

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, DECEMBER 14, 2023

Presiding: Mayor Adams
Meeting Via Internet and at City Hall Convened at 6:30 p.m.
Prayer: Councilman Dayley
Pledge of Allegiance: Councilwoman Ball

Present at City Hall and Online: Mayor Adams; Councilors Joy M. Ball, Daniel Baird, Glenn Dayley, and Catherine Nielsen; City Clerk-Treasurer Wendy McLaughlin; Public Works Director Arlynn Jacobson; Planning and Zoning Administrator Kurt Hibbert; Building Inspector Quinton Owens, City Attorney Chase Hendricks; Fibercom Representatives George Swanson and Jared Stowell; Citizens Debbie Baggett, Teresa Christensen, Janette Clark, Brandon Dayton, Dan & Gaye Fine, Jason Flaig, Bryan Harris, Heather Jones and others who may have joined electronically or otherwise but not identified.

CONSENT AGENDA:

MOTION: It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the Consent Agenda; motion carried.

ELECTION CANVASS:

MOTION: It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to approve the county Election Canvass; motion carried.

MADISON COUNTY REPORT FROM COMMISSIONER MENDENHALL: No report.

CITY FIBER: Fibercom representatives Jared Stowell and George Swanson proposed a fiber network for Sugar City partnering with Madison County. Fibercom is a local business out of Idaho Falls that serves over 20,000 residents from Idaho Falls to Island Park and one of the largest municipal network providers. Their proposal is summarized below:

Project Overview

- 550+ service addresses
- Over 12 miles of buried conduit and 30 miles fiber optic cable
- Broadband connectivity to the city security cameras and public areas
- Two options – City own and operate fiber infrastructure or Fibercom own and operate fiber infrastructure
- Fibercom recommended the second option since the buy in cost to individual customers could require a Local Improvement District tax (LID) and maintaining a fiber network could be problematic for the city
- Fibercom would absorb the buy-in cost to customers and maintain the lines with an agreement with the city. There would be no franchise agreement no up-front costs to the customers

Cost:

- Total cost estimate \$1.163 million
- City cost \$600,000 - (\$300,000 grant and \$300,000 from other sources and possible grant)

Timeline:

- Design and permits - could begin immediately – 3 to 6 weeks
- Stitch boring – 6 – 8 weeks
- Pushing and splicing Fiber in conduit – 8 weeks
- Service drops and lighting service
- Total project timeline – 4 – 6 months

The council will look at other possible proposals and options as well. They plan to make a decision at the next council meeting.

MOTION: It was moved by Councilman Dayley and seconded by Councilman Baird to support a grant application for the \$300,000 match; motion carried.

PUBLIC WORKS: Mr. Jacobson reported on the following items:

- **Child Safety Grant** – a grant application has been sent in to build a sidewalk from the Dalling subdivision to the new Jr. High. The city will hear back in March.
- **TAP (Transportation Alternative Plan) Grant** – will be used to build a pedestrian bridge over Highway 20 to the developments on the west side of Sugar City. It is due in early January and he hopes to get all the information ready by then.
- **Strategic Initiative Grant** – the city has made the list of grant recipients. It will be used to straighten the “S curve” and redirecting traffic onto Railroad Avenue instead of Front Street. He has not received an official notice yet. He will work with City Engineer Dick Dyer to go over plans with the council.

PUBLIC COMMENTS: Comments centered around the proposed event center applications summarized below:

- **Dan & Gaye Fine** – Not supportive of the event center. They just purchased home next to the proposed event center. Concerned with “party atmosphere” and spot zoning and how it would change their quiet neighborhood.
- **Janette Clark** – Not supportive of the event center. Concerned with spot zoning within residential neighborhood, small children walking to school, and parking.
- **Heather Jones** – Not supportive of the event center. Concerned with possible alcohol problems and parking.
- **Jason Flaig** – Read a letter from Doug McBride who is not supportive of the event center. He pointed out City Code 8-6-2 “parking for one use shall not be considered for another use”. He is concerned that it might be a regulatory taking and the value of his property dropping.
- **Brandon Dayton** – Not supportive of the event center. He lives next to the proposed changes and asked the council how they would feel if this was happening next door to them.
- **Bryan Harris** – No supportive of the event center. He grew up there and although the proposed event center would not impact him, he believes it would be better in a zone which already allows such uses.

- **Debbie Baggett** – she felt like the “black sheep” of the group. She is the applicant for the zone change and special use permit. She will use the event center mainly for weddings. Most of crowd will be coming and going for parking to be a problem. She is mindful of the residential neighborhood and residents desire for quiet. There will be no outside speakers and alcohol will be discouraged. Most weddings will take place inside the building.

PLANNING AND ZONING REPORT: Kurt Hibbert reported on the following items:

Madison County Commission Board Public Hearing: The public hearing will be held at the Sugar Salem High School Auditorium at 6:00 pm Monday, January 8, 2024. The council and public are encouraged to attend the public hearing for the proposed Sugar City impact area. Salem is asking to be in the Sugar City impact area for better planning. There are many false misconceptions about the city’s ability to provide service to these areas. The city engineer and other officials will be present to support the proposed impact area.

