

MINUTES OF SPECIAL MEETING
SUGAR CITY COUNCIL
TUESDAY, NOVEMBER 21, 2006

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 4:30 p.m.
Prayer: Harold Harris

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Harold Harris, Walter Deitz, Bruce King and Brad Orme; Todd Harris; Kim Harris; and Garry Jeppesen.

MEETING WITH TODD HARRIS: The Mayor welcomed everyone and then turned the time over to Todd Harris. Mr. Harris reported he met with Sandra Ball today and they entered into a partnership agreement with her on the front 25 acres of her property in order to obtain sewer access through her property. Harrises will have to put in a lift station, will run the sewer line through Mrs. Ball's property and over into the interceptor line. They are not into any partnership agreement with Sandra on the remaining portion of her property. Mr. Harris read the last paragraph of the partnership agreement as follows: "This shall remain in force as long as the Harris Family Trust property remains in the Sugar City boundaries or until both parties mutually agree to terminate the partnership agreement."

Mayor Dalling presented a historical chronological background of things that have happened and the circumstances we are in today. A discussion was had on items 1 through 18, particularly item 18 about the meeting with the two mayors and city attorneys. Rexburg made the following proposals; (a) that both cities drop their lawsuits; (b) that Sugar City not provide any services to the Harris property; (c) their annexation would include the triangle piece of property to the east and that it remain annexed into Rexburg – property belongs to Steiners, DePatco and Brown; (d) Rexburg would allow Sugar to hook into the 2nd East sewer line to service Salem both east of 2nd East and west for one mile – Rexburg would not cross Highway 20 until one mile west of 2nd East; (e) also allow Sugar Cemetery and block of property to be in our impact area; (f) they also would make every effort to accommodate our increased capacity for wastewater; and (g) they advised us that this was their final offer. The meeting was over at that point and we haven't done anything since.

Where are we? Mayor Dalling read: "(1) Do we assume that the property of Jeppesen and Ball are legally annexed because they were not challenged? Scott Lee thinks so. (2) Do we want to accept the fact that our annexation is not valid and attempt now to annex the Harris property? (3) If our annexation is legal, then we also have the Brown property. Then Brown could request deannexation from Sugar on the same basis as Harris was let out of Rexburg. (4) It is apparent that if we do anything with the Harris property, all the agreements are off the table with Rexburg. (5) Rexburg is adamant about having the Harris property along 2nd East corridor to their city. (6) The Sugar city council asked the mayor to work again on negotiations."

It was the consensus of the council that further discussion should be done in executive session.

EXECUTIVE SESSION:

5:45 p.m. It was moved by Councilmember King and seconded by Councilmember Harris, pursuant to Title 67-2345(1)(f), that we move into executive session to discuss 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.

6:15 p.m. The executive session ended and the special Council meeting reconvened.

MOTION TO CONTINUE NEGOTIATIONS: It was moved by Councilmember Orme and seconded by Councilmember Harris that we authorize the Mayor to continue negotiations with the City of Rexburg on the Ball, Brown, Harris & Jeppesen property on the seven points we discussed; motion carried.

DECISION ON THE PURCHASE OF A COPIER: The Mayor reported a while back the Council approved the purchase of a new copier. Discussion was had whether to purchase a color copier or a black and white model. **MOTION:** It was moved by Councilmember Deitz and seconded by Councilmember King that we authorize the City to purchase a color copier; Councilmember Orme opposed; motion carried.

Meeting adjourned at 6:25 p.m.

Signed: Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested: Sharon L. Bell
Sharon L. Bell, Clerk