

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, OCTOBER 13, 2016

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:36 p.m.  
Prayer: Joe Cherrington  
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Matt Garner, Bruce Arnell, and Joe Cherrington; Chairman Brent Barrus of the Planning and Zoning Commission; Sugar City Code Enforcement Officer Rebecca Edwards; and Citizens Johnnie Edwards and Johnathan Carrera.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on September 22, 2016. Each councilman had a copy of the minutes prior to the meeting. Councilman Arnell asked that “bridge and beds” be added to page 2 under “Flood Plain Cost Sharing Agreement”. It was moved by Councilman Garner and seconded by Councilman Arnell to accept the minutes with the change; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the September reconciliation reports for the General Fund. It was moved by Councilman Garner and seconded by Councilman Arnell to accept the September reconciliation reports for the General Fund; motion carried. Wendy presented the September reconciliation reports for the Utility Fund. It was moved by Councilman Garner and seconded by Councilman Arnell to accept the September reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$168,998.54. It was moved by Councilman Garner and seconded by Councilman Arnell to pay the current bills, together with all regular October bills; motion carried.

The council asked the Mayor to clarify city invoice items that represent individuals with the city attorney. The mayor will also talk to City Engineer Dick Dyer to inform him that the city will no longer need him as the certified water/sewer backup now that Public Works Arlynn Jacobson is certified.

**CODE ENFORCEMENT OFFICER INTRODUCTION:** Rebecca Edwards of Ashton was introduced to the council and sworn into office as the city code enforcement officer. She has been studying the city code the last couple of weeks in preparation for her duties. The mayor feels with her qualification and experience she will be an asset to the city.

**PLANNING AND ZONING COMMISSION REPORT:** Commissioner Brent Barrus reported on the following items:

**Land Use Schedule Title 9 Update:** The commission has set 17 November 2016 for the public hearing for the revisions to the Land Use Schedule and Mike Stears’ Special Use Permit application.

**Impact Area Update:** The commission is meeting with the survey group this Monday to go over details. The group will conclude the survey at the end of the semester.

**P&Z COMMISSIONER REPLACEMENTS:** Planning and Zoning Chairman Brent Barrus submitted six names for the mayor to contact to fill two seats. Dr. Hans Redd will be replaced because of time constraints and an additional person to the commission will be added bringing the total commission to eight. Representation from the impact area is needed.

**AIR BNB:** Air BnB is defined as is a peer-to-peer online marketplace and homestay network that enables people to list or rent short-term lodging in residential properties, with the cost of such accommodation set by the property owner. The City of Rexburg has been working on defining and whether or not to allow this type

of lodging which has polarized the community. The council wants to investigate further to see how many residents are participating and how our citizens feel. We will wait to see the outcome in Rexburg and whether there is an actual need to have it addressed within Sugar City. Currently Sugar Code does not allow for Air BnB lodging.

**HOTEL TAX:** The council discussed the possibility of adding a hotel tax. There is a potential of two hotels that are looking at the Sugar City area. However, an additional hotel tax can only be added if the major portion of the city's revenue comes from tourism. Sugar City would not qualify.

**REXBURG WASTE WATER AGREEMENT:** The Tri-Party Waste Water agreement states that the City of Sugar City would pass an ordinance in conjunction with the agreement. It has not been done yet. Ordinance No. 322\_2016 would keep us in compliance with that part of the agreement. The public works director of Sugar City is named the administrator; Rexburg is named as the agent in conjunction with the Environmental Protection Agency.

**ORDINANCE NO. 322\_2016 (Rexburg Waste Water Agreement):**

Ordinance No. 322\_2016 was introduced and read by title only by Councilman Cherrington entitled:

“AN ORDINANCE ADDING A NEW CHAPTER 7-2 TO THE CITY CODE, REGULATING THE INTRODUCTION OF POLLUTANTS INTO THE WASTE WATER TREATMENT SYSTEM; DEFINING TERMS; OUTLINING OFFENSES AND PENALTIES FOR INDIVIDUALS, BUSINESS ESTABLISHMENTS, OR ANY OTHER ENTITIES VIOLATING THE ESTABLISHED REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

It was moved by Councilman Cherrington and seconded by Councilman Arnell 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: Councilmen King, Cherrington, Garner, and Arnell  
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 Cherrington and seconded by Councilman King to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman Arnell, Garner, Cherrington, and King  
Those voting nay: None

Ordinance No. 322\_2016 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 322\_2016 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.

