

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JUNE 26, 2008

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Bruce King
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Vaun Waddell, acting chairman of Planning & Zoning; Randy Johnson; Nathan Evans; Jonathan Blake; and Verla P. Moss

PUBLIC HEARING (Sale of Business Park Lots): The mayor welcomed everyone and brought the hearing to order. He presented a brief review of the procedure for the public hearing. Attorney Garner, representing the applicant, reported the purpose of this public hearing is to receive input on the amount set by the City Council for the business park as a whole, which is \$1,646,568. We are not here to sell the property tonight or to have an auction but rather to establish the value of the property. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet in hand, Mayor Dalling called first for those in favor of the sale of Business Park lots. No one testified in favor.

The mayor then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those who want to testify against the proposal. No one testified.

6:43 p.m. The public hearing ended, and the council convened their regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Vaun Waddell, acting chairman of Planning & Zoning; Randy Johnson; Verla P. Moss; Sharee Palmer; Don Rydalch; and Joseph Law, Standard Journal.

The Mayor asked if there were any corrections to the minutes of the regular meeting held June 12, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember King and seconded by Councilmember Harris to accept said minutes, with one minor correction on page 2; motion carried.

RESCIND RESOLUTION NO. 2008-3 (Planning and Zoning Fee Schedule): Attorney Garner reported that we need to rescind Resolution No. 2008-3 for the reason that we have to have another public hearing because the procedure to do that required us to run a notice twice during a two-week period and not on the same week as the public hearing. The new public hearing has been scheduled for Thursday, July 10, 2008, at 7:30 p.m.

MOTION TO RESCIND RESOLUTION NO. 2008-3: It was moved by Councilmember Harris and seconded by Councilmember Orme to rescind Resolution No. 2008-3; motion carried.

MOTION FOR PUBLIC HEARING (Planning & Zoning Fee Schedule): It was moved by Councilmember Orme and seconded by Councilmember King to proceed with the public hearing set for July 10 at 7:30 p.m. for the purpose of obtaining input on the planning and zoning fee schedule; motion carried.

DECISION ON PUBLIC HEARING (Sale of Business Park Lots):

MOTION ON BUSINESS PARK VALUE: It was moved by Councilmember King and seconded by Councilmember Orme to establish the business park's value at \$1,646,568; motion carried.

RANDY JOHNSON – BUSINESS PARK CHANGE ORDERS: Randy Johnson of Forsgren Associates addressed the council and presented Business Park change orders 1 and 2. Discussion was had.

MOTION TO APPROVE CHANGE ORDERS: It was moved by Councilmember Harris and seconded by Councilmember Merrill to approve Change Order 1 and Change Order 2 as presented; motion carried. A copy of said change orders is attached hereto marked "Attachment 1."

PLANNING & ZONING REPORT: In the absence of P&Z Chairman Brian Hawkes, Commissioner Vaun Waddell addressed the council.

Sugar-Salem School District – Special Use Permit: Vaun reported that the Sugar-Salem School District has applied for a special use permit to build onto the back of the maintenance building on West Center Street. P&Z has scheduled a public hearing on this application for July 17, 2008, at 7 p.m. A discussion was had on the fact that they applied for a special use permit without owning the property. Attorney Garner advised P&Z to cancel this public hearing and to negotiate a solution to the problem.

Transportation Map: Vaun reported that the transportation map would be Appendix B of the new comprehensive plan. After discussion, he recommended that we coordinate the transportation map with the transportation study to be done by Forsgren Associates.

7:45 p.m. Joseph Law of Standard Journal arrived.

DON RYDALCH REPORT:

Gateway Project: The mayor reported to Mr. Rydalch that the projects were ranked by the Idaho Transportation Department, and Sugar City's project did not get selected. After discussion, the mayor suggested we do more homework and discuss the matter later.

