

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MAY 8, 2014

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

Present: Mayor Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; Chairman David Ogden, Planning and Zoning Commission; Cynthia Carter; Nolan Rhett; Dax Harris; and Lieutenant Cameron Stanford, Madison County Sheriff's Office.

The mayor asked if there were any corrections to the minutes of the regular meeting held on April 24, 2014. Each councilmember had a copy of the minutes prior to the meeting. It was moved by Mr. Merrill and seconded by Mr. Drake to accept the minutes; motion carried.

Wendy presented the April reconciliation reports for the General Fund. It was moved by Mr. King and seconded by Mr. Waddell to accept the April reconciliation reports for the General Fund; motion carried. Wendy presented the April reconciliation reports for the Utility Fund. It was moved by Mr. Waddell and seconded by Mr. Merrill to accept the April reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$39,133.54. It was moved by Mr. Drake and seconded by Mr. King to pay the current bills, together with all regular May bills that have not yet been received; motion carried.

REVIEW OF PROPOSED ORDINANCE FOR ANIMALS OTHER THAN CANINES:

Sugar City Attorney Bill Forsberg had submitted minor changes to the animal ordinance, which changes the council accepted before adoption. Section II on Severability was added, and the violations were reduced to infractions instead of misdemeanors.

ORDINANCE NO. 304:

Mr. Waddell introduced Ordinance No. 304 entitled:

“AN ORDINANCE ADDING CHAPTER 4 TO TITLE 4 OF THE CITY CODE OF SUGAR CITY WHICH DEFINES ANIMAL CONTROL FOR ANIMALS OTHER THAN CANINES, SETTING FORTH THE PENALTY FOR A VIOLATION OF THIS CHAPTER AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.”

It was moved by Mr. Waddell and seconded by Mr. Drake to waive reading of the ordinance on three different days and in full and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen King, Merrill, Waddell, and Drake
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 Mr. Waddell and seconded by Mr. Drake to adopt the ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilmen King, Merrill, Waddell, and Drake
Those voting nay: none

Ordinance No. 304 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 Ordinance No.304 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.

MOTION TO AMEND AGENDA: It was moved by Mr. King and seconded by Mr. Merrill to amend the agenda to include discussion of and possible decision on the Planning and Zoning Commission's recommendation on Tucker Adamson's zone change application and on Old Farm Estates's development status. Motion carried.

PLANNING & ZONING REPORT: P&Z Chairman David Ogden attended the meeting.

Adamson Zone Change Application Recommendation: May 1 the commission walked the Adamson property to get a better feel for the size of the lots and buildings. Mr. Adamson was not present. After discussion, the commission decided to recommend denial of the application for the zone change because "the overall feeling is that the property being considered is just not large enough to justify the granting of this request, and that it is not in the best interest of Sugar City's Comprehensive Plan, nor the residents living nearby," (P&Z recommendation letter dated May 2, 2014, attached).

MOTION: It was moved by Mr. Waddell and seconded by Mr. Drake to delay a decision on the recommendation because Adamson and the public had not been notified of the possible action at City Council meeting tonight. The council will make a decision in their next meeting on May 22, 2014. Motion carried.

MOTION: It was moved by Mr. King and seconded by Mr. Merrill to correct the minutes of 4-10-14 by correcting the Adamson property description as follows: "Adamson requests that the zone be changed from R2 to R3 on the portion of his property that lies between D Street and the Sweethaven Apartments" to be replaced with "Adamson requests that the zone be changed from R2 to R3 on his property, which consists of .68 acres between Sweethaven Apartments and Dee Ray Humphries' lot along Idaho Highway 33 (South Front Street) in Sugar City. The property is divided into two parcels, one .3 acres and the other .38 acres, separated by D Street." Motion carried.

Clyde Haacke Variance Discussion: Clyde Haacke wants to build a house that is too wide to meet the setbacks on his 75-foot lot. Haacke has the right to apply for a variance, or he can rearrange placement of or reduce the planned size of the proposed home. He has spoken with Dave several times, and is requesting a variance to allow for reduced setbacks. He must show "undue hardship" as part of the variance application. Attorney Bill Forsberg may need to help clarify setbacks and why a variance may not solve the problem.

