

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, AUGUST 9, 2018

Presiding: Mayor David D. Ogden
Meeting Convened at 6:35 p.m.
Prayer: Dave Ogden
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Vaun Waddell, Joy M. Ball, and Bruce King; City Public Works Director Arlynn Jacobson; Planning and Zoning Chairman Dave Thompson; City Building Inspector Cliff Morris; Forsgren Associates Randy Johnson; DN Tanks Official Kevin Peacock; Citizens Bruce Arnell, Grant and Linda Johnson, Catherine Nielsen, Robert Nielsen, and Jade Nielsen.

MINUTES: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on Thursday July 26, 2018. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Barrus and seconded by Councilwoman Ball to accept the minutes as amended; motion carried.

RECONCILIATION REPORTS: Wendy presented the July reconciliation reports for the General Fund. It was moved by Councilman Waddell and seconded by Councilwoman Ball to accept the July reconciliation reports for the General Fund; motion carried. Wendy presented the July reconciliation reports for the Utility Fund. It was moved by Councilman King and seconded by Councilman Waddell to accept the July reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$106,515.61. It was moved by Councilman Barrus and seconded by Councilman King to pay the current bills, together with all regular August bills; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Dave Thompson reported that since they did not meet Thursday, August 2, there was nothing new to report. They will continue working on the items and report next meeting. Since there are five Thursdays in August, they have rescheduled to meet on Thursday, August 16 and August 30.

HIGHWAY 33 ABANDONMENT: City Public Works Director Arlynn Jacobson reported that while attending a Rural Planning Organization (RPO) meeting he took the opportunity to discuss with Rexburg and the Idaho Department of Transportation (ITD) the city's concern of maintaining Idaho Highway 33 if it were abandoned to Rexburg as proposed. Councilman King, having worked for ITD for several years, understood that the district:

- Never abandons a state road
- Never transfers by force
- Always has all affected jurisdictions agree to a transfer

ITD will adopt the new proposed road connection from Highway 33 to Rexburg's North 2nd East and will continue to maintain the rest of Highway 33 through Sugar City. The council asked the mayor to get their intentions as mentioned at the RPO meeting in writing to be filed with the city. It was also suggested that the city ask Rexburg's City Council how the proposed changes to Idaho Highway 33 would help with the congested traffic flow from Sugar City.

NEW WATER WELL AND TANK REBID: Forsgren Associates Project Manager Randy Johnson explained to the council the reasons it would be in the best interest of the city to rebid on the new water tank instead of going forward:

- Top of wall was not defined and was interpreted differently by each party
- Difficult to assign a low bidder
- Good possibility of a lawsuit from either party if city proceeds as originally planned
- Bid documents allow city to rebid if necessary

Forsgren Associates will define "top of wall," will not charge the city for the extra time to republish and rebid the project. There is a possibility of a third bidder and that bid estimates could go up. However, the bid competition still remains.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Waddell to rebid the new tank and well; motion carried.

BUSINESS PARK LOT 1 BLOCK 3 SALE: The council authorized the mayor to make a counter offer of \$23,500 for the sale of Business Lot 1 Block 3. The lot will be used to build an administrative office.

RESOLUTION NO. 2018-11 (Authorization on Sale of Business Park Lot 1 Block 3) – Resolution No. 2018-11 was presented to the council and read by title only.

MOTION: It was moved by Councilman Waddell and seconded by Councilwoman Ball to authorize the sale for \$23,500; motion carried. A copy of said resolution is attached hereto marked "Attachment #1."

MAYOR'S REPORTS: The mayor reported on the following items:

Madison County Luncheon Reminder: The mayor reminded the council of the work meeting on Monday and got a head count for the luncheon.

Themed City Committee Report: The first meeting is still being organized. Ted Hendricks has offered to help the city obtain Downtown Revitalization money.

Sewer Fees Increase Meeting with Local School District and Businesses Report: The mayor reported that the meeting went well. Those present asked the mayor to have the Rexburg expense numbers audited to see if expenses passed on were legitimate.

DESIGN REVIEW REVISIONS: The council passed Ordinance No. 333_2018 repealing and replacing Chapter 8-4 Design Review of the city code, with amendments to the Design Review voting members and what constitutes a quorum.

ORDINANCE NO. 333_2018 (Repealing and Replacing Chapter 8-4 Design Review):

Ordinance No. 333_2018 was introduced by title only by Councilman Waddell entitled:

“AN ORDINANCE REPEALING CHAPTER 8-4, DESIGN REVIEW, OF THE SUGAR CITY, IDAHO, MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 8-4, WHICH ESTABLISHES THE PURPOSE AND INTENT OF DESIGN REVIEW TO BE AESTHETIC; SETS FORTH APPLICABILITY AND DEFINITIONS FOR DESIGN REVIEW; PROVIDES FOR ORGANIZATION, MEETINGS, AND ACTIONS OF THE DESIGN REVIEW BOARD; PROVIDES FOR APPLICATIONS FOR DESIGN REVIEW AND SETS FORTH GENERAL DESIGN STANDARDS AND STANDARDS FOR SPECIFIC DESIGN AREAS; PROVIDES FOR APPEAL, VARIANCE, AND PENALTY; PROVIDES FOR REPEAL OF ANY ORDINANCE OR PROVISION WHICH MAY BE IN CONFLICT WITH THE PROVISIONS HEREIN; PROVIDES FOR SEVERABILITY; AND PROVIDES THE EFFECTIVE DATE OF THIS ORDINANCE.”

It was moved by Councilman Waddell and seconded by Councilman King to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Waddell, Ball, and King
Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Waddell and seconded by Councilwoman Ball to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Waddell, Ball, and King
Those voting nay: None

Ordinance No. 333_2018 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 333_2018 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

2018-19 BUDGET: The council discussed at length the proposed tentative budget and ways the budget could be made more fiscally accountable. The Administration Expenses from the General Fund were especially examined because of their increase over the past few years. The council will consent to a tentative budget by tomorrow through email correspondence to the clerk to meet the publication deadline for the public hearing on August 23.

DEPARTMENT REPORTS:

COUNCILMAN BARRUS: No report
COUNCILMAN WADDELL: No report
COUNCILWOMAN BALL: No report
COUNCILMAN KING: No report.

Meeting adjourned at 11:00 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City, Idaho

Resolution No.: 2018 - 11

“A Resolution to Authorize the Mayor to Execute all Required Sales and Closing Documentation on the Sale of Lot 1 Block 3 in the Sugar City Business park to J & M Investment Properties LLC.”

WHEREAS, the Council of the City of Sugar City, Idaho has authorized the Mayor to list for sale the lots contained in the Sugar City Business park to any bona fide buyer, including Lot 1 Block 3 of that park; and

WHEREAS, J & M Investment Properties LLC has made an offer in good faith to purchase the aforementioned lot at a price of \$21,000, with the understanding that the property must be owned prior to being able to qualify for the building to be built; and

WHEREAS, the listing agent, Judy Hobbs of Quest Realty, has provided the buyer with all required disclosures so that the buyer may make an informed decision; and

WHEREAS, the Council of the City of Sugar City, Idaho now desires to formalize this purchase;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby authorizes the Mayor to counter the above-mentioned offer for the amount of \$23,500, and if accepted execute all of the required sales and closing documentation for the sale of the aforementioned Lot.

PASSED by the Council of the City of Sugar City on this 9th day of August, 2018

APPROVED by the Mayor of the City of Sugar City on this 9th day of August, 2018.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin, City Clerk - Treasurer