West Entrance Project: Mr. Rydalch reported there is less interest in the project and less manpower to complete it. The sprinkler people are engaged in other projects. The mayor agreed to meet with the city maintenance men and with Mr. Rydalch tomorrow at 9:30 a.m. and

go through the things that the city needs to do to finish the project. We need to set a day and get the remainder of the work done the first of next week.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS:

Business Park Loop: Regarding concerns of the council about the sharp turn in the new road at the west side of the business park, Councilmember Harris said the city invited belly dump trucks to make the turn as a test. These 55-foot long trucks negotiated the turn successfully. The turn is not as tight as it appears from the highway.

COUNCILMEMBER ORME:

Proposed construction time constraints: Brad reported he is concerned that the city does not have an ordinance to limit the time of day that construction can take place in residential neighborhoods. Discussion was had. The mayor reported we are not prepared to act tonight. We need a well-thought-out proposal.

Heritage Park Pavilion: The mayor suggested enclosing one of the pavilions because of the wind. It will cost approximately \$6,200. Councilmembers Orme and King objected on the grounds that enclosure will make it harder for parents to watch their children at the playground south of the pavilion. **MOTION:** It was moved by Councilmember Merrill and seconded by Councilmember Harris to enclose the south and west sides and the ends of the pavilion, at an estimated cost to the city of \$6,200. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris and Merrill

Those voting nay: Councilmembers King and Orme

Deciding vote: Mayor Dalling voted aye

Thereupon, the mayor declared the motion passed.

COUNCILMEMBER MERRILL:

Hookups for Old Farm Estates: The mayor reported there is an 8" line on Austin Avenue. To the west, there was thought to be a 6" line. It was found to be a 3" line. The 8" and the 3" lines do not make a satisfactory loop to service Phase 1. There is discussion about the possibility of running an additional 6" line. At this point there is no final decision. The mayor and council feel strongly that any expansion of this kind should not be at the city's expense. The council and P&Z feel strongly that Old Farm Estates needs to plan its own water system, including a well and storage facilities; and their entire system should not be dependent upon the existing Sugar City water system. The Sugar City connection should only be used as a backup. The development agreement is being worked on by the two attorneys and by Dick Dyer, with a goal of finishing a document that suits the city as well as the developer. This agreement will require council approval.

Bid on Painting the Water Tower: Lamont reported that he received a bid of \$20,400 for painting the water tower. He said this is based on a two-week rental of the needed lift, which is \$11,600.

COUNCILMEMBER KING:

Comprehensive Plan: Bruce led a discussion on changes of the council to the comprehensive plan revision received from the Planning and Zoning Commission. Because significant changes were made, the public hearing needs to be changed from July 10 to July 24. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Merrill to incorporate these changes into the draft comprehensive plan received from the commission, to post the revised plan on the city Web site, to make copies available at city hall and to reschedule the public hearing set for July 10 to July 24 at 6:30 p.m.; motion carried.

MAYOR'S BUSINESS:

Lot by Moon Park: The mayor reported that the public hearing scheduled for July 10 on the city's lot by Moon Park has been canceled.

Meeting adjourned at 10 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk



MEMORANDUM

DATE: 6/26/08

TO: Mayor Glenn Dalling

FROM: Randall Johnson

RE: Business Park Change Orders 1 & 2

Attached are copies of Change Orders 1 & 2 for the Sugar City Business Park. These are presented for review and approval by the council. As we have discussed I believe that the proposed change orders are warranted and reasonable.

Items in Change Order 1 were discussed with Harold Harris or Lamont Merrill and the contractor elected to proceed with installation prior to receiving written authorization. Change Order 2 (utility crossings) was discussed with you and Harold Harris and verbal authorization was given to proceed. It should be noted that the utility crossings described in Change Order 2 replace Bid Item 6.01 and will result in a net decrease in Edstrom's contract of approximately \$14,000. Also, the installed cost of the utility crossings was approximately \$3,000 less than the amount verbally authorized.

As we discussed, I will be at the council meeting this evening to present these items for council approval.



Change Order #1

Proposal # MDSC-02
Date of Change 9-Jun-08

Edstrom Construction, Incorporated

2880 West 3200 South
Rexburg, Idaho 83440
Contact: Marc Donnot
Phone: (208) 356-4286
Fax: (208) 356-3639

Change Order For: Sugar City

Job Name: Sugar City Buifness Park
Date of plans: 4/1/2008

Engineer: Foresgren

Phone:
Fax:
e-mail

Add 2.5% if Bond is required.
Contract good for 30 days.