Mark Oliphant Short Form Application: Mark represented his father, Robert "Bob" Oliphant, on dividing the large family lot on West 1st South into three parcels. A Short Form Preliminary Plat Application Form can be filed.

BUDGET DATES: Wendy presented the planned city budget preparation, review and adoption dates for the coming 2015 fiscal year:

- 7-10-14 – First Budget Draft
- 7-24-14 – Review Budget
- 8-14-14 – Adopt Tentative Budget
- 8-28-14 – Public Budget Hearing
- 9-11-14 – Adopt Ordinance

EMERGENCY AGENCIES COORDINATION: Mr. Merrill reported that currently there is great detail in local and federal emergency planning but little coordination between agencies. It is assumed that the well-organized units of the local Church of Jesus Christ of Latter-day Saints will take the lead in coordinating disaster relief, especially given how well they handled the Teton Dam failure in 1976 and subsequent emergencies or near emergencies in the area. County and municipal agencies have command centers and equipment to aid in emergency situations. However, it appears that contact information is not updated frequently enough to be fully useful. The topic warrants further discussion. The city's goal is to develop methods to protect its citizens by:

- Participating in natural flood reduction
- Reducing earthquake disasters through mitigating techniques and standards
- Encouraging fire extinguishers and smoke alarms in residences and businesses
- Updating emergency contact information consistently, as changes occur or as needed

FRONT FACADE: Mr. Merrill is the acting general contractor for the work to be done on the front of City Hall. Timbers have been ordered, which alone will cost about \$8,000. Considerable planning and measuring have been done to ensure that construction goes well.

ROCKY MOUNTAIN POWER: Rocky Mountain Power (RMP) officials Tim Solomon and Mickey Beaver met with the mayor and other city officials to discuss ways that RMP can help the city reduce energy consumption through use of LED lighting, even at the ball fields, and through weatherizing the office. Mickey Beaver headed a meeting to organize a committee with representation from Sugar City to discuss and plan energy use until 2040. The committee, to include Madison and Jefferson county planning leaders, will meet once a month. The first meeting will be May 28, 2014, in Rigby.

TRANSPORTATION STUDY: The mayor has arranged a study for a full Sugar City interchange in conjunction with the Madison County Horrock transportation study, which could cost the city about \$4,500. The half interchange now existing is problematic and confusing to visitors and large trucks. However, there has been concern by members of the City Council regarding the necessity of the study, since interchange options at the location have already been studied extensively by the Idaho Transportation Department (ITD), which owns and operates the highways in behalf of the general public. Rather than participate in the Horrock study now, it was decided that a formal letter be sent to ITD Senior Transportation Planner Bill Shaw at ITD's District 6 office to get a formal answer. The council will then make a decision following the reply from Shaw.

LARGE VEHICLE PARKING, NEWSLETTER INSERT: The council decided to go forward with the proposed Large Vehicle Parking Ordinance by holding three separate public

readings of it. The city's June newsletter will include an insert alerting the public to the reading dates, which will be June 12, 26, and July 10. Mr. Waddell will draw upon Mr. King's draft of an insert, aiming to identify the three main reasons why the city needs a large vehicle parking regulation and announcing the reading dates.

REXBURG URBAN DEVELOPMENT PROJECT: Mayor Dalling reported that owners of SunGlo and Dickinson properties adjacent to the project do not want to be a part of the project, and that Sandra Ball would like all of her property to be included.

ORDINANCE ENFORCEMENT: Lieutenant Cameron Stanford of the Madison County Sheriff's Office, who helps provide police services for Sugar City, addressed the council on parking enforcement. Currently the city has areas of no parking that are being ignored by residents and visitors alike. A discussion was held on enforcement options and issues, including requirements such as man hours, fines, officer availability, etc. It was suggested that the mayor and council invite both Stanford and Attorney Forsberg to a regular council meeting for a discussion on enforcement questions.

