; motion carried.

DEPARTMENT REPORTS:

COUNCILMAN ARNELL: Councilman Arnell reported that parking on Third South next to the high school during ball games is not being enforced. He stressed the need to enforce the law or take down the no parking signs.

COUNCILMAN KING: Councilman King reported that the monthly mailer containing the May newsletter will include a clean copy of the revised Animal Ordinance No. 304 or a reference to its availability at City Hall and on the city website. The newsletter will also make the public aware of public

hearing dates on the proposed revision.

COUNCILMAN CHERRINGTON: Councilman Cherrington reported that the Easter Egg Hunt went well, with over 200 people attending and many businesses donating more than \$2,000 worth of coupons.

Heritage Park: Councilman Cherrington is also looking at possibly installing a walk-way around the park. The item will be put on the city’s needs list for future consideration and planning.

COUNCILMAN GARNER: Excused.

MAYOR’S BUSINESS:

Idaho Falls Annual AIC Spring Training: The annual AIC Spring training will be held on Thursday, 28 April 2016, in Idaho Falls. Each member of the council was encouraged to attend. The city clerk will register the council.

Sugar City/Rexburg Wastewater Partnership Report: Sugar City met with Rexburg and talked about options to expanding the waste water line to accommodate current and future city growth given ongoing developments within Sugar City. Rexburg was very positive and supportive of ideas that would benefit both cities. Monies may be used from the Urban Renewal District North Interchange.

Possible AT&T Lease Agreement Report: The mayor has agreed to lease the cement pad, formerly leased by Syringa, to AT&T for \$200 per month. AT&T will draft the agreement.

Design Review Board: The mayor will have the city attorney modify the ordinance to make the Design Review Board independent of the Planning and Zoning Commission and to name its members. The City Code will also be adjusted for the change.

Meeting adjourned at 9:30 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer