

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JULY 24, 2014

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:35 p.m.
Prayer: Vaun Waddell
Pledge of Allegiance

Present: Mayor Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmembers Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; City Attorney Bill Forsberg; Chairman David Ogden, Planning and Zoning Commission; Terry Butikofer; Allan Briggs; Bill Barnhill; Leola Barnhill; Bev Moon; Bob Moon; Devan Barker; Jess Brown; and Virginia Brown.

The mayor asked if there were any corrections to the minutes of the regular meeting held on July 10, 2014. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Waddell and seconded by Councilman Merrill to accept the minutes; motion carried.

LARGE VEHICLE PARKING ORDINANCE - THIRD OF THREE READINGS:

MOTION: It was moved by Councilman King to waive the proposed Large Vehicle Parking Ordinance #305 reading in full and to read by title only. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen King, Merrill, and Waddell
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.

The mayor asked if there were any present that would like to comment on the ordinance. Bill Barnhill testified in support of the ordinance, Bev Moon and Bob Moon testified against it. A letter from Brad Orme was read by Councilman King. Brad opposes the ordinance. The testimonies were recorded. The council will be given a digital copy of all sessions of public comments in preparation for possibly making a decision at the next council meeting.

REXBURG/SUGAR CITY URBAN RENEWAL DISTRICT: Terry Butikofer read Resolution 2014-2, known as the Rexburg/Sugar City Urban Renewal District or the North Interchange District, by title only. The council had time to carefully review the resolution and was prepared to accept it, on Attorney Forsberg's recommendation. The council still seeks a seat for representation on the committee from Rexburg and hopes that will happen as soon as possible. Mayor Woodland agrees that Sugar City should have representation on the committee for the North Interchange District.

MOTION: It was moved by Councilman Waddell to authorize Mayor Dalling to sign Resolution 2014-2. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Merrill, Waddell, Drake, 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. Mayor Dalling and Clerk-Treasurer Wendy McLaughlin signed the resolution.

PLANNING & ZONING REPORT: P&Z Chairman David Ogden addressed the council. The commission is preparing for a September 4, 2014, public hearing on proposed changes to the land-use and zoning maps, and on proposed additions to verbiage in the Impact Area Ordinance, which coordinates county and city impact area regulations. Dave gave each member of the council a copy of the proposed land-use map, which highlights needed changes and will be available for public review. Some of the proposed changes:

- Todd Harris property to commercial from agriculture
- High School property east of the school to agriculture from public-quasi so it can be used later for residential development
- Kelton Larson property north of Sugar City next to U.S. Highway 20 to highway commercial from agriculture

HIGHWAY 33 STREET LIGHTING PROJECT: The mayor asked the council for their response to the street-lighting project proposed by Barry King on behalf of the Tree and Beautification Committee last council meeting. The council agreed that the improvement project would be advantageous to the city, provided that grants can be procured to fund it.

Comprehensive Plan: Councilman King suggested adding a street-lighting goal to the Comprehensive Plan, which he said would facilitate obtaining future federal aid for it. Councilman Waddell will create a statement of intent, which will include the added objective specifically addressing public lighting on Center Street that uses energy-efficient technology.

AT&T BUILDING EXPANSION: The mayor reported that AT&T had contacted him to see if the company could add an 8-x-10-foot cement pad or addition on the existing building at the water tower. AT&T needs the extra room for additional equipment. The mayor expressed concern about the appearance of the site, which sits next to the LDS church and parking lot. The mayor suggested that the northwest corner would be the least intrusive place for a cement pad, rather than adding an addition to the building.

SECOND BUDGET DRAFT REVIEW: The council was asked to review the budget draft and make recommendations on their departments for the 2015 fiscal year.

FRONT FACADE: Councilman Merrill reported that carpentry work on the front facade is nearly complete. The next steps are stucco and masonry work. Exterior lighting and a top cap will be the final touches. The façade work is on schedule, with completion expected in August. Most of the public has been very positive about the new look for city hall.

URBAN RENEWAL DISTRICT MEETING: Councilman Merrill reported on the meeting held at noon today. He was impressed with the way the meeting went and felt he was included as much as he wanted to be. Sugar City wants a seat on the committee, as taxes from Sugar City's impact area benefit the district.

HARRIS TRAILER COURT UPDATE: It was reported that Harold Harris sold his trailer court, located east of Idaho 33 (Front Street) between 2nd and 3rd South, and that the new owner, Wade Hathaway, is installing individual meters to each trailer. The city will bill each trailer space rental for their water, sewer, and garbage usage, as Mr. Hathaway desires. It was decided by the council to send Mr. Hathaway a letter notifying him that he is ultimately responsible for any unpaid utility bills, subject to Attorney Forsberg's okay.

DEPARTMENT REPORTS:

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL: See reports under Front Facade and Urban Renewal District headings.

COUNCILMEMBER WADDELL: Councilman Waddell reported that the Pioneer Community Breakfast planned for Saturday is ready to go. Many community residents donate time and other things to make the breakfast a success. Since the Sugar City Market has closed, any unused food will be distributed in an appropriate manner.

