

MINUTES OF SPECIAL MEETING  
SUGAR CITY COUNCIL  
TUESDAY, JUNE 14, 2005

Presiding: Glenn W. Dalling  
Meeting Convened at 7:00 p.m.  
Prayer: Walter Deitz  
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Brent Barrus, Walter Deitz and Harold Harris; Sharee Palmer, Planning & Zoning Commission; Jan Gallup; County Commissioners Roger Muir and Ralph Robison; and Penny Stanford, County Attorney. Council member Tim Kershaw was excused.

**COUNTY PRESENTATION (IMPACT AREA):** Attorney Penny Stanford addressed the Council. She presented copies of the statutes that talk about negotiation procedure for areas of city impact. The biggest concern that the county commissioners have at this time is not only how large the impact area should be, but how best to direct the issue that is coming up where we want to overlap impact areas. The proposed impact zone that the City of Sugar City has given the county includes in it some of the impact area that already exists for the City of Rexburg. The proposed impact area for the City of Rexburg includes in it a portion of the already existing impact area for the City of Sugar City. She read Idaho Code Section 67-6526(3)(d): "Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards can agree." She explained that if you have an impact zone already in existence, which Sugar City has, the City of Rexburg couldn't take a bite out of the impact zone because it is fixed, unless the county commissioners agree to change it. Likewise, Sugar City can't take a bite out of the City of Rexburg's impact area. It is set in concrete until the two cities agree. She mentioned the north Rexburg interchange area that neither city has currently in its impact area but both want.

**Committee of Nine:** Ms. Stanford said there are different ways to solve problems of setting up an impact area. One of the alternatives is found in Subsection (b), using a committee of nine. A lot of times the cities and counties cannot agree on an impact area. She suggested the committee of nine be three elected officials from Sugar City, three elected officials from Rexburg, and the three county commissioners. She said the Mayor selects the three elected officials. He can elect himself and two city councilmen, or he can select three city councilmen; then the Council has to confirm those. Rexburg would have to do the same thing. She said that would work out for the areas where both cities want the same piece. If the committee of nine cannot work out an agreement, then the district judge would decide the problem. One option to this is the area where neither city has an impact area, but both want it, which is the north Rexburg interchange area. That can actually be set for a vote, that only the people that are qualified electors who reside in that area can vote on. The only question that would be asked is in what area of city impact the electors wish to reside – Sugar City or Rexburg. That presumes, of course, that the county commissioners are okay with the areas of impact going out that far.

**Burns Brothers:** Commissioner Robison asked Ms. Stanford to bring the Council up to

date on Burns Brothers. She said they are in litigation right now. Burns Brothers filed an appeal to the district judge to have the judge determine whether the County behaved properly as a County board in denying their application for the zone change. They are trying now to get all of the record in to the judge and then he sets a briefing schedule, which will take two months. When Judge Moss makes his decision if both sides are satisfied with that decision, we could be done in a couple of weeks. If either side objects and it goes on to appeal from there, it will be a minimum of two years before we have an answer on the zone change.

Commissioner Muir suggested they have this same meeting with Rexburg and Ms. Stanford, and review the same thing with them. Then we can get together as two cities, and have the Commissioners act as mediators.

**CITY LETTER TO COUNTY COMMISSIONERS:** Jan Gallup addressed the Council and the County Commissioners. She said as we are making changes in the City, Planning & Zoning and the Comprehensive Plan Committee have been working under a motto since May 19<sup>th</sup> when all this erupted: "Working together for a family community – Sugar City, Rexburg and Madison County." We are willing to work with Madison County and with Rexburg. All of us are trying to create this family community. We are meeting a higher standard than what we have in the past. One of the things that concerns us is that we hear that we can't handle developing that property, that we don't have design standards, that we can't do it, and we want Madison County Commissioners to know that we think we can. We are setting our standards a lot higher and are moving towards that in 2005. We will have a lot of revisions to our ordinances. Jan thinks it is a good thing that the City Councils meet together, but she also believes that it will come down to a nine-member team that will decide it. Sugar City is very apprehensive with this push. A discussion was had that we don't want to get dominated by Rexburg. We need a balance.

**Salem Area:** We have had a lot of input from Salem residents. Council member Harris said some people from Salem have submitted petitions to be included in our impact area. Sharee Palmer said the Burns project brought to Salem's awareness that they needed to do something. They were either going to be in Rexburg's impact area or Sugar City's. Jan said we invited them to come to a meeting to inform them they would be part of our build-out study because we could see where Salem would impact us and we needed to be aware of what that impact would be in order to prepare our comprehensive plan, so a year ago we had a meeting with them and informed them of their choices – that they could stay with Madison County, they could incorporate, they could go with Rexburg, or they could go with Sugar City. That started them thinking what direction they wanted to go. All of the feedback that we've had has been that they want to be part of Sugar City's impact area and eventually be a part of Sugar City. Jan said we have invited three Salem residents to be part of some of the Planning & Zoning committees that are working on revising our ordinances just to get input from them.