Item	Description	Quantity	Unit	Unit Price	Amount
1	Thrust blocks and 56' stub out	56	Lineal Feet	\$20.00	\$1,120.00
2	Curb stops	11	Each	\$313.00	\$3,443.00
3	Force main redirect	1	Each	\$950.00	\$950.00

15% Profit with Overhead

Grand Total \$826.95

Notes: \$6,339.95

Owner / General Contractor contracts with Edstrom Construction to perform the work on the terms and conditions herein set forth and agrees to pay Edstrom Construction for faithful performance of the work.
Work to be paid by the unit price. The total of the units prices determined by multiplying the quoted unit prices by the total units utilized in the project

Payment terms: Unless otherwise specified, Owner/GC shall pay for the change order on the completion of each task or unit, if it takes more than one month, then upon invoice for work completed during the prior billing period. A late fee of 1.5% per month will be paid on any balance remaining unpaid for more than 30 days from the date of the invoice. In addition to all other charges, Owner/GC agrees to pay all attorney's fees and court costs incurred in collecting and account placed with an attorney for collection, whether not suit is filed.

Change Order Special Provisions: Exclusions; Surveying, Testing and Engineering.

Justification for Change Order: Trees were in the apparent roadway and need to be removed.

Special Terms: This change order will begin after it is accepted and signed by a duly authorized agent of Edstrom and GC / Owner and thereafter may be modified only by written agreement signed by duly authorized agents of both parties.

By: _____ Dated: _____
Marc Donnot

By: _____ Dated: _____
Randy Johnson/ Foresgren

By: _____ Dated: _____
Owner/City of Sugar City



Change Order #2

Proposal # MDSC-01
Date of Change 6-Jun-08

Edstrom Construction, Incorporated

2880 West 3200 South
Rexburg, Idaho 83440
Contact: Marc Donnot
Phone: (208) 356-4286
Fax: (208) 356-3639

Change Order For: Sugar City

Job Name: Sugar City Buisness Park
Date of plans: 4/1/2008

Phone:
Fax:
e-mail

Engineer: Foresgren

Add 2.5% if Bond is required.

Contract good for 30 days.

Item	Description	Quantity	Unit	Unit Price	Amount
1	Utility Crossing Type 1	520	Lineal Feet	\$15.95	\$8,294.00
2	Utility Crossing Type 2	360	Lineal Feet	\$9.00	\$3,240.00
3	Utility Crossing Type 3	50	Lineal Feet	\$11.95	\$597.50
4	Utility Crossing Type 4	80	Lineal Feet	\$11.95	\$956.00

Grand Total

\$13,087.50

Notes:

Owner / General Contractor contracts with Edstrom Construction to perform the work on the terms and conditions herein set forth and agrees to pay Edstrom Construction for faithful performance of the work.

Work to be paid by the unit price. The total of the units prices determined by multiplying the quoted unit prices by the total units utilized in the project

Payment terms: Unless otherwise specified, Owner/GC shall pay for the change order on the completion of each task or unit, if it takes more than one month, then upon invoice for work completed during the prior billing period. A late fee of 1.5% per month will be paid on any balance remaining unpaid for more than 30 days from the date of the invoice. In addition to all other charges, Owner/GC agrees to pay all attorney's fees and court costs incurred in collecting and account placed with an attorney for collection, whether not suit is filed.

Change Order Special Provisions: Exclusions; Surveying , Testing and Engineering.

Justification for Change Order: Trees were in the apparent roadway and need to be removed.

Special Terms: This change order will begin after it is accepted and signed by a duly authorized agent of Edstrom and GC / Owner and thereafter may be modified only by written agreement signed by duly authorized agents of both parties.

By: _____
Marc Donnot

Dated: _____

By: _____
Randy Johnson/ Foresgren

Dated: _____

By: _____
Owner/City of Sugar City

Dated: _____