Event Center Comments: The public comments just heard by the council are considered ex parte communication. Planning and Zoning held a public hearing November 16, 2023 and had Findings of Facts and a recommendation before the council to consider. To cure the error the council will need to hold their own public hearing.

Annexations: The three recommended annexations are all Category A annexations which means that the property owners all requested to be annexed into the city. Two parcels are not within the city impact area but are adjacent to the city.

ANNEXATION ORDINANCE NO. 388_2023: The council approved the annexation ordinance.

Ordinance No. 388_2023 was introduced to the council.

“AN ORDINANCE ANNEXING CERTAIN LANDS LOCATED ON 546 EAST 3000 NORTH; 545 EAST 3000 NORTH, AND 965 SOUTH TETON AVENUE, AND WHICH LIES CONTIGUOUS OR ADJACENT TO THE CITY LIMITS OF THE CITY OF SUGAR CITY, COUNTY OF MADISON, STATE OF IDAHO; AND THAT SAID LANDS BE ANNEXED TO THE CITY OF SUGAR CITY AND ZONING DESIGNATED REGIONAL COMMERCIAL (RC), SINGLE FAMILY RESIDENTIAL (R1), AND MEDIUM DENSITY RESIDENTIAL (R2) AND DECLARING THAT SAID LANDS, BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW, BE A PART OF THE CITY OF SUGAR CITY, COUNTY OF MADISON, STATE OF IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND DIRECTING MADISON COUNTY GIS TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF SUGAR CITY, IDAHO; AND DIRECTING THE CLERK OF THE CITY OF SUGAR CITY TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREAS TO BE ANNEXED WITH MADISON COUNTY RECORDER, AUDITOR, TREASURER AND ASSESSOR, AND THE STATE TAX COMMISSION OF THE STATE OF IDAHO, PURSUANT TO IDAHO CODE SECTION 50-223 AND SECTION 63-2215”.

It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to adopt this ordinance and waive the three readings. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Baird, Dayley, and Nielsen

Those voting nay: None

Ordinance No. 388_2023 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 388_2023 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.

COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE, AND SPECIAL USE PERMIT FOR PARKING EXCEPTION:

MOTION: It was moved by Councilwoman Nielsen and seconded by Councilman Baird to set a public hearing for the Comprehensive Plan Map amendment, zone change, and Special Use Permit parking exception applications for an event center on Thursday, January 25, 2024 at 6:30 pm; motion carried.

GENERAL BUSINESS:

Residential (R1) and Residential (R2) Zoning Issues: Kurt Hibbert reported that since the zoning for Medium Density (R2) in City Code is too restrictive, it creates a current problem within the Teton Island Estates project where lot density precludes twin homes although approved. The code will need to be fixed.

WIPFLI Engagement Letter: The council will look at other options for next year's auditor since the price has gone up so much.

MOTION: It was moved by Councilman Dayley and seconded by Councilman Baird to approve the WIPFLI Engagement Letter. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Baird, Dayley, and Nielsen

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

County Impact Area Public Hearing:

MOTION: It was moved by Councilwoman Nielsen and Seconded by Councilwoman Ball to help with the public hearing notice mailing for Salem; motion carried.

Councilwoman Nielsen will work with City Administrator Kurt Hibbert and the City Council to draft a council letter to the County Commission for the public hearing.

CALENDARED HEARING ITEMS:

Second discussion – Fiber Optic Ordinance – The council will decide on a contract or third-party manager before finalizing the ordinance at the next council meeting. Requests for Proposals (RFPs) will open up options for the council to consider. Mr. Thompson has arranged for a meeting with a Utah city and the mayor to consider a city owned, a third-party manager option.

MAYOR AND COUNCIL REPORTS:

Mayor Adams reported on the following:

AIC Legislative Summit and ATI (Association of Idaho Taxpayers) Conference –

Mayor Adams attended two conferences over the Thanksgiving break. He felt they were very informative and enlightening and worth the effort to attend in Boise.

Councilwoman Ball reported on the following:

Sugar City Area Historical Society Inc: The commission will meet again January 18, 2024. They have sent out over 30 donation letters and have received \$30,000 in donations so far. Their goal is \$50,000 by the end of the year.

Christmas Tree Lighting: The event went well. Next year the city will help with the sound for the music.

Christmas Dinner: The dinner went well and no one had to work.

EXECUTIVE SESSIONS:

8:55 P.M. It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to move into executive session pursuant to Idaho Code 74-206(f) "Conferring with legal counsel for the public agency to discuss pending or imminently likely litigation, not merely when legal counsel is present." Motion carried. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Baird, Dayley, and Nielsen

Those voting nay: None

Thereupon, the mayor declared the motion passed.

10:03 P.M. The executive session ended for Idaho Code 74-206(f). No decisions were made and there was no deliberation.

Motion was made for adjournment. Meeting adjourned at 10:03 p.m.

Signed: _____
Mayor Steven Adams

Attested: _____
Wendy McLaughlin, Clerk-Treasurer