Commissioner Robison said he has looked over the comprehensive plan. He assumes we want to preserve our single family dwellings, our way of life, and it seems the comments of the survey that we sent out that they wanted to maintain single family dwellings, and not have a lot of apartment complexes. He wondered to have such a large proposed impact area around Sugar City if we were trying to preserve single family dwellings or trying to enlarge it to encourage commercial or other types of things to come in so we have a mixed use in the impact area, therefore reducing our single family dwellings and the way of life maintained here. Jan said the extension of the impact area and our focus is the property south of the north Rexburg interchange because that does impact us so much. As far as the impact area going into Salem, we invited Salem residents to come and identify the area that they would like to see become part of Sugar

City's impact area. She said as you go on the other side of Highway 20 so you are directly in Salem area, Salem residents in defining the boundary assisted us and that is why it is extended out that far. They said we want it to be inclusive of what is in the build-out study.

Jan said as they worked through the build-out study and the comprehensive plan map, the entire time we were analyzing what we could handle. We felt that the area that shows on our build-out study, the area that we have identified on our comprehensive plan is a lot. We feel that in order for our City to grow and expand and to meet the demands that we will have, we needed to include that area, and especially the area south of the interchange. If that does go commercial and Rexburg has control of it, it will be very difficult for us to encourage and place commercial development in our community because of the extent that that development would go. We are not just talking commercial retail stores. They are anticipating offices, professional, perhaps a business park, and that would really retard our ability to attract commerce to our area.

Commissioner Muir thought we should look at the area north of the river to the county line. Jan said we looked at it. Our intent is not to be land grabbers. She said we want to incorporate good planning principles. We were fearful that if we extend to the county line, it is going to look like we are grabbing.

Commissioner Muir said the comprehensive plan has a lot of feeling put into it, but it is subject to change. The landowner should have the right to say how it is zoned. He suggested we relate to people that it is just a vision that can be changed. He said to leave the zoning the way it is until there is a demand and then develop around that demand. The zoning ordinance is where things really tie in and make it work. He feels like we can have a meeting like this with Rexburg and talk about their proposals in the same way and then suggested that we meet as City Councils and County Commission and talk things out. If it doesn't work, he feels we should go to that committee of nine. Jan suggested if Rexburg is agreeable that the two City Councils meet, that it is just Penny that represents the attorney point of view. It is just the council members and Penny and the commissioners because Penny can take a non-biased approach to this. Commissioner Muir said if we bring an attorney, the other party would bring theirs. He said no attorney would be there.

The Mayor summarized as follows: First, the commissioners will meet with the City of Rexburg and have the same meeting as we had tonight. The next step is to have us all together and hopefully we can resolve the problem. Next, any of the cities can call for a committee of nine. Penny said we have to agree; otherwise, there will be two committees of nine. Jan said we hope we have conveyed to the commissioners that it is our desire to be cooperative, to work through things, to make this a planning process and not a land-grabbing process. Commissioner Muir is concerned that asking for property south of the interchange is going to cause a fight. He does see the logic in it, but he doesn't feel Rexburg will agree to it.

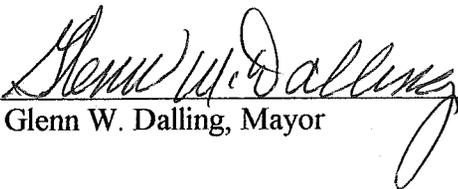
Jan said we couldn't go forward with our comprehensive plan until this is resolved. We are in an area where we weren't sure how to approach this. Commissioner Robison said he would personally like to see the Burns matter resolved before the property goes to anybody's impact area. Then we would know beforehand what the zoning would be, and then the commission will address it again.

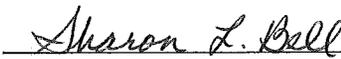
**HIGHWAY 33 BETWEEN REXBURG AND SUGAR:** Commissioner Muir asked permission to continue the discussion with Highway 33, even though it isn't on the agenda, and see how we can get to terms. The Mayor said we have our attorney drawing up an agreement and will present

it to them. Commissioner Robison said he was in a highway department meeting and they were talking about the GARVEE bonds. The Rexburg Mayor was upset because they said they were going to pull out of the project in Rexburg because there wasn't enough money and it was going into the GARVEE bonds. They will have to see if that is just hearsay. He said they were going to do some changes in downtown Rexburg and put a lot of money in there. Commissioner Muir said he received a letter from Tom Coles of District 6, who said the state would hold off and not push an agreement and let it be pushed by the two cities and the county. They are on hold until we come through.

The Mayor thanked the county commissioners and Penny Stanford for coming. He also thanked Sharee and Jan for their work.

Meeting adjourned at 8:15 p.m.

Signed:   
Glenn W. Dalling, Mayor

Attested:   
Sharon L. Bell, Clerk