

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 12, 2021

Presiding: Mayor Steven Adams
Meeting Via Internet and at City Hall Convened at 6:38 p.m.
Prayer: Mayor Adams
Pledge of Allegiance: Councilwoman Nielsen

Present at City Hall and Online: Mayor Steven Adams; Councilors Joy M. Ball, Glenn Dayley, Connie Fogle, and Catherine Nielsen; Clerk-Treasurer Wendy McLaughlin; City Attorney Chase Hendricks; Public Works Director Arlynn Jacobson; City Building Inspector and P&Z Administrator Quinton Owens; Planning & Zoning Chairman Dave Thompson; Community Development Specialist Kurt Hibbert; Citizens Natalie Cleverly, Timothy Frogue, Renee Fullmer, Becky Jeppson, Bruce and Elaine King, Jerry & Rozan B. Miller, Jill Moss, Lawrence Nielsen, Stevens Family, and others who may have joined electronically but not identified.

CONSENT AGENDA:

MOTION: It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve Consent Agenda items for the minutes of 7-22-21, the Treasurer's Report, and the Accounts Payable Report; motion carried.

MORATORIUM ON DEVELOPMENT APPLICATIONS FOR R3, MU1, MU2 UNTIL 9-30-21:

MOTION: It was moved by Councilwoman Fogle and seconded by Councilwoman Nielsen to move the moratorium item to the Calendared Items under the "Ordinance Amending Definitions for Zoning districts and Dwelling Types"; motion carried.

2022 PROPOSED BUDGET:

MOTION: It was moved by Councilwoman Fogle and seconded by councilman Dayley to approve the Tentative Budget which includes the Forgone Resolution to accrue property tax levying authority in future years, utility fee changes, and mayor and council salary increases; motion carried.

FORGONE RESOLUTION: Tabled until next council meeting to find out if the city needs to disclaim forgone as well.

UTILITY RATE CHANGE RESOLUTION: Tabled in order to set a public hearing for September 9, 2021 noted in the budget but not clear to the public.

SCHEDULE BUDGET HEARING: The Budget Hearing was scheduled in a prior council meeting for August 26, 2021.

PUBLIC COMMENT: Summarized below:

Rozan B. Miller: She and her husband recently moved here from Pocatello. They live next to the Old Farm Estates Development and are against the growth and proposed changes. They would like a moratorium.

Jerry G. Miller: Mr. Miller grew up 4 miles west of Sugar City. He is for a moratorium to give time to redefine open space and density. Do not be pushed by developers.

Jill Moss: Ms. Moss was born and raised in Sugar City. She feels it is growing too fast to raise revenue for the city budget. Recently passed House Bill 389 placed an 8% growth cap on annual budget increases creating challenges for growing areas. She is for the moratorium. Current growth is not in harmony with the Comprehensive Plan.

Natalie Cleverly: Ms. Cleverly is for the moratorium. Sugar City is a community of single family homes as indicated on the website. The current growth does not comply with the Comprehensive Plan. Planning and Zoning needs more time as well as the Council to review public hearing documents. She is also in favor of repealing Ordinance 312.

Alex ? 756 S 7th West: He and his family picked community specifically for the small town feel. Crime accelerated in ten similar cities where growth was rapid. Slow down.

PUBLIC WORKS REPORT: Public Works Director Arlynn Jacobson reported on the following items:

Merry Go Round – installed but sets up higher than normal.

Rural Planning Organization (RPO) Meeting – Madison County is partnering with the City of Rexburg, BYU-Idaho, and the sheriff's office to run a fiber backbone to the Madison County Search and Rescue building located in the Sugar City Business Park. The group understands that the City of Sugar City is interested in partnering with the group as well.

Well #5 – Mr. Jacobson is pursuing a dialer to be added to the SCADA system at the well house in order for the software to work. The additional cost will be around \$6,000 - \$7,000 but less expensive than upgrading to a new system. They have also begun work on the landscaping around the tank and the fencing is ordered.

PLANNING & ZONING REPORT: Planning and Zoning Chairman Dave Thompson reported on the following items:

Public Hearings:

Dark Sky, Buffering, and Open Space Definitions Canceled – The Commission canceled the public hearing meeting scheduled on Thursday, August 5 due to notice issues.

Old Farm Estates Public Hearing – The Old Farm Estates public hearing has been set for Wednesday, August 25. The commission is reviewing the applications and preparing for the meeting.

Frito Lay Property – The city is currently suing the property owner for non-compliance on landscaping. The owner has indicated he wants to comply.

Building Plans – Owners of property within the Business Park have brought in building plans. They have been given the Business Park Protective Covenants.

Planning & Zoning – the minutes have been caught up. The Commission is having difficulty in finding those who want to serve on the commission.

MASTER PLAN & DEVELOPMENT AGREEMENT REPORT: Planning and Zoning Administrator Quinton Owens reported that the postings, notices, and mailings for the public hearing have been completed.

GENERAL BUSINESS:

Event Recap: City Clerk-Treasurer McLaughlin gave a financial reporting on the Easter Egg Hunt, 4th of July Float, and Sugar Days events. There were several sponsors and donations for the events from local businesses. Councilman Dayley will follow up with PSI Waste Systems on their sponsorship.