**RICKS LIFT STATION:** The council discussed the need for a generator back-up system for the Ricks Subdivision lift station. Currently if the power is knocked off there is only a two hour lead time before waste water would start backing into nearby residences. The sewer has backed-up before into residential homes when the power was knocked out. Several thousand dollars' worth of damage has been done for which the city was liable. The council agreed to have the generator installed which will cost the city about \$16,700. The generator will be installed near the lift station in the Ricks Subdivision.

**PARKING VIOLATIONS:** The city reviewed and discussed updates to parking violations fines and also clarifying the existing ticket form. They stressed the need to educate citizens to city codes. Tickets will be

issued after other measures have been tried. The council will review the revised fees and form over the next couple of weeks before adopting any changes.

**AT&T (MD7) LEASE AGREEMENT AND ADOPTION:** The council adopted the 5<sup>th</sup> Amendment to the AT&T lease agreement. City Attorney Bill Forsberg reviewed the document with the mayor to include an increase in rent if more equipment is added and a 2% base rent increase each year. The city may review the agreement every four years for any revisions that need to be added.

**RESOLUTION NO. 2016-20 (Approve 5<sup>th</sup> Amendment to AT&T Lease Agreement):** It was moved by Councilman Garner and seconded by Councilman Arnell to approve Resolution No. 2016-21. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmen King, Cherrington, Garner, and Arnell

Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 1".

#### **DEPARTMENT REPORTS:**

##### **COUNCILMAN ARNELL:**

**Well #1:** A new pump has been reinstalled at 142 ' vs 89' down with the former pump. Public Works Director Zane Baler reports that the water is running about 700 gallons/minute and the water samples have come back clean. There is no reason to abandon the well at this point. Nitrates are also down 2 points.

##### **COUNCILMAN KING:**

**Tree and Beautification Committee Report:** Councilman King reported that the committee will choose a new chairman to replace Grant and Linda Johnson. The committee did not meet last week.

**COUNCILMAN GARNER:** No report.

##### **COUNCILMAN CHERRINGTON:**

**Speed Bumps:** Councilman Cherrington reported on the speed bumps the city installed. He reports that it seems to have helped slow down the traffic. There was some resistance to the placement of the bumps – citizens do not want them in front of their homes. Drivers have avoided slowing down by driving with just one wheel on the speed bump. Extensions may need to be considered.

#### **MAYOR'S BUSINESS:**

**Fertile Peat Ribbon Cutting Report:** Mayor Ogden reported that formal invitations have been sent. A large crowd is expected. Lunch will be served. The council suggested that maybe fertilizer samples could be given away.

**ADA Ramp Update Report:** There is enough money left from the grant to change two more corners. Hill and Sons have completed six sidewalk intersections to ADA compliant specifications.

**New Construction Valuation Software:** The city purchased Marshall and Swift valuation software for residential and commercial buildings. Instead of the contractor estimating the value the software will estimate the value similar to what the county uses for assessments.

**Code Enforcement Officer:** See comments above.

Meeting adjourned at 8:55 p.m.

Signed: \_\_\_\_\_  
David D. Ogden, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer

**The City of Sugar City, Idaho**

**Resolution No. 2016 - 20**

**“A Resolution to Approve the Fifth Amendment to Antenna Site Lease Agreement between Sugar City, Idaho and New Cingular Wireless PCS, LLC, and Authorization for the Mayor of the City of Sugar City to Execute Said Amendment.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to enter into a Fifth Amendment to Antenna Site Lease Agreement with New Cingular Wireless PCS, LLC; and

WHEREAS, the City of Sugar City has an existing Lease Agreement with New Cingular Wireless PCS, LLC to provide space on their existing water tower, where certain equipment owned by the tenant is placed for their use; and

WHEREAS, New Cingular Wireless PCS, LLC, LLC has requested this Amendment to modify their terms, rate and conditions;

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 approves the Fifth Amendment to Antenna Site Lease Agreement between New Cingular Wireless PCS, LLC, and the City of Sugar City, and authorizes the Mayor to execute the aforementioned Amendment.

PASSED by the Council of the City of Sugar City on this 13<sup>th</sup> day of October, 2016

APPROVED by the Mayor of the City of Sugar City, Idaho, on this 13<sup>th</sup> day of October, 2016.

(Seal)

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David D. Ogden  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer