

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MARCH 12, 2020

Meeting Convened at 6:30 p.m.
Prayer: Joy Ball
Pledge of Allegiance

Present: Mayor Steven Adams; Clerk-Treasurer Wendy McLaughlin; Councilors Joy Ball, Steve Davis, Connie Fogle, and Catherine Nielsen; County Commissioner Brent Mendenhall; City Building Inspector Cliff Morris; Planning and Zoning Chair Dave Thompson and Quinton Owens; Design Review Board Spencer Cook; Citizens Dennis Birch, Ryan and Katie Cheney, JoAnn Clark, Walter Deitz, Mike and Rachel Guymon, Grant and Linda Johnson, Bruce and Elaine King, Craig Morgan, and Dan Porter.

CONSENT AGENDA:

Minutes of Regular Meeting 2-27-2020

Minutes of Special Council Town Hall Meeting 3-7-20: Removed from the Consent Agenda.

Payment Approval Report

Treasurer's Report

MOTION: It was moved by Councilman Davis and seconded by Councilwoman Fogle to approve Consent Agenda, accept the minutes, and to pay the current bills, together with all regular March bills; motion carried.

MINUTES OF SPECIAL COUNCIL TOWNHALL MEETING 3-7-20: Councilwoman Joy Ball asked to add "Emergency response time" to the challenges listed under "Straightening of S Curve South Entrance"

MOTION: It was moved by Councilman Davis and seconded by Councilwoman Nielsen to accept the 3-7-20 minutes as revised; motion carried.

PROPOSED HIGHWAY 33 AND S CURVE REVISIONS/EAST PARKWAY

CORRIDOR: City Engineer Dick Dyer reviewed the proposed revision details and answered several questions from the Council. Some concerns of the council are summarized below:

- Funding – how much will the city need to pay
- Safety – how to slow down traffic
- Maintenance – how will the roads be maintained, who will maintain them
- Liability – what liability would the city bear if change is recommended by engineer but not approved by the Council

PUBLIC COMMENT:

Dan Porter: Against S Curve and Highway 33 revisions. He is concerned that traffic will not slow down, semi-trucks unable to make wide turns, and heavier traffic near a residential street and park.

Craig Morgan: Liked that intersections would be “squared off”. Center street is well posted with no accidents. It was a great place to raise 12 children. He was concerned about the possible speed increase with the S curve taken out.

Elaine King: Against the County taking jurisdiction of North Highway 33 without the city’s consent. She quoted State Statutes 40-203(b) and 40-310. She is also concerned about safety – the S curve helps slow down the traffic.

Bruce King: Concerned about the city’s jurisdiction of North Highway 33. As a former city councilman, he voted to have the corridor extend eastward away from Digger Drive. It was planned for the future with 5 lanes and higher speeds and not for the current generation.

Rachel Guymon: Against S curve and Highway 33 revisions. Concerned about safety with bike path and park nearby. Also concerned about property values going down for homeowners on Railroad Avenue.

Mike Guymon: Against S curve and Highway 33 revisions. Concerned about increased speeds. Questioned the engineer’s accident report and wondered if the money could be used elsewhere.

Dennis Birch: Against S curve and Highway 33 revisions.

Walter Deitz: Against S curve and Highway 33 revisions. He did not agree with attorney that engineer recommendations are always correct. He felt that making the change would create more problems.

GENERAL BUSINESS:

PROPOSED HWY 33 AND S CURVE REVISIONS: The Council drafted a resolution to accept Madison County’s jurisdiction of Highway 33 and approve the revisions to Highway 33 and the S curve. The drafted resolution did not get a second and is summarized below:

- Straighten the S curve if County takes jurisdiction
- Approves the County to take jurisdiction from the State if formal steps are taken such as a public hearing
- Safety issues addressed by city engineer
- Signal intent to approve County’s jurisdiction of Hwy 33 but go through the legal process of a public hearing

MOTION: It was moved by Councilman Davis to adopt the draft resolution, no second. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilman Davis

Those voting nay: Councilors Ball, Fogle, and Nielsen

RECONSIDERATION OF MOTION TO APPROVE HIGHWAY 33 REVISIONS: The Council reconsidered the prior decision on the Highway and S curve revisions when they learned that the engineer fees of about \$30,000 were already obligated to be paid even if the project did not move forward.

MOTION: It was moved by Councilwoman Fogle and seconded by Councilman Davis to reconsider the prior motion. Thereupon the clerk called roll upon the motion

Those voting aye: Councilors Ball, Davis, Fogle, and Nielsen

Those voting nay: None

RESOLUTION NO. 2020-5 (A Resolution to Approve Highway 33 and S Curve Revisions)

– Resolution No. 2020-5 was drafted by the council at the meeting with City Attorney Hendricks.

MOTION: It was moved by Councilwoman Fogle and seconded by Councilman Davis to adopt Resolution No. 2020-5 to approve Highway 33 and S curve revisions; motion carried. A copy of said resolution is attached hereto marked “Attachment #1.”

RESOLUTION NO. 2020-6 (A Resolution to Recognize and Give Consent for the Transfer of Highway 33) – Resolution No. 2020-6 was drafted by the council at the meeting with City Attorney Hendricks.

MOTION: It was moved by Councilwoman Ball and seconded by Councilman Davis to adopt Resolution No. 2020-6 to recognize and give consent for the transfer of Highway 33; motion carried. A copy of said resolution is attached hereto marked “Attachment #2.”

EAST PARKWAY CORRIDOR: The Council will continue to review the East Parkway Corridor. It is understood that it is no longer considered a corridor but a collector road. The public seems to favor keeping the proposed “corridor” on existing roads and use it for possible flood mitigation.

SUGAR CITY STORAGE: The Council moved to approve Sugar City Storage Design Review application based on the Design Review board’s recommendation. The board asked for the Council’s recommendation on the paving.

MOTION: It was moved by Councilwoman Ball and seconded by Councilman Davis to approve the Design Review application for Sugar Storage with the condition that they follow the code, specifically the requirement of paving pursuant to Sugar City Code 8-6-2; motion carried.

SUGAR CITY HVAC, ELECTRICAL, AND PLUMBING PERMITS: The city will amend the ordinance which adopted the current building codes to allow for HVAC, Plumbing, and Electrical permits to be issued from the City instead of the State. No Council action was required since this is an administrative action.

PLANNING AND ZONING (P&Z) COMMISSION REPORT: Chairman Dave Thompson reported on the following items:

Open Space: The Commission continues to work on the definition of “open space” and

the platting process.

Public Hearings Set: The Commission set five public hearings; the new Jr. High School - Preliminary plat, Special Use Permit, and Zone Change, Old Farm Estates Division #3 Teton Heights Special Use Permit, and Old Farm Estates Division #4 Preliminary Plat for 40 residential home lots

Quinton Owens P&Z Administrator: Quinton will train with Deputy Clerk-Treasurer Shelley as the new administrator for Planning and Zoning. The Commission will receive additional training with the attorney to help refine the process.

CALENDARED ITEMS:

THIRD READING - PERSONNEL POLICY: The Council approved the new personnel policy for Sugar City. It is one of the conditions to meet the ICRMP insurance discount program.

MOTION: It was moved by Councilwoman Ball and seconded by Councilman Davis to accept the policy; motion carried.

MAYOR AND COUNCIL REPORTS:

Councilwoman Ball:

Tree and Beautification Committee Report - The committee wants to meet the the mayor and city personnel on Wednesday, March 25 at 7pm to discuss the upcoming Sugar Days/Community Breakfast events.

Arbor Day Celebration – Theme – Tree-mendous Trees, a scavenger hunt is planned. The tree will be planted in Neibaur Park this year.

Councilwoman Nielsen:

Easter Egg Hunt: The event is planned to be held at the High School football stadium Saturday, April 11 at 10:00 am.

Meeting adjourned at 11:00 p.m.

Signed: _____
Mayor Steven Adams

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City Idaho

Resolution No. 2020-5

“A Resolution to Approve Highway 33 and S Curve revisions on the south Sugar City entrance by diverting Highway 33 from South Front Street to South Railroad Avenue and realigning 3rd South to Highway 33 and South Front Street to 3rd South to intersect at or near right angles.

WHEREAS, the Council of the City of Sugar City, Idaho desires to health and safety of the citizens of Sugar City; and

WHEREAS, the City Engineer Dick Dyer has recommended the Highway 33 and S curve revisions to improve safety and traffic flow; and

WHEREAS, Madison County has agreed to provide the funding for the reconstruction from State funds received specifically for this project with the transfer of responsibility for the roadway;

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 does hereby resolve that the Proposed Project to divert traffic from the S Curve on the road currently designated as Highway 33 and move the road alignment onto Railroad Avenue until it intersects onto Center Street is approved in concept by the City Council conditioned on these considerations:

1. The City shall designate the speed and other safety concerns, based on the recommendation of the city Engineer, for the newly increased traffic on the road currently designated as Railroad Avenue.
2. The proper legal steps shall be taken to ensure all local and state laws are followed in furtherance of this project, including, but not limited to the transfer of responsibility from the State to Madison County for the roadway, now known as Highway 33 through Sugar City.

This Resolution is hereby adopted by the City Council and agreeing to the currently proposed funding arrangement, including the City Engineer's cost and engineering plans for the project and with the State contributing at least 94% of the entire cost of the project for a total of at least \$386,000 with the City agreeing to contribute up to 6% of total project cost through in-kind and local contributions.

PASSED by the Council of the City of Sugar City on this 12th day of March, 2020

APPROVED by the Mayor of the City of Sugar City on this 12th day of March, 2020.

(SEAL)

Steven Adams,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk-Treasurer

The City of Sugar City Idaho

Resolution No. 2020-6

“A Resolution to Recognize and give Consent for the Transfer of Highway 33 to Madison County from the State as it approaches Sugar City’s jurisdiction on South Front Street, east through Sugar City on Center Street, then north to intersect with East Highway 33.

WHEREAS, the Council of the City of Sugar City, Idaho desires to exercise its inherent jurisdictional authority over its roads and highways; and

WHEREAS, Madison County has asked for the City’s consent of the transfer of control and maintenance of Highway 33 north of Rexburg to Madison County, Idaho from the State; and

WHEREAS, the Madison County has agreed to provide funds to improve Highway 33 and the S Curve entrance into Sugar City; and

WHEREAS, Madison County has agreed to maintain and Highway 33 to the same standard or above that of the State; and

WHEREAS, the Council of the City of Sugar City feels that it is in the best interest of the City to partner with Madison County by providing these services;

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

The City Council does hereby consent and resolve for the Idaho Transportation Department to transfer all road maintenance and control of the road currently designated as Highway 33 and is further location designated currently as Railroad Avenue, from 3rd South to Center Street, to Madison County and has followed all applicable laws and processes in Idaho Code and local ordinances primarily those found in Idaho Code Title 40, Chapter 2. The City shall require the County to coordinate and respond to requirements of Sugar City resident concerns and considerations for any multi-jurisdictionally roads within City limits and maintain the designated road up to standards in which the State has historically done in which Madison has agreed to.

PASSED by the Council of the City of Sugar City on this 12th day of March, 2020

APPROVED by the Mayor of the City of Sugar City on this 12th day of March, 2020.

(SEAL)

Steven Adams,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk-Treasurer