Intermountain Gas Franchise Agreement: The Intermountain Gas Franchise Agreement is due to be renewed. The company is seeking a 20-year term instead of the 10-year term they just completed. The agreement is currently being reviewed by the mayor and staff for the September 9 council meeting.

Madison County Sheriff's Agreement: A proposed agreement with the Madison County Sheriff's office and Sugar City for police security is being reviewed. The agreement will also help with jurisdictional prosecuting issues, use of county services, and buildings.

City Fiber Backbone Agreement: City Attorney Chase Hendricks reported that he is working on a contract for the city fiber backbone that will provide enough bandwidth to run several cameras. The agreement has not been finalized in order to review some concerns.

School District Water Rights Transfer and Agreement: Mr. Hendricks reported that Sugar Salem School District was gifted 43 acres with some water rights from the Dalling family to build the new Jr. High School. In an earlier annexation agreement with the city, Glenn and Dorothy Dalling agreed to transfer the water rights to the city as the land is developed which supersedes the water right transfer to the school. However, the school would like to keep the water rights and has hired an attorney. The city is hoping to keep an open dialogue with the school and work out the issues. The city plans to lease the water rights back to the school. A partnership on a secondary irrigation system could serve both the school district and city and save on potable water resources.

CALENDARED ITEMS:

First Discussion – Amend Alcohol Sales Code – Brad's Exxon has asked the city to consider amending the city alcohol sales code standard set by the founding fathers years ago. Brad sells alcohol from his gas station and has a difficult time finding "older" employees the run the cash register. Sales are also banned on the holidays. The council agrees the code needs to be updated to the state standard and would even consider selling on Christmas Day.

Second Discussion – Ordinance Amending Zoning District Definitions and Dwelling Types: The council discussed many concerns with Ordinance 312 which increased density in R3 and added two new zones for the Mixed Use zone – MU1 and MU2 and creating higher densities than the original MU. They were also concerned with protecting individual property rights. After much discussion a motion was moved to repeal Ordinance 312.

MOTION: It was moved by Councilwoman Nielsen and seconded by Councilwoman Fogle to repeal Ordinance 312. The mayor declared the motion Out of Order since by law it must go through Planning and Zoning as it defines zones and density. The motion did not carry.

Moratorium on the Development Applications for R3, MU1, and MU2 until 9-30-21: After much discussion the council voted against a moratorium which could be considered a taking to give Planning and Zoning more time to amend definitions and density for R3, MU1, and MU2.

MOTION: It was moved by Councilman Dayley and seconded by Councilwoman Fogle to deny a moratorium and to put together a proposal using a few key people for zoning definitions and dwelling types for Planning and Zoning to review; motion carried 2 to 1.

Councilwoman Ball voted against the motion. Councilwoman Nielsen did not vote.

Third Discussion: Ordinance to Increase Council Salaries and Correct Mayor's Salary:

The council voted to increase the council salaries and correct the mayor's salary. A public hearing for the salary increase was planned to be held as part of the Budget Hearing scheduled for Thursday, August 26. However, the council felt it might be better to set another public hearing on September 9 since it was not called out specifically in the notice.

MAYOR & COUNCIL REPORTS:

Business Park Lots: Mayor Adams reported that the deadline passed for the closing on two lots in the Business Park and will go back on the market.

Rexburg Impact Area Expansion: Mayor Adams reported that Rexburg has plans to expand their impact area north of the Rexburg North Interchange on Highway 20 on the west side of the Salem Highway. Mayor Adams hopes Rexburg will listen to the voice of the community in that area. A 9 man committee agreement representing three from each jurisdiction (Sugar City, Madison County, and Rexburg) is employed when boundaries touch which doesn't apply in this case.

Neighborhood Watch: The mayor would like to move forward on the Neighborhood Watch program which was put on hold.

Historic Preservation Commission: Councilwoman Ball reported that the commission turned in several names of people who might serve on the commission. The mayor is working on scheduling visits. They will meet again August 18. Below is a summary of the commission's activities:

- Elected Donna Jean Kinghorn as secretary
- Elected Becky Derrick as commission chair
- Selling the historic coloring books at school registration next week
- Seeking a non-profit status and wondered if it could transfer from one organized by Dan Hemsley years ago
- Requesting computer donations
- Purchasing "Past Perfect" software
- Seeking permission from the school district to use rooms in the old Jr. High building for office space
- Looking for opportunities to help develop a recreational center using the old Jr. High building

Tree and Beautification Committee – Councilwoman Ball reported that the committee would like to divide the city into regions represented by committee members to ensure fair representation. They will meet again on September 2.

Yard Awards:

- Carolyn Hawkes
- Cheryle Nanney
- Cory and Deborah Roberts
- Mark and Kristie Emery

Garden Awards:

- Mel and Winona Bean
- Delbert and Pam Jensen
- Scott and Heather Holmen
- Kevin and Kristin Galbraith

Meeting adjourned at 10:22 p.m.

Signed: _____
Steve Adams, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer