

MINUTES OF SPECIAL MEETING  
SUGAR CITY COUNCIL  
MONDAY, JULY 10, 2006

Presiding: Mayor Glenn W. Dalling  
Meeting Convened at 9:00 p.m.  
Prayer: Bruce King

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Harold Harris, Walter Deitz, Bruce King and Brad Orme.

**BIKE PATH/JEPPESEN EASEMENT:** The Mayor said the purpose of the meeting tonight is to try to come to an agreement with Garry Jeppesen and his brothers. He presented a Memorandum dated July 10, 2006, from Dick Dyer on the bike path and pipeline easement. A copy of said Memorandum is attached hereto, marked "Attachment 1." The Council expressed a need to discuss this in executive session.

**EXECUTIVE SESSION:**

9:05 p.m. It was moved by Councilmember King and seconded by Councilmember Deitz, pursuant to Title 67-2345(b) and (f), that we go into executive session to discuss personnel and litigation matters. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, Deitz, King and Orme

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

9:40 p.m. The executive session ended and the special Council meeting reconvened.

**MOTION TO ACCEPT THE POINTS OF SETTLEMENT:** It was moved by Councilmember King and seconded by Councilmember Deitz that we accept the points of settlement set forth in the Memorandum from Winston R. Dyer to Mayor Dalling dated July 10, 2006, regarding the bike path and pipeline easement on the condition that The Dyer Group stands all costs associated with the points of settlement, including surveying and transferring of deeds and easements. The Mayor called for a roll call vote:

Those voting aye: Councilmembers Deitz, King and Orme

Those voting nay: Councilmember Harris

Thereupon, the Mayor declared the motion passed.

The Mayor reported this agreement does not release Depatco from the responsibility of moving the pipeline and we need something in the minutes certifying that. It was the desire of the Council to have the City Attorney draft a letter to Depatco making that clear.

**MOTION TO MOVE PIPELINE:** It was moved by Councilmember Orme and seconded by Councilmember Harris that we authorize the City Attorney to draft a letter to Sun River Lake Estates and Depatco, clarifying the City's position that the sewer line that crosses from Center

Street to 3<sup>rd</sup> South be moved back into position to meet the original engineer plans, drawings and specifications, at the City's discretion time wise. Discussion was had. The Mayor reported we have a motion and a second and unless the man who made the motion chooses to change it with the consent of the second, we vote on it; but you can amend the motion before you vote on it.

**AMENDMENT TO MOTION:** It was moved by Councilmember King and seconded by Councilmember Deitz to amend the motion that we state October 15<sup>th</sup> as the date and remove the words "at the City's discretion." The Mayor called for a roll call vote:

Those voting aye: Councilmembers Deitz and King

Those voting nay: Councilmembers Harris and Orme

Because of a tie, Mayor Dalling voted nay

Thereupon, the Mayor declared the amendment to the motion failed. Discussion was had.

**VOTE ON MOTION TO MOVE PIPELINE:** The Mayor called for a roll call vote on the original Motion to Move Pipeline.

Those voting aye: Councilmembers Harris, Deitz, King and Orme

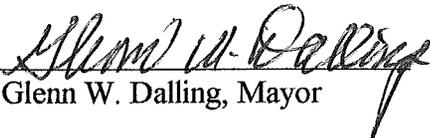
Those voting nay: None

Thereupon, the Mayor declared the motion passed.

The Mayor concluded by thanking the Council for coming. He stated he will be out of town for a week and Council President Harris will conduct the meeting on July 13<sup>th</sup>.

Meeting adjourned at 10:05 a.m.

Signed:

  
Glenn W. Dalling, Mayor

Attested:

  
Sharon L. Bell, Clerk



ENGINEERING • PLANNING • MANAGEMENT

## MEMORANDUM

To: Mayor Dalling, Sugar City

From: Winston R. Dyer, PE

Date: July 10, 2006

Re: Bike Path and Pipeline Easement

We have held additional negotiations on this issue with the property owner. Following is an update on the current negotiated points of settlement. For the sake of discussion, we shall divide the area between First South and Center Street into three areas: the south piece which is the City-owned piece south of the grain bins, the Jeppesen piece that is privately owned and where the grain bins are located, and north piece being the remainder of property north of the grain bins up to Center Street belonging to the City.

**Jeppesen Piece:** they are willing to deed the front 25 feet (immediately behind the curb on Railroad Avenue) to the City. The City gaining ownership of this property addresses both the pipeline and the bike path issues.

The City would issue a temporary easement on this piece back to the Jeppesen's allowing them to bring trucks and equipment in along the westerly 15 feet (the area west of the bike path) of the property being deeded to facilitate access during Jeppesen grain operations.

**South Piece:** the City would deed a portion of this property to the Jeppesen's from First South northward to the south property line of the Jeppesen grain bin property and from the centerline of the spur track eastward to a point 25 feet west of the west curb on Railroad Avenue. This would give the Jeppesen's sufficient access to the grain bins to carry on their operation and the City would retain ownership of the remaining 25 foot strip behind the west curb on Railroad Avenue for the bike path and buried pipelines.

The Jeppesen's then would grant back to the City a temporary easement for the pipeline on the easterly 10 feet of the property deeded to them to assure the buried pipeline where it crosses First South is still within City-controlled property.

**North Piece:** the City would grant a temporary easement to the Jeppesen's that would be 45 feet wide starting at the centerline of the spur track and coming east, and which would extend from the north property line of the Jeppesen grain bin property northward 100 feet. The easement would continue from that point northward to Center Street but would be reduced from 45 feet to 30 feet in width, again with the westerly edge of the easement following the centerline of the spur track. This would give the Jeppesen's proximity to the grain bins for their loading/unloading operations like they do now and improved access northward to Center Street, avoiding the need to cross the bike path with loaded trucks.

Please review this with the Council for approval. Garry indicated he would need to get his brothers' approval on this before they could officially commit.