DEPARTMENT REPORTS:

MR. KING: Bruce suggested that another "whereas" statement be added to the proposed Large Vehicle Ordinance as follows:

"WHEREAS, The City Council finds that city streets typically are not constructed to carry large-vehicle traffic."

King also reported that he posed questions to the city attorney on the process for obtaining and setting aside land for planned roads. He will e-mail Attorney Forsberg's response to the mayor, council and staff.

MR. MERRILL:

LEPC report: See above "Emergency Agencies Coordination."

MR. WADDELL:

No report.

MR. DRAKE: An Arbor Day celebration is scheduled for tomorrow at 11 a.m. Several trees have been purchased with the city's Arbor Day grant. Damaged trees will be replaced. An Arbor Day art contest will feature grades 4-6, with the art work to be displayed at City Hall.

MAYOR'S BUSINESS:

Blackfoot Mayor's Cup: Lexie Moser, a city office employee, will represent Sugar City in the Blackfoot Mayor's 5K race Saturday, May 17, 2014, at 10 a.m.

Citywide Cleanup: Spring cleanup will begin Monday, May 19, 2014.

Old Farm Estates: The subdivision development is seeing renewed activity after having been dormant for five years. The mayor feels it is important that the City Council understand the history and agreements affecting the development. Further discussion will take place in the next meeting.

Meeting adjourned at 9:50 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer



PLANNING & ZONING COMMISSION

TO: Mayor Dalling and Sugar City Council

FROM: Dave Ogden, Chairman

DATE: May 2, 2014

SUBJECT: Tucker Adamson Application for Zone Change

Dear Mayor and Council,

The Application by Tucker Adamson for a Zone Change affecting his property, which would change the zone from an R2 to and R3 was discussed in our regularly scheduled meeting on May 1, 2014. The Public Hearing preceding this discussion was held on April 17, 2014. The Public Hearing was well attended by Mr. Adamson and many of his close neighbors. There were many questions raised, and testimonies given, all of which were against the change in the zone. Most of those questions raised are irrelevant to the actual change in zoning, but have been forwarded to the City, and are being dealt with.

The main points discussed in our meeting, and upon which our recommendation is based, are as follows:

1. The Sugar City Code, in Title 9, Chapter 9-3-2, defining zone R2, indicates that the "Maximum density shall be five (5) dwelling units per acre". The definition for an R3 indicates that the "Maximum density shall be twelve (12) dwelling units per acre". The concern of the Commission is whether or not the use of the property is consistent with the desire of the community to allow certain types of density in that area.

The property of Tucker Adamson consists of two parcels, of which the area is 0.304 acres where the home is located, and 0.380 acres where the mobile homes are located. Based on the definitions reviewed above, the maximum density under R2 would be 1.52 units and 1.90 units, respectively. If the zone was to be changed, this would only increase the available units to 3.65 units and 4.56 units, respectively. The feeling of all testimonies give at the public hearing was that the change would make the area too dense.

The current home on the smaller parcel contains three (3) dwelling units, and the larger parcel contains four (4) units. Based on the current zoning, the property is already out of compliance; however, they have been grandfathered in, since they were that way prior to 1976. The change of the zone would allow the current units to become compliant, however, the desire of Mr. Adamson to add two more units to the home would not be possible.

2. The Comprehensive Plan for Sugar City indicates in Chapter 6, Land Use, that “the goal of Sugar City is to perpetuate its small-town, family-focused character through judicious uses of land and management of growth”. Although the neighboring property is already zoned R3, the property in question is not considered large enough to allow a reasonable progression of the more dense zone. Especially when considered that all of the other neighbors are also in an R2 and an R1 zone.

Based on those discussions, it is the recommendation of the Sugar City Planning & Zoning Commission, that the change in the Zone requested by Mr. Tucker Adamson not be granted. The overall feeling is that the property being considered is just not large enough to justify the granting of this request, and that it is not in the best interest of Sugar City, nor the residents living nearby. Thanks for your consideration.

Sincerely,

Dave Ogden
Chairman, Sugar City Planning & Zoning