

MINUTES OF SPECIAL MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 17, 2005

Presiding: Mayor Dalling
Meeting convened at 6:00 p.m.
Prayer: Brent Barrus
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Tim Kershaw, Brent Barrus, and Walter Deitz; Scott Lee, City Attorney; Jan Gallup; Stephanie Blackham, Dave Thompson, Verla Moss; Marlene Webster; and Ninette Galbraith. Council member Harold Harris was in attendance at the last part of the meeting.

The Mayor said Council member Deitz asked specifically that we not make any decisions on the ordinance revisions because he has several concerns. He is away for a week. He said Jan is really after our input more than anything. He turned the meeting over to Jan Gallup.

ORDINANCE REVISIONS:

Title 8, Design Review; Powers & Duties of Design Review Board: Jan Gallup gave a Power Point presentation on Title 8 of the City Code, particularly the design review ordinance (five chapters). She said the first chapter deals with building codes, the second one starts with design review. It establishes outlining a board, how many members would be on the board and what their functions would be. It also establishes design review procedure for site and building. It also talks about different standards. Jan explained the presentation is an overview of all of the ordinances that we are revising. Title 8 is the Building and Site Ordinance, Title 9 is the City Zoning ordinance and under that we talked about Chapter 8, Planned Unit Development; Chapter 9, Impact Area Zoning Ordinance; and Title 10, Subdivision Ordinance. A discussion was had on the design review board. They are a committee under Planning & Zoning and would make recommendations to P&Z; they should have duties and responsibilities, but no power. Jan referred to Title 9, Chapter 3, where it talks about Planning & Zoning duties, and she has to tie design review with Planning & Zoning. It does give the design review board authority under the subdivision ordinance to review subdivision plats; then they make a recommendation to P&Z. In the planned unit development chapter they make recommendations to P&Z. Those are the other sections where Jan referred to the design review board.

Signage: A discussion was had on signage. Jan said no later than 30 days from the date an application is first reviewed, the design review board has the right to approve, approve conditionally, or disapprove the sign design plans. The reasons for such action shall be stated in writing, a copy of which shall be attached to one copy of the site design plan and returned to the applicant. Then the party can appeal to Planning & Zoning if they are not happy with the design review board's decision.

Harold Harris arrived at 7 p.m. Jan brought Harold up to date on what has been discussed.

Design Review Committee: Jan said the design review committee was as follows: Ninette Galbraith represented the impact area; Marlene Webster represented the businesses; Stephenie Blackham represented the citizens; Darr Holdeman represented the contractors; Bill Barnhill was the engineer; and Lawrence Nielsen has been in City Government and has land planning experience. The design review board will have an odd number so they can't be deadlocked. Their terms will be staggered.

Vision Statement: Sharee reminded the Council of our vision statement for our community: "Small town family-oriented atmosphere."

Paint Alterations and Colors: A discussion was had on paint alterations and colors. Sharee said if we don't have this control to keep our small-town family atmosphere that we have, we need to make sure what someone wants to do is within our guidelines. The owner will have control but we will guide them to make sure they fit in our community. Jan quoted from Section 8-2-10: "Earthen tones are encouraged. Flat or low-gloss finishes are encouraged. Roof-mounted mechanicals have to be painted so that they match the color of the roof." A discussion was had that you can't require roof-mounted mechanicals to be painted. Jan said if they can't be painted, they should be concealed.

The Mayor said we could discuss this further at another meeting.

MAYOR'S BUSINESS:

Annexation of Ball, Brown, Harris & Jeppesen Properties: The Mayor said Rexburg had an annexation notice published in the local newspaper for part of the above properties. The four property owners have made application to be annexed into Sugar City. He asked Jan Gallup to report on it. Jan reported she had a meeting with the property owners today. She said, first of all, that each one of the property owners are determined and want to be annexed into Sugar City. They are not wavering and would like to record their Consents to Annexation. The next step is Dick and Jan will work together and map out how we would like to see that developed. It will mainly be generalities; for example, zoning; and they have requested a C-2 zoning. They would like to have a road over the railroad tracks onto Highway 33. Dick and Jan will map something out and will ask for the Council's input on it. She said this is unusual because usually you have someone come to the City and present what they want to do and ask for approval. These property owners are asking what the City would like to see there.

Jan said we have had three developers come in who are connected with Ken Brown's property. They have a contract with Ken Brown on the 40 acres on the southwest corner of his property, so that would be the corner of 2nd East and Moody Highway. They went to Rexburg and talked to them and then came back and talked to the property owners. They are concerned about the annexation, how long it will take, and the litigation that we might be involved in; but they said they would be in touch with her and in touch with Ken, and we will keep going with the annexation agreement process. Jan said they just want to make sure there is a road there and zoning in place. They are not talking about infrastructure. The property owners' priority is to facilitate the process and get annexed into Sugar City. A discussion was had on concerns that the developer is using Dick and Jan to develop their plans at the City's expense.

Pre-annexation Agreement: Scott Lee said our ordinance, the way it sits right now, requires us to have a pre-annexation agreement and then an annexation agreement, all before the City Council ever gets it. We are trying to facilitate that. He said there are some time limits that are involved; so we are trying to come up with an annexation agreement that is simple enough so that we can call it an annexation agreement and defer these development type questions until they are actually going to start developing the property. Most places don't have this pre-annexation

agreement as a requirement, and a lot of places just annex it and then do the development agreement after. We are just following our statute, because it will be looked at very closely whether we followed our procedure in annexing the property.

Use of GIS: Jan said the Mayor and her were informed on Monday that we would not be allowed to use GIS for the Ball/Brown/Harris annexation because of conflict of interest. She found an engineering service, Sunrise Engineering, and they will do the comprehensive plan mapping for about \$200. She asked for the Council's approval. The Mayor explained that GIS would still help us with the Stillman property, just not this annexation. Jan said our comprehensive plan and our zoning ordinance map would include that property. The Mayor said we could pursue that without a motion as long as it doesn't get excessive.

The Mayor said he received a letter from Rexburg's Mayor Shawn Larsen today to advise us that they are pursuing the annexation of the Brown/Harris properties. He said he is invited to a breakfast meeting with Commissioner Muir and Mayor Larsen on Tuesday morning.

EXECUTIVE SESSION:

7:50 p.m. It was moved by Council member Harris and seconded by Council member Barrus to go into executive session for the purpose of discussing personnel. The Mayor called for a roll call vote:

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

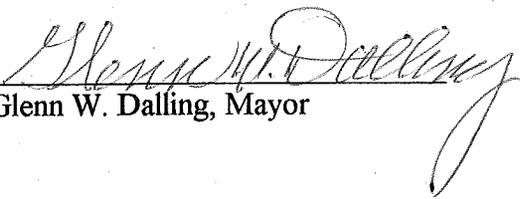
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

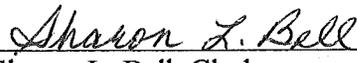
During the executive session potential litigation was also discussed.

8:50 p.m. The executive session ended and the regular Council meeting adjourned

Signed:


Glenn W. Dalling, Mayor

Attested:


Sharon L. Bell, Clerk