COUNCILMEMBER DRAKE: Councilman Drake will drive his remodeled antique car with Lexie Moser, our treasurer's assistant and winner of the Blackfoot Mayor's Cup foot race, in the Pioneer Day Parade in St. Anthony Saturday, July 26, 2014.

MAYOR'S BUSINESS:

Old Farm Estates: The mayor reported that he had advised those seeking building permits that the city will not approve any building permits until City Engineer Dick Dyer recommends to the council acceptance of phase one of the Old Farm Estates development and the council approves and accepts it.

Meeting adjourned at 8:30 p.m.

Signed: Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested: Wendy McLaughlin
Wendy McLaughlin, Clerk-Treasurer

RESOLUTION NO. 2014-2

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY ADOPTING THE FINDINGS OF THE REXBURG URBAN RENEWAL AGENCY, THE URBAN RENEWAL AGENCY OF THE CITY OF REXBURG, IDAHO, ADOPTED BY RESOLUTION ON JUNE 17, 2014, IN RESOLUTION NO. 2014-3; ACCEPTING THAT CERTAIN REPORT PREPARED FOR THE REXBURG URBAN RENEWAL AGENCY ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE NORTH INTERCHANGE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE NORTH INTERCHANGE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE CITY LIMITS OF THE CITY OF SUGAR CITY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE NORTH INTERCHANGE AREA; APPROVING CREATION OF THAT PORTION OF THE NORTH INTERCHANGE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF REXBURG AND WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SUGAR CITY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF REXBURG AND THE CITY OF SUGAR CITY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Sugar City have the authority pursuant to Idaho Code § 50-302 to establish resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the Rexburg Urban Renewal Agency, an independent public body corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law") and the Local Economic Development Act, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Rexburg, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution dated November 6, 1991, the city of Rexburg created an urban renewal agency, pursuant to Chapter 20, Title 50 Idaho Code;

WHEREAS, there are several existing urban renewal project areas in the city of Rexburg;

WHEREAS, it became apparent to the Agency that additional property within and around Rexburg may be deteriorating or deteriorated as defined by the Law and the Act and should be examined as to whether such an area is eligible for urban renewal planning purposes;

WHEREAS, the Agency commenced certain discussions concerning examination of the new area as appropriate for an urban renewal project (the "North Interchange Area");

WHEREAS, the North Interchange Area was originally examined by Harlan W. Mann in 2006 concerning eligibility (the “2006 Report”);

WHEREAS, in August 2013, the Agency authorized Terry Butikofer, Community Development Consultant (the “Consultant”), to commence an eligibility study and preparation of an eligibility report of the North Interchange Area and surrounding properties, supplementing the 2006 Report;

WHEREAS, the Agency obtained The North Interchange Area Urban Renewal Eligibility Report (the “Original Report”), which examined an area in Rexburg known as the North Interchange Urban Renewal Project Area for the purpose of determining whether such area was a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Original Report dated December 13, 2013, was submitted to the Agency;

WHEREAS, under the Idaho Urban Renewal Law, Section 50-2018(9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, additional analysis concerning any agricultural operations and additional requests for consent of property owners who may have such agricultural operations within the past three (3) consecutive years continues;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the North Interchange Area includes certain properties within the city limits of the City of Sugar City and certain properties in unincorporated Madison County;

WHEREAS, the Agency accepted the Original Report by way of Resolution No. 2013-3 at the December 13, 2013, meeting of the Agency Board.

WHEREAS, on or about February 27, 2014, the Consultant presented the proposed North Interchange Area to the City Council of the City of Sugar City;

WHEREAS, the City Council of the City of Sugar City requested the Agency consider additional property for eligibility in the North Interchange Area;

WHEREAS, the Agency authorized the Consultant to review the additional area for eligibility;

WHEREAS, the Agency obtained the June 10, 2014, North Interchange Area Urban Renewal Eligibility Report (the “2014 Report”), which included the examination of the area studied in the Original Report, and the additional area for the purpose of determining whether such areas are a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the 2014 Report dated June 10, 2014, was submitted to the Agency;

WHEREAS, the Agency accepted the 2014 Report by way of Resolution No. 2014-3 at the June 17, 2014, meeting of the Agency Board. Attached hereto as Exhibit A is a true and correct copy of the adopted Agency Resolution, which includes the 2014 Report and a map of the North Interchange Area;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2904, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the proposed North Interchange Area has no impact on jurisdictional boundaries of the City of Sugar City;

WHEREAS, on July 10, 2014, representatives of the Agency presented the 2014 Report to the City Council of the City of Sugar City requesting the City Council consider adopting the findings concerning the proposed North Interchange Area.

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

Section 1. That the above statements are true and correct.

Section 2. That the findings of the Agency made on June 17, 2014, in Resolution No. 2014-3, are hereby adopted by the City Council.

Section 3. That there is a need for an urban renewal plan for the North Interchange Area.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Council of City of Sugar City, Idaho, on this 24th day of July, 2014.

APPROVED by the Mayor of the City of Sugar City, Idaho, on this 24th day of July, 2014.

Glenn W. Dalling

Mayor

ATTEST:

Wendy McLaughlin

City Clerk-Treasurer

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